

**ONEONTA, NEW YORK – MARCH 20, 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.

**PETITIONERS**

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

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

**CORRESPONDENCE**

City Clerk Koury gave a brief summary on the following correspondence that has been entered as written:

The following letter was received from Main Street Building Owners, Oneonta, received March 1, 2013:

*“Dear Planning Commission Member:*

*Enclosed is a petition signed by Main Street Building Owners that rejects the concept of Newman Development creating a large student housing complex on Blodgett Drive.*

*These owners have affirmed that they cannot afford to lose rents from students in their downtown buildings due to the proposed Newman Complex. They have affirmed that this will have severe economic impact on their ability to operate.*

*There is a less than 1% planned increase in enrollment at Oneonta State. This will not make up for the amount of students this project will remove from the rental market. We will provide written verification of this fact at a later date.*

*This petition has been signed by more than 75% of the building’s owners on Main Street. More petitions will be submitted, as the owners are located.*

*We trust that this and many other factors will be considered in your decision on this project.*

*Thank you,”*

A petition signed by twenty-three (23) Main Street Building Owners was attached.

The following letter was received from Janet Day, 58 River Street, Oneonta, received March 11, 2013:

*“To the Oneonta Planning Commission:*

*I strongly urge you not to support any special tax considerations for the Newman Development Group student housing project. As the faculty adviser for the State Times, I have noted for several years now that there is a high rate of student housing that is not rented each semester. As evidence of this fact, refer to the large advertising sections in the State Times. City tax dollars*

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*could be better spent attracting employers who would bring high-paying, year-round jobs to Oneonta.*

*Best,”*

The following letter was received from Rachel L. Larsen representing Wood Ridge Apartments, Oneonta, dated March 18, 2013:

*“I am Rachel Larsen and I represent the Wood Ridge Apartments on Farone Drive. We, and the fifty-four tenants who live there, do not feel it is appropriate to locate a very large dormitory in a quiet residential area. Its density simply poses issues of scale that are impossible to mitigate. A complex of this magnitude belongs on campus or downtown where the noise and traffic it generates will not degrade the quality of life of its neighbors. We Hope the Planning Commission will consider how this would affect them if it were built next door to them.*

*Thank You,”*

The following letter was received from Astrid Smith and Family, 8 Blodgett Drive, Oneonta, received March 19, 2013:

*“Dear all of the Planning Commission,*

*I am writing this email because I am concerned about the plans for building student apartments at the end of Blodgett Drive.*

*I live with my family, my husband, two kids and a dog, at 8 Blodgett Drive. So that will be the last house before the student apartments. We are renting this house from Craig Wesley. We will live here at least 3 years and we came from The Netherlands for work in the Friesland Campina plant in Delhi (Frasier). We chose this house because it is close enough to the center of Oneonta but still you got the feeling you live "free". It is a quiet street with a lot of space around and of course, the sporting fields in front of us. We walk with the dog on the tracks in the wood and we are really enjoying living here.*

*And then we heard about the plans of this building. In the plan, they were explaining a lot about the safety of the students. But I am concerned about the safety of the neighborhood and ourselves. As we know, when students come out of the bar on Saturdays, they make a lot of noise and throw a lot of trash everywhere. We are the last house before their home so I think we will find a lot of things in our yard the next morning. Also, we got a trampoline in the yard during spring/ summer/ fall. I won't think about the things that will happen during the nights... I am afraid that they will jump on the trampoline during the night.*

*Another concern is the traffic on the Blodgett Drive. People walk and bike on the street and also my kids (and dog) cross the street a lot of times a day and going by bike to school. The hill in the middle of the Blodgett Drive can be very surprised so now and then. You can't always see if a car is coming from the opposite site. I am afraid, when the traffic will expand, some severe accidents will take place. I hope my kids or my dogs are not involved in it, but also not other neighbors or students of course.*

*I hope I explained my concern and that you can understand my thoughts.*

*Kind regards,”*

The following documents were presented by Rick Weinberg as spokesman for himself, Michael Schinn, R. Keith Wilber, Brian O'Connor at the March 20, 2012 Planning Commission Meeting:

*“Dear Planning Commission Members,*

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**(Correspondence) continued**

*At Mr. Smetana's January presentation to the Planning Commission Mr. Smetana stated the following:*

*Direct Transcripts of Mr. Smetana from Planning Commission's January meeting:*

*Mr. Smetana speaking: And I think that in this market given the current demand and need, which I think is demonstrated by the 100 forced triples that the college currently has, they would like, um they really don't like, that's really a negative. Students don't like those. The fact that they are projecting to continue grow every year, to increase,*

(Letter from College Residence Life Office says no triples at all – there are 20 vacant rooms)

*At Chamber of Commerce in March 20, meeting Smetana changed it to:*

*Mr. Smetana speaking: They have 100 students that are in triples now, (continuing into spring semester,) seeing the growth of enrollment (250) students in the last several years.*

*At Planning Commission, meeting January Smetana said:*

*Mr. Smetana speaking: So for SUCO to really stay competitive with their peer institution, they really need this project.*

(Letter from SUNY President says college takes no position. If they really needed it, wouldn't they say so?)”

