

ONEONTA, NEW YORK – MAY 15, 2013 - 7:00 P.M.
REGULAR 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
Council Member Maureen Hennessy

ABSENT: Commissioner Michelle Eastman

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

MOTION, made by Commissioner Thomas and seconded by Commissioner Holden that the commission approves the minutes of the regular meeting held March 20, 2013.

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

Noes: None

Absent: Commissioner Tomaino
Commissioner Holden

MOTION CARRIED

PETITIONERS

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

CORRESPONDENCE

City Clerk Koury summarized the following correspondence.

The following was received from Robert Rightmere, dated March 23, 2013:

“TAKE A WALK

I have just been given a DRAFT of New York State’s Environmental Assessment Form for Newman’s project on Blodgett Drive. Yes, this is only a draft, fortunately! Question 20 reads: “Is there, or is there likely to be controversy related to potential environmental impacts?” The answer is checked off: NO.

That controversy exists in now very apparent letters. Letters, an editorial and articles in The Daily Star, lawn signs, petitions, gatherings at public hearings, threatened lawsuits, outside consultants and some heated words all give testimony to the temper of this time.

So what should be the collective goal of our community in terms of this conflict? I must add that Newman doesn’t really have a dog in this fight. They are not part of our community; their goal is purely profit. If they build here, then another source of income will be in place for the corporation. If they don’t build, then they will move on to another city or town. If the CEO of Newman lived on one of the streets downhill from the proposed project, I would definitely mute many of my criticisms. But he does not live in Oneonta. If civic harmony is eroded and mutual respect is tarnished, Newman is not impacted; the same is not true for those who live in Oneonta.

Our mutual goal is (or should be) “quality of life.” With that in mind, I ask each member of the Common Council and the Planning Board to drive along Bugbee Road, take the turn on to Blodgett and head 4 tenths of a mile up to the proposed site. I urge you to do this alone, with

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your senses focused on the route, even better, for the steepness of the hill will be evidenced in your shortness of breath. Yes, take a walk. Once you reach the proposed building site, look back at the wonderful view; feel our shared space. You are at a dead end, on a steep hill. Now turn to face uphill. The deeply treaded dirt road before you is the path formed by heavy duty trucks that have been carrying logs cut from the hill above. The once treed hillside is no longer a catch basin for the runoff that torments those who live below. Our plight worsens as I write this. Hear the voices of those that live on this hillside. Why build the student-complex here?"

The following was received from Thomas Beattie addressed to Council Member Larry Malone and Planning Commission Member Becky Thomas and forwarded to the Planning Commission, dated March 27, 2013:

I'd like you to know that, as a downhill neighbor to the proposed Blodgett Housing Project, I'm opposed to it. My main concern is WATER. Since we moved here nearly 12 years ago, we've seen our neighbors on Crestmont Terrace flooded again and again by water coursing down the hill from College Park during major storms – and, as we know, there are going to be more of these.

Although the city has recently taken measures to stop this, the new drainage system has yet to be tested by a severe rain, and the original cause. I'm told, was a faulty system installed on College Park. My source for this is my good, astute friend Martha Forgiano, who lives on the street and told me she could see that the system wouldn't work when it was being installed several years ago. Given the track record, I have little confidence that the Blodgett Project will include sufficient drainage – and great fear that my property will be in jeopardy. Such major disruption of soil on a hillside is going to be VERY difficult if not impossible to control.

Heavy water use by college students living in the Newman building is also a concern. Water pressure is bound to decrease in our area and the city's supply might be affected.

I'm concerned, too, about the likely negative economic impact on city center and downtown, and lack of student supervision at the site. Because the college does a good job of controlling its students, the dormitories across the street from us are not a problem. I doubt that Newman would follow suit: noise is likely to be a major issue.

A decrease in property values is also likely – in an area that has provided major revenue to the city via property taxes. Would these really be offset by the Newman project given the tax incentives Newman will require?

I'm not constructing a full-scale argument against the project here – that will come to you in many forms and is well underway. But I wanted you to know where I stand and ask that you give serious consideration to my concerns to your capacities as councilman and planning board member.

Many thanks."

The following was received from Marianna Leib, 39 Crestmont Terrace, dated April 3, 2013

I'd like to let you know that I am against the Newman Project for many reasons. The Blodgett Drive area is very scenic; mostly seniors live in this area, and the properties are pretty well kept up. We really don't need three hundred plus students running up and down Blodgett Drive and Bugbee Road, ruining the quality of life we have worked for. As a tax paying citizen (my property taxes this year amounted to \$2,351.00) and being an 80 year old widow, I am against giving the Newman Company any tax abatement. The city never gave me and my husband any help when we built our home. If the Newman Company is doing so well with their projects, why should they need an abatement?

So far, we have been very fortunate with our area being in between Hartwick College, SUNY, Job Corp and the High and Middle Schools. God only knows what will happen if you get three

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hundred kids all in one building. Sometimes even in the apartments in the center city area large groups gather and disturb the area.

I don't agree with Mayor Miller that this project will boost the economy. What we really need to boost the economy is to bring some kind of manufacturing business here. Mayor Miller says it's unlikely we could do this, but have we really tried?

The Newman Company has made promises regarding city processes and procedures, but talk is cheap. Once the building is constructed and they are back in Binghamton, they will undoubtedly be oblivious to their promises, and we will be stuck with the problems.

Sincerely,"

The following was received from William Grosso and Jim Farrell, President and Managing Partner, respectively, of Endwell Rug Company, dated April 4, 2013

"We are writing this letter to express our views about the developer Newman Development Group and their new project, Hillside Commons. Our company has been in business well over 40 years in the Oneonta area and we cherish the wonderful community it has grown into. We feel this new student housing would definitely enhance the Oneonta students and businesses.

Newman Development Group and our company have been doing projects for over 20 years. We feel they are a solid company with great community sponsorship. Our company has had the opportunity to provide flooring for the University Plaza and Twin Rivers Commons which are both student housing projects. Both of these student housing projects have had very positive effects for the safety of the students and a positive impact in the community.

We feel strongly about the Hillside Commons Student housing project for the Oneonta community, as for this will be a positive impact for the students and businesses.

Please feel to contact myself at (607) 748-7366 or Ray Adey at (607) 432-1105 concerning this project.

Respectfully,"

The following was received from Jay C. Keith, Fairport, NY, dated April 8, 2013:

"Dear Members of the Oneonta Planning Commission:

For the past 27 years, I have visited Oneonta three to four times per year, often with my family, to spend time with old and dear friends. Over that period I have come to consider Oneonta my second home. I have always loved the unique and quirky mix of businesses your downtown area offers, like the Autumn Café and (in recent years) the Green Toad Bookstore, as well as established icons like Brooks and the Center Street Deli. Moreover, I have always admired the Center City residential area because of the mix between student rental properties and established middle and high-income homeowners, creating unique and eclectic neighborhoods. Clearly, the charm of your city for both college students and residents lies in the vibrant diversity of businesses and people living and working in your downtown and Center City areas.

