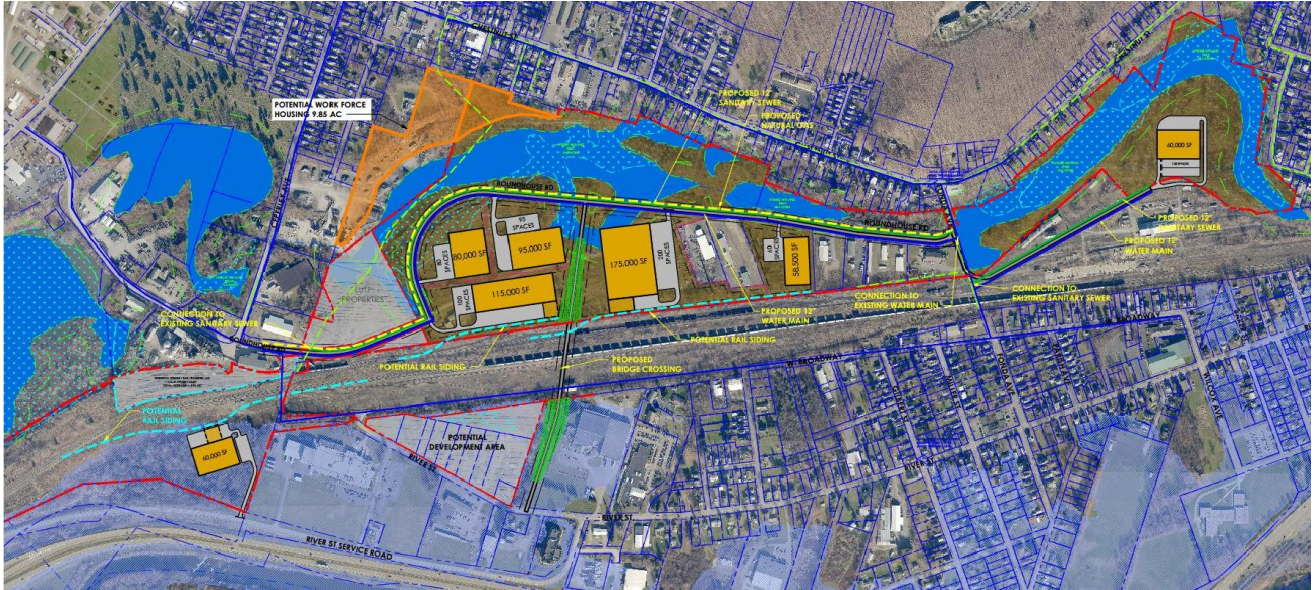


# Rail Yard Study and Economic Development Plan

for the

## Otsego County Industrial Development Agency Oneonta Rail Yards



**Prepared for:**

**Otsego County Industrial Development Agency  
189 Main Street  
Oneonta, NY 13820**

**January 2016**



**Clark Patterson Lee**  
DESIGN PROFESSIONALS

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## **I. General**

The Otsego County Industrial Development Agency is preparing a master plan and economic development strategy for the Oneonta Rail Yards, located within the City of Oneonta, New York. This project will provide an opportunity to create a new industrial/commercial business park, utilizing locational advantages by being in close proximity to the railroad. Establishing a new industrial/commercial business park will provide additional markets for Otsego County, create new jobs, and add to the local tax base.

This report summarizes the findings of the feasibility study completed for the Oneonta Rail Yards. The feasibility study included an analysis of the various opportunities and constraints, including environmental restrictions, rail access, utilities, and zoning. Development conceptual plans and cost estimates were also completed for the project.

## **II. Project Area**

### **A. Oneonta Rail Yards**

The total potential project area consists of approximately 17 individual parcels and approximately 200 acres, as shown in Figure 1 of this report. The primary focus of this report was the parcels currently owned by the Oneonta River Corporation, consisting of approximately 82 acres. Conceptual layouts were reviewed as part of this study and are discussed in the following sections of this report. A photograph log of the site is included in Appendix A.

### **B. Property Owners and Stakeholders**

Several discussions and meetings have taken place with the property owners impacted by the project, as well as local businesses. The response has been positive and supportive of the project. Letters of support will be solicited for those stakeholders with an interest in the project.

