

ONEONTA, NEW YORK – FEBRUARY 20, 2013 - 7:00 P.M.

REGULAR MEETING OF THE PLANNING COMMISSION PG. 1

PRESENT: Chair Dennis Finn
Commissioner Gary Herzig (Vice Chair)
Commissioner Gene Betterley
Commissioner Edmond Overbey
Commissioner Barry Holden
Commissioner Michelle Eastman
Council Member Maureen Hennessy

ABSENT: Commissioner Anna Tomaino

Chair Finn called the regular meeting to order and asked the Clerk to call the roll.

PETITIONERS

Chair Finn asked if there were any petitioners for matters other than items listed on the agenda.

Hearing none the Chair asked the Clerk if there was any correspondence for matters other than items listed on the agenda.

CORRESPONDENCE

City Clerk Koury indicated there was no correspondence other than items listed on the agenda. City Clerk Koury gave a brief summary on the following correspondence that has been entered as written:

The following letter was received from Robert W. Rightmire, 2 Brigham Road, Oneonta, received January 24, 2013:

“Dear Mr. Finn,

I write you as property owner/taxpayer living on Brigham Road.

My concerns are with the Newman Development Group's plan for an off-campus housing complex at the end of Blodgett Drive.

Let me begin by referring to the phrase "end of Blodgett Drive." The fact that this complex would be built on property that has but a single access road raises concerns regarding the flow of traffic without alternative routes. This company touts the housing it created for the colleges in Genesco, Oswego, Brockport and Binghamton. Please raise the question if any of these projects were built on a "dead end" street. With 320-325 students living in the complex, one would have to assume that more than half of them would have vehicles. This resulting traffic, particularly at the beginning and end of the workday, should be a concern of all of us who live in the area.

Those of us in the area are constantly reminder of the treat of run off from neighboring heights. Repeated request for the Town to address this flooding have not been successfully answered. What might the increase in paved ground mean in terms of increased flooding for us “down below”?

Finally, the proposed height of this housing complex must be challenged. A four-story building at this location will drastically reduce the privacy of the individual homes located below. We purchased our home because in offered not only access to Oneonta State., but also for its location, which provided a sense of back yard privacy for entertainment and our personal enjoyment. A building towering above us would be a violation of that privacy. Please protect us from this invasion.

Feel free to contact me to discuss these concerns in more depth.

Respectfully,”

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(Correspondence) continued

The following letter was received from Victoria Andritz, 2 Brigham Road, Oneonta, dated January 25, 2013:

“Dennis Finn and members of the Oneonta Planning commission,

I live on Brigham Road, one of the dead end streets off of Blodgett Drive. It is a quiet neighborhood, with very little traffic and noise, even though I am directly across from SUCO's Hunt Union. I am writing to object to the proposed housing complex at the end of Blodgett Drive (I was in attendance at the planning board meeting on January 16, 2013) for the following reasons:

- 1.) Blodgett Drive is a dead end street. Housing for 320 and parking for 245-250 cars is over-kill for this neighborhood. The added noise and traffic will destroy our "Eden". Mention was made that they might have some kind of bus service on the weekends to transport the residents back and forth down town! What will this do to the value of our homes?*
- 2.) During heavy rains, our area experiences "rivers" of water going through our properties, causing water damage to some homes. (The city has looked into this and only made some adjustments on College Park Road, as far as I am aware. So problems still exist further up.) This housing proposal will cause the destruction of acres of forest. Added to that, much of the property will then be paved over or built on, causing less area for absorption. This, I feel, will only add to the existing flooding problems.*
- 3.) The proposed plans call for a sidewalk to be built along Blodgett, (At the meeting, it wasn't specified which side of Blodgett Road.) Large 18 wheelers that service Hunt Union usually back in. To do so, they must swing their cab in such a way that its front wheels often ride on our property. What will happen if a sidewalk cuts into this open space?*
- 4.) As reported on page 3, in the January 23, 2013 issue of The Daily Star, in the article entitled “Firm plans off-campus housing complex” it says “The property would be taxed by the city of Oneonta...and the firm would be seeking a payment-in-lieu-of-taxes plan.” What exactly does this mean?*
- 5.) I strongly urge the planning commission to use an outside engineering firm to assess the impact this project will have on the water and sewage systems.*

Feel free to contact me if you wish to address any or all of my concerns.

