

Friends for Responsible Vestal Zoning

Frequently Asked Questions (FAQ) Regarding “the Retreat” at Bunn Hill Road

Don't be fooled by the claims from one wealthy landowner and an out-of-state developer regarding this development. They PERSONALLY have a huge economic incentive to develop this property. But for the vast majority of Vestal residents this will do nothing for us and likely will hurt our overall quality of life. These FAQ's might be longer, but they give a far more complete picture than the talking points of the Retreat at Bunn Hill. Please fully educate yourself and make an informed decision.

Hopefully these well thought-out arguments will show that this is not a “knee jerk” or NIMBY reaction to development in Vestal. This issue has arisen three times now since 2008. We have really considered what we think is best for the residents of the Town and the greater region. We hope you agree.

What is the purpose of zoning?

Why are so many Vestal residents opposed to this plan?

Zoning is like a contract between the Town and property owners. We buy a piece of property, we maintain it, we pay our taxes, and we might even improve upon our property and allow ourselves to be taxed even more. But in the end, we can find comfort in the fact that our zoning will probably allow our properties to appreciate in value. We can see our hard work and efforts on our property as a sound investment. “Through zoning local government regulates what uses may be made of a parcel of land. The intent is to protect adjoining property owners from incompatible uses and to increase the likelihood that a community grows in a way which enhances overall quality of life.” (Klein, 2007). But when suddenly the Town decides in an arbitrary fashion to change the zoning of an area and allow a use that is not compatible with the current use, the Town has broken its contract with its people and will lose their faith. Homes will lose their value. And when this is done, what incentive is there for people to improve their homes and to put money into them? Because at any moment, the Town can change its own Zoning and cause economic harm to the people in that area. Obviously, those living closest to such a development will have their quality of life lowered the most, but it can affect the quality of life for many more Vestal residents than just those on Bunn Hill. And the real danger, and why so many people oppose this particular plan, is if it happens to the residents of Bunn Hill Road than it can happen anywhere in Vestal.

Why can't the owner make use of their land as they see fit?

Nobody is denying this landowner their right to develop their property, as long as it is compatible with the current zoning. The fact is that this landowner bought the property knowing full-well that it was Rural Residential (RR) and what they would be allowed to do and not allowed to do. To buy the property and then demand the zoning be changed is a “self-created hardship”. It is like buying a perfectly nice Toyota Camry but then going back to the dealer and demanding they replace it with a Porsche at no additional cost. No reasonable person buys the Camry and expects it is to turn into a Porsche.

What is a PDD (Planned Development District), how and when are they normally used, and why shouldn't this site qualify for a PDD?

Don't be fooled by the talk of "this is not rezoning, it is a district overlay." A PDD can have great benefits to a town when used correctly, but in this case it is simply another attempt (#3 in this case) by a landowner to get around the zoning laws. PDD's (and similar Planned Development Clusters or PDC's) can create a mix of uses that might otherwise not be allowed by zoning. For example, the University Plaza in Vestal along the Parkway is a PDD and has student housing, a bank, and many restaurants (such as Tully's and Coppertop) all mixed together. The PDD designation in this case revitalized an area that was becoming run-down and underutilized. It is surrounded by other compatible zoning such as Commercial Development (CD), Community Business (C-2), Multiple Residence (RC), and then transitioning into Family Residential (RA-1 and RA-2). In other cases PDD's can be used to cluster homes together tighter than allowed in the traditional zoning areas. This can be more efficient for running sewer and water lines. The remaining undeveloped portion of the parcel is required to be left as green space. Some of the PDD along Route 26 in Vestal has this quality. **The proposed PDD for Bunn Hill is all by itself amongst exclusively Rural Residential (RR) zoning** and therefore acts much more like a "spot zone" (see spot zoning FAQ).

So is this "spot-zoning"?

Spot zoning is defined as granting privileges to a parcel that are not granted or extended to other parcels in the vicinity, in the same use district. This practice is generally considered illegal. To not be considered illegal, the re-zoning must show a public benefit and that it is not simply benefiting the property owner. In this case, there is only one property owner trying to change his zoning to be different than all the other parcels surrounding him. To change the zoning of this parcel smacks of "Spot Zoning". There is no justification to think that high-density housing, *in this area*, will provide any public benefit. It in fact will act to the Bunn Hill residents' detriment and to the greater Town. A re-zoning of this parcel will lead to many more questionable requests for re-zoning, and lead to great difficulty for the Town Board to deny these requests. Again, if it happens to the residents of Bunn Hill Road than it can happen anywhere in Vestal.