What makes Oneonta a great place to visit and live seems to be threatened, however, by the Newman Group, who proposes a 325-bed student housing project on Blodgett Drive. What remains a mystery to me is why officials from the city government would consider allowing Newman to gain an unfair advantage on local landlords and businesses by avoiding property taxes through the PILOT program.

Consider this: Just the one building currently in the works (and there are more to come if this one takes off, I understand) is projected to take about \$3M in student rental revenues and shift them to Newman.

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Perhaps, if you are not in the student rental business yourself, you think this might be a boon to the community you serve. But most of that \$3M going to local landlords is spent right in Oneonta, on things like-building-maintenance, rmarketing, staff pay and-building renovations. And at the end of the day, where do these landlords and their employees shop and eat? If they own or rent property themselves, who are they paying for their own housing? What banks hold their mortgages? Where do they buy their business and personal vehicles? Who does their snowplowing? Cuts their hair? Where do they go to the doctor? What schools do their kids attend?

Now if that money goes to Newman, consider that Newman will employ their own private contractors for construction and maintenance from outside Oneonta; they are managed from a corporate office in a distant city, and their managers and overseers will truck in building and maintenance supplies. Yes, they will employ a handful of locals for the initial construction and for menial tasks such as building and grounds cleanup, but most of their management, maintenance staff and security personnel will be supplied through the company itself from outside by non-residents who either commute or consult on an as-needed basis.

In short, Oneonta will see much less of that \$3M spent in the community, and, even more importantly, the people who will reap the benefits of this project have NO investment in Oneonta whatsoever. They don't live in your town, they don't send their kids to school in your district and, probably two years ago, they couldn't have found Oneonta on a map.

You may be thinking that getting some of the students out of Center City and back near their campus would be a great thing for the community: less loud parties, less fighting, less DWI, less trouble. But consider this. Students will continue to come "downtown" on weekend nights, but if more of them live up the hill, more of them will do so in cars, and some of the remainder will walk noisily through Center City, mostly between 1AM and 3AM every Friday and Saturday night. That probably won't make your streets any quieter or safer.

Moreover, while the bar businesses in Oneonta probably won't be affected by the Newman project, think of the effect of 325 fewer people buying groceries and eating restaurant meals in town every week, because Newman residents will have meal plans. Further, students living in Newman will be less inclined to shop on Main Street, because they will spend much less of their total time in town.

Perhaps you believe that the Newman project will force local landlords to "up their games" to compete with a better product, and drive the "slum lords" out of business. But consider that the per-bedroom rents on the Newman property will be in the \$800-per-month range. That represents the highest end of the market in student rental property downtown; these are the responsible landlords who have been developing and improving local properties for decades in your community. They are NOT "slumlords" or "absentee landlords." The Oneonta Star ran a full-page article profiling one such Oneonta business entitled "Local Landlords: Work is Hard, Worth It" on August 7, 2010.

I think the responsible landlords at the upper end of the market would welcome fair competition from Newman, but many cannot afford to "up their games" to compete if they have to pay Newman's property taxes in addition to their own for the first ten years. Is that "fair competition" or "free enterprise"? Should the government subsidize an out-of-town corporate giant on the backs of local businesses and local people?

And don't forget that the "slumlord" category of landlords is not the same species of business owner as those in the high end of the market. "Absentee landlords" and "slumlords" charge substantially less per month than Newman for a much less attractive product; they actually stand to benefit from the Newman project, because Newman will drive the high end of the local rental market out of business, leaving cheaper (and shoddier) alternatives in town. I think you can agree that such a scenario will drive property values sharply down in Center City.

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Finally, I think you may already know that Newman's 325-bedroom complex is only the beginning. If this complex is built, I have heard that there are plans for at least seven others waiting in the wings. I understand that many acres of property near the SUNY Oneonta campus have recently been rezoned for high-density housing. Each new development will suck money out of your local economy at the same rate as Newman threatens to do.

I always thought of Oneonta as the Ithaca of Otsego County; but if this scenario plays out, in a few short years the boarded up houses, empty storefronts and high unemployment rate will make your charming city more reminiscent of Detroit than Ithaca.

The bottom line is this: Newman doesn't care what the ramifications of this project are to your community. It seems to me that almost every property owner, business owner and worker in Oneonta, not just landlords, stands to be hurt by this development.

Please put a stop to this project or at the very least make them compete on an equal footing with local businesses by making them pay their fair share of property taxes.

Respectfully,"

The following was received from Eric Larsen, Loral Management, dated April 14, 2013:

Dear Planning Commission Members,

At your April 10th meeting I had my first opportunity to see the site plan presented by Newman Development for their student housing complex on Blodgett Drive. I know you are soliciting comment for your SEQR review and I wanted to submit our thoughts on the proposal as we understand it.

The complex is triple the size and over triple the population of our Wood Ridge Apartments, and is situated about as close to us as it could be. The size is not consistent with the character of the neighborhood. Over three hundred students located in close proximity to a quiet residential neighborhood will have an enormous impact in the intensity of use of this parcel. The character of our neighborhood will be far different and our quality of life will be greatly affected. We will suffer significant adverse impacts from this development as it is presently proposed.

It is our position that a project of half the size would be a more reasonable presence in the neighborhood. This would allow for more space for a landscape buffer between this project and the surrounding neighbors. A robust landscape buffer would alleviate at least some of the noise and light, and would mitigate the significant visual presence of such a large structure. At 160 beds it would still be substantially larger than our complex.

As a former Planning Board Chairman and current IDA Chairman I understand the difficult decisions we all need to make to move our communities forward. My intent is not to stand in the way of progress, but I do believe that developers who come in to our area have a responsibility to blend their projects in to the existing fabric of the communities and neighborhoods they wish to join. I think it is reasonable to ask that some effort be made to avoid some of the most intrusive aspects of this proposal, and ask only that you review the proposal and ask how you would wish to be treated under similar circumstances.

Thank you for your consideration.

Sincerely,

The following was received from Thomas Beattie, sent to Planning Commission Member Thomas, dated April 17, 2013:

"Hi Becky,

I voiced my concern about storm run-off at tonight's Common Council meeting and, of course, was told that it's a matter for the Planning Commission, not Council. Here's the concern: that the holding pond on the Hillside site, which will drain into the Hunt Union pond, can become

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overwhelmed and in turn overwhelm the pond, thereby causing massive run-off over Blodgett Drive and onto adjacent residences.

After the meeting, a Newman rep. (I think it was Smeatna) told me that my concern had been addressed in the planning. The City will install an underground line from the Hunt Union pond to a drain pipe below Bugbee Rd, taking the water further downhill in safe way. In addition, the Hillside holding pond will collect water that now drains uncontrollably into the Hunt Pond. Flow from Hillside into Hunt will be slower and safer because controlled at Hillside (but, again, what if Hillside gets overwhelmed?).

Theoretically, this plan should work, but what if it doesn't? What recourse would flooded landowners have? By introducing a new, risky element into the situation, shouldn't Newman be held responsible?

