



State of New York County of Broome Government Offices

Department of Planning and Economic Development
Jason T. Garnar, County Executive · Frank Evangelisti, Director

March 13, 2020

Supervisor John Schaffer
Town of Vestal
605 Vestal Parkway West
Vestal, New York 13850

RE: Review Pursuant to Section 239-l and -m of the General Municipal Law

Dear Supervisor Schaffer:

The Broome County Department of Planning and Economic Development has received your request for review of the below captioned matter:

Applicant: LCD Acquisitions, LLC
Project: Other: Planned Development Overlay District: Applicant requests to create a Planned Development District (PDD) to allow new construction of a multi-residential development at 791, 803, 813, 817, and 833 Bunn Hill Road and 765B Jensen Road
Municipality: Town of Vestal
Tax Map No: 174.12-1-10, -8, -7, -6, -5, and -4
BC Case: 239-2020-022 (239-2019-046)

The Planning Department has reviewed the above-cited case and has determined that the project as submitted would have negative county-wide and inter-community impacts within the intent of General Municipal Law Section 239-l as described below and for these reasons recommends denial of the project as submitted.

GML Section 239-l 2. (a) Compatibility of various land uses with one another

- The setting of the project is rural residential landscape characterized by rural roads and low-density housing.
- In the Town of Vestal, the multiple-residential dwellings and off-campus student housing are concentrated in the core area near the Vestal Parkway, commercial and professional office development, higher-density housing development, and Binghamton University.
- The adjacent and surrounding parcels are zoned RR (Rural Residence). The RR – Rural Residence District does not permit multiple-family dwellings or townhouses.

GML Section 239-l 2. (b) Traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities

- New York State Department of Transportation NYSDOT Region 9 Office of Traffic and Safety Comments of February 20, 2020 include the following:
 - NYSDOT requests the applicant to provide an analysis that includes weekend traffic impacts. The provided analysis assumes little to no traffic entering NY 434. However, Binghamton University has classes in downtown Binghamton as well as Johnson City. A redistribution of the weekday traffic should reflect a higher percentage of vehicles entering and exiting the state highway system.



State of New York County of Broome Government Offices

Department of Planning and Economic Development
Jason T. Garnar, County Executive · Frank Evangelisti, Director

- Binghamton Metropolitan Transportation Study (BMTS) Comments of February 26, 2020:
 - In considering the rezoning to permit multi-family residential in a rural residential area the Town should take into account that tenants of the proposed development would not have access to public transit services and that the site is not served by pedestrian or bicycle facilities that residents may need or desire. Specifically, the area is not served by BC Transit fixed route services or OCCT and is not within walking distance to commercial or medical services, or employment sites. The applicant's website states the development has a "pedestrian-friendly layout that encourages walking/biking/rolling to campus". However, Bunn Hill Road does not have sidewalks and lacks shoulders to walk or ride a bicycle on. Given the lack of pedestrian and biking infrastructure residents could not safely walk/bike/or roll to campus.
 - The project would be inconsistent with the goal of BMTS' Greater Binghamton Transportation Plan, Looking Forward 2040, to "promote compact, mixed-use development and infill/redevelopment of the urban core communities".
 - We understand that NYSDOT has requested an update to the applicant's January 10, 2020 Traffic Impact Study. We would like to review the updated TIS prior to commenting on any traffic impacts related to this project.
- Broome County Transit Comments of February 19, 2020:
 1. BC Transit does not currently serve the proposed location as part of its' fixed route system. The only bus services currently offered is via BC County rural transportation service which has limited capacity. New transit service would require a negotiated MOU or Contract for fee prior to adding service.
 2. The length and grade of Bunn Hill is not readily compatible with the operation of 40 foot transit bus. Southbound travel requires a long and steep climb which would consume added fuel. Northbound travel would be very taxing on brake systems to maintain the posted speed limit. The potential ridership is unknown as the developer has not spoken with my agency. The amount of beds proposed would suggest the use of large buses which may require the use of a less taxing alternative route to serve the complex.
 3. The findings associated with the traffic study appear to counter BC Transit's experience with delays experienced at campus and Vestal parkway intersections. BC Transit regularly experiences delays during normal traffic and encounters schedule-altering delays during peak times. The assumption that 80% of new traffic would be between campus and the housing unit seems to counter our experience with current student travel patterns.
 4. The proposed entrance circle and bus stop appear to be incompatible with 40 foot bus use. The tight circle radius, divided center median coupled with a lack of flow through parking lot design would make it difficult to navigate a 40 foot bus.
 5. Bunn Hill presently has inadequate shoulders and lighting to allow for safe pedestrian travel which creates concerns about a safe operating environment.
 6. BC Transit would be amenable to meeting with the developer to discuss egress and design issues associated with serving the complex.



