

Observations of Jerome Donovan. Prepared for, but not presented at the Planning Board meeting, 3/12/2012.

Observations on pertinent zone change criteria covered many of the same points.

The Cameron Group of Syracuse, the primary petitioner, acquired the parcels comprising the BP zone with full knowledge of its permitted uses, received site plan approval from this Board under those uses; received a PILOT and an Incremental tax financing plan using pilot payments to underwrite the cost of the park's infrastructure—road, water, sewer—designed around those same uses, and more recently has acquired access for the build-out of the Business Park from Rt 840 and Clinton Street at substantial cost to the taxpayer, all for the purpose of making the BP more accessible, which the petitioner has repeatedly stated needed to be done to market the property. The cost to taxpayer: over \$3M.

Now the Syracuse development company wants the Town to abandon the business park. For what -- more retail development --- despite the fact that town residents have overwhelmingly stated their opposition to more large scale retail.

Any developer first objective is to recover their cost and in this instance there is no assurance that covering those cost won't equate to MORE retail and an evisceration of the Business Park goal supported in the Comprehensive Plan.

At what point does the public interest, trump private interest? Is it the taxpayer's responsibility to ensure the success of a private developer?

Make no mistake, if this amendment is approved by the town board, the primary build out of what was BP will be retail, abandoning the stated objective of the town's own policy when creating the BP --- to lessen our reliance on retail and its related environmental impacts and to broaden and diversify our tax base with higher paying employment associated with commercial and light manufacturing development. This policy was reaffirmed in 2007, 2008, 2009, and 2010.

And they seek to make these changes how? Through a zone map amendment! We are not talking about a single site plan or an expanded use of an existing building; we are talking about more than 250 acres with the potential for more than a score of site plans, including bigger box retail.

To the Cameron Group of Syracuse, I say let them try this in their backyard, Dewitt or Fayetteville—good luck! If this is approved with no more than a zone map change and a split Planning Board recommendation, we here in New Hartford are patties!

Would the town board in 2007 have floated a \$2.3 M bond to finance a private developer's infrastructure in a retail shopping development? Damn straight they won't have. Taxpayers would have tarred and feathered them. It was done on the basis of the Business Park zoning and the Comprehensive Plan.

Does the school district and the county, who are parties to the Incremental Financing Agreement, support this change. As recently as Monday, 3/12/2010, the school superintendent hadn't been aware that the petitions would eliminate the business park zoning. They too supported the diversion of Pilot payments to build the infrastructure for a business park so as to diversify the tax base and attract something other than service level jobs.

This is a naked attempt to seek preferential treatment. Shame on the town board if it succumbs to this perversion of the town's master plan with little more than a SERA review and a 4-3 Planning Board recommendation.

Cameron Group's spokesperson is a very convincing individual – he convinced the Planning Board in 2007 to approve Phase I of the BP without so much as a public hearing; he convinced the town board to use pilot payments to finance his infrastructure, he convinced the town board to finance the Rt 840 BIA and the extension of Clinton St. and more recently, he has convinced adjacent property owners (none of which ever raised a concern as to the current zoning) to join with him in seeking the re-zoning before us and he will try to convince the town board that he will continue to pursue non-retail uses if the zoning change is approved.

They will sell off parcels and leave it to other to develop, no different than The Hartford, and leave the new owners and the town the expense of mitigating the environmental impacts that ensue, knowing full well that the state DOT has made it clear that any mitigation require on state highways will fell to the developer and town taxpayers. FILM does not pay for on-going operational cost of public safety or highway!

Two years ago, the town boards approved the 2010 BP zoning update and rejected the primary petitioners request to modify the design and use standards. (Town board minutes, 01/27/2010)

What's different now other than a difficult economy which everyone has been experiencing --- approval will simply be another bailout to the Syracuse developer at the expense of the town?

The County's SEQRA response is nothing more than boilerplate. The same response could have just as well been given for a single site plan review -- shame on them for not addressing the implications to a legally binding Comprehensive Plan, especially when they know we don't have the benefit of a professional planner on staff.

Police Dept.'s response doesn't address build out. Of course there's no immediate impact of simply changing the code designation. It's the build- out and the impacts flowing from it that aren't being addressed and need to be now, not putting them off until site plan review. Should the changes be granted by the town board, the horse will be out of the barn and the will of the public, which opposes the expansion of retail development, will have been ignored? (Survey results indicate 70% against more retail and the Comprehensive Plans states that we should focus on redevelopment of vacant commercial properties.)

These changes will leave the town on the hook to provide more services for what will be a short-term gain for the petitioners. This is a short-sighted bailout which regrettably has become endemic in our approach to economic development, here and throughout the country.

If approved, the zoning for The Hartford building will have changed 3 times in 4 years. Can anyone explain how that is consistent with the Comprehensive Plan and sound land use planning? Will they come back and ask that manufacturing be restored as a permitted use if they land a manufacturing tenant?

Par Technology, which is a petitioner, has already asked for a use change to restore manufacturing in the PDMU. (letter read by Mr. Adler at the Planning Board meeting)