I write to you because you're the only person I know on the Commission and in hopes that you will raise the issue during discussions of environmental impact. I'd do it myself but have a commitment on Wednesday evenings that prevents attending Commission meetings. Because of that, I had to leave the April 10 meeting before the audience q/a session, so couldn't raise the issue then.

Thanks for listening."

The following petition was received from citizens of VanWoert Avenue and adjacent area, signed by 10 residents expressing concerns over Mr. Ted Gaisford's plans to construct an apartment complex, dated April 19, 2013:

"It has come to our attention that there is a possibility of an apartment complex being built in our neighborhood. Currently there are two houses, one at 196 River Street and the other at 3 Van Woert Avenue in Oneonta, New York. These two lots are combined and both are owned by Ted and Emily Gaisford. We live next door at 5 Van Woert Avenue so this concerns us directly; however we are not the only residents who oppose of this structure.

Our neighborhood has always been a quiet residential area with lots of families with small children. Bringing this complex to our neighborhood will bring increased traffic, cut down considerably on the nice size yards we have, not to mention lack of privacy that we all respect. In the past whenever any business has been proposed we have all stuck together to keep our block purely family residences. We ourselves considered at one time selling a part of our lower lot to Creative Orthotics but declined due tot the fact that we did not want any of the above mentioned factors disturbed.

Ted and Emily Gaisford lived in this neighborhood for years and raised their family there. They also enjoyed the family oriented, safe neighborhood when their kids were growing up so it is surprising that they would want to disturb the neighborhood that everyone has worked so hard to maintain. We ask that Ted and Emily reconsider their plans for their apartment complex and keep our neighborhood intact.

Sincerely,"

The following was received from Steven Andrews, Recreation Director, regarding the approval of the Special Use Permit for Phi Kappa Psi, dated April 18, 2013:

It has come to my attention that the Oneonta State Chapter of Phi Kappa Psi has a special use permit pending before your board.

As you deliberate over Phi Kappa Psi's request please take into consideration direct volunteer services their students have provided to the City of Onenta.

Phi Kappa Psi students have been contributory volunteers for the Recreation Department's annual NFL Punt, Pass and Kick and Major League Baseball Pitch, Hit and Run special events

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since 2007. Volunteer duties have ranged from coaching children during warm-ups, assisting at competition stations, and writing up achievement certificates for participants.

Phi Kappa Psi's volunteers have worked well with departmental staff and have represented themselves and the Recreation Department professionally in the eyes of the public.

Hopefully this and other community services performed by Phi Kappa Psi will be a favorable factor as you consider their request."

The following was received from Dr. Connie Anderson and Dr. Craig Bielert, 63 Elm Street, Oneonta Steven Andrews, Recreation Director, regarding the approval of the Special Use Permit for TKE, dated April 22, 2013:

We have lived next door to the TKE fraternity for several years now, and I am happy to report that they have become excellent neighbors. For the past year or two, especially, we have had absolutely no problems with our joint driveway and parking lot, and they have always cheerfully responded to our requests. We haven't had to ask them for help with home-maintenance projects lately, but I am sure that, if we did, they would be glad to help.

We support the extension of their special use permit.

Sincerely,"

The following was received from Mr. Eric Larsen, Laral Development, dated April 22, 2013:

Dear Mr. Chiappisi,

Thank you for forwarding the section of the Oneonta Municipal Code that pertains to Site Plan Review standards for new developments. I appreciate your quick response and the information was very helpful. I know you will be involved in assessing the completeness of the Newman Group's application and how well it reflects the standards laid out in the Municipal Code, and I thought I would take this opportunity to give our feedback.

The initial section of the code places priority concern on, among other things, "protecting existing investments in the area" and "accommodate(ing) growth without excessive adverse effect." It also references the "need to protect the quality of existing districts." These are appropriate and important guidelines to use in evaluating the effect of a four story, three hundred and thirty student building project in a quiet residential area.

Under Section 300-75 B. Requirements, number 6a references the location and dimension of proposed buffers and later in C, number 7 reference is made to "landscaping constituting a visual and/or noise buffer between the applicants and adjoining lands." Section 6c, number 1 considers the "location, arrangement, spacing, massing, height, size, architectural design and general site compatibility of buildings..." Under C 13 I note reference to the "structures to be compatible with existing and planned uses to adjacent properties and districts and promote the protection of existing area character." I believe the current Site Plan does not meet, or fails to address, these important standards laid out in the Oneonta Municipal Code.

The first issue is the size of the complex. At four stories tall and at its present grade and location this structure will tower over Wood Ridge Apartments. If you visit Newman's Twin River complex in Binghamton, then walk up Blodgett Drive and imagine it where the present preliminary plans show it I'm sure you'll get the idea. It will be an enormous presence in a quiet residential neighborhood. The style of building, its size and its very dense student population are all out of character for this section of the City.

The second issue is that the preliminary plan shows no attempt to mitigate the impact of this development on us as neighbors. There are existing trees that could at least provide some visual and noise buffer _but my sense is little or nothing will be retained._ This is absolutely critical to us that a robust visual and noise buffer be retained to mitigate against what will unquestionably be a huge game changer for us.

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We understand the need for development in Oneonta, but not development at any cost. The proposed Site Plan could be improved by reducing the massing of the building, moving it further away from its near neighbors and allowing for a far greater retention of existing vegetation. We believe these improvements would allow for development that would meet the standards spelled out in the Code, and we look forward to the ideas of everyone involved in this project as to how we can move forward together.

Sincerely,

The following was received from the Otsego County Planning Department acknowledging receipt of the referral for the Site Plan Review for the Hillside Commons Student Housing Development, dated May 3, 2013:

This is to formally acknowledge delivery on 5-3-2013 of your referral of the below identified application pursuant to Sections 239-m or 239-n of Article 12-B of the General Municipal Law..."

The following was received from Thomas Beattie, sent to Planning Commission Member Thomas, dated May 7, 2013:

Hi Becky,

I've met with City engineer Greg Mattice and talked with him a few times by phone in order to get a better handle on how Hillside Commons drainage will work. He's been very helpful, and I think I understand the system, which certainly has merit. Below is what I understand (which could be faulty), followed by some concerns. I hope you'll share my concerns with the Commission (which may already be discussing them).

Understandings:

1. All drainage from the project itself (building, grounds, parking lots) will drain into a storm water facility to be constructed on the south end of the property. This includes drainage from a ditch that will run from the parking lot along the East side of the property and then down into the storm water facility. Drainage farther East of the property will use existing lines. Mr. Mattice said that no water from the property will drain directly down Blodgett Drive.

2. The storm water facility will drain into Hunt Union Pond via underground piping that already exists. There will be two outlets, a 3" and 6", with the 6" used especially in time of heavy rain.

3. The Hunt Pond will no long drain into the College Park existing line, but instead be diverted into the new 15" storm drain to be constructed under Bugbee Rd.

4. Water that now comes down Blodgett will continue to drain into the ditch on the East side of Blodgett. The ditch will continue to occasionally flood adjacent properties and continue to connect to the existing line running East on College Park. However, the College Park line will be relieved because the Hunt Pond will no longer drain into it.