State of New York County of Broome Government Offices

Department of Planning and Economic Development
Jason T. Garnar, County Executive · Frank Evangelisti, Director

GML Section 239-1 2. (c) Impact of proposed land uses on existing and proposed county or state institutional or other uses

- Broome County Department of Public Works (DPW) Comments of February 19, 2020 includes the following:
 - Bunn Hill Road has narrow shoulders and steep side slopes which would make work in the Right-of-Way difficult in some locations; utilities would not be permitted to be placed beneath the roadway unless the developer legally commits to repairing the road to its original conditions, which may include the milling and repaving of the entire roadway.
 - It should be noted that when completing the Short Environmental Assessment Form the applicant has stated that the proposed action will connect to existing wastewater utilities. To date, there has been no discussion regarding this issue between the developer and Broome County and it should not be assumed that an agreement will be reached.
 - It appears that the applicant has planned for a Stormwater Management Area, however this area appears to be relatively small in relation to the proposed impervious area. The applicant should be aware that the County drainage system does not have the capacity to handle this increase in stormwater and we would request that all additional stormwater created as a result of this project be handled onsite. We would expect to see a full Stormwater Pollution Protection Plan should the application for rezoning be approved and a Site Plan Review be requested. As this is proposed new construction, we would expect to see full use of Low Impact Development (LID) and/or Green Infrastructure initiatives.

GML Section 239-1 2. (d) protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas

- The project acreage and units equate to approximately 3.79 units per acre assuming 42.373 acres and 161 units. In comparison residential development along Bunn Hill Road in the project vicinity equates to approximately 0.37 units per acre assuming 73.27 acres and 27 units.

GML Section 239-1 2. (g) Official municipal and county development policies, as may be expressed through comprehensive plans, capital programs or regulatory measures

- The 2013 Broome County Comprehensive Plan survey results show that residents prefer County decision makers to encourage and concentrate development in the Triple Cities. When asked "Where should County decision makers encourage development, 89 percent responded that County decision makers should concentrate infrastructure projects in the Triple Cities and 11 percent responded that County decision makers should extend water and sewer lines and major roads to expand development outside of the Triple Cities.
- The Broome County Housing Study (dated September 2017 and commissioned by the Agency) documents the oversupply of student housing. The report includes the following findings:
 - The total of on-campus housing provided by Binghamton University, combined with the existing stock of off-campus student housing, has reached a maximum level of supply. Any new beds added to this inventory will exceed demand, and there continues to be the pending issue of whether this existing inventory can be sustained.



State of New York County of Broome Government Offices

Department of Planning and Economic Development
Jason T. Garnar, County Executive · Frank Evangelisti, Director

- The Town should ensure that the project complies with SEQR. For example,
 - SEQR Segmentation: SEQR Part 617.2 ah defines *Segmentation* as the division of the environmental review of an action such that various activities or stages are addressed under this Part as though they were independent, unrelated activities, needing individual determinations of significance.