The following letter was received from Michele Luetzger, Director Residential Community Life, State University of New York, Oneonta, to Mr. O'Connor dated February 14, 2013:

*“Dear Mr. O'Connor,*

*On behalf of Dr. Kleniewski I write to respond to the occupancy questions contained in your February 1 letter.*

- *Is the College planning to increase enrollment?*

*Our current five year plan shows a very modest increase of 0.5% to 1% per year in student enrollment*

- *Prior to the fire, were there triples on campus? If so, how many?*

*In the fall semester, we had 85 tripled rooms at our occupancy utilization date (mid September). By early spring term, that number was reduced to 0. The campus usually is slightly over-occupied in the fall semester and slightly under-occupied each spring.*

- *Are there triples on campus now as a result of moving students after the fire?*

*We have no triples as a result of moving students after the fire.*

- *Are only freshmen placed in triples?*

*Triples are planned for each fall, and assigned during the summer months according to the number of freshmen and transfer students entering for the new academic year.*

- *Prior to the fire, were there vacant rooms and is so, how many?*

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*Prior to the fire there were approximately 30 fully vacant rooms and several others with only one student assigned. We consolidated these students together to accommodate space for roommate pairs to be re-assigned from Matteson Hall.*

- *Since the recent fire, are there vacant rooms on campus and if so, how many?*

*We have continued to consolidate students into rooms together since the beginning of the term, which is our usual practice, and now have approximately 20 vacant rooms.*

*Feel free to contact me if you have any questions.*

*Sincerely,”*

The following letter was received from Nancy Kleniewski, President State University of New York, Oneonta, to Mr. Rick Weinberg dated March 5, 2013:

*“Dear Rick (Weinberg) and Peter (Clark)*

*Thank you for your letter dated March 8 regarding the proposed Blodgett Drive development, which has generated ongoing interest within the community. Being a college and therefore a marketplace of ideas, we believe public conversation about this plan is healthy for Oneonta.*

*Although both proponents and opponents of the development have approached the college to seek support for their position, SUNY Oneonta has no role in this. The responsibility for determining whether the Newman Development Corporation’s project is appropriate rests solely with the City of Oneonta.*

*As conveyed after your meeting with my Senior Assistant Colleen Brannan and Vice President for Finance and Administration Todd Foreman, SUNY Oneonta has every intention of remaining impartial. Hence, I do not believe it would be constructive to ask members of my executive team to attend a formal presentation about the Newman development delivered to them in their capacities as campus leaders. This would be inconsistent with our firm position that the matter is not the business of the college.*

*With that said, certainly debate about the Newman Development Corporation’s proposal continues to be a valuable part of the process. Of course, anyone in the campus community may seek additional information about the Blodgett Drive housing proposal from you or other sources. Indeed, I am sure that many with relationships to SUNY Oneonta will form and voice strong opinions about the project as Dr. Lubell, whose letter to the Daily Star’s editor you’ve referenced, has.*

*Best regards,”*

*“P.S. I want you to know that I am personally aware of your concerns – Colleen has kept me apprised. I realize that you are alumni and also very active in the community, and I value that.  
Nancy”*

**APPROVAL OF MINUTES**

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

**Voting Ayes:** Chair Finn  
Commissioner Herzig  
Commissioner Thomas  
Commissioner Tomaino  
Commissioner Holden  
Commissioner Overbey

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**(Approval of Minutes) voting continued**

**Noes:** None  
**Absent:** Commissioner Eastman

**MOTION CARRIED**

Chair Finn stated the only item of business on the agenda was designation of Lead Agency for the Blodgett Drive project. He stated City Attorney Merzig was present to answer any questions.

The following Memorandum, dated March 6, 2013, was received from Code Enforcement Officer Robert Chiappisi:

<b>“SUBJECT:</b>	<b>PROPERTY / BUSINESS ADDRESS:</b>	<i>Blodgett Drive</i>
	<b>PROPERTY / BUSINESS OWNER:</b>	<i>Newman Deveolpment Group</i>
	<b>ZONING DISTRICT:</b>	<i>R-3: High Density Residential District</i>
	<b>PROPERTY OWNER &amp; TAX MAP #:</b>	<i>Janet Izzo: 288.06-1-02</i>
		<i>288.06-1-03</i>
		<i>288.06-62</i>
		<i>Richard Woods: 288.06-1-63</i>
		<i>288.06-1-64</i>

**PROPOSAL:** *The applicant wishes to develop the above lots into an apartment complex*

**STATE ENVIRONMENTAL QUALITY REVIEW (SEQR):**

**300-75 F:** *Compliance with SEQR. The Planning Commission shall not take final action on Any site plan proposal until all SEQR requirements have been addressed in accordance with 6 NYCRR Part 617.*

City Attorney Merzig explained the SEQR process in terms of the designation of Lead Agency and explained the purpose of the resolution before the commissioners for their consideration.