Thank You,”

The following letter was received from Harlene Allen, Woodside Apartments, 15 Farone Drive C13, Oneonta, received January 28, 2013:

“Dear City Clerk Koury,

I am writing with regard to the proposal for student housing to be located at the top of Blodgett. I have been living at Woodridge Apartments for 12 years. I'm opposed to the proposed student housing just a few feet from my apartment complex because of noise. Students drink and party. This would completely change this very quiet neighborhood.

At Woodridge there are a number of professors who work at the college. In my building of 6 apartments there lives one professor who teaches in the education department and a surgeon from Fox Hospital. Then myself and in another apartment a gentleman. Both of us are over 75. Do you really want to disrupt the lives of 55 families who live at Woodridge, the 4 families living in the corner house of Blodgett and Farone Drive and all those living private homes off Blodgett?

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I strongly protest this proposal.

Sincerely,

The following letter was received from Leon Brown, 4 Brigham Road, Oneonta, received January 28, 2013:

“Dear Oneonta City Planning commission Members,

Let me begin with some background information. My family and I purchased our home on Brigham Road in the fall of 1990. We chose this location for many reasons including: limited pedestrian and vehicle traffic, city water sewer, and proximity to SUNY Oneonta with its many resources.

I have concerns with the proposed student apartment complex including lowered property values, increased noise from vehicle and pedestrian traffic, security/supervision, and tax relief for the builder/owner. However, my main fear is MORE WATER PROBLEMS.

I contend that when this residential area was designed it was not planned thoroughly. It may be that some of the original developers were more concerned with making a "fast buck" than spending appropriate time and money to properly lay a foundation for the future of the neighborhood. Many home owners in our area have dealt with water in their basements after heavy rains and snow melt. This fact is hard to believe considering these homes were built on the side of a hill.

Presently, there are NO curbs or storm sewers to contain runoff water for: Brigham Road, Carson Road or Farone Drive. During heavy rains and snowmelt there are TWO rapidly moving streams of runoff flowing down both sides of our home. These streams can be 3-4 feet in width. Newman's proposed runoff collection pond for 10-12 Blodgett will only put a "Band Aid" on the situation, as I see it.

Furthermore, there exists an open area approximately 400'x 500' (4+ acres) which is used by Hospice for parking on Farone Drive. This land was scalped for parking, and it appears that little or NO provision was made for water runoff. Was this project approved by Oneonta city engineers?

The new proposed apartment complex for 225-250 parking spaces would make, in my estimation, another sizeable area of water runoff concerns. This 2 acre parking lot will just promote more problems with the water table and water runoff.

I urge you to go to the residents of College Terrace, Brigham Road, Carson road and Blodgett Drive to talk to We all will be living "downstream" from the new proposed housing complex.

I am NOT in favor of the proposed student apartment plan for Blodgett Drive. There may be other areas within the city better suited to such a housing complex, but I feel strongly that our neighborhood stands to unduly suffer if it is built on the site currently proposed.

Thank you,"

The following letter was received from Dennis R. Naylor, Chief of Police, City of Oneonta dated February 1, 2013:

“Mr. Finn,

Pursuant to the meeting that was held by the Newman Development Group on 01/31/13 concerning the student housing project on Blodgett Drive, I see no reasons for concern or objection from the Oneonta Police Department. The project appears to be well planned and the public safety considerations were given thought by the developers. As discussed in the meeting

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however, the primary needs of the police department will be in regards to being given ease of access and supplied list of points of contact from management. If you have any questions, please contact me.

Sincerely,"

The following letter was received from Robert W. Rightmire, 2 Brigham Road, Oneonta, received February 7, 2013:

"Dear Mr. Finn,

Fire! That one word calls all of us to attention. With that in mind think about the recent fire at Matteson Hall on the campus of SUNY @ Oneonta. Thankfully there was no loss of life and within nine days students were able to return to the first two floors of the dorm. It is commonly accepted that the construction of dorm prevented the fire from doing more damage. The 177 student shad been housed in a very safe dwelling.

The housing project proposed by the Newman Development Group will NOT be constructed to the standards of a dormitory built by the NYS Dormitory Authority. An official of Oneonta State estimated that if the college were to build this housing project it would cost 4 TIMES what the Newman Group will expend.

Proponents of Newman's housing project might point out that the more than 2400 SUNY @ Oneonta students now live "off campus". Off campus housing must be safe. Any such analogy would be bogus in that the current off campus dwellings were not originally constructed for student used and of course are not meant to house more than three hundred students. The simple fact that a "dorm like" structure, built on property contiguous to campus, invites students and parents to assume it is "safe," like a college residence, is alarming.