The submittal states: A Short Environmental Assessment Form is provided for the initial request for designation of the area to planned development district for residential use. Once that initial step has been taken, the application will proceed to the Town of Vestal Planning Board at which time a full environmental assessment document with supporting detailed materials such as a storm water pollution prevention plan and utility plans will be provided for the Planning Board's customary thorough review of environmental impacts.

- The Town should ensure that the project complies with the Planned Development District requirements of Town Code Chapter 24 Zoning, Article VI. Overlay Districts, Division 3. Planned Development District, Sections 24-531 through 24-600.
- The PDD site plan should show the following:
 - Correct existing and proposed zoning and underlying zoning districts, as applicable, in the zoning notes and on the tax map
 - Residential type(s)
 - Breakdown of beds per unit
 - Future use of 765B Jensen Road and access to this portion of the project site
 - Designated parking spaces for occupants, visitors, and delivery trucks
 - Lighting plan
 - Dumpster location and enclosures and garbage truck pick-up location
 - Designated open space areas and dimensions
 - Proposed bus and shuttle dimensions, turning radius, routes, numbers, hours of operation and ridership, and storage and maintenance location of any applicant buses or shuttle buses.
 - Whether current or future plans include road access via parcel 21 to Jensen Road

The case file was routed to the following agencies for review:

- Binghamton Metropolitan Transportation Study (BMTS)
- New York State Department of Transportation (NYSDOT)
- Broome County Department of Public Works (DPW)
- Broome County Health Department (BCHD)
- Broome County Transit

Enclosed are comments from the BMTS, NYSDOT, DPW, BC Transit, and BCHD that need to be addressed.



State of New York
County of Broome Government Offices

Department of Planning and Economic Development
Jason T. Garnar, County Executive · Frank Evangelisti, Director

Please submit a copy of your decision in this case within seven (7) days of taking action so it can be included in the case record.

Thank you for your cooperation.

Sincerely,

Frank Evangelisti
Director

FE/lmz

cc: Mr. Vernon Myers, P.E., Town Engineer, Town of Vestal, Engineering Department
Ms. Joyce Majewski, Chair, Planning Board, Town of Vestal
BC file copy

Zier, Lora M.

From: Murphy, Sean W. (DOT) <Sean.Murphy@dot.ny.gov>
Sent: Thursday, February 20, 2020 2:23 PM
To: Zier, Lora M.; McCullen, Leigh A.; Yonkoski, Jennifer L.; Gowe, Brenda L.; Giordano, Emily E.; Boulton, Leslie G.; Brink, Ron
Cc: Vernon Myers; Signorelli, Tony (DOT); Conn, Jamie (DOT)
Subject: RE: 2/3 239-2020-022 Vestal FW: Town of Vestal 239 for Planned Development Overlay District - The Retreat at Bunn Hill

Lora:

Please see the information below from the NYSDOT Region 9 Office of Traffic and Safety:

NYSDOT requests the applicant to provide an analysis that includes weekend traffic impacts. The provided analysis assumes little to no traffic entering NY 434. However, Binghamton University has classes in downtown Binghamton as well as Johnson City. A redistribution of the weekday traffic should reflect a higher percentage of vehicles entering and exiting the state highway system.

NYSDOT periodically adjusts signal timings to account for fluctuations in traffic volumes. These adjustments are always skewed towards maintaining an acceptable level of service for the state highway system. Any proposed signal timing adjustments will be made with observations and data collection after a development has been in operation. Adjustments are not made on predicted traffic volumes.

Please contact the NYSDOT Region 9 Office of Traffic and Safety at 607-721-8080 with any questions.

