

**MINUTES OF THE COMMON COUNCIL
MAY 6, 2019**

A special meeting of the Common Council of the City of Oneida, NY was held on the sixth day of May, 2019 at 6:30 o'clock P.M. in Council Chambers, Oneida Municipal Building, 109 N. Main Street, Oneida, NY.

Meeting was called to order by Mayor Leo Matzke

PRESENT: Councilors Alan Cohen, Michael Bowe, James Coulthart, Helen Acker, James Chamberlain, and Thomas Simchik

ALSO PRESENT: City Attorney Nadine Bell
City Clerk Susan Pulverenti
Planning Director Cassie Rose
Supervisor Joe Magliocca
Supervisor John Reinhardt

Mayor Matzke said that before the Council begins their work session, the City Clerk will read a prepared statement. City Clerk Sue Pulverenti said that as noted by the Deputy Mayor at the last meeting; this is a work session of the Common Council, and there will not be any opportunity for public comment. The City Clerk said that at this time, the Council will be going into a brief Execution Session to seek advice of counsel before the start of the work session.

EXECUTIVE SESSION

RESOLUTION 19-131

Motioned by Councilor Coulthart
Seconded by Councilor Chamberlain

RESOLVED, that the meeting is hereby adjourned to Executive Session at 6:35 p.m. to seek advice of Counsel.

Ayes: 6
Nays: 0

MOTION CARRIED

PRESENT: Mayor, Councilors, City Clerk, City Attorney, Planning Director

1. Advice of Counsel was sought.

Motioned by Councilor Simchik
Seconded by Councilor Coulthart

RESOLVED, that Executive Session is hereby adjourned to the special meeting at 7:00 p.m.

Ayes: 5
Nays: 0
Absent: 1 (Councilor Simchik moved the resolution and left the room)

MOTION CARRIED

The Mayor said that there is one Resolution for this meeting and requested that the Resolution be moved and seconded to open discussion.

SEQRA RESOLUTION AND NEGATIVE DECLARATION FOR ORDINANCE 19-03 AMENDING THE ZONING MAP OF THE CITY OF ONEIDA TO CHANGE THE ZONING DESIGNATION FOR CERTAIN PROPERTY FROM BEING ZONED R-P (RESIDENTIAL-PLANNED) TO C (COMMERCIAL) IN THE CITY OF ONEIDA

RESOLUTION 19-132

Moved by Councilor Chamberlain
Seconded by Councilor Simchik

WHEREAS, that the Common Council of the City of Oneida, on March 19, 2019, introduced Ordinance 19-03 titled “An Ordinance Amending the Zoning Map of the City of Oneida to Change the Zoning Designation for Certain Property from Being Zoned R-P (Residential-Planned) to C (Commercial) in the City of Oneida,” which Ordinance would amend the Zoning Map of the City of Oneida, as provided for in Section 190-9 of the Code of the City of Oneida, to change the zoning use designation of certain lands situated off Genesee Street (Route 5), identified as Tax Map Parcel No. 38.69-1-1, from R-P (Residential-Planned) to C (Commercial), as such zoning districts are defined and regulated pursuant to the provisions of Chapter 190 of the Code of the City of Oneida; and

WHEREAS, the Common Council is the single agency involved and there are no interested and/or involved agencies, such that the City may assume Lead Agency status for purposes of a determination of significance under the Law; and

WHEREAS, Volume 6 N.Y.C.R.R. Section 617.3 of the Regulations relating to Article 8 of the New York Environmental Conservation Law of New York (SEQRA), requires that as early as possible, the Lead Agency shall make a determination of significance; and

WHEREAS, the Lead Agency has completed and submitted a Full Environmental Assessment Form and the same has been carefully reviewed and thoroughly considered by the Council; and

WHEREAS, the Council has considered and discussed fully the potential environmental impacts of the proposed action.