While questions of traffic, drainage, student behavior, light pollution, noise, sidewalks, a dead end road, and tax abatements persist, the question of student safety in a "dorm like setting," must be foremost in your considerations.t

Respectfully,"

The following letter was received from Alfred M. Lubell, PhD., 9 Suncrest Terrace, Oneonta, dated February 7, 2013:

"The following is an analysis of the primary economic impact that is likely to occur from building an off campus 325 bed student complex in the Blodgett Drive area of the City of Oneonta.

Building a residence hall style student complex to accommodate 325 students in this currently single family residential neighborhood would almost immediately tend to decrease the demand for housing in that neighborhood. The neighborhood would now become less desirable to both current and prospective residents. Building such a complex would tend to drive down property values in that neighborhood and subsequently reduce the taxes collected the City of Oneonta from the existing homes in that neighborhood.

The addition of this new residence hall style complex without an offsetting increase in enrollment of upper class students at SUNY Oneonta would tend to reduce the SUNY Oneonta on campus residence hall occupancy rate, and also decrease the occupancy rate of existing off campus student housing. This decrease in the demand for the existing off campus student housing would likely tend to drive down the rents charged students for off campus housing. Fewer students living in the existing off campus housing and each paying less in rent would reduce the income generated by their properties and lower their market value. As the market value of the existing off campus student houses drops so too would the taxes collected by the City of Oneonta from these houses.

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The decline in rental income and the subsequent decline in the value of student rental housing would tend to lead to the deferred maintenance of off campus student houses. This could lead to a trend toward housing blight within the City of Oneonta. Should housing blight occur in the City of Oneonta property tax revenue would tend to decline still further.

The impact of building an off campus complex to accommodate 325 students in the Blodgett Drive area of the City of Oneonta could imperil the financial health of the City. Building the complex would tend to lower property tax revenue collected by the City of Oneonta lead to the deterioration of the housing stock within the City of Oneonta.”

The following letter was received from Kathryn Ridgway, 1 Crestmont Terrace; Oneonta dated February 8, 2013:

To Whom It May Concern:

My name is Kathryn Ridgway and I live at 1 Crestmont Terrace on the North West corner of Crestmont and Bugbee Road. I have owned my house since 2003 after I had an 8 hour home inspection with a licensed inspector and my ex-husband and myself, both Real estate appraisers with over 30 years' experience at the time. When I purchased this home, there was no evidence of flooding.

My first flood was in 2006 after the City did some drainage remediation work to alleviate runoff problems that were the result of construction above College Park Drive. My property, home and garage have flooded 8 times since 2006....twice in 2011....once with Tropical Storm Lee and in a heavy May 2012 storm. I acknowledge and appreciate all the help I received from the City and workers during these trying times.

I am to say the least very upset with the Newman Development Corp's proposal to build a 325 bedroom student facility with 240 parking spaces above me. The increase in impervious surfaces will ensure more flooding for my neighbors and me.

I attended the Planning commission meeting of 1/16/13 and listened to James Smetana's proposal for the Newman project. Prior to the meeting, I went up to Blodgett Drive to see what Newman was going to do to the area they had designated as a "Storm Water Facility" on their plans. Well it turns out the facility is a holding pond similar to the one on SUCO's campus. Well I have seen SUCO's holding pond over flow into the street a number of times.

Mr. Smetana indicated there would be control of run-off water out of the pond and a pipe would divert this water either down Blodgett or to Silver Creek. Our city engineer tech, Greg Mattice had stated that he had reviewed plans submitted by Neumann and had walked the area with their engineers and determined that 90% of the runoff from the hill went west of the site. If this is the case, why had I and my neighbors flooded so many times before? Though the proposed building site is sloped to the west, the runoff from the road extension and pavement will be running to the "storm water facility" which is downhill from the construction site.

I visited the city engineer to request copies of all the storm water pipes for the hill. Basically, the one map I had encompassed almost all of the drainage for the hill. See attached.

Mr. Smetana indicated that 4 townhouses (sample homes) would be constructed on the WEST side of Blodgett. A search for land available on the west side indicates only ownership by the State (SUCO).

Prior to the January meeting, I had crunched some numbers. The going rate for a student bedroom is around. \$2,700 per semester. At a minimum of \$3,500 per student per semester times 325 beds grosses Newman \$2.275 million dollars a year. That is pretty big amount given my conservative rental estimate.

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I also thought that this building would generate some jobs, especially during construction. My estimate after the facility was up and running was 5 full time custodial workers and 2 housing specialists.

