

1 STATE OF NEW YORK

2 COUNTY OF BROOME

3 -----

4 In the Matter of a Public Hearing

5 held under

6 Section 859A of the General Municipal Law

7 -----

8 A Public Hearing held at 243 Main Street, Johnson
9 City, New York, on the 24th day of February, 2011,
10 commencing at 12:06 PM.

11

12 BEFORE: CZERENDA COURT REPORTING, INC.
13 71 State Street
14 Binghamton, New York 13901-3318
15 KEVIN CALLAHAN
16 Shorthand Reporter
17 Notary Public
18 Binghamton - (607) 723-5820
19 (800) 633-9149

17 APPEARANCES: THOMAS, COLLISON, MEAGHER & SEIDEN; 1201
18 Monroe Street, Endicott, New York 13760;
19 Counsel for Industrial Development Agency;
20 JOSEPH B. MEAGHER, ESQ, of Counsel.
21

22 RICHARD D'ATTILIO, Executive Director,
23 BCIDA.
24

1 MR. MEAGHER: Good afternoon,
2 ladies and gentlemen. My name is Joseph
3 Meagher, and I'm counsel to the Broome
4 County Industrial Development Agency.

5 The agency is conducting a hearing
6 pursuant to General Municipal Law
7 Section 859A to seek public comment on an
8 application for financial assistance
9 submitted by Clover Communities Johnson
10 City, LLC, in connection with a proposed
11 independent living apartment complex for
12 senior citizens to be located at the end of
13 Anna Maria Drive in the Village of Johnson
14 City, Town of Union, County of Broome and
15 State of New York.

16 It is the purpose of the Broome
17 County Industrial Development Agency to
18 promote projects which advance the job
19 opportunities, health, general prosperity
20 and economic welfare of the citizens of
21 Broome County.

22 In this particular instance, Clover
23 Communities Johnson City, LLC, has requested
24 financial assistance from the agency in the

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1 form of an abatement of mortgage taxes,
2 sales and use taxes and real property taxes.

3 The purpose of this hearing is to
4 solicit public comment with respect to the
5 financial assistance requested by Clover
6 Communities. The acceptance of this
7 application does not infer any position by
8 the agency on the approval or disapproval of
9 the financial assistance requested. No
10 determination will be made by the agency on
11 the application until the public hearing is
12 concluded and the board members have had an
13 opportunity to review the comments made in
14 letters or other materials that have been
15 submitted regarding this matter.

16 Notice of this hearing was
17 published in the PRESS & SUN BULLETIN on
18 January 23, 2011, and an affidavit of
19 publication regarding that will be spread
20 upon the record of these proceedings.

21 I request that each person wishing
22 to speak state his or her name and if you're
23 speaking on behalf of an entity or
24 organization, please, identify that entity

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1 or organization.

2 Based upon the number of people
3 present here today, I request that each
4 speaker limit his or her comments to under
5 five minutes. The hearing will remain open
6 until all public comment is concluded.

7 I'll now ask Richard D'Attilio,
8 seated to my left, executive director to the
9 agency, to explain the financial assistance
10 that has been requested by Clover
11 Communities.

12 MR. D'ATTILO: Thanks, Joe.

13 I'd first like to just give you a
14 quick narrative, quick overview of what the
15 project is. I'm sure many of you are well
16 aware of what the project is, but I'll just
17 give you -- for the record I'll give you a
18 quick overview.

19 This apartment facility is a
20 three-story, wood-constructed,
21 fully-sprinklered apartment building for
22 seniors capable of living independently. It
23 will be age restricted. A minimum age of 60
24 years of age will be a requirement. As I

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1 understand, it will part of the D covenant
2 in terms of the enforcement of this
3 requirement.

4 It's an \$8 million project, total
5 cost estimated at this point. It will be
6 built on 15.6 acres at the end of the
7 current Anna Maria Drive, a dead end street,
8 if you will.

9 This facility will be equipped with
10 refrigeration, stoves, microwaves and
11 dishwashers in each unit. It will provide
12 community rooms for the residents to
13 congregate and develop relationships with
14 each other, laundry facilities, a beauty
15 parlor, lounges, exercise room and offices
16 for the staff. It will also provide
17 elevator service for those that necessarily
18 need it.

19 The target market for this group,
20 as I said, is 60 years of age and greater,
21 and it targets an income level of somewhere
22 between the 60 and 80 percentile of the
23 median household income as it currently
24 exists in our community, which is around

1 \$42,500.

2 As I said, this is independent
3 living. These people, as I understand, will
4 be capable of being able to take care of
5 themselves. There is no -- this is not a
6 nursing facility of any sort. People will,
7 basically, be able to come and go and take
8 care of their own needs as they would as if
9 they were living somewhere prior to where
10 they moved to this facility.