Thanks,

Sean Murphy

Regional GIS Coordinator/Regional Site Plan Review Coordinator/Primavera Technical Support

New York State Department of Transportation, Region 9

44 Hawley Street, Binghamton, NY 13901

(607) 772-7335 | Sean.Murphy@dot.ny.gov

www.dot.ny.gov



From: Zier, Lora M. <Lora.Zier@BroomeCounty.US>

Sent: Wednesday, February 12, 2020 11:03 AM

To: McCullen, Leigh A. <Leigh.McCullen@BroomeCounty.US>; Yonkoski, Jennifer L. <Jennifer.Yonkoski@BroomeCounty.US>; Murphy, Sean W. (DOT) <Sean.Murphy@dot.ny.gov>; Gowe, Brenda L. <Brenda.Gowe@BroomeCounty.US>; Giordano, Emily E. <Emily.Giordano@BroomeCounty.US>; Boulton, Leslie G. <Leslie.Boulton@BroomeCounty.US>; Brink, Ron <Ronald.Brink@BroomeCounty.US>

Cc: Vernon Myers <vmyers@vestalny.com>

Subject: 2/3 239-2020-022 Vestal FW: Town of Vestal 239 for Planned Development Overlay District - The Retreat at Bunn Hill

Zier, Lora M.

From: McCullen, Leigh A.
Sent: Wednesday, February 26, 2020 10:07 AM
To: Zier, Lora M.
Subject: RE: 3/3 239-2020-022 Vestal FW: Town of Vestal 239 for Planned Development Overlay District - The Retreat at Bunn Hill

Hi Lora,

BMTS has the following comments:

In considering the rezoning to permit multi-family residential in a rural residential area the Town should take into account that tenants of the proposed development would not have access to public transit services and that the site is not served by pedestrian or bicycle facilities that residents may need or desire. Specifically, the area is not served by BC Transit fixed route services or OCCT and is not within walking distance to commercial or medical services, or employment sites. The applicant's website states the development has a "pedestrian-friendly layout that encourages walking/biking/rolling to campus". However, Bunn Hill Road does not have sidewalks and lacks shoulders to walk or ride a bicycle on. Given the lack of pedestrian and biking infrastructure residents could not safely walk/bike/or roll to campus.

The project would be inconsistent with the goal of BMTS' Greater Binghamton Transportation Plan, Looking Forward 2040, to "promote compact, mixed-use development and infill/redevelopment of the urban core communities".

We understand that NYSDOT has requested an update to the applicant's January 10, 2020 Traffic Impact Study. We would like to review the updated TIS prior to commenting on any traffic impacts related to this project.

Leigh McCullen
Senior Transportation Planner
Binghamton Metropolitan Transportation Study
<http://bmtsonline.com>

From: Zier, Lora M. <Lora.Zier@BroomeCounty.US>
Sent: Wednesday, February 12, 2020 12:08 PM
To: McCullen, Leigh A. <Leigh.McCullen@BroomeCounty.US>; Yonkoski, Jennifer L. <Jennifer.Yonkoski@BroomeCounty.US>; 'sean.murphy@dot.ny.gov' <sean.murphy@dot.ny.gov>; Gowe, Brenda L.. <Brenda.Gowe@BroomeCounty.US>; Giordano, Emily E. <Emily.Giordano@BroomeCounty.US>; Boulton, Leslie G. <Leslie.Boulton@BroomeCounty.US>; Brink, Ron <Ronald.Brink@BroomeCounty.US>
Cc: Vernon Myers <vmyers@vestalny.com>
Subject: 3/3 239-2020-022 Vestal FW: Town of Vestal 239 for Planned Development Overlay District - The Retreat at Bunn Hill

Vern: Please explain the project and process to us and correct me if I am wrong in the text below or in the previous emails.

Also, Why does the January 15, 2020 letter from Attorney Sarah Grace Campbell state 64 2-5 bedroom cottages while the traffic study states 161 apartments and 700 beds total, used primarily as college apartments, and the site plan shows 161 units and 700 beds.

Zier, Lora M.