What is a negative County 239 review and why does it matter?

A 239 Review is a State law that requires local municipalities to send certain projects to the County Planning Department for review and comment. The intent of the law is to identify actions that might have inter-municipal and countywide impacts. These projects are looked at by a professional planning department and their comments are sent to the town. If the County recommends denial of the project, than the local town board needs a supermajority (4 out of 5 for Vestal's Town Board) in order for the project to be approved. The site for the Retreat at Bunn Hill has been subject to three 239 reviews since 2008. **IN ALL THREE, DENIAL OF THE PROJECT WAS RECOMMENDED!** This happened under two different county administrations under the leadership of two different planning departments. These projects have been considered bad zoning practice, poor planning, and an unwise use of resources by professional planners three times; it is not just our personal opinions.

Why don't you want economic growth in Vestal?

Won't this bring increased tax revenue to Vestal and lower my taxes?

Please don't fall for the fallacy of the "increased tax base". Look at the reality. If \$100,000 in revenue is generated out of a Vestal budget of almost \$30 million dollars that accounts for only 0.3% of the overall budget. **It won't even move the needle.** In fact, the University Plaza is almost exactly the same area as this proposed PDD, has an assessment of almost \$44 million, and generates ~\$180,000 in tax revenue. IF this project were to generate the same revenue this is still only 0.6% of the Town budget! This is also too simple, because with high density development comes costs for Town services such as water, sewer, fire protection, and police. Our volunteer fire department is amazing, but development like this can really tax them. Ask them what their most common call-out is? (Student housing on BU Campus and University Plaza). Cost of community service studies (COCS) always cite high density residential development as the biggest drain on a town's tax base; sometimes as bad as only 50 cents in revenue to each dollar in expenditure. Also consider, with all the retail development on the parkway when is the last time your tax bill went down? It simply doesn't add up. For a small pittance Vestal will lose one of its most attractive features (the green surrounding hills) and open up a Pandora's Box of development on the hilltops.

One of the greatest generators of income for the Town budget is in sales tax. So getting tenants back into the Pizza Hut, Friendly's, and other vacant buildings on the Parkway will likely do far more for the good of Vestal residents and the overall Town Budget.

What are the qualities of Vestal that people value and how does this project impact that?

The mix of open spaces, natural areas, and easy access to conveniences is what people find great about the Town of Vestal and this is confirmed by the 2003 Town of Vestal Comprehensive Plan (Draft; Hereafter referred to as VCP, 2003). "Residents cherish the rural character of the Town, and the ease with which they can escape the more urbanized portions of the Town." (VCP, 2003). There also appears to be a changing business dynamic in regards to where businesses locate. Ease of access to parks and recreation along with community aesthetics is playing a bigger role in the business model. "Vestal, with its prime location along the Susquehanna and its scenic landscape *south* of Vestal Parkway, is in a good position to take advantage of this changing dynamic." (VCP, 2003). I added the emphasis of *south* of the Parkway because that is exactly the area slated for this re-zoning. Does Vestal want to maintain this scenic nature, or do we want to plunder our hilltops of trees so that we can build unsightly buildings? We only need to look across to Carpathian Hill in Johnson City to see what the development of our hills will do to our scenic nature.

Why are you against students and student housing?

We definitely are not! Many of us are graduates of BU, support BU in many ways, teach and work at BU, have close friends and family that work or go to BU, and recognize the economic engine that BU is for our area. We want smart growth for our area. Talk to students. Most do not want to live on top of a hill away from amenities. Student housing can revitalize and act synergistically to have a multiplying economic effect that helps out MANY vs. ONE landowner and an out-of-state developer. Just look at the University Plaza and the great improvements in downtown Binghamton due to student presence. Putting the housing in isolation does little to help drive additional economic benefits for the area.

Don't we need new student and professional housing?

Yes. We actually do need professional housing. We do not need any more student housing. The Broome County Agency housing report clearly identifies this need. However, attracting young professionals and keeping students in the area after they graduate is difficult. The youth of today are very green conscious. They might want housing like this, but they generally want it close to mass transit or within walking and biking distance to where they work. They want shops, bakeries, grocery stores, and clubs all close by with a thriving night life. If you destroy some of the most attractive features in the area, the forested hills, that will certainly not help retain them. Young professionals and students in these areas will eventually marry and might want to have children. Where will they want to move? To an area with great schools, homes surrounded by greenery, and protected by enforced zoning. They will come to Vestal to buy homes or build new ones.

