

ONEONTA, NEW YORK - FEBRUARY 27, 2012 - 7:00 P.M.

REGULAR MEETING OF THE ZONING BOARD OF APPEALS PG. 1

PRESENT: Chair Ed May
Commissioner Robert Lawson
Commissioner Karen Geasey
Commissioner Louis Shields
Commissioner John Rafter
Council Member Bob Brzozowski
ABSENT: Commissioner Joseph Ficano
Commissioner Paul Robinson

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

PETITIONERS

There were no petitioners for matters other than what was listed on the agenda for a public hearing.

CORRESPONDENCE

There was no correspondence for matters other than what was listed on the agenda for a public hearing.

PUBLIC HEARING ON REQUESTED VARIANCE

The Notice of Public Hearing on the following request was duly published in *The Daily Star* on Tuesday, February 21, 2012. Affidavit as to proof of publication is attached hereto:

Michael Ranieri is requesting a use variance in order to create parking lots at 178 East Street, 176 East Street and East Street, Oneonta, New York. There will be 40 parking spaces at 178 East Street and 32 parking spaces at 176 East Street.

NEW BUSINESS

178 East Street (288.06-1-60) & 176 East Street (288.06-1-61.01 & East Street (288.06-161.02): Use Variance – Michael Ranieri: The owner wishes to create parking lots at the referenced properties. There will be 40 parking spaces at 178 East Street and 32 parking spaces at 176 East Street.

The following Memorandum, dated February 21, 2012, was received from Ordinance Inspector Ferris:

“SUBJECT: **PROPERTY ADDRESS:** 178 East Street & 176 East Street & East Street
TAX MAP #: 288.06-1-60 288.06-1-61.01 288.06-1-61.02
OF DWELLING UNITS: 0
ZONING DISTRICT: R-3: High Density Residential District
OWNER(S): Michael Ranieri
APPLICATION TYPE(S): Use Variance

PROPOSAL: *The owner wishes to create parking lots at the above referenced property. There will be 40 parking spaces at 178 East Street and 32 parking spaces at 176 East Street.*

§300-4 Parking Facility, Off-Street: *Parking accommodations off the street that may consist of open-air parking lots, garages or other structures. They may be surface facilities or facilities above or under the ground; they may be separate or may be part of a structure principally designed and used for another purpose. Off-street parking arrangements are subject to the regulations found in § 300-61.*

(178 and 176 East Street, East Street – Memorandum) continued

<u>TABLE</u>	<u>CODE REQUIREMENT(S)</u>
300-92 Permitted Uses by District	Parking facilities are not listed as a permitted use in the R-3 zoning district.

Please Note: On 02/15/2012, the Planning Commission determined that when a parking facility is the only thing on the lot, it is a use. While parking garages are an approved use in some zones, parking facilities are not permitted anywhere in the City.

A site plan review approved by the Planning Commission is also required for this project.”

Eighteen (18) letters were sent out by the Clerk’s Office to property owners residing within 200 feet radius of the property in question and one response was received.

•The following letter was received from Paul W. and Jean A. Shelton, 66 Woodside Avenue, Oneonta, dated February 27, 2012:

*City of Oneonta
Office of the City Clerk*

Dear Sir:

We, Paul W. Shelton and Jean A. Shelton, residing at 66 Woodside Ave., Oneonta, NY want to record that we oppose the granting of a variance to permit the creating of parking lots at 176 and 178 East Street. As I’m sure you know there are currently various restrictions about parking and driving in this neighborhood, including a barrier gate on Woodside Avenue.

We are unable to attend tonight’s meeting of the Zoning and Housing Board, however we want the Board to know of our opposition to this request.

Sincerely,

Chair May recognized Mr. Michael Ranieri for an explanation of why he was requesting a variance.

Mr. Michael Ranieri, 101 Deerfield Drive, Oneonta, stated his home address was just down the street from his East Street properties. He said was he looking to put parking spaces on two of the lots he owned in the city, 176 and 178 East Street. He said he was looking to create approximately 32 spaces on the lot at 176 East Street and 40 spaces on the lot at 178 East Street.

Chair May asked if Mr. Ranieri had a lighting plan for the property.

Mr. Ranieri replied he did not.

Chair May asked if Mr. Ranieri planned on having the property lit.

Mr. Ranieri replied not at this time.

Chair May stated one of the drawings submitted that he reviewed had a couple lights on it.

Mr. Ranieri stated that was just put in but he had no intention of putting lighting in. He said if he did in the future he would come back if the board wanted him to but he had no plan to put lights on the property.

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Commissioner Shields questioned who would park there.

Mr. Ranieri responded it would be open parking to people who would want to pay to park there.

Commissioner Shields asked for clarification if Mr. Ranieri was going to create a commercial parking lot for anyone who wants to park there.

Mr. Ranieri replied yes.

Commissioner Geasey questioned how that would be done and if Mr. Ranieri would sell permits and would there be a system of purchasing a pass and if there would be a mix of students and residents parking there.