11 The benefits that we are being
12 asked to offer this project is a sales tax
13 exemption on the construction materials that
14 will be go into the development of this
15 facility, the mortgage recording taxes that
16 may exist on the face value of the mortgage
17 that would be used to finance this project
18 and a payment in lieu of tax that has,
19 basically, been approved and submitted to us
20 by the Village of Johnson City.

21 UNIDENTIFIED SPEAKER: Sir, can
22 you speak up, please. We can't hear back
23 here.

24 MR. D'ATTILO: Oh, I'm sorry. The

1 payment in lieu of tax agreement that we're
2 talking about is, basically, an exception to
3 our normal and customary uniform payment in
4 lieu of tax -- is that better?

5 UNIDENTIFIED SPEAKER: Yes.

6 MR. D'ATTILO: -- our normal and
7 uniform payment in lieu of tax schedule. As
8 a result, it requires that the Village of
9 Johnson City do take action independently of
10 the agency to assess the project as to
11 whether or not they would be willing to
12 support this pilot exemption. It comes to
13 us as a policy of the agency with what you
14 would call a home rule message from the
15 Village of Johnson City.

16 The benefits that apparently will
17 accrue to this are the fact that there will
18 be 42 construction jobs during the
19 development of this facility, and over the
20 long term there will be, approximately,
21 two-and-a-half to three people in the
22 administration and ongoing operations of the
23 facilities.

24 The current property is assessed

1 for about \$1,550 per year, which relates to
2 about \$1,600 in taxes overall. The
3 exemption that's being requested of the
4 agency, as I said, is an exception that
5 comes by exception to our normal policy, and
6 I'll recite it as it's been delivered by
7 resolution from the Village of Johnson City.
8 Above and beyond the current taxes that will
9 be paid on the land as it exists and all
10 special districts, which will be the
11 baseline for the taxes and special
12 districts, there will be a 20 percent
13 payment on the increase in the assessment as
14 it relates to the construction of the
15 project in the first year.

16 So, the baseline is the existing
17 taxes. The increase in taxes would be
18 20 percent of what the added value would be.
19 That progresses over a 10-year period.
20 25 percent the second year will be paid,
21 30 percent the third, 35 percent the fourth,
22 40 percent the fifth, 45 percent the sixth
23 year. The seventh year will be 50 taxes
24 paid, and the eighth year will be 55

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1 percent, and the last two years, nine and
2 ten, they will be paying 60 percent of the
3 taxes. Thereafter, they will be paying
4 100 percent of the taxes that would
5 otherwise be due on the property. As I
6 said, currently the assessment is \$1,550,
7 and that equates to \$1,640 in taxes.

8 In addition, during the course of
9 the past number of weeks or maybe longer,
10 I've had a lot of communications with
11 individuals by phone or by e-mail and in
12 each case I made a point to say that I would
13 read into the record or not necessarily read
14 but document into the record but at least
15 provide the communications, the written
16 communication, as part of an attachment to
17 this recorded session today.

18 So, for the record I want to read
19 the names of the individuals that have
20 communicated with me up to this point.
21 Dr. Shahid Malik and Mrs. Subour Malik,
22 Suzanne Raminski, Rina Rei, Supervisor John
23 Bernardo, Dr. and Mrs. Steven Holowinski,
24 Gerald and Joanne O'Donnell, Bob Carr,

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1 Dominick Prato, Cheryl Ebert, Barbara Tripp,
2 Denise Stoughton, an unknown with coffee
3 stains and another one from Gerald and
4 Joanne O'Donnell. In addition to that,
5 Thomas Dellapenna, Michael Connors
6 representing the developer, Mayor Dennis
7 Hannon, Daria Golazeski, Terik Abdelazim.

8 And that's the extent of the
9 communications that I've received in writing
10 either by e-mail or by letter, and those
11 letters will be an attachment to the
12 official record as it's being recorded
13 today.

14 With that, I guess, Joe, we can
15 move on.

16 MR. MEAGHER: As you can see,
17 ladies and gentlemen, we have a court
18 reporter here. So, I'm going to ask those
19 who wish to speak to come up and stand over
20 here to my right so that your comments can
21 be taken down in full for presentation to
22 the agency board members.

23 I now call Howard Newman.

24 MR. NEWMAN: Hi. My name is

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1 Howard Newman, 925 Reynolds Road in Johnson
2 City.

3 First I'd like to comment on the
4 letters that were sent in to this gentleman.
5 I believe, first of all, Mayor Hannon should
6 have abstained due to a conflict of interest
7 as a village official.

8 From there I'll move on to the IDA.
9 The IDA, the exact definition stands for
10 Industrial Development Agency. We have no
11 industry up here. The proposed project does
12 not fall under the parameters of the
13 industrial in any manner.