### **C. Environmental Resources Present**

There are existing wetlands and one tributary located within the proposed project location as shown in Figure 2. However, there are no foreseen environmental conditions that would unduly impede the project or that would prevent the construction of a new industrial park. Permitting and mitigation will most likely be required to offset any wetland impacts proposed by the project. All environmental mapping reviewed as part of this analysis is included in Appendix B.

## D. Zoning

All parcels located within the potential project area are zoned as Commercial/Industrial property according to the City of Oneonta zoning code. A City of Oneonta Zoning District Map, a portion of the zoning code, and a portion of the Bulk and Use Regulations are included in Appendix C. A summary of some of the zoning requirements for the Commercial/Industrial district is listed in the following table.

<b>Zone</b>	<b>Min. Lot Size (Acres)</b>	<b>Max. Lot Coverage</b>	<b>Max Height (feet)</b>
Commercial/Industrial	Determined by use	More than 60% or 1 acre requires site plan review	None

The Commercial/Industrial district appears to be flexible in the type of use, site limitations and building height. Each new tenant will be required to submit plans to the City of Oneonta for a site plan review. It does not appear that any of the property identified for this project will require rezoning.

## III. Existing Infrastructure

### A. Water

Existing water mains in the project vicinity are shown in Figure 3 of this report. There are existing 6-inch water mains located along Fonda Avenue and Ceperley Avenue. The water mains are primarily located within the road right-of-ways or easements.

Fire flow tests were provided by the City of Oneonta and includes a hydrant located at the intersection of Chestnut Street and Fonda Avenue. The tests indicate that the residual pressure is 65 psi, the static pressure is 80 psi, and the available flow is 2,300 gallons per minute. Water modeling may be required to determine if any offsite improvements would be required. Record mapping is included in Appendix D.

### B. Sanitary Sewer

Existing sanitary sewer mains in the project vicinity are shown in Figure 3. There is an existing 15-inch sanitary sewer main located along Fonda Avenue and a 15-inch sanitary sewer main that crosses backlots, near Ceperley Avenue. There is also an 8-inch sanitary sewer main and a small pump station that serve the business at the eastern end of Roundhouse Road. The pump station pumps sanitary sewer back to a manhole along Chestnut Street, near Fonda Avenue. The collection system eventually discharges to the City of Oneonta Wastewater Treatment Facility (WWTF) located along Silas Lane. It is

not anticipated that any offsite improvements to the collection system or WWTF will be required for this project. Record mapping has been included in Appendix D.

### **C. Natural Gas**

Currently, there is a 4-inch, medium pressure gas main at the western end of Roundhouse Road and a 6-inch low pressure gas main that serves the business at the eastern end of Roundhouse Road, as shown in Figure 3. The utility has been contacted to determine capacity, however, specific capacity will need to be determined during design development for potential tenants.

### **D. Electric**

There are power lines along Ceperley Avenue, Fonda Avenue, and along Roundhouse Road as shown in Figure 3. There is a 4.8 kV 3 phase service available along Roundhouse Road. Specific capacity will need to be determined during design development for potential tenants.

### **E. Transportation**

Current access to the proposed park would be along Roundhouse Road, Lower River Street and NYS Routes 7 and 205. Access to I-88 is approximately 1.5 miles along these routes. A traffic study would be required to analyze the impacts of a new roadway and increased traffic in the area and to determine if any mitigation would be required.

As part of this project, a new bridge crossing is proposed as an alternative. The new bridge would extend from River Street, near Drogen Electric Supply, across the Oneonta Rail Yard and connect to Roundhouse Road within the proposed park. Access to I-88 would be approximately 1.2 miles and reduce traffic along NYS Routes 7 and 205. Additional traffic studies would be required to determine if any mitigation along the proposed route would be required.

Access to rail is a major benefit for the proposed industrial/commercial park. Rail sidings to service tenants with the park could be constructed as part of the overall park infrastructure or constructed for individual tenants requiring service as shown in alternative Figures 4, 5 and 6. Analysis for the feasibility of construction and costs for rail sidings have not been included in this study.

## **IV. Development Alternatives**

### **A. Option #1**

The conceptual master plan developed for Option #1 is shown in Figure 4. The conceptual plan was developed to maximize the buildable acreage available within the park while

considering the site constraints. For all options considered, Roundhouse Road was relocated to the north of its current location in order to maximize the buildable acreage within the park. This option also proposes a new bridge crossing, accessed from River Street, near Drogen Electric Supply, spanning across the Oneonta Rail Yard and connecting to the relocated Roundhouse Road. Conceptual bridge design information is included in Appendix E.