Mr. Ranieri responded yes by purchasing a pass possibly and possibly a sticker on the car and signing a waiver of liability. He said the minimum period of the passes would be six months and most of them would be one year.

Commissioner Lawson questioned if the parking would mainly be long term.

Mr. Ranieri responded yes. He said he had no intention of doing anything daily. He said there would be a six month minimum. He said there was not going to be a ticket booth or gate.

Chair May asked Mr. Ranieri if he had given any thought to protecting the house to the immediate right of the parking lot, the south side of it.

Mr. Ranieri replied yes. He said he would say half of the trees there were dead and he talked to the neighbor adjoining him to the right. He said the white house was on a small piece of property, like .25 acres and in the back there was an empty lot that belonged to the next neighbor. He said he would take out half of the trees and just put up some new buffering of pines or something that would shield it better.

Chair May questioned if Mr. Ranieri was opposed to considering fencing there.

Mr. Ranieri responded he was not opposed to fencing but thought it would be unsightly. He said he would rather put in a row of brush-type trees. He said he would even consider a row of trees with large rocks in between the trees.

Chair May stated beauty was sort of in the eyes of the beholder but trees die and bushes did not get maintained and before you know it what looked nice starting out did not look so nice later on. He said the purpose of buffering was to keep the headlights from the cars in the parking lot from intruding into the windows of the residences.

Mr. Ranieri stated he thought that lot was only 80' deep and maybe there could be fencing and then do shading, whatever the board recommended. He said he was not opposed to it.

Commissioner Shields stated Mr. Ranieri had said there would be a minimum of 6 months parking and he questioned if there would be long term parking allowed for someone to park and leave a car for an allowed length of time.

Mr. Ranieri responded one stipulation would be that it be a licensed, registered and insured vehicle. He said it was not going to be a junk yard dump.

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(178 and 176 East Street, East Street) continued

Commissioner Shields stated driving down Bugbee Road between 4:00-6:00 p.m. it was kind of a nightmare to get out and Mr. Ranieri was proposing to add to that on the other side of the road. He asked Mr. Ranieri if he had given any thought to how he would ease that. He said to him it just seemed irresponsible.

Mr. Ranieri stated his intention was not to have the 9-5 person parking there and then at 5:00 p.m. come barreling out of the lot. He said that was not the intention of the parking but it was mainly to relieve the parking in the city, the college and the town. He said the City of Oneonta was looking into pay parking and he could only assume that was because he brought it up.

Commissioner Shields stated he did not disagree with what Mr. Ranieri was saying but was concerned about doing it well. He said he was also concerned about not creating more of a mess than already exists there by replacing more traffic on an already congested street between peak hours and was guessing between 4:00 and 6:00 p.m. He said he was aware that many classes end in the later early or later afternoon at SUNY Oneonta so there would have to be a fair amount of in and out traffic at that time.

Mr. Ranieri stated his intention was not to have the commuter students parking there. He said there was a traffic study done 3-4 years ago on that property when he wanted to do the 30-unit condominiums. He said they reduced the speed limit in the Town of Oneonta and they also said there would be no need for a traffic light there because the buses would all be stopped and lined up and it would cause more of an accident. He said it was not his intention for the 4:00 p.m. and 5:00 p.m. commuters coming out of the lot. He said he did not expect more than 10 cars to be pulling out of there at that time.

Commissioner Shields stated it sounded like it was Mr. Ranieri's intention to provide off-campus parking for students who live on campus.

Mr. Ranieri stated partially and also for people who live in the City of Oneonta that had nowhere to park.

Commissioner Shields asked about water runoff.

Mr. Ranieri replied he had planned on keeping it on the property. He said there was an open NYS Department of Environmental Conservation permit on that property and the stormwater had been completed but would just need to be updated. He said he had already talked to Keystone Engineering that did the whole storm water retention on that property.

Chair May stated if there were no other questions from board members he would open it up to the audience for comments or questions.

Mr. Joe Martino, 181 East Street, stated he owned his property and it was located directly across from where the proposed variance was. He said his understanding from talking with Mike Ranieri was that this parking lot was supposed to be leased to SUCO for 5 to 10 years. He said he had prepared some comments based on that assumption but now it sounded like it was going to be pay-as-you-go parking and he was confused about it.

Chair May stated the only information they had before this board was what was presented at the meeting which was that it was Mr. Ranieri's intention to rent it directly to individuals, be they students or city residents.

Mr. Martino questioned if this would involve some sort of a structure with a full-time person collecting fees for parking.

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Chair May responded that Mr. Ranieri indicated that he was going to do the parking by contract and there would not be someone there in a booth collecting money as one pulls in or pulls out.

Mr. Martino stated he was confused with this. He said supposedly there were 230 spaces in the Town of Oneonta being proposed and there were 32 and 40 in the two lots being proposed in the city. He said that was roughly 300 spaces for parking.

Chair May stated the board was concerned with what was being proposed for the City of Oneonta and had no idea with what was going on in the town because the town did not coordinate with the city.