Then I went to the meeting and listened to Mr. Smetana's proposal. Newman has it's own construction company, engineers, architects, landscape architects, cabinet makers, upholsterers, lawyers and housing specialists. No jobs would be created at all. He would staff the building with 1 facilities manager, a property manager and an assistant housing specialist. I wonder if the "facilities" manager will be watching that holding pond? Additional staff would be composed of students who would get a discount for their work. He and his associates would however reap great benefits at the cost of taxpayers for additional wear and tear on roads, using our water and sewer facilities.

Now I read in the paper that the developer might be going for IDA funding. How dare they ask for a pilot program and payment in lieu of taxes when they are not generating any local jobs.

The facility proposed sounds like a resort. It would have a free health club, media room, café, tanning salon, game room, central air conditioning, laundry, computer lounge and free printing. So let's see how many of the Spas or tanning businesses in the City are impacted by a free salon for these students. Let's see how many Laundromats are impacted by this building. Let's see how many small student rental homes lose leases from the availability of alternative newer housing for SUCO. Or perhaps they will have to lower their price per bedroom per semester prices in order to avoid vacancy.

The proposed building has furnished apartments and each bedroom has its own bathroom. I do not believe that the entire neighborhood north of Bugbee Road has even that many residents. What about the draw on our water system. This past summer, the water department drained water from the reservoir because they were short 250,000 gallons. This went on from around July to August. I estimate the drop of around 5-6 feet. In August I read an article in the Daily Star with the mayor saying we needed to conserve water as the students were returning. I propose that Newman drills its own wells to accommodate their tenants. They have the money.

The proposed design of the building mimics a hotel with an interior corridor. I believe 3 or 4 stories tall, dwarfing the apartments that are already up in the area. As Matteson Hall just had a fire earlier in the day, Mr. Smetana indicated that often privately owned single family rentals were not maintained and not safe. I felt the need to stand up and relate that during Peter Freidman's time as code enforcement office, student housing has become so much better and safer than it was 30 years ago when I knew someone whose bedroom was an enclosed porch. Congratulations to Mr. Freidman for a job well done. How arrogant of Mr. Smetana to put all small land lords in one category.

He indicated that they would have either private buses or make a contract with OTS to bring kids to the downtown area. Thanks either way as the need for more buses will increase traffic on Bugbee, Ravine, East, West Street and just about everywhere where students go. Perhaps Newman has their own bus drivers as well?

Mr. Smetana indicated that sidewalks would be installed on Blodgett so the students could walk to class. While Newman is putting in those sidewalks and the drainage pipe, mandate that they replace all the water, sewer and gas lines, put in gutters and repave the whole thing. Or you can let them do the minimum and in a few years, the tax payers will be getting a bond for over \$1,000,000 to get the task done.

And while we are at it, the one thing that I know about that hill is that it is riddled with springs. Mandate a stop work order every time they uncover a spring. Make them have to find the source, provide new engineering plans in order to mitigate any drainage problems. They have the money.

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The proposal puts the building site fairly close to the east side of Blodgett with the parking lot to the north. It has been told to me that the 2 parcels owned by the Woods family (TM # 264.6-1-63 & 64) are going to be sold to Newman shortly. This sale will increase the proposed building site by 1.33 acres making it 14.09 acres. The 2 parcels just north of the proposed building site (275.00-1-34.02 & 35.01) are currently vacant land owned by the City of Oneonta. When one looks at a map, one can't help but think a large portion of the remaining undeveloped lands are there for just that – future development. Will there be a phase II and III for additional student housing? Will the City sell the northerly 15.54 acres to Newman in the future enabling Phase IV though VIII? Is this a done deal? Or will SUCO buy the whole thing in a couple of years and take it off the tax rolls? Does this happen when the payment in lieu of taxes time period ends, Newman has made some big money and the SUCO buys the whole thing?

Mr. Smetana indicated parking spots for 240 cars but of course the sidewalks are for all the good environmentally conscious students who will walk to class. This proposed number assumes that 74% of all the occupants will have cars or will it become a lot for freshman students who cannot park on campus? A similar parking lot proposal has been made at the east end of Bugbee Rd. For me personally, this means more pavement and more flooding.

Someone asked one of Newman's architects, "What type of landscaping would be done? In other words, what would you plant to mitigate visual impact on nearby properties? With some hesitation, the representative said "Pine Trees." I thought to myself, maybe they will plant the kind of vegetation like they have at Wendys in the town.