5. Virtually all water from the project will drain through the Pond, under Bugbee Rd, and down into the creek below the intersection of Bugbee and East.

Concerns:

1. The Hillside storm water facility must be large enough and strong enough to retain great volumes of water during big storms. How has its size been calculated? Should it be made of concrete to avoid underground seepage and possible uncontrolled run-off?

2. The ditch on the East side of the Hillside property should be deep and kept clear of growth and debris to avoid being overwhelmed during major storms. Wouldn't a pipe line rather than an open ditch might be a safer bet?

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3. *Have measures been taken to minimize the possibility that the new Bugbee line could become overwhelmed, sending water onto adjacent properties?*

4. *Have measures been taken to minimize the chance of severe flooding at the "S-curve" near the high school and onto properties below?*

Thanks for listening!

The following was received from Stephanie Brunetta, dated May 9, 2013:

I'm writing to request that you share this letter with my concerns about unanswered questions regarding the plans for staging of the anticipated summer construction projects for the East Street/Bugbee Road neighborhoods: the Blodgett Drive Student Housing Project and the SUCO parking lot project.

*For the past couple of weeks I have asked questions about plans for the staging site for the Newman Blodgett Drive project. As of this morning, the City Code Enforcement Office does not have a response from the Newman, the developer re: the question of staging plans. It is my understanding this is information **must be included in the Total Site Plan for the project which the Planning Commission is currently reviewing.***

*Additionally, it now seems likely that there will be **two** significant construction projects running traffic through our neighborhood this summer: the Blodgett Drive Student Housing Project; and, the recently made public SUCO parking lot project on the part of the SUCO campus with access from Bugbee Road.*

I am very concerned about the staging site(s) for these projects. In the past, property at 176-178 East Street at the intersection of East Street/Bugbee Road and Meadowbrook Lane has been used for staging construction projects. The early morning/evening meeting/parking for site workers, the delivery and overnight holding of heavy excavation equipment, to be started up at 7 a.m., the storage, loading and unloading of gravel, fill, pipes, etc. is not an approved activity for the City lots at that location as they are in a High-Density Residential (R-3) Zone. Parking of vehicles is also not a permitted use. There is not a residence(s) on either lot.

To date the Blodgett Project Developer, Newman, has not made public the plans for staging the Blodgett Drive Student Housing construction, which if approved by the Planning Commission, will begin this summer and run through August of 2014. As East Street and Bugbee Roads are indicated as the main access route to the site on Blodgett, heavy construction traffic will impact the entire neighborhood. While this is deemed a "temporary" impact on neighborhood residents, we should not have to live with the daily activity associated with construction staging at a site that is not zoned for such activity.

While there is not much we can do re: SUCO plans for an additional parking lot on the campus, the City can make it clear to the property owner of 176-178 East Street and SUCO that the lots at Bugbee/East and Meadowbrook are not appropriate for staging of any construction project- since such activity is not permitted based on zoning law.

As the lots span both City and Town with road/driveway access via the City properties, I'm planning on expressing this concern and request that zoning be enforced to prevent staging of construction projects in this location to both City and Town officials.

I ask that you please share this letter with Mayor Miller, City Manager Long, and Planning Commission Chairman Finn.

I request that the Planning Commission seek specific construction staging plans, to include a full communications plan to keep residents informed of staging/traffic flow/controls, from Newman as part of the complete project Site Plan/SEQR Review and that all zoning laws for the City/Town be fully enforced.

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Thank you for attention to this matter.

The following was received from Denise Michelson, dated May 9, 2013:

Mr Koury, Please copy this letter to the mayor, the entire common council, the zoning board and the code enforcement personnel, and other pertinent offices and persons. The projected student housing project above SUNY-Oneonta has the potential to destroy the economy of Oneonta for many reasons.

1. The tax abatement is absurd; homeowners pay full taxes for old homes, many in bad condition, and this company wants a 50% reduction to Payment in Lieu of Taxes??? They are not, as many people have explained, offering any long term benefits to the city or the town, no jobs, no income, no “wonderful” facilities for all to enjoy. (I know of a man who wanted to build an ice rink, for all to enjoy, with possibilities for additional small businesses inside, but the mayor and his pals killed that proposal which would have provided many tangible, economic and recreational benefits.) This project provides nothing to anyone here, although they all pretend.

2. Over the next few years, after the tax abatement has expired, it is quite possible that the college will purchase this “done-deal,” this completed housing project and then another large territory will fall under the “non-profit” umbrella and the city taxpayers will have to pick up the cost of cleaning and maintaining those new streets and other related city costs. Reduced Tax (abatements) for this project are totally unjustified. Now that the Common Council has foolishly passed that part of the request, at a meeting no one knew about, we must stop the project by demanding a the Zoning decision that refuses the project.

3. This housing will move students away from the downtown businesses, the ones that have provided student food, entertainment and activities for decades. (I may not approve of some of these activities, but the businesses buy owners their groceries and they pay taxes based on use!)

4. We don't need housing for 330 students. The college is not currently expanding and is not planning an expansion. If the city needs any housing, it should be reasonably priced space for families or new people moving to town for the few jobs, e.g., in teaching, etc, at the college or to the public or other schools. When I moved here almost eight years ago, there was no reasonable rental housing in the city.

*5. The city needs to carefully and severely enforce housing codes. As a Census worker, I saw the conditions of many student dwellings, and many were abysmal. Building new housing does not repair the old housing, and leaving some of the current student housing vacant due to some students moving “up the hill” will only cause further dilapidation of the current, older homes that serve as student apartments. **SOME OF THE PARTLY ABANDONED STRUCTURES MAY HOUSE ILLICIT BUSINESS OR DRUG DEALERS. ARE WE TRYING TO CREATE MORE “BUSINESS” FOR POLICE? IS THAT A GOAL??***

6. While some city dwellers do not want student housing near them, due to excessive noise and parties, many people are barely aware of students living nearby. There are many serious students who avoid the loud parties and the mess. Some students, just like some adults, are disrespectful to neighbors and others are fine. No generalizations, please!!

*7. The mayor, Mr Dick Miller, owns a piece of the land projected for the sale in order to build the housing. **IS SOMEONE BLIND?? IS THIS NOT A CONFLICT OF INTEREST?? MILLER SAID SOMETHING LIKE, “I DON'T SEE ANY REASON WHY THIS SHOULD NOT BE APPROVED,” I.E. GO FOR IT GUYS, MAKE ME SOME MONEY!!***

8. Also the area Mr M Ranieri owns, which he tried to make into a parking lot for “residents and students” would likely be used as a “Staging Area,” for parking heavy equipment, materials, etc. Mr Miller finally agreed to stop that parking lot project, somehow he woke up. However, Ranieri would surely charge rent for the use of his lots and then we'd see and hear all kinds of equipment.

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STOP THE PROJECT. IT'S STUPID, WASTEFUL, KILLS VARIED BENEFICIAL ASPECTS OF COLLEGE STUDENTS LIVING IN THE DOWNTOWN AREA, AND COSTS MORE MONEY FROM CITY'S TAXPAYERS.

