

MINUTES OF THE 426th MEETING
OTSEGO COUNTY PLANNING BOARD

Proposed Hampton Inn Site / Meadows Office Building
Cooperstown, NY

August 2, 2007
6:00 P.M.

1. The regular meeting of the Otsego County Planning Board opened at 6:00 pm in the parking lot of the Holiday Inn on Route 28 near Cooperstown in order to view the proposed Hampton Inn Site (located on the same property) in accordance with the by-laws. Tom Clarke, the senior member of the board conducted the meeting in the absence of a chairperson or vice-chair.

2. Roll Call

a. Members present were R. Streek, T. Clarke, J. Ahern, P. Durkin, J. House and F. Loomis.

Also present were Terry Bliss and Psalm Wyckoff– staff.

Guests included the proposed Hampton Inn applicant as well as three of his consultants. Also present were Ron Sheppard, NYS DOH, and Gerry Murello, NYS DOT and several Town of Hartwick Planning Board Members officials.

T. Clarke proceeded to item 8.a.i., Referral #10-07-01 from the Hartwick Planning Board for an application by Rainbow Enterprises for site plan approval to develop a Hampton Inn & Suites on NYS Rt. 28 near the Holiday Inn Express. (Received 6/26/07).

Fred Riordan gave a presentation on the project including the site plan drawing depicting the building, parking lots, driveways, stormwater basins, etc. He displayed a visual simulation of the site with the new hotel. He point out that the three story Hampton Inn will be 42 ft high, and located at a lower elevation than the two story Holiday Inn, which is 40 ft high.

Discussion moved to drainage and stormwater. Most of the stormwater will drain to the retention basin near the road (Pond 1) and then will drain freely to the second basin south of the existing driveway (Pond 2) where it will be retained and allowed to percolate. The question was raised if the stormwater runoff will impact the wells. The applicant's consultant responded by saying that they have the required 25 ft of grass run-through and the casings are sealed properly. The point was made that half of the basin will be lost to develop the parking lot. The response was that there is still adequate volume and run-through. Currently the system functions well with infrequent accumulation of standing water, any of which percolates rapidly. The area behind the hotel will drain to a swale that will empty into a basin behind the Holiday Inn. Roof runoff will be piped to Pond 1.

For fire response there is no standing water for the fire department to draw from for fire suppression. The response was that the hotel will have a 8000 gallon tank in the basement and a sprinkler system.

Discussion moved to traffic. Greg Sgromo, who conducted the traffic impact study, has conducted many studies on Rt 28, including the Dreams Park. He used the Institute of Transportation Engineers Trip Generation to calculate the Level of Service for the two driveways. The LOS analysis was for worst case and the resulting LOS was “D” for one movement in the peak hour.

LOS D is perhaps the level of service of a busy shopping corridor in the middle of a weekday, or a functional urban highway during commuting hours: speeds are somewhat reduced, motorists are hemmed in by other cars and trucks. In busier urban areas this level of service is sometimes the goal for peak hours, as attaining LOS C would require a prohibitive cost in bypass roads and lane additions. Additionally, the [Highway Capacity Manual \(2000\)](#) defines Level of service at intersections as a function of the average overall wait time for a vehicle to pass through the intersection. This way, LOS can be quantitatively measured at any intersection. For LOS D, there would be a wait of 35 to 55 seconds at a signalized intersection, 25 to 35 seconds at an unsignalized interseciton. (http://en.wikipedia.org/wiki/Level_of_service)

He counted cars at the intersection of the hotel from 4:15 to 6:00 pm today. He counted 50 cars entering/exiting the hotel property during the peak hour of 4:30 to 5:30 pm. He observed no more than 2 cars waiting at a time for the southbound left turn. He also counted Maple Ridge traffic which he did not consider significant. The study estimated 52 cars during the peak hour. The hotel operates at approximately 98% occupancy during peak summer nights. A car:room ratio at a hotel is typically 85%. In the summer there are over 10,000 cars on Route 28 in the vicinity of the Holiday Inn.

Gerry Murello, NYS DOT, stated that reconstruction of Route 28 is scheduled for 2011. They are no longer planning to realign the road, but a third lane is planned. The lane may be used for a turning lane, accommodation of a traffic signal, or simply not used until needed. Greenough Road will likely be realigned to approach Route 28 at a 90° angle.

At 7:00 pm the Board decided that all pertinent site details relating to the project had been observed and that the remaining questions could be covered at the regular meeting location at the Meadows Office Buiding.

At 7:10 pm the meeting reconvened in the Conference Room of the Meadows Office Building near Cooperstown. T. Clarke called the meeting to order.

Joining the meeting were various guests from Cherry Valley.

3. Reading of the minutes.

a. Upon a motion by J. House, seconded by J. Ahern, and unanimously approved, the board waived the reading of the minutes of July 5, 2007 and accepted as is.

4. Report of Communications

a. Letter of resignation from Renee Walker

b. Everett Miller, Town of Cherry Valley, has written to express interest in serving on the Board. Everett was present.

c. Marsha Membrino's letter of interest in serving on the Board is still on file with the Planning Dept.