14 The funds used by the IDA are
15 created solely by taxpayers and property
16 owners. These are not expendable gifts from
17 Heaven above. To grant exemptions or
18 funding for the project as proposed will
19 surely affect the entire population of
20 Johnson City's taxpaying property owners in
21 a negative way.

22 February 15th of 2011 I approached
23 the village board about an article in the
24 BINGHAMTON PRESS dated Sunday, January 23,

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1 '11, and asked them if they were aware of a
2 meeting today. They had no knowledge of it
3 at all. This surely creates severe doubts
4 and uncertainties regarding the studies that
5 were used by the village board and planning
6 committee to get to this very meeting today.

7 Strong objections were presented
8 the past several times. The property values
9 in the surrounding areas will surely be
10 affected in a negative way therefore
11 positioning the property owners to seek
12 reassessment and, thus, decreasing revenues
13 for the village while at the time losing 10
14 years' worth of taxes because of exemptions.
15 This creates a lose-lose situation
16 financially. The village, the county and
17 the state will lose an immense amount of
18 funds we so badly need.

19 I have built homes and businesses
20 in this community and elsewhere. I have
21 never asked for any of IDA's money. I've
22 built these on my own through private funds.
23 I've paid my fair share in taxes as many and
24 most of the people in this room have.

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1 Johnson City has a revitalization
2 committee. Not one member approached the
3 village as to building such a project in the
4 center of this village where we have an
5 abundant infrastructure, police, fire,
6 hospitals, bus lines, shopping, everything
7 available down here, and grant money mostly
8 could be sought after to purchase properties
9 that are abandoned and defunct in this
10 village. Nothing has been done with this.

11 This will also dampen the purchase
12 of village properties by UHS in the future
13 which will be moved from our tax rolls never
14 to be seen as paid property taxes in Johnson
15 City again.

16 The ramifications of such approvals
17 of tax exemptions funding no merit or
18 justification of financial improvements to
19 the Village of Johnson City and its
20 taxpaying property owners. To grant such
21 approvals will most assuredly invite legal
22 litigations in suing all parties and
23 entities involved in this project. To hold
24 such a meeting at this time is absolutely

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1 in the last four years, you know that the
2 financially-strapped Johnson City government
3 has proven to be rife with corruption, has
4 made terrible decisions for taxpayers,
5 witness the 41 percent wage increase for its
6 firemen, and has lost population for decades
7 as a result.

8 Johnson City's board has for years
9 favored high taxes to afford an overstaffed
10 and highly-paid workforce. The rezoning
11 required for this project is the most recent
12 example of poor judgment.

13 This mismanagement led to an
14 attempt to dissolve the village in 2009.
15 That attempt sent a message to our
16 politicians that the electorate was sick and
17 tired of policies and decisions that were
18 killing the village. We learned the hard
19 way that if the Johnson City administration
20 was for something, then the citizens were
21 probably better off opposing it. Couple
22 that with the fact that in JC we are also
23 governed by the Town of Union. We pay taxes
24 to both.

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1 In the area surrounding the project
2 over 75 percent of the residents voted to
3 dissolve the village hoping to be ruled by a
4 single more taxpayer-friendly government,
5 the Town of Union. The town with a history
6 of top-notch, financially-disciplined
7 supervisors has a model which promotes
8 growth by keeping taxes low through
9 financial discipline.

10 What all this means to you is that
11 you are faced with the unusual situation
12 where not one but both municipalities have
13 rendered opinions on this project, and they
14 have decidedly opposing views. To us it
15 matters little who is the lead on the
16 project when the project needs public
17 financing just to be built.

18 When public money is involved,
19 there should be no red flags. To that end
20 you have a letter from Town of Union
21 Supervisor John Bernardo stating that a
22 low-to-medium-income housing apartment lacks
23 merits in this location. Compare how the
24 two municipalities have fared in the last 20

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1 years, and you'll also see that it is his
2 counsel that should sway the IDA.

3 To make it easier for you, imagine
4 the host of better locations JC has to offer
5 the elderly being near bus lines, stores and
6 restaurants on flat ground near to health
7 services, nearer to police and fire
8 protection, on and on and on.

9 In short, the Town of Union
10 recommends (sic) this project. By rezoning
11 the land JC has tacitly approved it. Here's
12 the point. When two governments publicly
13 oppose a project on land common to both, the
14 IDA ought not to be asked to referee the
15 outcome by extending or not extending tax
16 breaks. To do so is for the IDA to usurp
17 the role of elected politicians setting a
18 bad precedent for directing public funds.

19 I'm not asking you to take sides,
20 but I do ask the IDA to require Johnson City
21 and the town to first reach agreement on the
22 project before granting tax relief.