The following was received from Eric Larsen, Loral Development, dated May 10, 2013:

“Dear Planning Commission Members,

I have reviewed the Newman Development submittals to assess what is being proposed to mitigate the project's impact on the livability of our neighborhood. What I have seen so far provides almost nothing in this regard. We would like to ask that the developer be required to submit a three dimensional study that places the proposed building in a photo of the surrounding neighborhood buildings from a variety of angles so we can see its visual impact. We would also like to know how the noise and activity of three hundred thirty students is going to be mitigated. The proposed development is an extremely dense use of the buildable land on this site and we believe it is incumbent on the developer to demonstrate how it will be possible to retain some sense of peace and quiet for nearby neighbors. While it seems likely to us that there are too many units and too little landscape buffer we remain open to the ideas of everyone involved. Thank you for your time and attention in hearing our concerns.

Sincerely,”

The following was received from Paul Neske, Town of Oneonta Code Enforcement Officer, dated May 14, 2013:

“Dear Mr. Finn,

My office has received several telephone calls inquiring about off-site staging and materials storage in the town for the Hillside Commons project. I have discussed this with Robert Chiappisi, Code Enforcement Officer and reviewed the submitted documents available on the city website. Those documents do not show any proposed off-site staging or material storage for the project.

I respectfully request that a condition be placed on the project that there be no off-site staging or material storage for the project in the town without review by this office and necessary approvals in the town code being acquired.

Please feel free to contact my office if you have any further questions or require clarifications.

Very truly yours,

The following was received from Jeff Smetana, Newman Development Corporation, May 14, 2013 in response to Paul Neske's letter dated May 14, 2013:

In response to the comments regarding off site staging in the attached letter from Paul Neske from the Town of Oneonta:

We have no plans to do any off site staging or storage of materials. There is more than adequate space on the property to adequately and appropriately accomodate all staging and storage. Parking for construction workers, storage trailers, stored materials and equipment will all be handled on site. In the initial stages of construction, the site will be cleared and graded and storm water management systems will be constructed. The number of workers will be limited during this stage and all parking and equipment will be easily handled on the southern portion of the property. The parking lot to the north of the building pad will then be graded and paved providing more than adequate parking and storage area and will help the storm water conditions. Working off a paved surface will also minimize the amount of erosion, dirt and dust and will allow vehicles to remain cleaner, thus limiting the impact on Blodgett Drive and other roads leading to the site.

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It is reasonable for the Town to expect that proper approvals be required for staging and storage on sites in the Town. But, we will not be doing such activities in the Town, so have no need to request the described approvals.

The following was received from Tom Rathbone, Associate Vice President, Facilities Planning & Safety, SUNY College at Oneonta, dated May 14, 2013:

“Dear Mr. Koury,

Thank you for providing the State University College at Oneonta an opportunity to review the EAF for the proposed Hillside Commons project. This is to acknowledge receipt of your correspondence of May 2. The following comments are provided.

Pedestrian Traffic

Pedestrian traffic management is the greatest concern of the college. The developers propose to install a five-foot-wide sidewalk extending 400' south of the intersection of Farone Drive and Blodgett Drive, on the West side of Blodgett Drive. This places the endpoint at the parking stripes just outside the College's main varsity baseball field. From this point, there is no sidewalk indicated, either on city right of way or on campus property. If it is the intent to divert pedestrians across campus property, there are no lighted, concrete sidewalks on this area of campus. Please provide the College with the plan to manage pedestrian traffic between the main campus and the new sidewalk in order to ensure personal safety for all concerned. Also, please clarify which party will be responsible for maintaining the new sidewalk.

Storm Water Management

Please clarify the project's impact on the Hunt Union pond (if any) with relevant calculations appended.

Trails

There are a series of recreational trails between the college and the college camp north of the campus. The "Red Trail" passes within feet of the College's property line adjacent to the project. The developers propose a ditch-and-berm between their parking lot and the property line. Please clarify that these trails will not be adversely affected by the project.

If you have any questions, please feel free to contact me at (607) 436-3224.

Sincerely,”

The following was received from Victoria Andritz & Robert Rightmire, dated May 15, 2013:

Attention Planning Commission:

As residents on Blodgett Drive, we wish to draw your attention to:

- The traffic that will occur in our area when both SUNY & Newman are involved with construction projects in the same area. What can be done to address this problem?*
- The traffic report provide to the commission two weeks ago was flawed. The study was done on Nov. 27 & 28, thus it did not consider the flow of students from the dorm area to the playing fields above Hunt Union. Walkers must be a major consideration during the months of Sept., Oct., April & May. Also, the dorms are directly below the playing fields. The students will not detour to take a side walk that brings them away from their destination. Keep in mind the "straight line" rule.*

Your help is critical.

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Respectfully,

The following was received from Robert Chiappisi, Code Enforcement Officer, regarding the fraternities and sororities, dated May 15, 2013:

17 Maple Street –All inspection have been completed and reported violations corrected. The Certificate of Substantial Compliance was issued and is valid until April 1st, 2014. They have a sprinkler inspection due in August.

I met with the chapter president a few weeks back to discuss the carriage house. The Bd may recall that an application to demolish the carriage house was denied by them last year. I met with the current president, Ms Zimmerman, last month to discuss possible uses for the building. She may wish to update you on discussions held with her sisters concerning the structure.

In the previous 12 month period:

OPD – No reports

OFD – 1 Report of a malfunctioning CO detector

Code office recommends the issuance of the SUP for 17 Maple Street with the same stipulations and conditions that were given last year.

6 Myrtle Avenue - All inspection have been completed and reported violations corrected. The Certificate of Substantial Compliance was issued and is valid until April 5, 2014. They have a sprinkler, electrical and furnace inspections due when they return to college in the fall.

In the previous 12 month period:

The OPD responded to 4 calls at the property, 3 of the calls occurring this past April. In one instance a residents' car was vandalized and the other calls were domestic disturbance in nature.

The OFD responded to 2 calls: 1 report of a gas odor and 1 malfunctioning CO detector

Code office recommends the issuance of the SUP for 6 Myrtle Avenue with the same stipulations and conditions that were given last year.

23 Elm Street -- All inspection have been completed and reported violations corrected. The Certificate of Substantial Compliance was issued and is valid until April 1st, 2014.

In the previous 12 month period:

The OPD responded to 3 calls at the property: 1 trespassing/vandalism, 1 larceny and 1 garbage complaint

The OFD responded to 2 calls: the 1st was the result of an unknown person pulling the fire alarm and the 2nd was an accidental smoke alarm activation.

Code office recommends the issuance of the SUP for 23 Elm Street with the same stipulations and conditions that were given last year.

61 Elm Street – The Certificate of Substantial Compliance has not yet been issued due to the fact that the sprinkler system requires an NFPA 25 compliant inspection. I have spoken to the property owner and he is going to have it completed and any violations that are found will be corrected.