Mr. Martino stated it did not seem feasible to him that the proposal affecting both the entities of the city and the town was separated as far as the approval of the variance. He said he was on the left side where the town was and it was hard to tell where the city property ends and the town property begins.

Chair May stated there was no disagreement and that was absolutely true but the board had no jurisdiction over what the town does or does not do as they had none over what the city does. He said the board simply looks at the parking spaces in the city and has to decide whether they were overall positive for the city or not. He said faced with continuing lack of parking in the city and the city being unwilling to invest in parking itself the board had a private individual who was willing to do that and that was what the board was trying to decide. He said the board would certainly take Mr. Martino's concerns into consideration but the board could not consider what the town was doing.

Chair May asked Mr. Ranieri if his intention was to lease this parking to SUCO for 5 to 10 years.

Mr. Ranieri replied he had no contract with the college at this time.

Commissioner Geasey questioned if perhaps that could change.

Mr. Ranieri responded yes and also anyone here could approach him as well.

Commissioner Geasey questioned if Mr. Ranieri would do the snow removal of the lot.

Mr. Ranieri responded the snow removal would be included and he would do his best.

Council Member Brzozowski asked Code Enforcement Officer Chiappisi if there were codes or regulations over commercial parking spots that the board should know about.

Code Enforcement Officer Chiappisi replied that the Zoning Code mentions parking garages and did not specifically mention lots because it was generally considered an accessory use to a business or residence. He said there was really nothing addressing this except that this area was zoned as a High Density Residential District. He said it was addressed in other areas such as impervious surface coverage and the limits on how much of that surface there could be on a given lot depending on the zone it was in. He said there were rules about things but nothing specifically about a parking lot.

Ms. Stephanie Brunetta, 177 East Street, stated her property was at the corner of East Street and Bugbee Road. She said Commissioner Shields was correct that the traffic flow between the hours of 4:00 p.m. and 7:00 p.m. at that corner was very significant. She said she would also let the board know that from 7:00 a.m. until 10:00 a.m. the traffic was the same as well. She said she had a number of concerns about the increased traffic. She said primarily this was a residential neighborhood and she personally would not like to live across the street from a commercial parking

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lot. She said she would ask all on the board to think about what their life would be like if they lived across the street from a commercial parking lot. She said not knowing who was going to be putting their cars in this lot was a concern. She said if there was a lighting plan she would have questions about the amount of light and how many hours it would be lit. She said without a lighting plan she had concerns about safety issues in the parking lot regarding leaving it unattended as well as not properly lit. She said she did not know who in that neighborhood would need to park their cars in that lot. She said if this was for city residents she questioned where those city residents lived and if they were parking their car there how they were getting to their homes. She said if they were walking there was no sidewalk up at the top of East Street. She said if there needed to be a sidewalk this would be asking the taxpayers to absorb the burden of the cost and also the maintenance. She said there were a number of elderly neighbors in that area who were retired and this was asking for an additional burden. She said the traffic light needed to be something that was going to be looked at because of the points Commissioner Shields brought up and also that there was morning traffic there. She said there were kids that walk to school by coming down Bugbee Road and down East Street and they also go down Meadowbrook Road and cut through the school parking lot. She said there was a lot going on at this corner. She said the bottom line was that this was residential. She said concerning the SUCO issue and if there was a possibility that this was going to be leased out or there was going to be some private State University partnership that would also help the city alleviate its parking issue she said she would ask that the board consider the integrity of the neighborhood and what that does for the taxpayers who live there. She said the master facilities plan that SUCO has put out since September talks about things like enhancing pedestrian pathways on campus, minimizing vehicular conflicts, enhancing landscape, locating parking to the perimeter, reinforcing the portals to campus and she asked if the portal to campus was the corner of Bugbee and East Street. She said SUCO's plan also said minimizing growth of utility infrastructure and she asked if that was a parking lot. She said if one looks at the concept drawings in that master plan they were very nice and show a change from a parking facility to a pedestrian mall with planted trees and landscaping. She said as a resident of the City of Oneonta she would like to have the same consideration for her neighborhood. She said if SUCO was planning that an enhanced campus experience means less parking she questioned why a parking lot should be allowed at the foot of East Street and Bugbee Road. She asked what about her pedestrian experience and the pedestrian experience of her neighbors.

Ms. Debbie Garufi, 175 East Street, stated she lived right across from East Street. She said she did not want to look out her windows at parking lots. She said it was said the city and the town were different but there was a plan in the town to put parking lots up as well. She said she could see the City of Oneonta and the Town of Oneonta and this was a residential neighborhood area. She said never did she think there would be parking lots or someone would be allowed to put a commercial business there. She said if this was allowed she questioned how they would know what the future would be. She said if the board allowed a variance for someone to have a parking lot she questioned what the control would be after that such as. who would it be leased to and how did that help city parking if it was leased to students.

Chair May stated in response to that question he could say that the Dietz Street parking lot was full of students.

Ms. Garufi stated and that was a burden for the people who lived in the city but again that was something the city had to take care of. She said as a resident she could never find any place to park. She said as a resident of East Street she cannot even get out of her driveway anymore. She said the people coming down Bugbee Road do not stop at the stop sign and just yield. She said across the street where the students were using as a parking lot now they drive up with their friends, park and use one car and come around and zoom up Bugbee Road because there was no stop sign. She said they had not only the OPT buses there but also the taxis at night and the students and she questioned how there would be control of the use of this parking lot and cars coming and going. She said she

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did not want increased traffic. She said she had a child that goes to school, there were children who go up and down the street, there were the elderly and this was a residential area.

Chair May asked that the petitioner try to stay focused on the matter at hand. He said he had been at the site and all the problems that she brought up so far presently exists without this parking lot. He said Mr. Ranieri was proposing parking for 70 cars in the city and the petitioner was saying there was another 200 spaces being proposed by the town and making the assumption that there were 300 cars parked in the lots. He said if they followed national trends 10 percent of them will move at any one given time, which was 30 vehicles. He said he had checked on what the traffic count was for East Street at the intersection with Bugbee and it was between 11,000-13,000 cars a day. He said if all 300 vehicles moved that was a locally small percentage of what was already there. He said for argument sake if the board decided to make the decision that it did not want parking in the city and Mr. Ranieri goes to the town and they approve 230 parking spaces, the city would have no control over that. He questioned what the city just lost and said it lost parking ability in the city and tax revenue in the city. He said that was the other side of the coin to consider. He said the board could not control the amount of traffic on East Street and West Street, the two arteries running up to the colleges.

Ms. Garufi stated the area was not zoned for this and she questioned when the board said no and how often did it keep allowing getting a variance.

Chair May stated it was done whenever this board considers it to be to the city's advantage to do it and that was the only criteria the board uses. He said it was not to the advantage of Mr. Ranieri or whoever else might want to do something but it had to be seen as an overall plus to the City of Oneonta. He said the board tries to minimize any detriments. He said people were clearly opposed to change no matter where it was in the city. He said his power of observation goes back about 44 years and in those 44 years he never saw anybody like anything that changes, whether it was Main Street, Bresee's building, a city parking structure built downtown, putting college students in the second floor, etc there had always been a constituency that did not like it. He said the board had the uneasy task of balancing those. He said the board has heard the concerns from the petitioners and would ill take them into consideration.

Mr. Martino stated the traffic coming into East Street comes at a high rate of speed and he had concern with the increase in traffic. He questioned if there would be any consideration as far as a caution light or traffic light at Bugbee and East Street.

Chair May stated those types of things were determined by other agencies. He said typically the state would decide when the traffic was high enough and warranted a traffic signaling device. He said the City of Oneonta did have a police force and the board's Council's liaison could ask the police to have a greater presence there and/or monitor the speed. He said he thought conversations should be had with the State University police. He said there were ways to slow that traffic down. He said he appreciated the concerns and as city residents they all lived with the same things. He said the city had a serious parking problem with not enough parking spots downtown. He said the city was surrounded by college students and they all parked cars and either the city or the college had to find a way to accommodate them. He said if the college decided to try to find a way to accommodate them the control the board would have over that would be less than none. He said if it was private the board could get an agreement with Mr. Ranieri to do certain things such as have the parking lot properly lit, the lights not fall off the parking lot, encourage a fence be installed to buffer the headlights from shining into anybody's window, and install a pervious parking surface so the water generated on the property stayed on the property, He said the board had those opportunities now with Mr. Ranieri but if instead of him and if it was the college doing it the college would not be here before the board and would send a letter saying what they were doing.

Mr. Ranieri stated he purchased the property six years ago from the Hardy Hansen Estate and it was

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a commercial entity. He said at that point it was a tractor sales place and there were probably more than 400 cars a day going in and out of there and it was a dirty mess. He said it was worse than what it was now with tractors there and oil waste. He said those were things he cleaned up since purchasing the property. He said there were things he wanted to do with this property but due to the economic conditions in the last few years and nothing changing this was the only way he felt he could get any kind of a return on his investment. He said it was still his intention to do the condominiums or townhouses there but to him this was a temporary move only to get any kind of income he could from that property and to clean it up more than it was. He said for the last few years he had been leasing it to contractors to use for staging and material and a City of Oneonta contractor used it when they did Bugbee Road. He said he did not want it to be some pit because that was what it had been for five years.

Common Council Larry Malone, 2nd Ward, stated a few of his constituents asked him to attend the meeting and convey some of their concerns because they could not attend. He said he received calls from Howard Stapley of 171 East Street and Linda and Jim Hurley of 58 Woodside Avenue. He said both families were very opposed to the project. He said much of what had been expressed was expressed by them to him. He said in the course of his conversation with them there were two other things that maybe the board should consider in its deliberation, 1) if approved, would a separate approval process be necessary for a tiered structure. He said he thought there was some confusion by the Hurleys in the wording of the letter and not being able to figure out if the board approved a surface parking lot at this point if there would be another approval process if there was a tiered garage, a structure.

Chair May stated if Mr. Ranieri leaves with approval it would simply be the use of the land for parking with conditions. He said that did not mean in six months he could decide to build a tiered structure such as a garage.