Mr. Smetana indicated that they were environmentally conscious in their proposal but the project would not be a LEEDS project. Each floor would have a recycling center; they would have low impact lighting and bike racks. I am sorry but my eldest daughter biked to work for a year and one half over flat land until she was hit by a car. Then she walked. I see few, very few of these students biking down the hill to go to classes only to bike up the hill to go back to their accommodations. Remember this is the City of the Hills. We live in upstate NY. Do they really need central air conditioning?

I have first hand knowledge when construction goes awry with the Bugbee Road reconstruction of recent years. The first day I lost a 70' tree. Then my basement was flooded with sewage. It took over a year to get compensated for my losses. If I took it to small claims court, I would have to take witnesses to courts in Binghamton, Pennsylvania, Rochester and Oneonta. That is where all the companies involved had their headquarters. If Newman has their "own" construction" company and they are out of the area or if Newman sells in the future, where is the accountability?

What is with all the security cameras? Maybe they should be pointed at Blodgett Drive when all the students steal plants off lawns for their apartments or urinate on front lawns while walking up the hill? This is a residential neighborhood and the planned proposal will change the integrity of the neighborhood and the quality of life.

When students misbehave on campus there are repercussions. There are no repercussions with their facility. Eviction takes at least 2-3 months. I know this from experience.

Let's talk garbage. I told you where I live. I have nicknamed my home "hubcap heaven" just like the one at the top of Franklin Mountain Road. The reason being is that none of the downstate SUCO students ever have snow tires. Why would they? Every winter, I get hubcaps deposited on my property from them hitting the guard rail across the road. Hence the name. But more importantly is the refuse I pick up all the time from the students disposing of garbage on my lawn. It is constant. The theft – well let me just say that I has a basketball hoop and a ladder stolen this year from my property. I am sure I could find it given a search of student housing in the city.

On to Mayor Miller. I have great respect for this man and appreciate everything he did to help with my floods while he has been mayor. Mayor Miller owns a 1.55 acre lot at the end of Carson

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(Correspondence) continued

Drive. He bought it in 2006 for \$60,000. He bought it from Dr. James Elting. It was for sale for \$54,900 in the MS and the listing expired 5/31/11. It has been brought to my attention that this property is now under contract. After visiting the property I noted a drainage creek and a sewer manhole at the end of the road. I also saw a "holding pond" to the southeast that was full to 1" of overflowing on a lower adjoining property owner. I assume from the survey map and deed that a 10' drainage easement exists there. I saw it.

I am a NYS Certified Real estate appraiser. I am not here to drum up business. I have enough. As an appraiser, the values of the surrounding properties will diminish with the construction of the proposed Newman project. Our neighborhood will have litter, noise, a behemoth of a building, potential expansion, increased traffic (both foot and automotive) and crime. Our property values will go down. Our city will incur increased expenses for the Police department, Fire department, Road maintenance, garbage removal and Newman will profit hugely. I call this exorbitant greed. When the first death comes from a pedestrian (student) getting hit by a bus or car, who will pay for the traffic light or reconfiguration of timing on all the lights in the city? The tax payers will.

As an appraiser, we are taught location, location, location! The location of this proposed development will kill the integrity of the neighborhood and diminish property values.

I ask that the city hire independent engineers for their EIS. Newman is coming in with all of their "polished" PR people. Also, why can't the city hire a certified licensed engineer and not another tech who is probably intimidated by the Newman pros?

As for me and my neighbors, where is the compensation for lost home values? Who is going to pay my flood insurance even when I am not in a FEMA flood zone?

If this proposal goes through, I believe that many of the area homeowners will hire an independent engineer and attorney for legal pursuit. For me personally, I have flooded 8 times over the past 6 years. If you approve this proposal, I know I will flood again. Honestly, one more flood and I am done. After the 9th flood, I will be forced to walk away from my home and unfortunately leave my good neighbors with the impact of the first abandoned house, the first in the neighborhood.

Please do not approve this project. Thank you for your time and consideration.

Sincerely,

The following letter was received from Dorothy Carrington, 1 Brigham Road, Oneonta, dated February 18, 2013:

"Dear Sir,

First I want to establish my credibility for writing the following letter:

I have lived in Oneonta since I first attended State Teacher's College in 1946. I married a local Oneonta man and after several years; we made our home here and raised our three children in Oneonta. We owned a home on Elm Street and then on East Street for over forty-five years. Due to my husband's health, we bought our more handicap friendly home at 1 Brigham Road. He enjoyed four years of the peace and serenity we found here.

Our three children all live in Oneonta or the town of Oneonta. They are involved in the furtherance of good things for Oneonta. We all pay taxes and are good caring citizens.

I have spent many sleepless hours at night thinking about the project being proposed for over 240 cars and students above my neighborhood. I have tried to be charitable and to come up with good reasons for this large complex to be built; but I feel most of the advantages are for Newman Co. and the people who own the land or houses.

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Even though the students will be the older students, I do not feel this kind of facility will be conducive to their educational growth without more guidance and control from SIMY itself.

I can foresee many problems for the complex as well as the City of Oneonta. Mr. Leon Brown wrote a letter to the Editor of the Hometown Newspaper of February 15, 2013 about all of our concerns about the water drainage problems that we all have. If the City adds 1000% of the water drainage to this side, there is no way you can ever control the water with a pond up above us. What will happen when we get a storm like Irene and the pond just floods down this hillside? I did not have such a situation when we bought this property and it will be the City's problem at that point.

I have another question: How do you expect Blodgett Drive to handle more cars running up and down it day and night? There is poor visibility from Bugbee Road to above Brigham Road. How will cars from the three side streets be able to get onto Blodgett Drive without traffic lights? Cars will be coming down that hill at 45-50 miles an hour. Go drive down the hill without heavy braking and see for yourself!

That brings up the question of police protection and patrols. I feel you will need a police car and at least two policemen 24/7 to control speeding, drinking, noise level, litter, and vandalism.

I don't believe my neighborhood plans on being too cordial about any of this. We did not buy property here to expect this.

Of course, you will probably have to rebuild Blodgett Drive after all the heavy traffic and equipment that will have to come up over just the one access to the complex.

When you do this rebuilding, you can put in proper drainage facilities in the ditches which are never maintained at all on the hill.

What responsibility is Newman Co. going to have for all of this? Surely, that pond is not all you expect of them. And how long are they going to maintain it? Companies come and go! The Bottom Line is their concern.

I feel the City and SUNY would be better served with perhaps smaller units or improvement of what the City already has to offer.

What is going to happen to all the vacant properties? Is this what we want for Oneonta's future?

And, how are you going to keep the City of Oneonta alive and vital if you give a company like this a tax break and don't do more to help the tax payers you already have? Just look around, you can see how they just go elsewhere.

Sincerely,"

APPROVAL OF MINUTES

MOTION, made by Commissioner Herzig and seconded by Commissioner Holden that the commission approves the minutes of the regular meeting held January 16, 2013.

Voting Ayes: Chair Finn
Commissioner Herzig
Commissioner Thomas
Commissioner Holden
Commissioner Overbey
Commissioner Eastman

Noes: None

Absent: Commissioner Anna Tomaino

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(Approval of Minutes voting) continued

MOTION CARRIED

Chair Finn then stated the commission would address the new business on the agenda.

NEW BUSINESS

1. Lloyd Ratchford: Triple Crown Baseball Factory, LLC, 174 Roundhouse Road, Sketch Plan Conference: The applicant wishes to open a members-only sport and recreation club that will provide baseball and softball instruction as well as other related services and activities to its members.

Chair Finn asked who representing this project and to introduce themselves and address the commission.

Lloyd Ratchford represented the project as the General Manager of Triple Crown. He went on to say Triple Crown was a member's only sports and recreation club that would offer indoor baseball and softball instruction to its members. It would offer other related services such as clinics and batting cage rentals. They were located at 174 Roundhouse Road and had approximately 4000 square feet of warehouse space there. The space would be outfitted with batting cage netting; artificial turf and related training equipment. Triple Crown planned to provide its' members with a place to practice hitting; pitching and fielding as well as speed and agility training in a safe indoor environment. Their mission was to provide the youth of Oneonta and neighboring towns with a place to learn and practice baseball and softball all year round.

Commissioner Herzig asked for clarification as to why they were appearing before the commission for approval. He stated the proposal was a permitted use and there was no construction involved. He was not sure why it was sent before the commission.

City Attorney Merzig stated he had the same question, the only thing maybe buffering; neighbors or lighting. This was a commercial area.

Commissioner Herzig stated there was is no construction involved.

City Attorney Merzig said this was all interior.

Commissioner Eastman said it was a new facility within the past five years.

Commissioner Herzig said therefore, he would recommend that the project did not require the commission's approval and they were free to do what they wanted to do. If they needed a building permit they could get that from Code Enforcement Office. He did not know as they were not doing any construction if they would even need it.

City Attorney Merzig said ultimately the best thing for both the commission and the applicant if that was the route the commission was going take, would be a resolution passed that the commission didn't believe there are any issues that needed to be brought before them.