23 As important, JC will soon vote on
24 a unifying town-wide code regulation change,

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1 perhaps, in two to six weeks. If they adopt
2 the new code, the present seventeen code
3 classifications will be reduced to seven.
4 Under the new code the project may not even
5 be qualified to be built in this residential
6 neighborhood.

7 As an aside, this project is way
8 out of tune with its surroundings the proof
9 of which is that it had to be rezoned even
10 to be considered.

11 I ask the IDA to delay your
12 decision at least until the code issue is
13 settled.

14 There are other political, legal,
15 environmental concerns that the IDA must
16 concern. For example, where the project
17 will be built is a small swamp, roughly, 60
18 yards by 8 yards full of cattails and
19 creatures that croak. That has yet to be
20 addressed. We will insist on a study.

21 This is an example of the follies
22 we endure in JC. In this case taxpayers are
23 asked to subsidize a marginal project from
24 which few full-time jobs will be created.

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1 It's located on land which the developer has
2 thus far refused to connect to a nearby main
3 road because of cost, the brightest of the
4 red flags. And all this in a village where
5 a similar project to be located next to a
6 trustee's backyard was rejected.

7 Please, understand our position.
8 We are all for extending our neighborhood by
9 adding middle-class homes such as ours, but
10 we oppose this particular development, if
11 need be in the courts. We respectfully ask
12 the IDA to not extend tax abatement for this
13 project.

14 MR. MEAGHER: Okay. Tom
15 Dellapenna.

16 MR. DELLAPENNA: Mr. Meagher, I'd
17 like to wait until the end if there's some
18 responses from some comments that I'd like
19 to put in my statement, please.

20 MR. MEAGHER: Michael Connors.

21 MR. CONNORS: Michael Connors, 348
22 Harris Hill Road, Suite B, Williamsville,
23 New York.

24 Good afternoon. As Mr. D'Attilio

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1 stated, our concept is to build an apartment
2 building for senior citizens in the Village
3 of Johnson City at the end of Anna Maria
4 Drive. The project site, as he also touched
5 on, is, approximately, 15.69 acres and is
6 located to the immediate north of Indian
7 Ridge, a 220-unit apartment community.

8 Our target market, as he stated, is
9 a senior citizen, 60 years of age or
10 greater, who is capable of living
11 independently and earns, approximately, 60
12 to 80 percent of the area median income.
13 This is a senior citizen who is ineligible
14 for housing opportunities financed through
15 HUD's 202 program or the New York State
16 low-income housing tax credit program
17 because their income is greater than program
18 eligibility limits. However, these seniors
19 cannot afford assisted-living or
20 enriched-housing opportunities that may be
21 available. This economic segment of the
22 senior population is largely underserved.

23 Site-specific matters in connection
24 with this project were reviewed and

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1 discussed with full public participation
2 over a period of several months.
3 Site-specific issues were raised and
4 discussed before the Village of Johnson City
5 Planning Board and the Village of Johnson
6 City Village Board during that process.

7 The Village of Johnson City
8 Planning Board has unanimously approved the
9 preliminary development plan and the Village
10 of Johnson City Village Board has
11 unanimously approved the rezoning of the
12 property.

13 As Mr. D'Attilio touched on, the
14 total assessment for the project site in
15 2010 was \$1,550.

16 The implementation of the apartment
17 building for senior citizens will result in
18 a significant tax revenue increase even in
19 the first year of the term associated with
20 the pilot when the amount of the real estate
21 tax paid is at its lowest level.

22 The Village of Johnson City Village
23 Board has unanimously approved the alternate
24 abatement schedule as part of the proposed

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1 pilot.

2 In addition to the employees who
3 work at the apartment building, the project
4 shall, conservatively, provide 40-plus
5 construction jobs and business opportunities
6 to local landscaping companies, snowplow
7 companies, construction material providers,
8 residential appliance providers, office
9 furniture suppliers, elevator maintenance
10 companies and copier maintenance companies,
11 among others.

12 Thank you very much.

13 MR. MEAGHER: Thank you. Denise
14 Stoughton.

15 MS. STOUGHTON: I'm Denise
16 Stoughton, 1116 Anna Maria Drive in Johnson
17 City.

18 And my family and I are against
19 granting tax abatement and sales tax relief
20 to Clover Communities and Affordable Senior
21 Housing Opportunities.

22 Basically, the annual rental income
23 of 1.2 to \$1.3 million will be going out of
24 Broome County. The project brings in no

1 commercial or industrial development and
2 just two jobs to Broome County.

3 This is really a stupid location,
4 and I can't really think of another
5 description to use. Poor access, no public
6 transportation, no sidewalks, a narrow road,
7 huge traffic issue, no direct road to the
8 complex. It's going to be a safety hazard
9 to the tenants and to the Johnson City
10 homeowners.