Council Member Malone stated the other issue in conversation with the constituents was that it was entirely possible in terms of the city's parking problem above all with the colleges for the colleges to prohibit first year parking for first year students especially since the city had such extraordinary bus service to both campuses. He said that would theoretically possibly reduce at least one-quarter of the student parking in the city. He said lots of colleges do that. He said he did not think the city ever had that conversation with either of the colleges to perhaps encourage them to consider doing that. He said given the parking challenges that might be something he might like to take up on his own as a Council Member. He said in the vein of this it was a sort of "if we build it they will come" with these kinds of things such as the discussions about making Route 28 from Colliersville to Hartwick four lanes to accommodate baseball traffic. He said the bottleneck existed there because some of the same traffic concerns were expressed at some of the intersections at Hartwick.

Chair May stated he thought those were good points but clearly there were things that the community as a whole could do that this board was not empowered to do. He said the institutions could pretty much do what they wanted to do. He said the board's goal was to get the best deal it could get for the city. He asked if anyone had any thoughts to help in that endeavor understanding that the board cannot control the traffic on East Street, cannot control what the Town of Oneonta does and cannot control what SUCO does. He said there were so many things that the board had absolutely no control over.

Ms. Brunetta stated it was said earlier about another 230 parking spaces were being created in the town or the city and she asked if that number was correct.

Mr. Martino stated that was in the town. He said the town was discussing the same zoning issue of 230 spaces.

Mr. Ranieri stated he had a request with the town for additional spaces and thought it was around 200.

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Mr. Ranieri stated also his neighbors have also had the luxury of parking on the property over the last five or six years and he has yet to have any cars towed out of there. He said on a positive note if students used this lot students were not here all summer or from mid-December to mid-January or the holidays.

Chair May stated the students were here now and park their cars all over the city. He said this might free up some of the parking spaces downtown for the businesses. He said he thought that was something worthy of consideration.

Ms. Brunetta stated she had one more thought about the precedent. She said if the board approved this proposal in the vein of private partnership with the city to relieve the city specific to parking the board was likely to get other proposals and other deals and other things. She said space was at a premium within the city so considering where those things were going to be and the downside and the changes to the integrity of a neighborhood she said she really would like the board to consider.

Chair May stated a point to consider was that if Mr. Ranieri builds his condominiums he could build his parking lot and would not need to talk to the board because it was already permitted in the R-3 zone. He said the time to have that discussion was before the zone was changed as a city from what it was to what it was today but the people involved in the Zoning Task Force thought that was a reasonable use of that land within the city. He said that was the framework the board works on today. He said he knew that was not the answer the petitioner wanted to hear. He said he appreciated the petitioner's concerns and argument.

Ms. Brunetta stated that she and the others had not seen the proposed plan. She questioned if the lot had greenery in it and landscaping around it.

Chair May offered the plans for review and said those were discussions the board could have and would certainly entertain them. He said the developer could agree to do certain things in exchange for the permission to do these things.

Mr. Ranieri stated the only place to do greenery and buffering was to the right side because anywhere else it would block the visibility of people looking up and down the road for traffic.

Ms. Brunetta stated she was situated on the corner and anybody coming up out of Meadowbrook their headlights were right in her living room.

Chair May stated it was pretty hard to stop that.

Ms. Brunetta stated that was right but it would increase now if there were cars coming in and out of a parking lot.

Chair May stated she may experience more headlights facing her direction as the arguably 30+/- cars coming in and out of the lot. He asked Mr. Ranieri if that was going to be the only point of egress and ingress into his parking lot or did he expect to have one in the town as well.

Mr. Ranieri replied not in the town. He said this was the only one, the one that had been there for 50 years or so.

Chair May asked Mr. Ranieri if it was possible to have a separate driveway into the larger lot located in the Town of Oneonta.

Mr. Ranieri replied no because there was a blind hill there.

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Ms. Brunetta stated if the board was not concerned with what was going on in the town and her understanding that 200 cars would park on the town parcel she said they would be coming in and out of Meadowbrook on the city side.

Chair May responded maybe and said that was Mr. Ranieri's request but that did not mean that was what would be voted on. He said he may be allowed to park 70 cars in this lot and they could come in and out of Meadowbrook and tell him that the other 230 cars must come out on to East Street and let the town worry about the traffic and other problems that were not the city's.

Mr. Ranieri stated correct.

Commissioner Geasey asked if the petitioners planned to attend the town meeting of the same sort to express their concerns.

Mr. Ranieri stated that the town's public hearing would happen next month where the people would have opportunity to give input.

Ms. Brunetta stated she lived in the city and did not think the town would consider her concerns.

Chair May stated the residents had opportunity now to have some input and some control over what happens which is unusual. He said usually when people own some land they could do with it as they see fit.

Ms. Brunetta questioned if the drainage issue was all on the city's side.

Chair May responded it appeared to be from his observation. He asked Mr. Ranieri if that was his understanding.