From: Kilmer, Gregory B.
Sent: Wednesday, February 19, 2020 11:42 AM
To: Zier, Lora M.
Cc: Evangelisti, Frank J.
Subject: RE: 1/3 239-2020-022 Vestal FW: Town of Vestal 239 for Planned Development Overlay District - The Retreat at Bunn Hill

Hi Lora,

After reviewing the documents provided and discussing with you last week, I offer the following comments:

1. BC Transit does not currently serve the proposed location as part of its' fixed route system. The only bus services currently offered is via BC County rural transportation service which has limited capacity. New transit service would require a negotiated MOU or Contract for fee prior to adding service.
2. The length and grade of Bunn Hill is not readily compatible with the operation of 40 foot transit bus. Southbound travel requires a long and steep climb which would consume added fuel. Northbound travel would be very taxing on brake systems to maintain the posted speed limit. The potential ridership is unknown as the developer has not spoken with my agency. The amount of beds proposed would suggest the use of large buses which may require the use of a less taxing alternative route to serve the complex.
3. The findings associated with the traffic study appear to counter BC Transit's experience with delays experienced at campus and Vestal parkway intersections. BC Transit regularly experiences delays during normal traffic and encounters schedule-altering delays during peak times. The assumption that 80% of new traffic would be between campus and the housing unit seems to counter our experience with current student travel patterns.
4. The proposed entrance circle and bus stop appear to be incompatible with 40 foot bus use. The tight circle radius, divided center median coupled with a lack of flow through parking lot design would make it difficult to navigate a 40 foot bus.
5. Bunn Hill presently has inadequate shoulders and lighting to allow for safe pedestrian travel which creates concerns about a safe operating environment.
6. BC Transit would be amenable to meeting with the developer to discuss egress and design issues associated with serving the complex.

Let me know if you additional details or comments.

Best regards,

Greg Kilmer
Commissioner of Public Transportation

From: Zier, Lora M. <Lora.Zier@BroomeCounty.US>
Sent: Thursday, February 13, 2020 9:01 AM
To: Kilmer, Gregory B. <Gregory.Kilmer@BroomeCounty.US>
Subject: RE: 1/3 239-2020-022 Vestal FW: Town of Vestal 239 for Planned Development Overlay District - The Retreat at Bunn Hill

Greg, Thank you



State of New York County of Broome Government Offices

Department of Public Works

Jason T. Garnar, County Executive · Leslie G. Boulton, P.E., Public Works Commissioner

To: Lora Zier – Broome County Planning

From: Brenda Gowe - Engineer II

Date: February 19, 2020

Subject: DPW Engineering Review Comments
BC Case No: 239-2020-022 – Town of Vestal
Planned Overlay District Creation – 791, 803, 813, 817 and 833 Bunn Hill Road and 765B Jensen Road

The above referenced “239” has been reviewed by the Department of Public Works - Engineering Division, and the following is pertinent: This application includes a request to create a Planned Development District (PDD) to allow new construction of a multi-residential development at 791, 803, 813, 817 and 833 Bunn Hill Road and 765B Jensen Road.

The applicant is proposing to supply the new development with a new sewer line to the property along Bunn Hill Road from Winding Lane, which is approximately 4,500’ north of the project. Bunn Hill Road is a County Road (CR 53), and it will be necessary for the applicant to obtain a permit from the Broome County Highway Department for any construction in the County Right-of-Way. Bunn Hill Road has narrow shoulders and steep side slopes which would make work in the Right-of-Way difficult in some locations; utilities would not be permitted to be placed beneath the roadway unless the developer legally commits to repairing the road to its original condition, which may include the milling and repaving of the entire roadway. Additionally, there will need to be a legal agreement between the developer and Broome County to include a private utility within a public Right-of-Way. It should be noted that when completing the Short Environmental Assessment Form the applicant has stated that the proposed action will connect to existing wastewater utilities. To date, there has been no discussion regarding this issue between the developer and Broome County and it should not be assumed that an agreement will be reached.

The applicant will also need a permit from the Highway Department for the proposed driveway opening and culvert to Bunn Hill Road. The construction of any new driveway shall be compliant with New York State Department of Transportation (NYSDOT) Highway Design Standards.