Chair Finn asked if there was any discussion

MOTION, made by Commissioner Herzig and seconded by Commissioner Eastman to approve Triple Crown, 174 Roundhouse Road based on it is a permitted use and there is no construction.

Voting Ayes: Chair Finn
Commissioner Herzig
Commissioner Thomas

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(174 Roundhouse Road Motion voting) continued

Voting Ayes: Commissioner Holden
Commissioner Overbey
Commissioner Eastman
Noes: None
Absent: Commissioner Anna Tomaino

MOTION CARRIED

Chair Finn said this would be documented in the minutes and City Clerk Koury would see that it gets to Code Enforcement. The applicant would have to go to the Code Enforcement Office and see what requirements remained as far as the issuance of all appropriate permits.

The Ratchfords thanked the commission for their time.

Chair Finn said the commission would consider testimony from Mr. Gaisford.

2. Edward Gaisford: 196 River Street, River Street Rear, 3 VanWoert Avenue; Sketch Plan Conference: The applicant wishes to develop the above lots into 4 apartment buildings. Two of the buildings will have 2 dwelling units. One of the buildings will have 3 dwelling units. The remaining building will have 8 dwelling units. There will be a total of 15 dwelling units.

Chair Finn asked the person representing the project to introduce themselves and address the commission.

Mr. Ed Gaisford, Country Club Road., Oneonta, and Mr. Darren Gaisford, Sunset Drive., Oneonta said they had submitted documents to the commission and their intention was to develop the site in three phases to construct rental properties on three lots. Currently there were actually four existing structures. In Phase One the renovation of an existing building would occur to become two rental units and also as part of Phase One a second building would be constructed which would also contain two rentals units. As part of Phase Two an existing house would be demolished and a swimming pool filled in to construct another series of buildings along VanWoert Avenue with six to eight rental units, which was in still in the planning process. Phase Three which was also still in the planning process would be two or three units perpendicular to that in the back of so it would be in a “u” shape. They were looking at somewhere between thirteen and fifteen rental units in two story dwellings.

Chair Finn said there was a large scale map of the area and the existing units that were on the site. He then asked the commission or anyone present if there were questions regarding the sketch plan conference.

Commissioner Herzig said this was all within the commercial industrial zone but it bordered and R-2 Zone the other side of Van Woert Street.

Mr. Gaisford said there were not any houses that faced the street on the other side. On Van Woert on the opposite side of the street, the one house faced River Street and the one house in the back faced that back street.

Commissioner Herzig asked had they looked in the zoning code where it stipulated what was required for a site plan review and what type of maps and documents that needed to be presented

Mr. Gaisford stated a topographical survey was done and asked if the commission had that.

Commissioner Herzig stated in the Code under Site Plan Review there was a chapter that listed all the required documents the commission could waive some of those requirements. He said he doubted with a project this size any would be waived but that would be up to the group. He thought the only special circumstance would be that there might be some consideration or concern about adequate buffering because the project was right across the street from an R-2

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Zone so they might want to be prepared to answer that. He thought that was the only thing that would be above and beyond the normal requirements that are listed in the site plan review section of the code.

Mr. Gaisford said Code Enforcement Officer Chiappisi went over the different things they were going to need and he said there might be some they did not need. Mr. Gaisford thought they needed the topographical survey and tax map of the area for the Site Plan Review.

Commissioner Herzig said there was a full list in the code under the chapter on Site Plan Review that listed all the requirements and all the documents. If there were any items on that list that the applicant felt were not appropriate, it could be brought up to the commission to ask if they would waive that requirement otherwise the applicant would be required to bring in all the documents that are listed on that page.

Mr. Gaisford asked that is for a sketch plan not a site plan

Commissioner Herzig said that was for a site plan. A sketch plan was what the commission was currently undertaking and that was just to talk about what would needed to brought in to prepare for the next month when there would be the actual site plan review.

Mr. Gaisford said he knew one requirement was color renderings.

Chair Finn said color renderings where not required every time. There was a drop off in the back of these properties so the site plan, grading plan, utilities the commission would want to review everything listed. The commission might want to require buffering were there to be someone in the R-2 Zone across the street regarding light and noise so they might want to have detailed landscaping plans available. He then asked if there were any objection from the commission on waiving the color renderings. Hearing none he said the color renderings would be waived.

Commissioner Herzig stated if the applicant came in next month with everything listed in the code that was required for a site plan review and was prepared to answer questions because it was adjacent to an R-2 Zone that should be adequate for the commission to review and either approve or deny the project. He then asked City Clerk Koury if the deadline for the project submitted in order for it to be considered next month was three weeks prior to the meeting.