Mr. Ranieri responded yes but in the town when you cross the creek there was a retention pond that was overbuilt to take additional runoff as well. He said the line was pretty much at the creek with the city and the town where the water main break was.

Code Enforcement Officer Chiappisi stated Council Member Brzozowski asked him what the parameters were in terms of the Code and there was a 60 percent impervious coverage. He said anything more than 60 percent of the lot that was going to be impervious would require a variance as well. He said he did not know what the final plan looked like. He said the design would have to be submitted to him.

Chair May stated that those items would be discussed as this discussion starts to wrap up, i.e. impervious material, pervious material, etc and if Mr. Ranieri hits thresholds that were greater than that and may or may not be allowed by this board tonight the application would then have to be redirected. He said Mr. Ranieri would be wise to go in accordance with the Code.

Commissioner Shields questioned if the city would install a stop sign.

Chair May responded an appeal could be made to the Common Council and Council may or may not.

Council Member Brzozowski questioned how Mr. Ranieri felt somebody who currently parked in the Dietz Street lot would be parking in this lot and if he had done a feasibility study.

Mr. Ranieri responded that he had received calls from parents of students who have had over \$1000

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in parking tickets as well as working people who get parking tickets. He said he did not do a feasibility study. He said the whole parking lot was being designed around the condominiums and it was to cut off a particular area and build the condos. He said 176 East Street was not a buildable lot because the city ran two drainage pipes underneath it. He said 178 East Street was a buildable lot for a 10-unit 3-bedroom condominium.

Council Member Malone stated that currently there was no bus stop any place near this.

Chair May stated there were things Council Members could do but he did not know how the board could control things like that.

Ms. Brunetta questioned what the process was going forward on this and what the next steps were.

Chair May responded the next steps were once the board stops the public comments then the board would mull it over in public session with each member giving input on what they would or would not like or not like about it at all and then at some point the board would call for a motion to either approve or deny or approve with conditions. He said once that was done and seconded the board would vote on that motion. He said that was the procedure. He said the board has spent more time on this issue than it had spent on any other zoning issue in 15 years. He asked if there were any other public comments.

Hearing no further public comments the Chair said he would call that to an end and the board would start its deliberations.

Commissioner Rafter stated he did not have any questions but was concerned about the issue of the entrance and egress coming into the street and the cut through from the city property to the town property. He said also he had a concern about the lighting because besides traffic he thought there were some issues with personal safety. He said there had been various kinds of assaults that have occurred and with an unlit parking lot with people coming in and out, not necessarily during normal working hours because sometimes there were not any for some who may use it and that means that people may become vulnerable. He said he would like to see lighting for safety and there was also the issue of what kind of police protection there would be in terms of covering an area like this to be sure the people who were residents were protected. He said he did not know about landscaping but landscaping and/or fencing makes the area less visible in terms of personal safety. He said this would relieve parking in the city and also plans being whatever they may be in terms of what would happen regarding the economy and not knowing if they would be better or worse but he would trust Mr. Ranieri probably wanted the economic advantages now.

Commissioner Shields stated he was not sure a parking lot was anymore attractive than tractor parts. He said he was lukewarm with the project as it sits with a street between two parcels. He said he would be interest if some adjustments could be made to it that lessens the traffic directly across from Bugbee Road and perhaps increase the safety especially as dusk.

Commissioner Lawson stated generally he was in favor of the proposal. He said in the 12 years he had been on the board the board had always been looking for ways to help alleviate the parking situation in the city as everybody knew it was a problem. He said there was a definite need for this. He said he would to see the property stay on the tax rolls because that was concern brought up if the college in its search for parking purchased it. He said the city would then not have anything to say about it. He said the issue with the property was the prior use. He said Hardy Hansen had a tractor dealership there for years and there was equipment everywhere. He said this was not going to change things as far as the neighborhood. He said on the concern side of things he said he would like to see the runoff mitigated as much as possible using a pervious material, wanted to hear more about a lighting plan and also see what could be done about landscaping.

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(178 and 176 East Street, East Street) continued

Commissioner Geasey stated her wish list would be that Mr. Ranieri could get his parking in the town and then have the money to put up the condos rather than turn all of that into a parking lot and never have the opportunity to do the condos. She said she thought the city needed the residential space more than the parking space. She said she had a hard believing that a student and friends would park on the top of East Street if they lived down off of Center and were a little under the influence at 2:00 a.m. She said questioned city residents parking up on East Street and leaving their car and walk where. She said she was just having trouble seeing this.

Chair May stated if there were parking spots in the city they will find a way to be utilized.

Commissioner Geasey stated she was afraid it was going to be all college students. She said she very concerned about safety and the lighting, the walking and the higher traffic. She said she was also concerned about the home values in the neighborhood.

Chair May stated that there were issues that could be dealt with by the board to have a better outcome than the less desirable outcome.

Commissioner Geasey stated she was not sure she agreed with that and it was going to be no worse on the neighbors than when Hardy Hansen had his place.

Commissioner Lawson stated if the lot was for long term parking some cars will be parked there for a good part of the semester and not used for day to day parking.

