

PUBLIC HEARING

**7:14 P.M. Local Law Introductory “H” of 2012
(Zone Map Amendment – LDR to HDR)
Vicinity of 129 Oxford Road**

Supervisor Tyksinski opened the Public Hearing at 7:14 P.M.; the Town Clerk had available the Notice of Public Hearing, Local Law Introductory “H” of 2012, Affidavit of Posting and Proof of Publication (May 31, 2012 edition of The Observer Dispatch). The Town Attorney explained that Local Law Introductory “H” of 2012 would, if adopted, amend the Town Code, Chapter 118 thereof entitled ZONING, and map coincidental thereto, as it pertains to approximately 26.39 acres situate in the vicinity of 129 Oxford Road, identified as part of Tax Map Parcel No. 339.007671.1, by changing the designation from Low Density Residential (LDR) to High Density Residential (HDR). The owner, Hogeboom and Canfield (Philip Husted, Jr.) and CRM Rental Management, Inc., parent company of the developer, intend to construct an 80 unit conventional Senior citizen apartment complex.

Supervisor Tyksinski noted that the purpose of the Public Hearing was to offer the residents an opportunity to speak in favor of, in opposition to, or to comment upon Local Law Introductory “H”. Those who came forth were:

· **Mary Breslow** – reiterated her concerns in the 1980’s, the 1990’s and in 2009 about oil drums having been plowed under on the subject project with green matter applied and grass grew. Addressed this with her Councilman this year. One of the oil drums surfaced this year near her backyard and she doesn’t know what was in it. Also, drainage problem...when it rains, get drainage from the Tibbitts Road development and it stays there. Has EPA been contacted about the oil drums?

Councilman Backman acknowledging meeting with Mrs. Breslow “..and she’s absolutely right.” His first major concern about this project was to address the drainage matter, repair it, and place effective stormwater runoff, existing and future. He wrote a letter to the New Hartford Planning Board about his concerns before their Mar 14 meeting?? May meeting? His support for this rezoning would be predicated upon correction of drainage and also the traffic issue and that if a traffic signal is needed, that the developer contribute heavily to this.

Supervisor Tyksinski stated that the Town would look into the oil drums, regardless.

· **Roger Breslow** – attested to Mary Breslow’s statements. When Village East project was proposed, same comments made about contents of barrels and some trailers used... probably for offices, a chassis left there.

· **Steven Carl** – suggested that the Town “..stick to the Master Plan” for that area, being Low Density Residential (LDR) not for an 80 unit apartment complex (High Density Residential – HDR).

· **SueMarie Simpson** – was the citizen representative on the Master Plan Committee and she attended meetings for three (3) years in the 1990’s listening to traffic plans/concerns and the Town not being the same, perk tests and so much water, environmental issues. Presented a master plan in 1995 and was assured that zoning would not change for that area.

· **Mike Brady** concerned about roads....going out to Oxford Road and the appearance that Bromwich Road would be opened to traffic which he believes would back up traffic and that the

area can't handle it. No sidewalks and no traffic signals. Groundwater in area needs to be resolved.

· **Rochelle Fredsell** – has experienced flooding in her cellar, sewer backed up because of poor drainage. Taxes increase 46%. There are deer and rabbits back there; where are they to go? Senior citizen housing already exists in the Town....Village Point Apartments, Sunset Wood, Preswick Glen, the Sitrin Home project. She was concerned with possible toxic waste at the subject property.

The Town Attorney clarified that the Town is not looking at a specific project; the Public Hearing is for consideration of a rezoning only. Mrs. Fredsell said she is “dead set against it” and she was concerned about her property value.

· **Kathy Monaghan** – traffic issue, vastly increased (Harrogate Road), road is eroding away; base falling apart. Don't need more streets and traffic onto their road.

· **Ruth Adelman** -- When Village East project was considered, voted against it. Environmental impact and stormwater problems.

· **Henry Heinlein** several years ago when another developer wanted to work on the land...Oxford Road already overloaded with traffic. He can't support high density development. Tenants would have vehicles and would access Oxford Road. Also, drainage problems.

· **Joseph Fariello** – the Town already has apartment complexes, like Oxford Towne, Hillside Gardens and Oxford Heights. The project would be near the school and buses traverse the road in that small stretch. Don't need another high density residential in that area. Also, water problem.

· **Peter Angelini** – echoed everyone's comments from Bromwich road area. Water problems with regular rain let alone 100 year storms. Believes area not designed for additional traffic and not in favor of this.

· **Dan Austin** – looks at it like a “Trojan horse”....can't sell it, section 8 it. Don't need it. The Town Attorney Herb said that the developer, CRM, has submitted a letter signed by John J. Varecka, President, that they “...agree that any residential project proposed for the property will contain a minimum age restriction for occupancy only by persons age 55 and older.” Further, that “...this letter (be made) a part of the record in connection with the Application for the Zone Change. If the zone change is granted, we further agree to make the same restriction part of any Application to the Town of New Hartford Planning Board.”

· **John Soggs'** letter being read by Town Attorney in support of apartments but have concerns...doesn't want subsidized rents, no use of Bromwich Road, expect taxes would be comparable to other complexes.

· **Dan Austin** – what Section of HUD is this going to be?

Attorney Levitt responded that the project is for conventional housing not subsidized housing.