New utilities (including water, sanitary sewer, electric and gas) will be located along the relocated Roundhouse Road, connecting at Fonda Avenue and Ceperley Avenue. This option would include the construction of the following items (all lengths are approximate):

- 7,200 linear feet of new water main
- 6,900 linear feet of new sanitary sewer main
- 8,500 linear feet of new gas main
- 7,500 linear feet of new electric

A summary of the total capital cost for this option is as follows:

<b>Option 1</b>	<b>Total Capital Cost</b>
Utilities	\$2,215,750
Roadway	\$2,447,500
Bridge Crossing	\$6,292,250
Soft Costs (30%)	\$3,286,650
<b>Total Project Capital Cost:</b>	<b>\$14,200,000</b>

A full detailed cost estimate is included in Appendix F.

## **B. Option #2**

The conceptual master plan developed for Option #2 is shown in Figure 5. The conceptual plan was developed to maximize the buildable acreage available within the park while considering the site constraints. For all options considered, Roundhouse Road was relocated to the north of its current location in order to maximize the buildable acreage within the park. This option also proposes a new bridge crossing, accessed from River Street, near Drogen Electric Supply, spanning across the Oneonta Rail Yard and connecting to the relocated Roundhouse Road. The alignment is slightly different than Option #1 as shown in Figure 5. Conceptual bridge design information is included in Appendix E.

New utilities (including water, sanitary sewer, electric and gas) will be located along the relocated Roundhouse Road, connecting at Fonda Avenue and Ceperley Avenue. This option would include the construction of the following items (all lengths are approximate):

- 7,200 linear feet of new water main
- 6,900 linear feet of new sanitary sewer main

- 8,500 linear feet of new gas main
- 7,500 linear feet of new electric

A summary of the total capital cost for this option is as follows:

<b>Option 2</b>	<b>Total Capital Cost</b>
Utilities	\$2,215,750
Roadway	\$1,622,500
Bridge Crossing	\$11,928,500
Soft Costs (30%)	\$4,730,025
<b>Total Project Capital Cost:</b>	<b>\$20,500,000</b>

A full detailed cost estimate is included in Appendix F.

### **C. Option #3**

The conceptual master plan developed for Option #3 is shown in Figure 6. The conceptual plan was developed to maximize the buildable acreage available within the park while considering the site constraints. For all options considered, Roundhouse Road was relocated to the north of its current location in order to maximize the buildable acreage within the park. This option does not include a bridge crossing for the Oneonta Rail Yard. This option will rely on existing roadways for access, including NYS Routes 205 and 7, Lower River Street, and Roundhouse Road. A traffic study will be required to determine if any mitigation or improvements are required along these roadways.

New utilities (including water, sanitary sewer, electric and gas) will be located along the relocated Roundhouse Road, connecting at Fonda Avenue and Ceperley Avenue. This option would include the construction of the following items (all lengths are approximate):

- 7,200 linear feet of new water main
- 6,900 linear feet of new sanitary sewer main
- 8,500 linear feet of new gas main
- 7,500 linear feet of new electric

A summary of the total capital cost for this option is as follows:

<b>Option 1</b>	<b>Total Capital Cost</b>
Utilities	\$2,215,750
Roadway	\$2,447,500
Bridge Crossing	N/A
Soft Costs (30%)	\$1,398,975
<b>Total Project Capital Cost:</b>	<b>\$6,100,000</b>

A full detailed cost estimate is included in Appendix F.

## V. Project Costs

Cost estimates for all three options discussed above are included in Appendix F. The following is a summary of the total capital costs for each option:

<b>Option</b>	<b>Total Capital Cost</b>
Option #1	\$14,200,000
Option #2	\$20,500,000
Option #3	\$6,100,000

## VI. Next Steps

The following is a list of recommended next steps for Otsego County Industrial Development Agency to consider. Some of these tasks may be completed in phases and/or in parallel with each other.