5. Report of Committees

The Nominating Committee nominated R. Streek for the position of Chairman and W. Mitteager for the position of Vice Chairman. F. Loomis volunteered for the position of Secretary. T. Clarke moved to cast a ballot containing the names of the above mentioned board members, seconded by J. Ahern. The ballot passed by unanimous vote. The new officers will begin serving at the September meeting.

6. & 7. J. Ahern asked if there was any objection to moving the Wind Tour power point presentation and discussion of New Business to the end of the meeting. Having no objections, the board proceeded with the continued review of the proposed Hampton Inn project.

8a. Referral with Potential County Impacts:

8ai. The Board resumed review of proposed Hampton Inn & Suites, presented referral # 10-07-01, for an application for site plan approval from the Town of Hartwick Planning Board.

Discussions regarding the septic system included:

Fred Riordan related that the original plan was for an underpavement system. DEC preferred a conventional septic, requiring purchase of property northeast of the Hampton Inn. The septic for the Holiday Inn is located southeast of the existing hotel. The waste is chlorinated prior to release. The hotel will have two 8000 gallon septic tanks.

Discussions regarding the Town Planning Board concerns included:

1) setback of the hotel, 2) traffic, 3) the second driveway, 4) fire response. The project received a Positive Declaration under SEQR requiring an EIS. The FEIS is currently being finalized.

Discussion regarding water supply included:

The Town of Hartwick and OCCA have contracted with Alpha Geoscience in Clifton Park, NY to conduct a desktop study of the aquifer. They are collecting existing pump test data on municipal and commercial wells from various sources as Phase I. In this Phase, there will be no new tests conducted.

The NYS DOH has reviewed the two 24 hour pump tests on each of the two on-site wells and are satisfied with the results that the wells will provide a satisfactory yield and will not likely negatively impact the neighboring groundwater users. Recovery in the wells was satisfactory, with full recovery on the order of a few hours. The question was raised if the two wells were tested simultaneously. They were not.

The hotel water supplies are considered non-community water supply wells; therefore the test requirements are less stringent than community public water supply wells. The wells for the hotels were tested for 24 hours, and therefore meet the applicable test standards for non-community water supply wells. Tests of the community water supply wells must meet the 10

States Standard (24 hour test), and must also meet the more stringent DEC pump test standards (72 hour test, simultaneous pumping at 1.5xs the design rate) if they meet the threshold.

DOH's primary concern is confirmation that the yield of the well will adequately supply the facility. Impacts on the neighboring users are a secondary concern. DOH is satisfied with the test results for DOH's purposes. The Town could opt to require more stringent testing. It was pointed out that the tests of the on-site wells were conducted in 2000 and 2003; however, there has been significant development and additional groundwater users since then.

Discussion of groundwater advanced to more detail on the aquifer study being conducted for the Town. There was concern raised that this was only a desktop study and that information from the residential wells would not be collected. The study will likely examine all the available test data to determine average values of permeability and porosity of the aquifer, apply that to the entire system, accounting for all water withdrawals, including assumptions about the rates of residential well use. That information would be used with recharge rates in a water balance for the entire system. The report will likely include maps including areas that may have recharge/withdrawal deficits. Discussion included the possibility that the approval of the project could be conditioned on the completion of the report and/or review of the report findings and recommendations.

Discussions regarding traffic included:

Fred Riordan discussed the 2006 review by the DOT in which they required the setback of the hotel to accommodate the realignment of Rt 28. The DOT did not request a traffic study and the DOT Site Plan Review committee did not have any concerns or objections regarding the site plan at the July, 2006 meeting. The DOT wrote a second letter in February 2007 to the Town of Hartwick. In that letter DOT reiterated that they had met with the applicant in 2006 and based on the number of hotel units and anticipated traffic volumes, the DOT concluded that a traffic study was not necessary. The DOT further stated that the applicant had modified the location of the hotel to accommodate realignment of Rt 28. Unless there had been changes to the revised site plan, the DOT had no further concerns at this time.

The traffic study was conducted subsequent to the DOT review at the request of the Town Planning Board. The traffic count conducted by G. Sgromo prior to the meeting agreed with the volumes estimated in the report. F. Riordan related that the Town did conclude that a second driveway would provide beneficial emergency services access. The applicant is attempting to develop a plan with the Dreams Park to provide a shuttle which would run as often as needed.

G. Sgromo again pointed to the 2007 letter from DOT stating that they had no further concerns. DOT will be verifying site distances based on the site visit today. Mr. Sgromo cautioned the Board against making a recommendation to the Town that will be contrary to the DOT's recommendation. Mr. Sgromo cautioned that directing all the traffic to one driveway focuses the traffic flow at one point rather than two.

There are no plans for a traffic light at the second driveway at the Maple Ridge driveway. The southbound left turn into the hotel causes a problem of stacking of cars to block the Maple Ridge

driveway. Local experience with the Maple Ridge driveway demonstrates that the Level of Service is poor.