NOW, THEREFORE, BE IT RESOLVED that the City of Oneida Common Council hereby determines that the proposed action will not have a significant adverse effect on the environment; that accordingly, an environmental impact statement (EIS) shall not be required; and that this resolution shall constitute a negative declaration for purposes of Article 8 of the Environmental Conservation Law, Volume 6 of the N.Y.C.R.R., Part 617 et seq. for the reasons contained herein; and

BE IT FURTHER RESOLVED that the reasons supporting the foregoing Negative Declaration are as follows:

1. See responses to Full Environmental Assessment Form Part 2 - Identification of Potential Project Impacts;

2. The City of Oneida Common Council received a request to rezone property known as 409 Genesee Street, Tax Map No. 38.69-1-11 (the "Property"), which is currently Residential-Planned, to Commercial;
3. Pursuant to Section 190-7(8) of the Zoning Ordinance, the "Commercial" Zoning District is designed to provide for a broad range of commercial development. The District allows a full range of retail, office and service uses with a local or regional market. Development is expected to be generally auto-oriented and the District's development standards are intended to promote attractive development, an open and pleasant street appearance, and compatibility with adjacent uses. Development is intended to be aesthetically pleasing for motorists, transit users, pedestrians, and the businesses themselves;
4. The City of Oneida, New York Comprehensive Plan, adopted in September 2005, was the culmination of effort by City Staff, an independent consultant, a project Steering Committee and various focus groups. As drafted, the Comprehensive Plan is intended to present the goals and objectives of the community and to offer guidance and recommendations to enhance the City's growth and preferred development;
5. The section titled "Planning Process" in the Comprehensive Plan recognizes the "critical" importance of the City's tax base and the need to attract new businesses that create jobs for Oneida residents. Page 1;
6. Within the Comprehensive Plan's "Community Profile" section, the Plan acknowledges the loss of business and the impact upon Oneida's workforce. Changes were identified by focus group participants that more commercial uses, such as "retail stores" and "hospitality businesses," were needed. Page 2;
7. As part of the "Visions and Goals" outlined in the Comprehensive Plan, focus group participants "felt a need for more economic development in the City" and residents expressed an interest in more services and retail stores. Page 4;
8. Goal 5 of the Comprehensive Plan is to "improve land management by updating the City's Zoning Ordinance." To effectuate this goal, the Comprehensive Plan recommended that the Common Council amend the City's Zoning Ordinance "to reflect and encourage future land uses as proposed in the Comprehensive Plan." To implement Goal 5, the Plan recommended coordinating the efforts of Planning and Zoning officials and the Planning Commission. Page 19;
9. Goal 5 further sought to "[p]rotect residential neighborhoods against incompatible uses and inappropriate infill development." To effectuate this goal, the Comprehensive Plan recommended that residential areas in the City be isolated where there are land use conflicts and a determination be made relative to whether the permitted uses were proper or whether the districts required updating. Page 20;
10. The Comprehensive Plan describes the Route 5 (Genesee Street) corridor as "a wide mixture of uses or zoning districts including R-1, R-3, Commercial, Business, Residential-Planned and Manufacturing-Industrial. There is little continuity along this stretch of Route 5 in terms of uses and zoning districts." Page 62. Consistent with such description, the Property is immediately surrounded by high-density residential apartments and duplexes to the east, single-family dwellings to the west and the following commercial uses to the north: Byrne Dairy convenience store with fueling

services; Unisex Salon; Fireside Café; and Tarson Pool and Spa retail store. Within less than one-half of one mile from the Property, there are additional single-family dwellings, high-density residential apartments, the Oneida Hospital healthcare campus and medical offices. Given the blended presence of high-density residential and commercial/community service development within the immediate vicinity of the Property, rezoning the Property “Commercial” is consistent with the existing neighboring land uses and development and will not adversely impact the character of the surrounding area;