In the previous 12 month period there have been:

OFD – No records

OPD- No records

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The code office recommends that since the current SUP is valid until May 31, 2013, that the Planning Commission approve the SUP conditioned on receiving their C of C prior to May 31, 2013. The same stipulations that applied to the previous years' SUP should apply as well. Failure to receive their C of C by May 31st would require that the chapter reapply after they have received their C of C.

56 Maple Street-- The Certificate of Substantial Compliance has not yet been issued due to the fact that there are outstanding electrical violations that have yet to be corrected. I have spoken to the Justin Harris and he has retained a local licensed electrician to correct the violations.

In the previous 12 month period:

The OPD responded to one domestic dispute call

The OFD responded to one malfunctioning fire alarm call.

The code office recommends that since the current SUP is valid until May 31, 2013, that the Planning Commission approve the SUP conditioned on receiving their C of C prior to May 31, 2013. The same stipulations that applied to the previous years' SUP should apply as well. Failure to receive their C of C by May 31st would require that the chapter reapply after they have received their C of C.

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

The following was received from Karen Sullivan, Otsego County Planning Department, Code Enforcement Officer, regarding the fraternities and sororities, dated May 15, 2013:

“Dear Mr. Koury:

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Per correspondence from the Office of the City Clerk dated May 2, 2013, the Otsego County Planning Office has reviewed the revised Environmental Assessment Form (EAF) Part I and attached materials. The Planning Department Staff also took the liberty of commenting on Part II of the EAF which was included in the General Municipal Law §239 review materials. The Planning Office staff offers the following comments and questions that lend further consideration.

Part I of the EAF

Site Description

3.a. Soil Drainage:

Response: 73% of the site is poorly drained

Comment: With poorly drained soils, adequate storm water controls will be critical. The Planning Commission should thoroughly review the storm water Pollution Prevention Plan.

Project Description

20. Will project produce operating noise exceeding the local ambient noise levels?

Response: No.

Comment: A college housing facility such as this will include traffic noise (approximately 49 vehicular trips per house during PM peak), as well as noise from residents traveling by foot or bike, and noise from residential activities, either exterior or interior (with windows open). It would be advisable to give noise impacts further consideration considering that there are other residential uses in the vicinity.

C. Zoning and Planning Information

6. Is the proposed action consistent with the recommended uses in adopted local land use plans?

Response: Yes

Comment: in the City of Oneonta Comprehensive Plan, the policy area - Economic Health and Revitalization, includes a short term action item (pg 68) to "Utilize the Vacant Land Evaluation (2005) report to identify and rank key in fill parcels and locations that can be utilized for new housing construction". The Planning Commission should review this report to determine if there is information or recommendations regarding the parcel in question. The Comprehensive Plan, in the section regarding the Relationship Between the City & Colleges, includes an action item to "Identify the housing needs and desires of college students and lower and middle income populations to determine if supply is adequate". The Planning Commission should determine if the developer has clearly established that there is a need to add units to the supply of off-campus housing for students.

The Comprehensive Plan, in the section regarding the Relationship Between the City & Colleges, includes the action item to "... restrict rental properties, including summer rentals, from the Walnut Street Historic District. Serious consideration should be given to expanding this restriction beyond the historic district to preserve other well established owner-occupied single family neighborhoods". As the City considers implementing this action, a consequence may be a reduction in the amount of available off-campus down-town housing for students. This project could be viewed as supportive of this action.

Other relevant discussion in the Comprehensive Plan includes: "ensure that all new residential development is integrated into the existing street network and located in proximity to services and attractions", "minimize the creation of cut-de-sacs in order to provide automobile and pedestrian connectivity" and "the proposed types of uses seen as appropriate for this land use area include: Town homes and multifamily residential development that respect the scale and design of surrounding uses".

11. Will the proposed action create a demand for any community provide services?

Response: Yes.

If yes, is existing capacity sufficient to handle projected demand?

Response: Yes

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Comment: The developer should attempt to quantify the increase in emergency services by the City's Fire and Police departments. The Fire and Police Chiefs should review this project carefully and comment on their capacity to provide essential emergency services to the project. The developer should estimate the anticipated additional service requirements and propose any potential mitigation measures, such as the college and city sharing in the response calls.

Part II of the EAF

1. Will the Proposed Action result in physical change to the project site? Response: Yes.

Comment: According to Part I of the EAF, 47% of the property has a slope greater than 10%. According to Part I of the EAF, construction will take 12 months and will not be phased. To mitigate potential issues, the developer will be required to have a storm water management plan during the construction phase and after completion. The project will need a general construction storm water permit (SPDES) from NYSDEC, as acknowledged on page 8 of Part I of the EAF.

5. Will Proposed Action affect surface or groundwater quality or quantity? Response: Yes.

Comment: As discussed above, the developer is responsible for acquiring a SPEDES permit through the NYSDEC. Given the slopes and poorly drained soils, the City should thoroughly review the Storm Water Pollution Prevention plan (SWPPP) required by the permit. The Phase I Environmental Site Assessment document prepared by Keystone Associates, notes on page 4, "that a physical investigation would be required to verify the groundwater flow direction at the Site."

6. Will Proposed Action alter drainage flow or patterns, or surface water runoff? Response: No.

Comments: The examples given under Part II, clearly do not represent any anticipated conditions relative to the project. Knowing the historical flooding that has occurred in the area south of the project site and the concerns of the neighboring residents, it would behoove the Planning Commission to thoroughly review previous impacts from flooding and assure that the situation is corrected. It is our understanding that these conversations have taken place and the City is taking measures to address the concerns.

11. Will Proposed Action affect aesthetic resources?

Response: No.

Comment: The project proposal is not necessarily in "sharp" contrast to the surrounding land uses due to the fact there are existing multi-housing units, the college property, and a single family residence adjacent to the site. The City Planning Commission should take a hard look at any potential impact the project may have on surrounding property owners and consider what the mitigative measures the developer will propose, whether plantings, fencing etc., to help lessen the potential impact of the new structure to the visual impact of the existing properties.

12. Will Proposed Action impact any site or structure or historic, prehistoric or paleontological importance?

Response: No.

Comment: According to the NYS Office of Historic Preservation's online mapper, part of the site is within an archaeologically sensitive area. When projects are proposed in these sensitive areas, NYS requires a Phase IA/IB archaeological study. The developer has completed a "Public Archaeology Facility Report", which would qualify as the Phase IA portion of the study. That facility report recommends that the Phase IB portion of the study should include approximately 100 soil test pits. The Planning Commission should require the developer to complete and submit the Phase IB study to NYS Office of Historic Preservation.

15. Will there be an effect to existing transportation systems?

Response: No.

Comment: In the Departments opinion, the project will have an effect on existing transportation systems, although these effects may not necessarily be significant and adverse. According to Part I of the EAF, a traffic study has concluded that there will be a peak of 49 vehicle trips per hour and that there will not be a change in the Level of Service of local intersections. Although the

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Level of Service at the intersections will not change, this statement does not convey the current Level of Service at those intersections. The Planning Committee should take a hard look at the traffic study provided to determine if the increased traffic generated by project will not have an adverse impact on the community.