The Board determined that the traffic volumes estimated in the study do not seem to adequately reflect the conditions on the road based on occupancy rates at the hotel. The actual traffic volumes on the road may be greater than presented. The traffic calculations made assumptions based on a business hotel and the Hampton Inn is not a business hotel. With the large volume of through traffic on the road, it does not take a large volume of traffic turning into the hotel to cause congestion. Local experience with other projects on the road demonstrates congestion problems on Route 28 and unsatisfactory problem resolution between the property owner(s), the NYS DOT, and the Town of Hartwick.

The Board determined that the count of traffic entering and exiting in the 105 minutes prior to the meeting does not appear realistic in comparison to the number of units in the hotel. The traffic counts conducted prior to the meeting may have missed the peak traffic as families were traveling to the Dreams Park for the awards ceremonies conducted at 4pm. The horizontal alignment of the road and the vertical curve results in short reaction time. The reaction time for pulling out into traffic observed at the proposed intersection is very short and will likely result in accidents.

There is a cumulative effect for all the curb cuts along Route 28. There is a point where the cumulative impacts must be mitigated. Each additional curb cut is a place where traffic will be slowed. A third turning lane could alleviate the problem of traffic turning into the hotel on the southbound lane.

If the second driveway was not approved, the hotel would have the option to resubmit in the future. If the second driveway was constructed for emergency vehicle access only, the second driveway could be applied for when the third lane on Route 28 was constructed. If the surface of the driveway was gravel, it would be less likely that it would be used for purposes other than emergency vehicle access.

A comment was made that the board should not modify or condition the approval based on the tentative plans of the DOT. Those plans may never reach fruition, or may be severely delayed.

Discussions of the action of the Board included:

R. Streek made a motion, seconded by F. Loomis, that the project be modified. Discussion of the modification ensued. T. Bliss reviewed the four choices before the Board: approval, approval with modification, denial, or remand to the Town for decision. J. Ahern stated that she feels that they should deny the application on the grounds that the planning board does not have the expertise to determine what the modification should be. Further discussion ensued regarding which way the Board members would vote. R. Streek withdrew his motion from the table.

The Board took a roll call of how each member would prefer to vote and their position on traffic/groundwater:

J. House – Approve – with comment that the Town takes a longer look at the second driveway, groundwater was not a concern for him, this project should not be tied to the aquifer study
P. Durkin – Approve with Modification – second driveway constructed when DOT adds the third lane to Rt 28, groundwater was not a concern for him
F. Loomis – Approve with Modification – one driveway with emergency service access only, groundwater was a concern but she was willing to rely on the expertise of the DOH.
J. Ahern – Approve with Modification – one driveway with emergency service access only, groundwater is not a concern for her, this project should not be tied to the aquifer study
R. Streek – Approve with Modification – desires to condition approval on completion of the study of the aquifer
T. Clarke – refrained from discussion as presiding officer.

Further discussion to construct a motion ensued.

Upon a motion by R. Streek, seconded by F. Loomis, and unanimously approved, the Board voted to send the following recommendation to the Town of Hartwick:

The Board recognizes the rapid development in the Hyde Park / Route 28 corridor south of Cooperstown in the Town of Hartwick. Rapid growth and water usage demands requires comprehensive study of the water uses in the area in order to determine how best to accommodate future growth. To that end, the Board strongly encourages the initiation of a comprehensive study of the aquifer, including a water budget quantifying water supply and demand, to be completed in a timely manner.

The Board has directed staff to send a letter to that effect to the Town of Hartwick, and to send copies to the Otsego County Board of Representatives, the NYS Dept of Health, the Towns of Milford, Middlefield, Otsego, the Village of Cooperstown, the Otsego County Conservation Association, and the Susquehanna River Basin Commission.

Upon a motion by R. Streek, seconded by F. Loomis, and unanimously approved, the Board voted to approve the proposed Hampton Inn project with modifications. The modification of the Board requires that the second driveway may be constructed at the location shown on the site plan map for emergency service vehicle access only and that the surface material used in construction must be gravel or equivalent.

This modification is intended to mitigate the potential negative impact the project would have on traffic congestion on Route 28. Through discussion, the Board concluded that the current performance of intersections in the vicinity of the project is poor and that a second curb cut along that stretch of Route 28 will result in one more point along the road where traffic will slow or stop for traffic turning off the road. However, recognizing the Town's concern regarding fire response, the Board determined that the second driveway may be constructed for emergency vehicle access only and that a surface of gravel would discourage use of the driveway for any other purpose.

The board then resumed with agenda items 6 and 7.

6.a. Otsego County Alternative Energy Policy/Power point presentation of Legislative Wind Tour July 17, 2007 – J. Ahern asked if there was any objection postponing the presentation until the September meeting. Having no objections, the board proceeded with item 7 on the agenda.

6.b. No old business was brought by members.

7.a. Recommendation of new member for vacancy - J. Ahern asked if there was any objection postponing the presentation until the September meeting. Having no objections, the board proceeded with the next item on the agenda.

7.b. No new business was brought by members.

10. Meeting Adjourned at 9:10 pm.

The board will meet on September 6nd at 6:00 pm at the Meadows Office building.

Respectfully submitted,

Psalm Wyckoff
August, 3, 2007