11. As part of the Comprehensive Plan’s “Community Profile,” ensuring the appropriate development of Route 5 was identified as a way to address economic development needs. Residents supported changes within the City that would attract “more business” and “tourist-related business that will cater to travelers.” Pages 39-40;
12. Pursuant to the Comprehensive Plan, housing vacancy rates have risen and owner housing is losing market value. Approximately 59% of occupied housing units are owner-occupied, the balance of housing, 41%, comprise of renters. According to local housing service providers, the greatest housing need in the City is for housing rehabilitation services, not new home construction. Pages 42, 44;
13. According to the Comprehensive Plan, the City’s Zoning Ordinance creates transition areas from residential to commercial that encourages commercial uses that are compatible with and supported by residential neighborhoods. Page 58. Therefore, changing the zoning designation of the parcel to “Commercial” will still provide for the appropriate transition from residential to commercial uses;
14. The Comprehensive Plan acknowledges the completion of a NYS Route 5 Corridor Management Study to, in part, “determine transportation improvements and land use strategies that will maximize development opportunities.” Recognizing Route 5 as the most traveled roadway in the City and a “gateway” into the community, the Plan recommends that the appearance of the development be improved and the promotion of development of interior or non-frontage properties (similar to the subject parcel). “Out parcel development” along the Corridor is encouraged in the Comprehensive Plan to maximize development space and increase use of shared access drives. Noting the abundance of open space and farm land, the Comprehensive Plan identifies the area of the subject parcel as “suitable for larger-scaled light industrial and/ commercial activity. Pages 75-77;
15. The Property is serviced by public water and sewer facilities capable of accommodating commercial development;
16. The proposed ordinance to amend the zoning designation of the Property is intended to encourage growth and development along the NYS Route 5 Corridor in a manner that not only recognizes the current mixture of uses and zoning districts along the Corridor, but is consistent with the goals and recommendations set forth in the Comprehensive Plan; and

BE IT FURTHER RESOLVED, that this Board adopts the Negative Declaration incorporated herein and instructs counsel to make the required filing and publication of same.

Ayes: 4

Nays: 2 (Chamberlain, Bowe)

MOTION CARRIED

City Attorney Nadine Bell said that this SEQRA Resolution before you identifies that the Council is the only body with authority to pass an Ordinance, which makes them the Lead Agency. She said that because of the acreage involved (41.66 acres), under SEQRA regulations, this is a Type 1 Action. Attorney Bell said the long EAF was recently completed, and tonight the Council is considering the rest of the full environmental assessment form. City Attorney Bell said that whenever there is a change in zoning, the Comprehensive Plan is analyzed, which is what was done here. She said that the draft findings are being provided for review and consideration, which is due to a request from the property owner for a change in the zoning classification from R-P to C for the parcel at 409 Genesee Street.

Attorney Bell went over the various aspects of the Resolution noting that the Comprehensive Plan was a culmination of effort not only by City staff, but a steering committee, an independent consultant and various focus groups consisting of residents offering guidance and recommendations to enhance the City's growth and its preferred development. She stated that the section titled "Planning Process" recognizes the importance of the City's tax base and addresses the need to attract new businesses that will create jobs for Oneida residents. The community profile section acknowledges the loss of business and impact upon the workforce, as well as what the focus group identified as the needs of the City. She said that as part of the visions and goals, the focus group felt a need for more economic development in the City and expressed their interest in such. Attorney Bell said another goal outlined in the Plan is to improve land management by updating the City's Zoning Ordinance and how it can be effectuated, which involves the coordination of efforts with the PCZBA.

Attorney Bell said that the Comprehensive Plan describes the Route 5 corridor, which is a wide mixture of uses or zoning districts including R-1, R-3, Commercial, Business, Residential-Planned and Manufacturing-Industrial. She noted that the property is immediately surrounded by high-density residential apartments and duplexes to the east and single-family dwellings to the west. She said that commercially zoned businesses are located to the north of the 409 Genesee Street parcel. She added that in less than a half-mile from the property, there are additional single-family dwellings, high-density residential apartments, the Oneida Hospital Healthcare Campus and medical offices. Attorney Bell said that because of the blend of high-density residential, commercial and community service development within the immediate vicinity of the property, rezoning the property at 409 Genesee Street "Commercial" is consistent with the existing neighboring land uses and development. She said that the Comprehensive Plan's Community Profile ensuring the appropriate development of Rt. 5 was identified as a way to address economic development needs, and the residents supported changes to attract more business and tourist related businesses to cater to travelers. The City Attorney spoke about the housing vacancy rates rising and owner housing losing market value pursuant to the Comprehensive Plan, noting that according to local housing service providers, the greatest housing need in the City is for housing rehabilitation, not new home construction.