The project may possibly require a new bus route by OPT to service the area. The City's Transportation Director should review the project and comment on the provision of transportation services.

17. *Will there be an objectionable odor, noise, or vibration as a result of the Proposed Action?*
Response: No.

Comment: As discussed under Part 1 of the EAF, this project has potential for noise levels that may exceed ambient levels. Although the project proposal does not exceed any of the bulleted examples on the EAF under question 17, the general concern by the local residents for additional noise from college apartments should be addressed by the developer.

18. *Will Proposed Action affect public health and safety?*
Response: No.

Comment: As discussed under Part 1 of the EAF, the developer should attempt to quantify the increase in Fire and Police services to determine the impact on the City's public safety agencies.

19. *Will Proposed action affect the character of the existing community? Response: Yes (a change in the density of land use).*

Comment: The proposal has the potential to bring an additional 350 persons into the community. The question is whether the persons will be students that simply relocate within the city or new, additional students to the college. Although this figure does not exceed the example of exceeding a population by 5%, the question of potential impacts to the municipal budget including capital expenditures or operating services by the City due to the development should be evaluated. The Planning Commission should determine what, if any, additional cost may be borne by the City, police, fire, ambulance, etc., because of the development. The developer should discuss any mitigative initiatives available to address this potential.

20. *Is there likely to be public controversy related to the potential adverse environmental impacts?*

Response: No.

Comment: There has been public controversy regarding the impact of the project on the community character of the immediate neighborhood and the economic impact on the downtown student rental businesses as a result of changing housing demands due to the project proposal. If the Planning Commission has any question regarding the above comments, please feel free to contact the Department at 607-547-4225.

Best Regards,"

The following was received from Kathryn Roffe, regarding 56 Maple Street, dated May 15, 2013:

"The fraternity at the corner of 56 Maple Street and Spruce Street should not be given a one year permit for another year until the fraternity and the owner of the house have the large maple tree cut down on the Spruce Street side of their house.

The back on one side of the tree from the trunk all the way down to the ground has come off on the ground and sidewalk. There are large holes in the tree and a large dead limb. This is about 25 to 30 feet from my house.

For security reasons the tree needs to come down before it could hit the fraternity house, my house, hit the parked cars and the street.

I have enclosed pictures."

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The following was received from Peter Friedman, 69 Maple Street, dated May 15, 2013:

My name is Peter Friedman. I live at 69 Maple Street. I worked for the City of Oneonta for 30 years. During that time I saw the city reject five for profit housing project proposals and approve only one. During the same period I saw the city approve all four subsidized housing project proposals. For a community to be a healthy community it cannot go on rejecting every for profit housing proposal just because either the neighborhood is opposed or the rental business owners don't want competition. We need jobs and we need housing. The project is a good start. It can result in some much needed housing for working families and seniors. Send a clear message to the developers of housing and business in this region that the city is open to good development. Don't pile on to this developer without a really good reason. Don't continue to do what we've been doing for 35 years.

AGENDA ITEMS

HILLSIDE COMMONS

The commission's first order of business was the Public Hearing related to the Hillside Commons Student Housing project proposed by Newman Development Corporation. Chair Finn opened the hearing and asked for public comment at this time. The following people addressed the commission:

Tom Beattie: Mr. Beattie expressed his concerns related to stormwater runoff and drainage.

Kathy Ridgway: Ms. Ridgway inquired about the procedure for construction, what was going to be done first and had some staging questions.

Stephanie Brunetta: Ms. Brunetta addressed the commission about her concerns related to the staging area, and how the public will be able to address their concerns when construction began and who the liaison would be to forward those concerns to.

Denise Michelson: Ms. Michelson stated the project should be killed. The city did not need student housing and expressed her concerns over the impact of the project on traffic and the impact of construction and other equipment on city streets.

Alrene Allen: Ms. Allen was concerned about the impact of the project on Woodridge Apartments and wanted to make sure residents are told when water will be shut off related to the construction of the project.

Steve Feuer: Mr. Feuer expressed his concerns that no economic impact study was done and was concerned over the impact on the rental market in the city.

Judy Carrington: Ms. Carrington expressed her concerns over infrastructure improvements and impacts on neighboring residents due to the project.

Eric Larsen: Mr. Larsen expressed his concerns over the project in terms of the site plan issues related to density, and the impact of the proposed housing complex on Woodridge Apartments.

Irene Weinberg: Ms. Weinberg expressed her concerns over the condition of the road in the winter and the maintenance of the road.

Mike McInerney: Mr. McInerney expressed concerns about traffic congestion and impacts on the neighborhood since many of the roads in the area are dead end roads.

Paul Sweet: Mr. Sweet expressed his concerns over speeding traffic and the "hump" in the road and its impact on sight distance. He felt the developers were using the community as a "cash cow" and felt the tax abatement was unnecessary.

Peter Friedman: Mr. Friedman read the statement that was provided under correspondence.

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Chair Finn asked if anyone else wished to address the commission. Hearing none, Chair Finn closed the public hearing.

City Attorney Merzig then led the commission in its review of the Long Environmental Assessment Form. He stated the commission needed to review Part II.

Mr. Ohman of Delaware Engineering then explained the process for reviewing Part II and identified impacts. The commission went through Part II of the EAF and agreed on those items that needed no further explanation in Part III. The more difficult issues would be addressed at the subsequent workshop to be held on May 22nd.

After completion of the Hillside Commons portion of the meeting, Chair Finn stated there would be a brief break and then the commission would reconvene to deal with the Special Use Permits for the fraternities and sororities.

SPECIAL USE PERMITS

Chair Finn reconvened the meeting and asked Code Enforcement Officer Chiappisi to address each fraternity and sorority to be considered. The commission began with the permit request for Gamma Phi Delta, 23 Elm Street.

The following Memorandum, dated April 30, 2013, was received from Code Enforcement Officer Chiappisi:

*SUBJECT: PROPERTY ADDRESS: 23 Elm Street
MEMBERSHIP NAME: Gamma Phi Delta
TAX MAP #: 300.06-1-36
PROPERTY OWNER: Gamma Phi Delta
APPLICANT: Margaret Woodhouse
MAXIMUM OCCUPANCY: 13 Unrelated Individuals
ZONING DISTRICT: R-2: Moderate Density Residential District*

PROPOSAL: The applicant wishes to occupy this property as a sorority from June 1, 2013 to May 31, 2014.

SPECIAL USE PERMIT APPLICATION:

§ 300-34 F: All existing fraternity, sorority, chapter and membership association houses existing on the date of adoption of this section shall apply for and obtain special use permits annually prior to May 31, or, in the event of failure to apply for or failure to be granted the special use permit, shall cease to function as fraternity, sorority, chapter or membership association house.

Forty-eight (48) letters were sent out by the Clerk's Office to property owners residing within 200 feet radius of the property in question and no responses were received.