Commissioner Geasey stated she was concerned about the cars being a target for crime itself. She said there were enough problems with that on both campuses. She said she liked several pieces of this idea but there were several pieces she was just not sure of.

Chair May stated that Mr. Ranieri has gotten a sense of the board from what was said. He said there was a strong concern of the board that it have all the traffic entering and exiting in the city, which means the board would be asking Mr. Ranieri to have an entrance and an exit in the town for their 230 cars. He said that was irrespective of the town's concern about sightlines and sight distances. He said should this pass the board would require that Mr. Ranieri have that egress and ingress in the town with no methodology to connect the two together. He said in effect there would be two lots. He asked Mr. Ranieri how he felt about that.

Mr. Ranieri replied that he thought that would create a traffic hazard. He said if the entrance gets put back to where it was it was on a blind hill. He said if you knew the property when one comes down East Street it was a blind hill as soon as they get to that top part. He said that was an accident waiting to happen.

Chair May stated they were all long term residents here and understood the property, understood Mr. Hansen and the property and the board's job was the city and its concern was the city. He said there were city residents in the audience who have expressed a concern about having more traffic, increase traffic on Meadowbrook and headlights shining into their windows creating a problem. He said the amount of traffic was really insignificant to the traffic count that was already there. He said the board seems to be leaning toward Mr. Ranieri having two points of egress and ingress where they were not connected entirely. He asked if that was something Mr. Ranieri could live with.

Mr. Ranieri replied that was something he would look at.

Chair May stated if the board puts something forward in terms of a motion, without that in it the motion did not have much chance of surviving.

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(178 and 176 East Street, East Street) continued

Chair May stated that lighting was the next issue. He said the parking lot needed to be well lit but not over lit. He said they needed to be cut-off light that did not shine off the property, following the dark skies provision as outlined in the NYS Department of Environmental Conservation regulations.

Mr. Ranieri stated that was not a problem.

Chair May stated that the board would ask that the property remain taxable and would make that part of a motion. He said that may be just a wish and if Mr. Ranieri sells the property to the state the state comes to the city.

Mr. Ranieri stated he had no intention of selling that property at this time.

Chair May stated that the board wanted to make it as difficult as possible for the next owner to do anything that was not agreed to this evening.

Chair May stated the fourth item he hears a lot of discussion about was the runoff. He said Mr. Ranieri and he had talked about a pervious material and he brought some literature that he would leave with Mr. Ranieri after the meeting. He said understanding he believed the Code requires 60 percent to be pervious, which means the parking areas could be pervious and then the roads impervious but that was a decision for the owner.

Chair May asked if that dealt with the board's concerns.

Commissioner Lawson questioned if the Chair was asking for two driveways and so that for the lots constructed in the city the cars will ingress and egress on Meadowbrook and the town had to deal with their own.

Chair May stated that was correct. He said that certainly reduces the traffic count that was a concern of the neighbors.

Commissioner Geasey stated she agreed with what the Chair was asking but she was still not sure.

Chair May asked if Mr. Ranieri understood the sense of the board.

Mr. Ranieri replied yes.

Commissioner Geasey questioned if the board's process could wait until after the town's decision was made.

Chair May stated the board could always table any motion or any application usually with the agreement of the applicant but the board preferred not to because the applicants were usually here to get a decision.

Council Member Brzozowski questioned if it was the Chair's interpretation that if Mr. Ranieri were not to develop this and was to get permission from the town there would be no way the city could prevent Meadowbrook Lane from being used as an exit and egress.

Chair May responded no, the city could.

Commissioner Geasey asked Mr. Ranieri if he got those 230 spaces if he would be closer to building the condos.

(178 and 176 East Street, East Street) continued

Mr. Ranieri responded no. He said economically if we were not at a standstill like we are not five years ago if he was approved for condos in a six month period when he came here with the money and the approval and the plans those condos would have been built before The Plains and they would have been all sold and the city would have had the tax base that it did not have now.

Chair May stated he thought that was something the board needed to give great consideration to. He said as a city it was landlocked and as the Common Council was finding out, income constraint and the city suffers under roughly 50 percent tax exemption. He said the city needed to start to do something to improve that.

Mr. Ranieri stated he was not in the position to build condos at this point and the finances were not the same as they were five years ago. He said it was still his intention to finish what he started and that property by far was better than it was when he purchased it. He said he invested a lot of money in that property and road in terms of engineering and other studies.

Chair May stated for Mr. Ranieri to build in the town he requires water and sewer from the city and the city has in the past just handed that out like candy but maybe the members of Council that were here might want to think about the value of those services.

Mr. Ranieri stated maybe in the future that property could be city property. He said he heard the process took three years.

Chair May stated that the board was trying to get the best it could get out of a situation that was not ideal.

MOTION, made by Commissioner Lawson and seconded by Commissioner Rafter, that based on site visits by Zoning Board of Appeals members and testimony heard at the February 27, 2012 meeting, the board grants a use variance requested by Michael Ranieri to create parking lots at 176 East Street with 32 parking spaces and at 178 East Street with 40 spaces, with the following conditions:

- There will be two (2) exits in the town that were not connected.
- There will be adequate lighting to be established by Mr. Ranieri's engineer for parking following the state's dark-sky provisions with no lighting falling off the property.
- There will be a commitment to keeping the property on the city's tax rolls.
- The water runoff will be dealt with meeting the current Code, which was 60/40 pervious/impervious surface.
- Any area of the property will be fenced and landscaped that will protect any adjoining neighbor from the lights and noise created by the cars.

Voting Ayes: Chair May
Commissioner Lawson
Commissioner Shields
Commissioner Rafter
Noes: Commissioner Geasey
Absent Commissioner Ficano
Commissioner Robinson

MOTION CARRIED

Voting followed this discussion.

Code Enforcement Officer Chiappisi stated he would like to see a Site Plan come before one of the boards for approval with the lighting plan, with the impervious surface and other applicable site plan components.

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(Discussion) continued

Chair May stated it will be fairly well articulated and that the board did not care if the fence was 4' high or 6' high or the color but did care that it was there and that the headlights from the vehicles cannot shine out to the neighbors.

Code Enforcement Officer Chiappisi stated but it was not being articulated where exactly that was. He said it was kind of vague and he thought a Site Plan needed to be reviewed by the board to make sure the specifications the board had in mind were contained in the Site Plan.

Mr. Ranieri questioned if approval of the variance could be contingent on Code Enforcement approving the plan.

Chair May stated the board has done it that way in the past. He questioned if Code Enforcement Officer Chiappisi wanted Mr. Ranieri to come back for another board meeting after this board meeting.

Code Enforcement Officer Chiappisi stated he did not want to grant approval for a plan that Mr. Ranieri's engineer puts forward that may not be what the board was thinking. He said he might look at that egress off East Street in the town and then the board might look at that after it was on paper and question why he approved that.

Chair May stated the board was doing nothing in the town. He said there was not going to be egress or ingress through Meadowbrook Lane into the city and they would come out on to East Street and the board was concerned about the cars that will park next to the white house.

Code Enforcement Officer Chiappisi questioned what happens if the town tells Mr. Ranieri he could not egress out north of Meadowbrook Lane.

Chair May responded it was not the board's problem, it was Mr. Ranieri's problem.

Code Enforcement Officer Chiappisi stated the board was approving these parking spaces and the town was approving theirs and they all egress out on to Meadowbrook and he said he had no control over the fact that the board told Mr. Ranieri to egress north of Meadowbrook.

Chair May stated the board had all the control because the two lots were to be separate and Mr. Ranieri agreed to that. He said if Code Enforcement Officer Chiappisi finds that a driveway was being built between the two lots Mr. Ranieri had a problem and would be in violation of the Code. He said Mr. Ranieri would have been granted the variance with the conditions that he meets, which were; that the two parking lots were not connected for purposes of egress and ingress, that the lights would meet state standards for dark skies and none of the lights will shine off the property, they will be lit in a level acceptable for a parking lot and his engineer will determine that, he will agree that the property remains taxable, he has to contain the water runoff on his property following the 60/40 rule in the Code, and he will fence the area of the property to the right side with the house where the car lights may impact the owner's of that property and the one behind it. He questioned if that was not reasonably clear to Code Enforcement Officer Chiappisi.

Code Enforcement Officer Chiappisi responded that he would be better with a plan in front of him.

Chair May stated he would like to not have Mr. Ranieri come back 30 days later for the board to look at the drawing. He said if the board would agree he would be happy to represent the board in Code Enforcement Officer Chiappisi's office to see that the plans met the board's intent. He asked Commissioner Lawson if he would want to do that with him.

Commissioner Lawson stated that he would do that with the Chair.

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(Discussion) continued

Chair May asked Mr. Ranieri if the conditions as outlined were acceptable to him.

Mr. Ranieri replied yes.

Chair May stated if the board should approve this motion he asked Mr. Ranieri if he agreed to live by these conditions.

Mr. Ranieri replied yes.

Hearing no further questions the Chair asked the Clerk to call the roll.

Chair May stated the motion passed with the conditions. He said Mr. Ranieri needed the engineering study to present to the Code Enforcement Officer and he would call Commissioner Lawson and him and they will go and approve it with Code Enforcement Officer Chiappisi to make sure that it was in compliance with the motion.

Mr. Ranieri stated so at this point it was the plan back to the two of you to agree on the buffering and lighting.

Chair May stated that Mr. Ranieri will be receiving a letter from the Clerk outlining all of the conditions. He said once Mr. Ranieri gets that letter and responds to that letter Commissioner Lawson and he would be happy to meet on short notice in the Code Enforcement Office.

APPROVAL OF MINUTES

The board approved the minutes of the regular meeting held January 23, 2012, as written, without benefit of a motion.

Chair May welcomed Commissioner Geasey to the board.

There being no further business to come before the board, Chair May adjourned the regular meeting at approximately 8:40 p.m.

JAMES R. KOURY, City Clerk

JRK/pab