Attorney Bell said that according to the Comprehensive Plan, the City's Zoning Ordinance creates a transition from residential to commercial zoning, whereby a buffer would be required for any commercial projects. She said that the Comprehensive Plan recognizes Rt. 5 as the gateway to the community and recommends that the appearance of development be improved with the growth of non-frontage properties, noting the increased use of shared access drives to maximize any development. She said that the property is serviced by public water and sewer facilities, which means there is the availability for the developer to tie into those services at the developer's expense. This also means that the development would not require onsite septic or wells.

Councilor Chamberlain said that there may be an issue hooking into the water main and a pumping station will be needed, and asked if it would affect the tanks. Director Rose said that it will require some work with the City Engineer and Water Superintendent, but it is workable for the developer. Councilors Bowe and Chamberlain briefly discussed connection to the sanitary sewer, where the lines are located and tapping into it. It was noted that a developer could go under Rt. 5, as was done in the Five Corners area

for TSC. The Planning Director said that this is at the developer's expense, and the developer will work with the City Engineer to make this doable. When a question of traffic was raised, the City Attorney said the Route 5 Corridor Management Study was addressed in the Comprehensive Plan, and although it was 14 years ago; it is the Plan that the City has to utilize. She said that the shared access and out-parcel developments were meant to address the traffic issues. The Planning Director said that this is the SEQRA for the zoning change request only. She stressed that it is completely separate from any proposal that may come later on where SEQRA for any projects would be addressed and a public hearing would be held. A zoning map was distributed, and the City Attorney clarified the various color coded zoning classification areas.

The Planning Director said that the Comprehensive Plan that was developed in 2005 and approved in 2006 needs updating, which is a budget issue. The City Attorney said that the City's Comprehensive Plan is about goals/needs, what the City has and how to get to where the City wants to be; it provides guidance. Councilor Acker questioned what was allowed in Residential-Planned, and the Planning Director said anything allowed in R1, R2, R3 such as single family, duplexes, apartment buildings, nursing home, etc. Councilor Acker asked as if low income housing would be allowed, and the Director responded yes. The Planning Director said that she found a zoning map from 1970 where the property at 409 Genesee Street was zoned "Planned Development." She said it had with hand written notes listing different zone changes up to 1973, so sometime between 1973 and in 1979, it was rezoned Residential Planned. The City Attorney said that in the late 60's zoning actually came into play, and the Moose Club and/or Oneida Country Club may have been grandfathered in as a non-conforming use.

Councilor Chamberlain said that he is still concerned with changing the zoning and finding that the sewer hookup ends up costing too much for the developer. The City Attorney said that if you don't change the zoning and the developer decides to put housing in there, it would require the same process for hooking into the sewer line. The Planning Director said that the Council has a request before them to change the zoning classification. She said that we are finishing SEQRA, and the next step will be to vote on the request from the property owner. She said that the Council is not voting on a project. Councilor Chamberlain said he has concerns about changing the zoning and then hoping it will turn out okay, expressing his apprehensions about the developer's costs for water/sewer hookup. Councilor Bowe questioned the Planning Director with respect to the property being zoned NC (Neighborhood Commercial), and Director Rose said that there isn't any NC adjacent to the property in question and to change it to NC would be spot zoning, which is illegal in New York State.

Motion to adjourn by Councilor Acker

The special meeting is hereby adjourned at 7:45 p.m.

CITY OF ONEIDA, NEW YORK

Susan Pulverenti, City Clerk