The following motion was presented and voted on:

MOTION, made by Commissioner Eastman and seconded by Commissioner Thomas that the special use permit for Gamma Phi Delta Sorority, 23 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

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

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

Voting No: None

Absent: Commissioner Tomaino
Commissioner Holden

MOTION CARRIED

The next permit application considered by the commission was 61 Elm Street, Tau Kappa Epsilon.

The following Memorandum, dated April 30, 2013, was received from Code Enforcement Officer Chiappisi:

*SUBJECT: PROPERTY ADDRESS: 61 Elm Street
MEMBERSHIP NAME: Tau Kappa Epsilon
TAX MAP #: 288.18-3-20
PROPERTY OWNER: Joseph Vallette
APPLICANT: Eric Bode
MAXIMUM OCCUPANCY: 16 Unrelated Individuals
ZONING DISTRICT: R-2: Moderate Density Residential District*

PROPOSAL: The applicant wishes to occupy this property as a fraternity from June 1, 2013 to May 31, 2014.

SPECIAL USE PERMIT APPLICATION:

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§ 300-34 F: All existing fraternity, sorority, chapter and membership association houses existing on the date of adoption of this section shall apply for and obtain special use permits annually prior to May 31, or, in the event of failure to apply for or failure to be granted the special use permit, shall cease to function as fraternity, sorority, chapter or membership association house.

Forty-eight (48) letters were sent out by the Clerk's Office to property owners residing within 200 feet radius of the property in question and no responses were received.

After some discussion regarding peeling paint and some other external maintenance issues raised by Peter Friedman, 66 Maple Street, the commission tabled the request to a subsequent meeting so the Code Enforcement Officer could speak with the landlord about the maintenance issue. Some commissioners raised the concern that this particular house should not be singled out for peeling paint when the others weren't being held to the same standard. Some felt this was a landlord/code issue and the fraternity brothers were being wrongly penalized for something they had no control over.

The next permit considered was Alpha Omicron Pi, 17 Maple Street.

The following Memorandum, dated April 30, 2013, was received from Code Enforcement Officer Chiappisi:

*SUBJECT: PROPERTY ADDRESS: 17 Maple Street
MEMBERSHIP NAME: Alpha Omicron Pi
TAX MAP #: 288.18-4-46
PROPERTY OWNER: Alpha Omicron Pi
APPLICANT: Melissa Zimmermann
MAXIMUM OCCUPANCY: 21 Unrelated Individuals
ZONING DISTRICT: R-2: Moderate Density Residential District*

PROPOSAL: The applicant wishes to occupy this property as a sorority from June 1, 2013 to May 31, 2014.

SPECIAL USE PERMIT APPLICATION:

§ 300-34 F: All existing fraternity, sorority, chapter and membership association houses existing on the date of adoption of this section shall apply for and obtain special use permits annually prior to May 31, or, in the event of failure to apply for or failure to be granted the special use permit, shall cease to function as fraternity, sorority, chapter or membership association house.

Forty-eight (48) letters were sent out by the Clerk's Office to property owners residing within 200 feet radius of the property in question and no responses were received.

After a brief discussion regarding the condition of the carriage house, the commission decided to approve the permit but directed that a letter be sent to the corporate owners stating that the permit's approval next year would be contingent upon improvements being made to the carriage house.

The following motion was presented and voted on:

MOTION, made by Commissioner Overbey and seconded by Commissioner Eastman that the special use permit for Alpha Omicron Pi, 17 Maple 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

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

Voting Aye: Commissioner Finn
Commissioner Herzig
Commissioner Thomas
Commissioner Overbey
Commissioner Eastman
Voting No: None
Absent: Commissioner Tomaino
Commissioner Holden

MOTION CARRIED

The commission considered the permit for Phi Kappa Phi, 56 Maple Street.

SUBJECT: PROPERTY ADDRESS: 56 Maple Street
MEMBERSHIP NAME: Phi Kappa Phi
TAX MAP #: 288.18-1-81
PROPERTY OWNER: Oneonta-Maple LLC
APPLICANT: Justin Harris
MAXIMUM OCCUPANCY: 15 Unrelated Individuals
ZONING DISTRICT: R-2: Moderate Density Residential District

PROPOSAL: The applicant wishes to occupy this property as a fraternity from June 1, 2013 to May 31, 2014.

SPECIAL USE PERMIT APPLICATION:

§ 300-34 F: All existing fraternity, sorority, chapter and membership association houses existing on the date of adoption of this section shall apply for and obtain special use permits annually prior to May 31, or, in the event of failure to apply for or failure to be granted the

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special use permit, shall cease to function as fraternity, sorority, chapter or membership association house.

Forty-eight (48) letters were sent out by the Clerk's Office to property owners residing within 200 feet radius of the property in question and no responses were received.

Peter Friedman, 66 Maple Street stated the permit should not be granted due to garbage, parties and the density of the property.

Ada Drake, 30 Walnut Street, expressed concerns over issuance of the permit related to parking, vandalism, sitting on roofs, and language.

MOTION, made by Commissioner Eastman and seconded by Commissioner Thomas that the special use permit for Phi Kappa Phi, 56 Maple 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.
8. The Special Use Permit is subject to revocation for non-compliance.

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

Voting No: None

Absent: Commissioner Tomaino
Commissioner Holden

MOTION CARRIED

The commission considered the permit for Phi Sigma Phi, 6 Myrtle Avenue.

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The following Memorandum, dated April 30, 2013, was received from Code Enforcement Officer Chiappisi:

SUBJECT: PROPERTY ADDRESS: 6 Myrtle Avenue
MEMBERSHIP NAME: Phi Sigma Phi
TAX MAP #: 288.17-3-80

PROPERTY OWNER: Phi Sigma Phi
APPLICANT: Shannon Hurley
MAXIMUM OCCUPANCY: 15 Unrelated Individuals
ZONING DISTRICT: R-2: Moderate Density Residential District

PROPOSAL: The applicant wishes to occupy this property as a sorority from June 1, 2013 to May 31, 2014.

SPECIAL USE PERMIT APPLICATION:

§ 300-34 F: All existing fraternity, sorority, chapter and membership association houses existing on the date of adoption of this section shall apply for and obtain special use permits annually prior to May 31, or, in the event of failure to apply for or failure to be granted the special use permit, shall cease to function as fraternity, sorority, chapter or membership association house.

Forty-eight (48) letters were sent out by the Clerk's Office to property owners residing within 200 feet radius of the property in question and no responses were received.

Pat Crowe stated that she was fine with the approval of the permit.

MOTION, made by Commissioner Thomas and seconded by Commissioner Eastman that the special use permit for Phi Sigma Phi, 6 Myrtle Avenue 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;

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

Voting Aye: Commissioner Finn
Commissioner Herzig
Commissioner Thomas

Commissioner Overbey
Commissioner Eastman
Voting No: None
Absent: Commissioner Tomaino
Commissioner Holden

MOTION CARRIED

There being no further business to come before the commission, Chair Finn adjourned the regular meeting at approximately 9:00 p.m.

JAMES R. KOURY, City Clerk

/jrk