· **James D'Onofrio**, Oneida County Legislator – “..speaking from County perspective”....Oxford and Kellogg Roads are county roads. Every time the Town leaders make decisions with planning and zoning, you end up affecting county roads. County is limited for funding to be maintained; Kellogg Road needs to be done, sidewalks and infrastructure underneath. High density, he believes, would add more traffic and pipes, etc., stormwater needs.

· **Roger Breslow** – traffic was big point when Village East came about but didn't get approved

· **Randy Bogar** – traffic issues; was at meeting 20 years ago when the Village East project was voted down. Thinks it should be voted down now. The area is a main walkway for children to walk to school without sidewalks; main school bus line. A lot of left hand turns on this road. Mentioned rentals already existing in the town and which aren't full.

· **Sue Simpson** – talking about library and opening up land in the back of library where families walk.

Mark Levitt, representing the owner and the developer, reiterated that the project has been presented as conventional housing and would pay taxes. Hogeboom and Canfield made the first part of the land available for construction of the Library and a second portion for the Library addition. It's an ideal focal point of our community. The developer is aiming for people who want to downsize. Preswick Glen can't be compared with this proposal, nor can Sunset Wood or the Cedar Brook Apartments (Sitrin development). Tenants would pay a monthly rent of \$1200 to \$1400 for 1200 square foot units; this project would not provide continuum care like Preswick Glen, etc. The developer is known to take projects others want to tear down, cleans up and restores the property. Mr. Levitt stated that the Oxford Towne apartments are 97% full and the Wedgewood Apartments have a waiting list. He assured the residents that the Planning Board has control over what will be done with the property. NYS DEC will tell them what to do. Planning Board will tell them what to do and we will abide by the rules.

· **a woman (not identified)** – someone has made a profit, doesn't concern them

· **Rochelle Fredsell** ...you're hearing the voice of the people; as elected officials, you have a duty to listen to the people.

· **Henry Heinlein** – all that runoff water they think can be redirected, the stream can't handle it all. Main objection – Oxford Road cannot handle another 80 cars, or 160, and the complex could be enlarged, resulting in more traffic.

· **Carolyn Alesia** – concerned where children will ride their bikes, there are no sidewalks along Harrogate/Bromwich. Concerned that apartment tenants would use their streets as a "cut through". No street lights. Want area to be safe for her children to grow.

Supervisor Tyksinski referred to the CRM letter read earlier by the Town Attorney, that this letter would become part of the Planning Board files and application and would be a condition of any approval.

· **Lynn Brady** – water situation. They may take care of standing water but they will still need to take care of ongoing drainage. Still going to be flooded.

· **Tony 6 Harrogate Road** – if Bromwich Road is opened, they will get traffic not only from the development but also from the library.

Mark Levitt – there is no connection shown to connect the library parking to access Bromwich Road or near Beechwood Road; the Planning Board will dictate ingress/egress. · **Patty Sherman** – is there a pipe beneath Oxford Road to Philip's (Husted) house and all his utilities from his house still there? That's a concern and whether it would be taken care of. A parking lot would create more runoff. Bill Virkler's Mallard Brook homes are flooded all the time. There being no one further to speak in the matter, the Supervisor declared the Public Hearing closed at 8:17 P.M.

Action deferred – Local Law Introductory “H”; Zone Map Amendment Application by Hogeboom and Canfield (LDR to HDR)

Discussion ensued with Board members having concerns:

- Councilman Reynolds – concerned with the property footprint and drainage problems. Attorney Levitt has not contacted the railroad about resolving drainage by going under the railroad tracks.
- Councilman Backman – years ago, Town considered this property for municipal office complex but would have been very expensive to clean up and did not pursue the land. Believe people are entitled to a return on their property...the land has set vacant since owned by the Pryputniewicz family. The Town is now an MS4 municipality and responsible for stormwater and can make the developer resolve drainage problems and in the future, make them fix it if it doesn't work. Opposes use of Bromwich Road in any way and would ask the Town Planning Board to restrict this road. If a traffic light is warranted at the Beechwood Oxford Road intersection, that developer should pay most of the light. The Village East proposal was for 240 homes, times 2.5 cars, times 3 children per home. Believes NYS Department of Environmental Conservation (DEC) must address dumping. His support for this Zone Map Amendment Application is the absolute stormwater correction, absolute no use of Bromwich road and DEC to come in.
- Councilman Miscione concerned that the age restriction of 55 years and older mentioned in the aforesaid letter from CRM could be changed in the future and Attorney Cully confirmed it could be; the Town Attorney will check into if it's incorporated as a formal deed restriction. Not in favor, impact traffic on Oxford road, feels it would affect village and the school traffic. Concern with oil barrels. He has 2 apartment complexes in his Ward that have 20% and 30% vacancy rates. Doesn't see a need for 55 and older now; haven't seen much documentation on this project.

Councilman Miscione offered the following Resolution for adoption; seconded by Councilman Reynolds:

(RESOLUTION NO. 147 OF 2012)

RESOLVED that the Town Board table action on Local Law Introductory “H” of 2012, Zone Map Amendment Application of Hogeboom and Canfield to rezone property in the vicinity of 129 Oxford Road, New Hartford, until the July 11, 2012 Town Board meeting at which time all Board members would be present.

The Town Board members voted as follows:

Councilman Miscione Aye
Councilman Reynolds Aye
Councilman Woodland ABSENT
Councilman Backman Aye
Supervisor Tyksinski Aye.

The Resolution was declared unanimously carried and duly **ADOPTED**.