11 This project is a violation of the
12 Dellapenna Park subdivision deed
13 restrictions as filed June 7, 1990,
14 Book 1780, page 355. No more than one
15 single-family owner-occupied dwelling shall
16 be erected on any lot now and hereafter laid
17 down in said subdivision. And I have a copy
18 of those dead restrictions that I've given
19 to you, Mr. D'Attilio, for the record.

20 No site plan. I don't know why JC
21 planning approved the project without a site
22 plan. They're going to be absentee owners
23 of the property, which is going to be
24 trouble.

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1 The rent is unaffordable for the
2 targeted tenants. The median income in
3 Johnson City is 27,000, not 45,000. If you
4 take 60 to 80 percent of that median income,
5 it's less than \$20,000. \$900 a month rent
6 for somebody that's making less than \$20,000
7 a year is totally unaffordable. So, the
8 project is either going to attract two or
9 three people in each apartment, or you're
10 going to have to have people that are coming
11 from out of town doing other things rather
12 than living -- you know, senior citizens
13 that make \$20,000 a year living there.

14 There's no proof of a market for
15 the targeted tenants. There's been no
16 market study to validate the developer's
17 claim of a large, unmet need in the village
18 especially with two other complexes within
19 two miles with no access to any public
20 transportation, no sidewalks, no way to get
21 anywhere for the 30 percent of the tenants
22 that the developer claims will not have cars
23 or transportation.

24 The proposal, as I understand it,

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1 has one elevator for 125 apartment units.
2 The SEPP project down the street on Harry L.
3 Drive has two elevators for 60 apartments.
4 My mother-in-law lives in a complex that has
5 two elevators for 50 apartments. I think
6 two elevators -- you know, one elevator for
7 125 apartments is really unsafe.

8 The fact that there's no direct
9 road to -- no direct road to the complex
10 itself and no direct access to Reynolds Road
11 is completely unsafe.

12 There has been no environmental
13 study, and yet there are known issues with
14 the land.

15 Granting tax relief to out-of-town
16 companies is unfair to local companies who
17 haven't received any tax relief for projects
18 such as this. This reduces the property
19 values in the surrounding community, and it
20 has a negative impact upon the current home
21 values in Dellapenna Park. Yet these are
22 the homeowners that are some of the highest
23 taxed in Johnson City.

24 And what do we really know about

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1 this developer? I read the paper and I see
2 that there have been some poor practices
3 that this developer has had in other
4 locations. Our village board approved this
5 project, and I don't think they really know
6 much about this developer.

7 I put in a schedule in the minutes
8 of the rent that's going to be realized from
9 these apartments. We're going to have 26
10 one-bedroom units at about \$800 a month
11 rent, so we're talking about \$20,800 a month
12 of income. We're going to have 103
13 two-bedroom units at \$900 a month rent, so
14 you're talking about 92,700 a month income.
15 Total annual income is \$1.362 million
16 leaving Broome County going to Buffalo. Is
17 that what we should be using IDA funding
18 for?

19 I strongly urge the IDA to, please,
20 disapprove this project. Thank you for the
21 opportunity.

22 MR. MEAGHER: Rina Rei, if I
23 pronounced that correctly. If I haven't, I
24 apologize.

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1 MS. REI: Yes, you did.

2 Good afternoon. My name is Rina
3 Rei. I live at 1124 Anna Maria Drive in
4 Johnson City right on the corner of Marian
5 Drive and Anna Maria.

6 And I have to say that I'm
7 requesting the IDA to reject this funding.
8 I'm concerned about our neighborhood. It
9 was a -- it's a single-family neighborhood.
10 I think that we should consider a little bit
11 more about the scale and the density of this
12 project. It's not consistent with a family
13 neighborhood and its character. The density
14 would be better suited in areas of similar
15 density.

16 Also, the fact that there's only
17 one access in and out of that subdivision.
18 We have children in the subdivision that are
19 waiting for the bus stop every single day.
20 How many times are there going to be false
21 fire alarms where, you know, the fire trucks
22 are coming in and around that corner, who
23 knows, day and night? It's just a disaster.
24 It's very dangerous for the neighborhood, as

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1 well as the residents who would be living in
2 this senior housing.

3 Also, you know, where is the market
4 study? Was there a market study done?

5 And, thirdly, an environmental
6 study, we ask that that be done, also.

7 Thank you.

8 MR. MEAGHER: Subour Malik.

9 MS. MALIK: Hello. My name is
10 Subour Malik, and I'm representing my
11 husband, as well, Dr. Shahid Malik. And we
12 live at 1139 Reynolds Road, which is the
13 corner house at the intersection of Reynolds
14 and Marian Drive, and Marian Drive is the
15 street that everyone will have to turn on to
16 get to Anna Maria Drive.

17 And among the many concerns, the
18 most important for us is the safety and
19 traffic issue. Our house faces Marian
20 Drive. This is a street where you will see
21 children riding their bikes or roller
22 skating with the occasional soccer or
23 basketball rolling onto the street.