It appears that the applicant has planned for a “Stormwater Management Area”, however this area appears to be relatively small in relation to the proposed impervious area. The applicant should be aware that the County drainage system does not have the capacity to handle this increase in stormwater and we would request that all additional stormwater created as a result of this project be handled on-site. We would expect to see a full Stormwater Pollution Protection Plan should the application for rezoning be approved and a Site Plan Review be requested. As this is proposed new construction, we would expect to see full use of Low Impact Development (LID) and/or Green Infrastructure initiatives.

The Broome County DPW-Engineering has no additional comments related to the proposed Site Plan Review at the above address located on TM/Lots 174.12-1-10, -8, -7, -6, -5 and -4.

BLG: blg

cc: Leslie Boulton, P.E. – Commissioner of Public Works
Sue Brown – Superintendent of Highways

Zier, Lora M.

From: Brink, Ron
Sent: Wednesday, February 12, 2020 2:08 PM
To: Zier, Lora M.
Cc: Hebdon, Creig A.
Subject: RE: 1/3 239-2020-022 Vestal FW: Town of Vestal 239 for Planned Development Overlay District - The Retreat at Bunn Hill

Hi Lora –

Plans for connecting this project to public water and sewer utilities should be forwarded to Creig Hebdon at the Broome County Health Department when they become available.

Ron Brink
BC Health

From: Zier, Lora M. <Lora.Zier@BroomeCounty.US>
Sent: Wednesday, February 12, 2020 11:12 AM
To: McCullen, Leigh A. <Leigh.McCullen@BroomeCounty.US>; Yonkoski, Jennifer L. <Jennifer.Yonkoski@BroomeCounty.US>; 'sean.murphy@dot.ny.gov' <sean.murphy@dot.ny.gov>; Gowe, Brenda L. <Brenda.Gowe@BroomeCounty.US>; Giordano, Emily E. <Emily.Giordano@BroomeCounty.US>; Boulton, Leslie G. <Leslie.Boulton@BroomeCounty.US>; Brink, Ron <Ronald.Brink@BroomeCounty.US>
Cc: Vernon Myers <vm Myers@vestalny.com>
Subject: 1/3 239-2020-022 Vestal FW: Town of Vestal 239 for Planned Development Overlay District - The Retreat at Bunn Hill

Leigh, Sean, Brenda, and Ron:

Please see the 7 attachments for Bunn Hill Road and Jensen Road Planned Development Overlay District. Two more emails will follow.

I just talked to Vern Myers. As I understand from Vern, the project is for the Planned Development Overlay District rezoning at this time, Site Plan Review will follow after PB advisory opinion on the rezoning, public hearing, and TB approval of the rezoning, if the TB approves the rezoning. I asked Vern Myers to explain this process to us and why the attachments were submitted to us at this time and not the SWPPP, drainage and other documents for this project.

I am copying Vern Myers. He will follow up with an email to explain the project to us.

Thank you,

Lora Zier

From: Vernon Myers <vm Myers@vestalny.com>
Sent: Thursday, January 23, 2020 4:11 PM
To: Zier, Lora M. <Lora.Zier@BroomeCounty.US>
Subject: Town of Vestal 239 for Planned Development Overlay District - The Retreat at Bunn Hill

Lora:
Attached is the 239 submission and additional information.



State of New York
County of Broome Government Offices

Department of Planning and Economic Development
Jason T. Garnar, County Executive · Frank Evangelisti, Director

COVERSHEET

TO: Mr. Vernon Myers, P.E., Town Engineer
Town of Vestal
Engineering Department
133 Front Street
Vestal, NY 13850-1486
vmyers@vestalny.com

Mr. John Schaffer, Supervisor
Town of Vestal
605 Vestal Parkway West
Vestal, New York 13850

Ms. Joyce Majewski, Chair
Planning Board
Town of Vestal
605 Vestal Parkway West
Vestal, New York 13850
Joyce@stny.rr.com

FROM: Lora Zier, Senior Planner

DATE: March 13, 2020

NUMBER OF PAGES, INCLUDING COVER PAGE: 12

COMMENTS: