

**PLANNING AND DEVELOPMENT
COMMITTEE MEETING
August 19, 2019**

Chairman Tesoriero called the meeting to order at 7:00 p.m. in the 2nd floor Common Council Chambers of City Hall.

MEMBERS PRESENT: Councilor Tesoriero, Councilor Corradino and Councilor McBrearty.

OTHERS PRESENT: Councilor DeMassi; Councilor Hill; Councilor Wilmott; Councilor Gosek; William Barlow, Mayor; Deborah Coad, City Chamberlain; Kevin Caraccioli, City Attorney; Tom Kells, Commissioner of Public Works; Randall Griffin, Fire Chief.

MEDIA PRESENT: Steve Yablonski, Oswego Daily News.

A motion to approve the minutes of August 5, 2019 was made by Councilor DeMassi and seconded by Councilor Hill; minutes were approved by a unanimous vote.

I. OLD BUSINESS: There was no old business.

II. NEW BUSINESS:

1. Kevin Caraccioli, City Attorney, requests a review of Section 211-15 of the City Code related to encroachments in public space that do not require the approval of the Common Council. Kevin Caraccioli said that the Lawson matter in the Physical Services Meeting was a good illustration of the issue that they are talking about here. He said every property in the City of Oswego that has a structure on it is in public right of way and those that want to build have to come before the Council to get permission, like the Lawson's just did. He said those who have a structure in place that are trying to sell the property often have to have proof that the property is legally in public space. He said that back in 1980 the Common Council adopted an ordinance that exempt all properties that were built prior to 1980 from getting permission to use public space. He said all you had to do was prove the structure was in existence then and if that piece of property was in existence before 1980 it is okay. He said now, in present day, the instances of neighbors who can verify things like this are dwindling. He said he talked with the Code's Department about a new date to use and they concluded that they have records prior to 2010 that show every property that came before the Council to obtain use of public

space. He said that there has not been a violation since 2010. He said he is recommending that the Committee authorize a refresher of section 211-15 that states the Common Council gives permission that any structure erected, placed, or encroaching on any street prior to January 1, 2010 may continue to be maintained without the permission of the Common Council. He said that this will now allow lawyers and title companies to find a neighbor/property owner to confirm that the structure has been there prior to 2010. Councilor Tesoriero asked if the survey would be a better tool in this. Kevin Caraccioli said that often times the survey does identify the encroachment but does not tell us when it was built or how long it has been in place. Councilor McBrearty said that in the request for discussion it said "prior to January 2000" instead of 2010 and wants to know which date would be used. Kevin Caraccioli said that he was originally being conservative because he had not yet talked to Zoning but since then they went through their records and they are confident that January 1, 2010 is the date to use. He said that this would be an ordinance change so it would have to go through Public Hearing and it would have to be published in the newspaper. He said he is proposing that we do it this way rather than a Local Law only because it is a very minor change. He said that in the resolution there will also be the proposal for having a public hearing.

COMMITTEE DECISION: Councilor McBrearty made a motion to forward a favorable recommendation to the Full Council to authorize a review of Section 211-15 of the City Code related to encroachments in public space that do not require the approval of the Common Council. Councilor Corradino seconded the motion, unanimous approval.

KEVIN CARACIOLLI WILL PREPARE THIS RESOLUTION

1. Nathan Emmons, Director of the Rental Assistance Program, requests authorization for a Public Hearing for the 5 Year Public Housing Agency (PHA) Plan on October 14, 2019. Nathan Emmons said every five years they are required to submit to the Department of Housing and Urban Development a document called the PHA Plan and they are now in the timeframe where they need to submit. He said what they are asking for tonight is a public hearing to be established and that they are required by HUD regulation to have this document available to the public for 45 days prior to the public hearing. He said they plan to make it available at their office. He said the first couple of pages of the document the Council has is the plan itself. He said that HUD asked if they had made significant changes to the previous plan that was submitted in 2014 and he said that they have made two major changes. He said one was the change in Housing Preferences that they had started in 2017. He said the second of these changes was to Housing Quality Standards, and their addition of

local variances that were made last year. He said they also made an update to the policies and procedures related to the Violence Against Women Act. He said that also, in this document, they list specific things that reflect their previous goals from the 2014 plan and those have also been significant in the terms of how they do business, how they spend money as an office, and how they invest money back into the community. He said that in the past year they have also initiated a Language Line, with the help of Nancy Sterio, for translation services. He said that the goals and objectives for their program have stayed essentially the same but 7 are included in the document. He said that there are some certifications in the document that the Mayor will need to sign if/when the plan is approved. Councilor Tesoriero said that the Council is very thankful for the departments' diligence. Nathan Emmons said that in the last 1 ½ years they were down to about 300 tenants and in 2018 they were at 445. He said that previously they were at 11 program participants in the Family Self Sufficiency Program and as of September 1st they will be at 25. He said at 25 they will be able to apply for a bigger grant. A citizen from the audience asked if the complex on City Line will give any relief to the City with housing. Nathan Emmons said that it can and will, in some respects, but it is out of the City and also out of his jurisdiction.

COMMITTEE DECISION: Councilor Corradino made a motion to forward a favorable recommendation to the Full Council to authorize the request for a Public Hearing for the 5 Year Public Housing Agency (PHA) Plan on October 14, 2019. Councilor McBrearty seconded the motion, unanimous approval.

THE RESOLUTION THAT WAS PART OF THE MEETING WILL BE FORWARDED TO THE FULL COUNCIL.

A motion to adjourn the meeting was made at 7:18 p.m. by Councilor Corradino. A second was made by Councilor McBrearty, and was unanimously approved.

Respectfully Submitted,

Brooke Fitzgerald
Recording Secretary