24 Our real concern is that if this

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1 proposal is approved, safety will be
2 immensely compromised due to this new flow
3 of traffic and especially with no exit on
4 the other end. This residential street will
5 become quite chaotic with the traffic going
6 both ways right at my doorstep.

7 Also, many people can be seen power
8 walking on the street every month and
9 evening, as well as walking their pets, and
10 the high traffic volume would be putting
11 these pedestrians at a safety risk, also.

12 Furthermore, the front of my house
13 is the Johnson City school bus stop, which
14 is an additional safety issue.

15 In conclusion, please, seriously
16 consider the safety and traffic issue with
17 the utmost concern. Too many people will be
18 affected adversely from an approval of this
19 housing proposal. And even if one person
20 gets hurt due to this lack of safety, that
21 is one person too many.

22 Thank you very much for all your
23 time.

24 MR. MEAGHER: Gary (sic) Deemie.

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1

2

MR. DEEMIE: I'll pass at this

3

time. Thank you.

4

MR. MEAGHER: Okay. Cindy

5

Novobilski.

6

MS. NOVOBILSKI: I'll pass. You

7

have Mayor Hannon's comments.

8

MR. MEAGHER: John Matias.

9

MR. MATIAS: No.

10

MR. MEAGHER: Okay. All right.

11

Mr. Dellapenna.

12

MR. DELLAPENNA: Good afternoon.

13

My name is Thomas Dellapenna. I'm

14

representing the owner who's selling the

15

parcel and I'm also here as a resident where

16

this project, proposed project, would be

17

installed or developed, rather.

18

But as to the merits of the pilot

19

project, we ask your consideration for the

20

following benefits: The tax revenue

21

increase for the Village of Johnson City,

22

Town of Union and Johnson City School

23

District with the approval of the pilot.

24

The estimated value of the taxes,

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1 real estate taxes, with the proposed pilot
2 agreement even in year one would be
3 considerably much more money in tax revenue
4 for the Town of Union, Village of Johnson
5 City and Johnson City School District than
6 what each has received in the preceding
7 years without the pilot. Therefore, every
8 year thereafter the proposed pilot agreement
9 the amount of money increases to each
10 jurisdiction. So, this is a situation which
11 each jurisdiction greatly benefits
12 financially with the approval of the pilot
13 agreement.

14 Increased permanent tax of the
15 facility. With the approval of the pilot
16 agreement and the go ahead of the
17 construction of the facility, at the
18 expiration of the pilot each jurisdiction
19 would benefit greatly by the increased
20 permanent tax revenue of the facility
21 itself.

22 The third reason, the economic
23 benefit for local builders and suppliers.
24 The construction of the facility and sites

Public Hearing

1 generates jobs, money for local contractors
2 and supplies, for example, surveyors,
3 engineers, construction managers, various
4 local contracting firms and suppliers to
5 provide materials.

6 Permanent job creation. Beyond the
7 economic benefit of the local businesses and
8 suppliers with the construction of the
9 facility, there will be permanent jobs
10 created and retained by businesses such as
11 property management personnel, facility
12 management, maintenance personnel, private
13 garbage removal, lawn, snow care, et cetera.
14 This results in the creation of or retention
15 of jobs in a difficult economy.

16 The overlooked market for seniors.
17 This project fulfills a market and provides
18 an option for seniors that have yet to be
19 satisfied. This facility is not for
20 low-income seniors who typically need to be
21 in center city and on bus lines or in
22 walking distance to services. Broome County
23 has many facilities fulfilling those needs.

24 Instead, this facility is for

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1 seniors who are financially independent and
2 maybe, for example, no longer want the
3 expense or upkeep of a house or who may
4 currently reside in an apartment complex
5 mixed in with younger residents but want the
6 amenities that are typically beneficial for
7 seniors lack -- or lacking those seniors
8 such as residents of their own age,
9 community room, an elevator if needed, by
10 the residents and who have a vehicle and
11 want to live in a residential community as
12 opposed to a center city example. I know of
13 no apartment complexes that offer the above
14 amenities to seniors currently.

15 As to the issues raised today, I
16 can tell you this: This parcel is not
17 residential vacant land. This parcel was
18 developed at its inception with the
19 residential subdivision. It has over 300
20 lineal feet of utilities, which is water
21 main, sewer main, storm, laterals, manholes,
22 catch basins, hydrants, et cetera. There is
23 a great deal of money and utilities that's
24 in that ground, and at the inception this

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1 was always a PUD development. It has had
2 PUD designation several times in the past.

3 Because of the topography of the
4 land, residential housing is impossible;
5 and, therefore, it has always since its
6 inception with our subdivision been
7 engineered and designed as a planned unit
8 development. This should come as no
9 surprise to anyone.