In fact, one only needs to look at the local newspaper to see a whole host of new professional housing cropping up in Binghamton and Johnson City. These projects are already approved and getting ready to be built or have been built recently:

- Century Sunrise (J.C.) contains 105 apartments and 9,000 feet of commercial space.
- Praveen Kamath, founder and managing member of AOM Investments, will begin construction on a three-story building at 128 Grand Ave., J.C., the site of a former discount store.
- A former car dealership on 191 Front St. Binghamton will be demolished to make way for a \$20 million housing development.
- 55 Apartments Planned for Binghamton's Former City Hall

These projects are valuable in that they REVITALIZE areas and REPURPOSE sites that already have access to the needed infrastructure and they are in locations that can act as ECONOMIC MULTIPLIERS.

How will this affect traffic and safety along Bunn Hill Road?

The impact of this development on Bunn Hill Road traffic will be substantial. Unlike the University Plaza Apartments, which renovated the former K-Mart Plaza (a "Smart Growth" decision) and attracted businesses of student interest, there will be no student amenities on Bunn Hill Road. This will then necessitate that students regularly travel Bunn Hill for classes as well as down to the Parkway for the services they desire.

Bunn Hill Road is also not conducive to large numbers of walkers or bicyclists. There is a relatively limited sight distance on Bunn Hill Road due to its gradient along with an even steeper gradient combined with a curvature in the road just up from the University's back entrance. This combination, along with a very narrow road edge for most of its length, would be a dangerous combination for an increased number of student walkers or bicyclists. Add in the effects of winter, inexperienced drivers, and the slope of Bunn Hill and a very dangerous situation presents itself. All of the people that live "up on the hill" have stories about the winter driving. Many of us wait at the bottom until the car ahead makes it up. The traffic study commissioned by the Retreat was done in April and does not have winter driving at all. The most recent Broome County 239 Review (3/13/2020) clearly agrees with our views on this matter.

What are the potential environmental impacts of this project?

The value of having an intact watershed and a protected stream are very valuable. The Ecosystem Services provided by safeguarding the stream corridor are invaluable. The Town of Vestal is currently doing quite a bit of stream repair at a large cost to the taxpayers. Unfortunately, this situation will not mend itself, because the underlying reason for the high levels of erosion will not be treated. Bunn Hill Creek at this time is costing the Town very little in the way of maintenance. This will certainly change if a large housing complex and its associated parking spaces are placed at the top of the stream. Remember, storm-water protection plans are only *mitigation* measures – meaning they will lessen harm but not prevent all of it. There are 700 proposed parking spaces for this development and the amount of runoff they will produce will be severe. People living at the bottom of Bunn Hill road along the creek are already seeing significant erosion problems. This will only get worse.

Does Binghamton University support this project there?

This is NOT a BU housing project. It is a private landowner and developer. Like most “political” entities, BU wants to make nice with everyone – so they are keeping generally pretty quiet on this issue. But, if you think it through, this development makes little sense for the University. First, the dorms at BU are not completely filled. In fact, they have a program with SUNY Broome that allows students to take classes at SUNY Broome while being housed in the BU dorms. BU is also developing in downtown Binghamton and in Johnson City with its pharmacy school and these areas are seeing new growth in housing. Also, the University owns Nuthatch Hollow, a private nature preserve that will be negatively affected by this project. The University is planning to break ground soon on a Living Building at Nuthatch Hollow that will be a model for positive water and energy and act as an environmental education area. Certainly they would not want a high density housing complex at the edge of the property.

Why shouldn't we believe Landmark Properties and the property owner about all the benefits this will bring? And on a final note - don't be fooled by the fancy “Retreat” website and their illustrations.

If you read these FAQ's this far you probably know the answer to this question. This development group is not being honest in their representation of this project. Their own website is riddled with contradictions.

The idea of \$100,000's in tax revenue to the Town is simply not true. We have the math. They claim it is not student housing, but anybody with any common sense that looks at the plan realizes that is exactly what it is. They are the number one developers of student housing according to their website. There are numerous infrastructure problems they have not addressed, especially relating to how they will get water to this site. They claim it will “promote foot traffic for local businesses.” Seriously? It will be a 3 mile round trip HIKE just to reach the parkway and get back with a serious uphill walk one-way.

And finally.... One of their pictures shows the buildings with an expansive green lawn in front and implies it will be set unobtrusively back from the road. In reality, the backsides of these buildings will be facing the road and some of them will be as close as 50 feet to the road. Picture a wall of buildings' backsides as you travel up Bunn Hill. Will that be attractive?