City of Oneonta Planning Commission SEQR Resolution  
Classification of Action and Lead Agency Designation  
Application to Build an Apartment Complex on Blodgett Drive

Whereas, the Planning Commission of the City of Oneonta has received a preliminary application, Environmental Assessment Form and related materials from Newman Development Group, LLC to build an apartment complex on approximately 15 acres of land located with a R3-High Density Residential District at Blodgett Drive within the City; and,

Whereas, the current zoning of the subject parcel is classified as R3-High Density Residential District; and,

Whereas, the State Environmental Quality Review Act (SEQR) regulation found at 6 NYCRR Part 617.3(a) require that no agency shall carry out, fund or approve an action until it has complied with the requirements of SEQR and,

Whereas, the SEQR regulations found at 6 NYCRR 617.6 (a) require that as soon as an agency receives an application for approval of an action it shall determine: (1) whether the action is subject to SEQR; (2) whether the action involves a federal agency; (3) whether other agencies are involved; (4) the appropriate preliminary classification of the action; (5) whether a full or short environmental assessment form is necessary; and (6) whether the action is located in an agricultural district and subject to applicable provision of the Agriculture and Markets Law; and,

Whereas, 6 NYCRR Part 617.6 establishes procedures for coordinated review of Unlisted actions where more than one agency is involved;

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Now, therefore, be it resolved that the Planning Commission of the City of Oneonta hereby determines that the application by Newman Development Group, LLC, to build an apartment complex at the proposed site on Blodgett Drive constitutes an action that is subject to SECQR and the preliminary classification of the action shall be designated as “Unlisted”; and,

Further be it resolved, that the Planning Commission hereby determines as follows:

- (1) at minimum, a Full Environmental Assessment Form is necessary to determine the significance of the action,
- (2) the proposed action is not located in an established agricultural district and therefore is not subject to the provisions of the Agricultural and Markets Law,
- (3) a coordinated SEQR review of the action will be undertaken in accordance with 6 NYCRR part 617.6,
- (4) other interested or involved agencies with respect to this action may include: (a ) the New York State Health Department; (b) New York State Department of Environment Conservation; (c) State Historic Preservation Office; (d) the Otsego County Planning Office; (e) the State University of New York at Oneonta; (f) the Town of Oneonta; and,

Further be resolved, that the Planning Commission hereby authorizes and directs the City Engineering Office to initiate a coordinated review of the action by filing a copy of the preliminary application, SEQR materials and appropriate notice with all agencies, and notifying said agencies that a Lead Agency must be agreed upon with thirty (30) calendar days of the date of mailing said notice; and,

Further be it resolved, that the Planning Commission , as an involved agency with the broadest governmental powers for investigation of the environmental impacts of the proposed action, hereby declares its desire to assume Lead Agency status for the purpose of SEQR review, and,

Further be it resolved, that having notified the involved agencies of the Planning Commission's desire to be Lead Agency, the Planning Commission hereby declares it shall be Lead Agency for SEQR review of the proposed action unless objection to such designation is received from any involved agency within the above specified thirty day (3) time period.

Chair Finn asked that the resolution designating the Planning Commission as Lead Agency be moved and seconded.

City Attorney Merzig stated that once the commission approved the resolution, it would then direct the Engineering Department to then commence the documentation for a coordinated review with all the agencies and to get their input within the next thirty days.

**MOTION**, made by Commissioner Herzig and seconded by Commissioner Thomas that the City of Oneonta Planning Commission be designated as the Lead Agency for the Hillside Commons project, as presented and explained by the City Attorney.

**Voting Ayes:** Chair Finn  
Commissioner Herzig  
Commissioner Thomas  
Commissioner Tomaino  
Commissioner Holden  
Commissioner Overbey

**Noes:** None

**Absent:** Commissioner Eastman

**MOTION CARRIED**

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**(Resolution voting) continued**

Chair Finn asked what would happen if another agency expressed a desire to be Lead Agency.

City Attorney Merzig stated to the best of his knowledge, there is no other permanent entity that would prevent the Planning Commission from moving forward with the project. If an agency does express its interest, they will have a right to be heard and present their case as to why it thinks it should be Lead Agency.

Chair Finn stated the resolution would be made available to the press and public. He also stated that all the information received to date has been or will be placed on the city's website for public review. He also informed the commission and those in attendance that a tentative schedule had been developed and is under review. He also once again reiterated that there will be ample opportunities for public comment in the near future and that if anyone had any comments, to put them in writing and forward them to the City Clerk. Those comments would be made part of the permanent record.

City Manager Long summarized the tentative schedule and stated it was subject to change as the project moves forward.

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

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JAMES R. KOURY, City Clerk

JRK/vpw