10 The Village of Johnson City with
11 its current approval of the project spent
12 over, approximately, one year with public
13 and private sessions by planning and village
14 board meetings taking into account various
15 department comments and public comments.

16 The project progressed through the
17 Village of Johnson City with much due
18 diligence and was approved by both planning
19 and village board action.

20 What is constructed on this parcel
21 has a great concern to the Dellapenna
22 Family. I being a resident of the project,
23 my sister living right next to the project,
24 as many people in this room, my brother

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1 living in that neighborhood and all the
2 residential lots we have remaining in that
3 parcel, whatever is developed on that
4 project is going to impact us in various
5 ways.

6 We have a lot of money invested and
7 we feel of all the projects that have been
8 presented to us for development of that
9 project this would benefit the community.
10 It leaves a lot of green space to where it's
11 going to be developed in relation to our
12 residential subdivision.

13 The deed restrictions that were
14 mentioned by one of the residents, that does
15 not include that parcel of land, and I can
16 give further information in regards to that.
17 It doesn't take into consideration that
18 land.

19 So, in conclusion, I would ask the
20 IDA board to review the letter, the
21 submissions of attachments A through C or --
22 A through C, rather, and we would be in
23 support of the pilot program.

24 Thank you.

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1 MR. MEAGHER: Does anyone else
2 wish to be heard?

3 MS. CAMPBELL: Good afternoon. My
4 name is Sarah Campbell. I'm an attorney
5 with Hinman Howard & Kattell and I represent
6 the applicant and have represented the
7 applicant from the inception of this project
8 through the municipal review and approval
9 with the Village of Johnson City.

10 It's my understanding that this
11 type of community involvement at this IDA
12 meeting is somewhat unusual, but as an
13 attorney that restricts her practice
14 exclusively to development work, I will tell
15 you that this level of community involvement
16 is not unusual at the municipal level.

17 This is exactly the type of
18 involvement and community comment and
19 community give and take and municipal gave
20 and take that we always see with especially
21 development projects in many municipalities
22 in Broome County, and it is this type of
23 give and take, this type of issue spotting
24 that is exactly what the municipal review

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1 process is designed to elicit.

2 In this particular application, the
3 planning board, I believe, took five months
4 of review of this project, and the town
5 board subsequently, I believe, I took two
6 months reviewing the information that was
7 compiled by the planning board and then
8 making their determination on the zone
9 change.

10 And as has been pointed out, there
11 are two actions that the planning board
12 took. The first was to make a
13 recommendation with respect to the zone
14 change, which recommendation was unanimous.
15 The second action was to approve a
16 preliminary development plan, which is, for
17 those of you who may not understand that
18 process, is a review of a preliminary site
19 plan which was, in fact, presented,
20 modified, developed, and comments were made
21 by various municipal officials including the
22 department of public works, the planning
23 board, all the over normal, quote, unquote,
24 departments that would review a project of

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1 this nature. And the plan went through
2 several different versions prior to the
3 planning board's unanimous approval of the
4 preliminary development plan.

5 Thereafter, that information
6 together with the recommendation of zone
7 change were provided to the village board,
8 and the village board also held a public
9 hearing with respect to that and made a
10 unanimous determination, as well.

11 I think it's important to remember
12 that this is a 15-acre parcel. Only three
13 acres will be developed leaving 12 acres of
14 green space. The facility itself is located
15 to the rear of the parcel shielding it in a
16 great degree from the neighbors, and it will
17 be essentially because of the topography not
18 visible from Reynolds Road.

19 In fact, there was an extensive
20 environmental review done with respect to
21 the project, as is required under the State
22 Environmental Quality Review Law. The
23 planning board declared themselves lead
24 agents with respect to that matter, notified

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1 the town board of their intent to act as
2 lead agency and did commence an
3 environmental review prior to their
4 determination and, in fact, concluded that
5 process sometime, I believe it was, in
6 October or November of 2009.

7 Many of the comments that you've
8 heard here today were voiced at the many
9 meetings and hearings that were held before
10 the village, and I'm just going to provide
11 for you for the record a compilation of
12 those neighbor concerns and professional
13 responses, which is a similar or the same
14 document that was provided to both the
15 planning board and the town board with --
16 the village board with respect to those
17 concerns. And, basically, what it is is a
18 comment and then a professional response
19 either from the DPW department in the
20 Village of Johnson City or from the planning
21 department.

22 I'd also like to provide you
23 because you don't have access to all of the
24 information that the planning board and

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1 village board had three letters of
2 recommendation from other projects that the
3 developer has done in various parts of the
4 state together with a traffic analysis that
5 was provided to the planning board by a
6 professional traffic planner, which was
7 reviewed, approved and accepted by the
8 village planning board.