City Clerk Koury agreed.

City Manager Long asked did that mean a week from the meeting date.

Mr. Gaisford asked the same question.

Commissioner Herzig replied yes if the project was to get approved at next month's meeting.

Mr. Gaisford asked if there was any way to just have Phase One approved because that did not border an R-2 zone, it involved remodeling an existing structure and the plan was to put another separate building in there also but where that was going to be located it did not directly border an R-2 Zone.

Commissioner Herzig asked if the commission would just have to do a site plan review of Phase Two.

Chair Finn said it would have to be broken up somehow.

Commissioner Herzig asked if it just involved remodeling.

Mr. Gaisford said there was a shop there. It was 62'x30' in size and that was what they were remodeling.

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Commissioner Herzig said there was demolition involved.

Darren Gaisford stated the carport would be demolished.

Commissioner Herzig said there would be a demolition permit required.

City Manager Long asked was there any site work like parking or landscaping planned.

Mr. Gaisford said not at this point. The plan was to finish the construction on the two building and then finish the driveways and that would have to be done with the sewer water plant.

Commissioner Herzig asked City Attorney Merzig if there was a problem with approving this project in phases.

City Attorney Merzig said the question was whether what they are doing constituted an unlisted action on the SEQR; whether or not the project was going to be SEQR approved for the ultimate activity and whether this falls within the need for SEQR. He had not seen the documents but it preliminarily appeared that there may be able to be a negative declaration but that would be for the entire project not on segmentation. Under the Environmental Review Law it was not set up to apply to have this little piece done and that didn't have any impact on the environment; apply to have this piece done and that didn't have any impact on the environment; and so on. If there was a long term plan then the environmental impact of the whole plan even if it was going to be segmented into pieces. There has already been a sketch plan application made that described the ultimate plan, the environmental impact review would be on the entire planned project. That does not mean you could not discuss what you were going to do and then only have one piece at a time approved and done.

Mr. Gaisford asked did there have to be environmental impact review on this.

City Attorney Merzig there had to be a state environmental quality review. Since presumably this was all municipal water and sewer; no drilling of any wells and no excavation of 1000 yards of land there was a high degree of probability that it would be negative declaration. It meant in short form but there still had to be an environmental review that would have to be passed by the commission but once there was an approval the project wouldn't necessarily have to be done all at once.

Commissioner Herzig said it could be built in phases.

City Attorney Merzig it could still be built in phases having already had the project approved for the activity that was planned. If modifications had to be made to the site: putting bushes somewhere or moving where the parking was going to be or something like that then that could possibly be done with conditions by having the environmental issues already approved.

Mr. Gaisford asked if the next step was to try to have the short form for the environmental impact.

City Attorney Merzig said yes there were short form applications available from the Code Enforcement Office but that form should be submitted together with the other information. Then if approval for Phase One was what was being applied for there would be the information and a short form EAF for the entire project. He also stated that would have to be submitted before March 1st because on April 1st NYS Department of Environmental Conservation was changing all their SEQR forms. Use the old stuff till April 1st, it was pretty straight forward and not that complicated. If they wanted something to be heard at the next month meeting, get the forms from Code Enforcement and put the initial work with a plan submitted to the commission by next week.

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Mr. Gaisford asked if they wanted to move ahead with Phase One, did the environmental impact study short form and submitted that, then they would come back for a Site Plan Review at the next meeting.

City Attorney Merzig said for Phase One the applicant would be doing the SEQR review for the entire project and from what he heard at the meeting was probably not going to be a significant issue. He said again he was not the commission, he was not evaluating it and he had not seen anything but that would seem relatively straight forward. Then there would also need to be a site plan review for either each phase or all phases at once, and depending on what the commission findings were the project would then move forward.

Mr. Gaisford said okay.

Chair Finn said the applicant would have to come back in and see the Code Enforcement Office and get everything needed and come back before the commission for Phase One next month.

Mr. Gaisford replied yes and thanked the commission for their time.

Chair Finn asked did the commission need to vote on the color renderings.

City Attorney Merzig said technically you should but probably not because unless there was a lack of consensus on the commission that there was going to be an issue raised when the application was made.

OLD BUSINESS

Chair Finn asked if there was any old business before they went into their training session.

There being no further business to come before the commission, Chair Finn adjourned the regular meeting at approximately 7:30 p.m.

JAMES R. KOURY, City Clerk

/vpw