

**ONEONTA, NEW YORK – MAY 29, 2013 - 7:00 P.M.**  
**SPECIAL MEETING OF THE PLANNING COMMISSION PG. 1**

**PRESENT:** Chair Dennis Finn  
Commissioner Gary Herzig (Vice Chair)  
Commissioner Becky Thomas  
Commissioner Anna Tomaino  
Commissioner Barry Holden Commissioner Edmond Overbey  
Commissioner Michelle Eastman  
**ABSENT:** Council Member Maureen Hennessy

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

Chair Finn stated the purpose of the meeting was to continue with the SEQR review for the Hillside Commons Student Housing Development and to consider the tabled Special Use Permit for 61 Elm Street. He stated the commission would deal with the special use permit first.

Chair Finn asked Code Enforcement Officer Chiappisi if he had anything to add related to the permit application prior to its consideration by the commission.

Code Enforcement Officer Chiappisi stated he spoke with the owner of the building about the concerns of the commission related to the paint issue. He informed the commission that the owner would paint, and he would follow through with the owner on other code issues, as necessary

Chair Finn called for the motion to approve the special use permit for 61 Elm Street as follows:

**MOTION**, made by Commissioner Eastman and seconded by Commissioner Thomas that the special use permit for Tau Kappa Epsilon, 61 Elm Street be approved with the following stipulations:

1. The Special Use Permit will expire on May 31, 2014;
2. The premises holds a current Certificate of Substantial Compliance and that the group stays current on required household Code Enforcement inspections including but not limited to sprinkler systems, smoke and fire detection and alarm systems, and electrical and heating systems, and immediately handles outstanding Code issues. Copies of all inspection reports shall be provided to the City upon request;
3. The group conducts monthly on-site fire safety inspections performed by a qualified, non-resident adult. The reports shall be submitted in writing to the City Clerk's Office for forwarding to the Code Enforcement Office and the Community Improvement Committee. These inspections will include, but are not limited to, assuring that all fire apparatus and smoke detectors are in working order, removal of obstruction and/or blockage of any entrance or exit; and correcting violations of house smoking or other regulations;
4. Each member of the group will learn and implement the college and chapter's risk management policies, especially regarding alcohol, personal and fire safety issues;
5. The group will meet with the Oneonta Police Department and the Oneonta Fire Department for an educational session during September or as requested;
6. The group, at least once per year, will obtain from the City Clerk's Office the neighbors' notification list for the Special Use Permits and will mail or deliver a letter to all neighbors or property owners. Such letter will include a list of organizational officers, resident advisor and/or college liaison, and their phone numbers;
7. The group agrees to initiate the Special Use Permit process by obtaining an application from the City Clerk's Office no later than February 1, 2014 and by filing their application by March 1, 2014.

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8. The Special Use Permit is subject to revocation for non-compliance.

Voting Aye: Commissioner Finn  
Commissioner Herzig  
Commissioner Thomas  
Commissioner Tomaino  
Commissioner Holden  
Commissioner Overbey  
Commissioner Eastman

Voting No: None

Absent: None

**MOTION CARRIED**

Chair Finn moved to the second item of business related to Hillside Commons. He recognized Mr. Dave Ohman from Delaware Engineering to continue the final review of the SEQR documents.

Mr. Ohman went through the newest packet of information. He detailed new items received and addressed how they satisfied outstanding issues. He reviewed the SUNY Oneonta response regarding pedestrian access. He stated he had received the proposed sidewalk plan developed by Newman. He then reviewed the LONG EAF and changes made based on the previous meeting and the subsequent supporting information received.

Item 15: Impact on Transportation: Revised to reflect the discussion on the revised sidewalk plan. The commission felt the item was sufficiently addressed.

Item 17: Landscaping Plan: Mr. Ohman stated the deciduous trees would be replaced with spruce trees, which will provide a better, more long-term buffer. He stated the evergreens would be placed along the edge with Woodridge Apartments and would be planted 20 feet apart. He stated the trees, at full maturity, would be taller than the proposed development.

Item 20: Public Controversy: Mr. Ohman stated the section was updated to reflect all up-to-date information that has been received.

Chair Finn thanked Mr. Ohman and recognized City Attorney David Merzig.

City Attorney Merzig reviewed the 239 letter received from the Otsego County Planning Department and stated the county had determined there to be no county-wide impact resulting from the project. He stated the additional comments received by the Planning Department would also be part of the record.

City Attorney Merzig then reviewed the proposed SEQR resolution and Chair Finn called for a motion to approve the following resolution determining the environmental non-significance of the proposed “Oneonta Student Housing Project” under the State Environmental Quality Review Act, dated May 29, 2013:

**MOTION**, made by Commissioner Herzig and seconded by Commissioner Overbey, approve the following resolution determining the environmental non-significance of the proposed “Oneonta Student Housing Project” under the State Environmental Quality Review Act, dated May 29, 2013:

WHEREAS, the City of Oneonta Planning Commission (hereinafter “Planning Commission”), has received an application for site plan review for a proposed apartment complex within the City which has been designated by the applicant as “Oneonta Student Housing”; and

WHEREAS, the proposed action constitutes an Unlisted Action pursuant to the regulations of the State Environmental Quality Review Act (SEQRA) (6 NYCRR Part 617); and

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WHEREAS, the Planning Commission is the only permitting agency for this Permit; and

WHEREAS, on March 20, 2013 the Planning Commission by resolution declared itself Lead Agency and determined that a Full Environmental Assessment of the project would be required; and

WHEREAS, as lead agency, the Planning Commission notified all interested parties of the application and received and considered comments on the project including a response from the Otsego County Planning Department pursuant to the provisions of General Municipal Law §239-m in favor of said project; and

WHEREAS, the statutory comment period has now ended; and

WHEREAS, the Planning Commission retained Delaware Engineering, PC, as consulting engineers to provide expertise and advice to the Commission regarding the application, plans, utility and environmental impacts of the proposed project as well as in all aspects of the Environmental Assessment Form in connection with the proposed action; and

WHEREAS, as lead agency, the Planning Commission conducted an environmental review in accordance with the requirements of SEQRA and has considered the proposed action, reviewed the Full Environmental Assessment Form both Parts 1 as filed with them in connection with the proposed action, reviewed and made decisions regarding potential impact in Part 2; and

WHEREAS, based on this review, pursuant to the provisions of 6 NYCRR Part 617.7(c), the Lead Agency determined that it was necessary to prepare and submit further assessments and comment under Part 3 of the Environmental Assessment Form submitted in this action and did so all as shown upon the completed provisions of Part 3 and the addendum thereto as discussed and determined by the Planning Commission in open session; and

WHEREAS, the Planning Commission thoroughly analyzed the relevant areas of environmental concern, reviewed supplemental information provided by the applicant, received and considered input on the project from the public as well as other community stakeholders, held multiple open meetings to provide an opportunity for public to have input on the project and thereafter held a duly advertised public hearing where all who wished to speak regarding the project were heard, and

WHEREAS, by these actions the Planning Commission has taken a “hard look” at the potential adverse environmental impacts of the proposed action on those relevant areas of environmental concern, both on its own and with the aid of its retained engineering firm and legal counsel, and followed the criteria set forth in the SEQRA Regulations at 6 NYCRR Part 617.7(c); and

WHEREAS, the Planning Commission has found that although there will be impacts on the environment as the project is proposed, but that such impacts will be small to moderate and that there has been shown specific mitigation actions that will be taken with regarding those potential impacts;

**NOW THEREFORE BE IT RESOLVED BY THE CITY OF ONEONTA PLANNING COMMISSION AS FOLLOWS:**

**SECTION 1.** Based upon the foregoing, the Planning Commission hereby declares that the proposed Oneonta Student Housing Project will not have any significant adverse environmental impacts; and

**SECTION 2.** The Planning Commission adopts a Negative Declaration as its determination of significance pursuant to SEQRA in connection with the environmental review of the proposed project and adopts the findings, conclusion and reasoning all as set forth herein and in the record of this proceeding including the comments and discussions had at the various meetings of the Planning Commission held in conjunction with the review of the Environmental Assessment Form submitted for the Project: and

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SECTION 3. The Planning Commission authorizes the Planning Commission Chair to sign the Full Environmental Assessment Form in conformance with this determination and that a Negative Declaration be prepared and signed in conformance herewith; and

SECTION 4. The Planning Commission authorizes and if necessary directs the forwarding of a copy of the Negative Declaration, in appropriate form, to the New York State Department of Environmental Conservation for the purposes of publication of the Negative Declaration in the Environmental Notice Bulletin in accordance with the requirements of Part 617.12 of the SEQRA Regulations; and

SECTION 5. The Planning Commission authorizes and directs the filing of a copy of the Negative Declaration in the office of the City Clerk of the City of Oneonta, as well as any such other steps as may necessary to effectuate this decision pursuant to SEQRA or to any other applicable law or regulation; and

SECTION 6. This resolution shall take effect immediately.

Voting Aye: Commissioner Finn  
Commissioner Herzig  
Commissioner Thomas  
Commissioner Tomaino  
Commissioner Holden  
Commissioner Overbey  
Commissioner Eastman

Voting No: None  
Absent: None

**MOTION CARRIED**

City Attorney Merzig stated that since the commission has issued a Negative Declaration, it could then proceed to formal approval of the site plan application.

MOTION, made by Commissioner Herzig and seconded by Commissioner Overbey, that the commission approve the site plan application for the Hillside Commons Student Housing Project as proposed by Newman Development Corporation as follows:

Upon due consideration of the application and documentation submitted by the applicant, and after consideration of all of the applicable provisions of Chapter 300, Article VII of the Oneonta Municipal Code and also after consideration of the input from the public, both in writing and by statements made to the commission, input from the State University of New York at Oneonta, the Otsego County Planning Department as shown in their response to the referral of this project to them under General Municipal Law 239-m, the input from the consulting engineers retained by the city for this application, and upon the consent of the City of Oneonta Code Office as to the completeness of the site plan application, the commission approves the Final Site Plan submitted by the applicant be approved contingent upon the following:

- I. Commitment to the city regarding the completion of the sidewalk along Blodgett Drive;
- II. Completion of the deed restrictions regarding:
  1. No transfer to SUNY at Oneonta or any other not-for-profit agencies;
  2. Forever restrict development of the remainder of the parcel;
  3. Easement across the property for access by the city to its lands behind the project;
- III. Commitment to the city for the funding of all the infrastructure changes related to the project that the applicant agreed to pay.

Voting Aye: Commissioner Finn  
Commissioner Herzig  
Commissioner Thomas  
Commissioner Tomaino

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Commissioner Holden  
Commissioner Overbey  
Commissioner Eastman

Voting No: None  
Absent: None

**MOTION CARRIED**

Chair Finn thanked everyone for their time and patience with the Blodgett process.

There being no further business to come before the commission, Chair Finn adjourned the special meeting at approximately 8:00 p.m.

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JAMES R. KOURY, City Clerk

/jrk