9 I think that the comments at the
10 municipal level are designed to elicit the
11 best possible project that can be done. I
12 think that happened in this case as is the
13 normal course in many cases.

14 I think the IDA board has a
15 different role in this process and I'm sure
16 they will undertake that with all due
17 consideration, but I would respectfully
18 request that consideration and respect be
19 given to the work of the planning board and
20 the village board as they approved this
21 project.

22 Thank you.

23 MR. MEAGHER: Does anyone else
24 wish to be heard?

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1 MS. SULLIVAN: Excuse me. I'm a
2 teacher. I have to leave. Can I just leave
3 this with you?

4 MR. MEAGHER: Sure.

5 (Whereupon Susan Sullivan left
6 written comments)

7 MS. O'DONNELL: Joanne O'Donnell,
8 1100 Christina Drive, Johnson City.
9 Actually, we own three parcels or three lots
10 that are right next to this proposed
11 development.

12 My main concern is the taxes.
13 We're paying extremely high taxes in this
14 area. I'm sure that most of the homes in
15 that area are paying in excess of \$10,000
16 total, of course, not all of Johnson City.
17 But, basically, my last Johnson City tax
18 bill was around \$3,800 strictly to Johnson
19 City.

20 The amount of taxes that they're
21 going to take in on this area is not going
22 to keep up with the type of maintenance
23 that's going to have to be done in Johnson
24 City. Therefore, the excess taxes or the

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1 excess amount of money needed to keep that
2 area going is going to come out of our tax
3 base, which means our taxes are going up,
4 I'm sure.

5 Some of the paperwork that we were
6 able to get from the planning board here,
7 which by the way maintains that they do not
8 have any type of environmental report
9 because we did go to the planning board and
10 ask for that type of thing so that we would
11 have some information about what was
12 happening in our area. We were given very
13 minimal information by the Johnson City
14 Planning Board.

15 Anyway, the planning board
16 maintains that or the information that was
17 given to us maintains that the access road
18 into this development is going to be
19 maintained by the development. However,
20 there is a large portion of road that is
21 going to be needed to get to that, which is
22 in our development.

23 Using my street as an example, at
24 least four years ago the water main broke on

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1 Christina Drive. The Town or the Village of
2 Johnson City was diligent in fixing that
3 right away. However, they left a crater in
4 the road that was, approximately, 10 feet in
5 diameter. We asked every year about when
6 this was going to be repaired. Four years
7 later the town finally did repave our street
8 last summer, but they maintain they don't
9 really have the money to maintain our roads.

10 So, if they can't maintain our
11 roads when something like a water main
12 breaks, how are they going to maintain the
13 roads leading up to this development because
14 there are a lot of public streets that they
15 will have to maintain?

16 I really feel that the cost of this
17 development is actually going to be more
18 than they're taking in from the taxes from
19 this area. And, again, who's going to pay
20 for it? The homeowners in that area who are
21 already being taxed to death.

22 Thank you.

23 MR. MEAGHER: Does anyone else
24 wish to be heard?

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1 MS. TRIPP: I do. My name is
2 Barbara Tripp. I live at 1143 Reynolds Road
3 right around the corner from Marian.

4 I've been there 11 years. I've
5 seen an increase in traffic regardless of
6 their studies. I am there with my
7 grandchildren. I see the churches there and
8 the traffic has increased. And I've had
9 construction vehicles tearing down Reynolds
10 Road. I've actually been out there trying
11 to flag them down and I'm looking for our
12 police officers, but they weren't there.
13 Anyway, the traffic is a big issue and
14 safety.

15 Also, I don't understand why
16 environmental studies, market studies,
17 zoning studies all seem to have gotten in
18 somebody's back pocket. I don't recall
19 hearing of any, seeing of any at any of the
20 meetings. I don't think there's anything
21 been done on this property.

22 What is going to be the impact on
23 the traffic, drainage, water pressure and
24 sewage and the noise especially during the

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1 construction?

2 The market study. I live in JC.
3 I'm originally from Utica. I'm been living
4 here for 33 years, and we really need to
5 revitalize this area.

6 And me, I am a senior citizen, and
7 so is my husband. And when we go to
8 downsize, I'm not going to get up there. No
9 way. I want something more convenient. I
10 have lived and driven up Reynolds Road, and
11 let me tell you there have been many times
12 when I almost didn't make it.

13 I don't understand the rezoning. I
14 don't understand the deed restrictions.
15 Mr. Dellapenna said that that property was
16 never part of the deed restrictions, and yet
17 all these people bought property there that
18 were -- where it was enforced. They had to
19 live by these restrictions. And now because
20 this is public, urban, whatever you call it,
21 there's no deed restrictions.

22 And I think one of the big issues
23 is the lack of a road, a secondary roadway
24 out of this development. As my neighbors