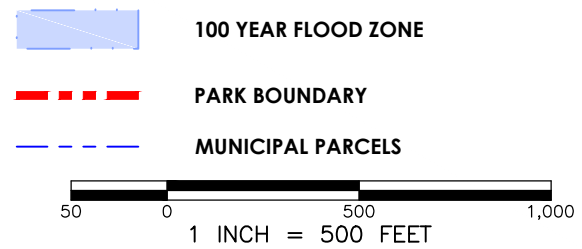
- Seek funding to implement the project.
  - Sources may include the Consolidated Funding Application (CFA) through Empire State Development, USDA Rural Development programs, Office of Community Renewal (OCR), NYS Environmental Facilities Corp (EFC), US Economic Development Agency (EDA), The NYS Department of Transportation Multi-Modal Program, US Department of Transportation TIGER Grants, and the Upstate Revitalization Initiative (URI).
  - Letters of support from local businesses, property owners, government representatives and agencies should be solicited in order to be prepared for the CFA process.
  - The next CFA deadline for submittals will most likely be June or July of 2016.
- Market Analysis
  - Identify potential targets for economic development strategy in terms of sectors that may hold opportunities for the County (manufacturing, warehouse, lumber, etc.).
  - Conduct stakeholder interviews to develop key customers and suppliers throughout the County and throughout New York State.
- Workforce Development
  - Review locational implications, and the attraction and training efforts needed to secure an adequate workforce.
- Develop site acquisition and ownership plan (option agreements).
- Preparation of a Generic Environmental Impact Statement (GEIS) as part of the State Environmental Quality Review (SEQR). This may include some or all of the following:
  - Topographical Land Surveying



- Phase 1 Environmental Assessment
  - Archeological Studies
  - Geotechnical Studies
  - Drainage Studies
  - Wetland Delineations and Permitting
  - Wetland Avoidance and Mitigation Plans
  - Flood Plain Evaluations
  - Traffic Studies
  - Rail Studies
  - Utility Studies or Coordination
  - Threatened and Endangered Species Evaluations
  - Visual Simulations, Concept Plans and Master Planning
  - Town Site Plan Approval and Rezoning
  - Subdivision Survey, Mapping, and Filing
  - New York State Shovel Ready Certifications
- Design and permitting of bid ready infrastructure to enable Shovel Ready status.
  - Construct infrastructure as funding allows.

## Figures









# LEGEND



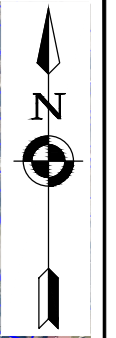
PARCELS				
PARCEL ID	OWNER NAME	TAX ACCOUNT #	DEVELOPABLE ACREAGE	TOTAL ACREAGE
1	LUTZ FEED COMPANY	299.11-2-3.2	3.61	8.24
2	LUTZ FEED COMPANY	299.11-2-2	0.47	0.47
3	LUTZ FEED COMPANY	299.11-2-3.3	0.67	0.67
4	ONEONTA RAIL TRANSFER, LLC (LUTZ)	299.00-1-26.07	4.93	4.93
5	DELAWARE & HUDSON RAILWAY	299.00-1-26.01	41.16	44.10
6	ONEONTA RIVER CORPORATION	299.11-2-3.4	0.06	0.06
7	ONEONTA RIVER CORPORATION	299.11-2-4	0.15	0.15
8	ONEONTA RAIL TRANSFER, LLC (LUTZ)	299.11-2-4	0.47	0.47
9	ONEONTA RIVER CORPORATION	299.11-2-3.1	37.30	81.58
10	RAYMOND HARVEY	299.12-1-5	2.07	2.06
11	CROP PRODUCTION SERVICES, INC.	299.12-1-33	2.66	2.72
12	MARTIN P. BRUSWICK	299.12-38	1.95	2.00
13	OPPORTUNITIES FOR OTSEGO	299.12-1-34	1.15	1.15
14	TCJ PROPERTIES CORP	299.12-1-37	2.00	2.00
15	COUNTY OF OTSEGO IDA	299.12-1-36	2.01	2.05
16	CITY OF ONEONTA	299.12-1-30	9.39	37.65
17	THE RAILWAY REORG ESTATE, INC.	300.5-4-80.1	1.72	4.91

TOTAL ACREAGE = 195.21 AC

# LEGEND

-  FEDERALLY REGULATED WETLANDS
-  NYSDEC REGULATED WETLANDS
-  NYSDEC REGULATED 100' BUFFER AREA
-  NYSDEC REGULATED STREAMS
-  100 YEAR FLOOD ZONE
-  ACTION SITES FOR BROWNFIELD OPPORTUNITY REVITALIZATION
-  PARK BOUNDARY
-  MUNICIPAL PARCELS

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1 INCH = 500 FEET

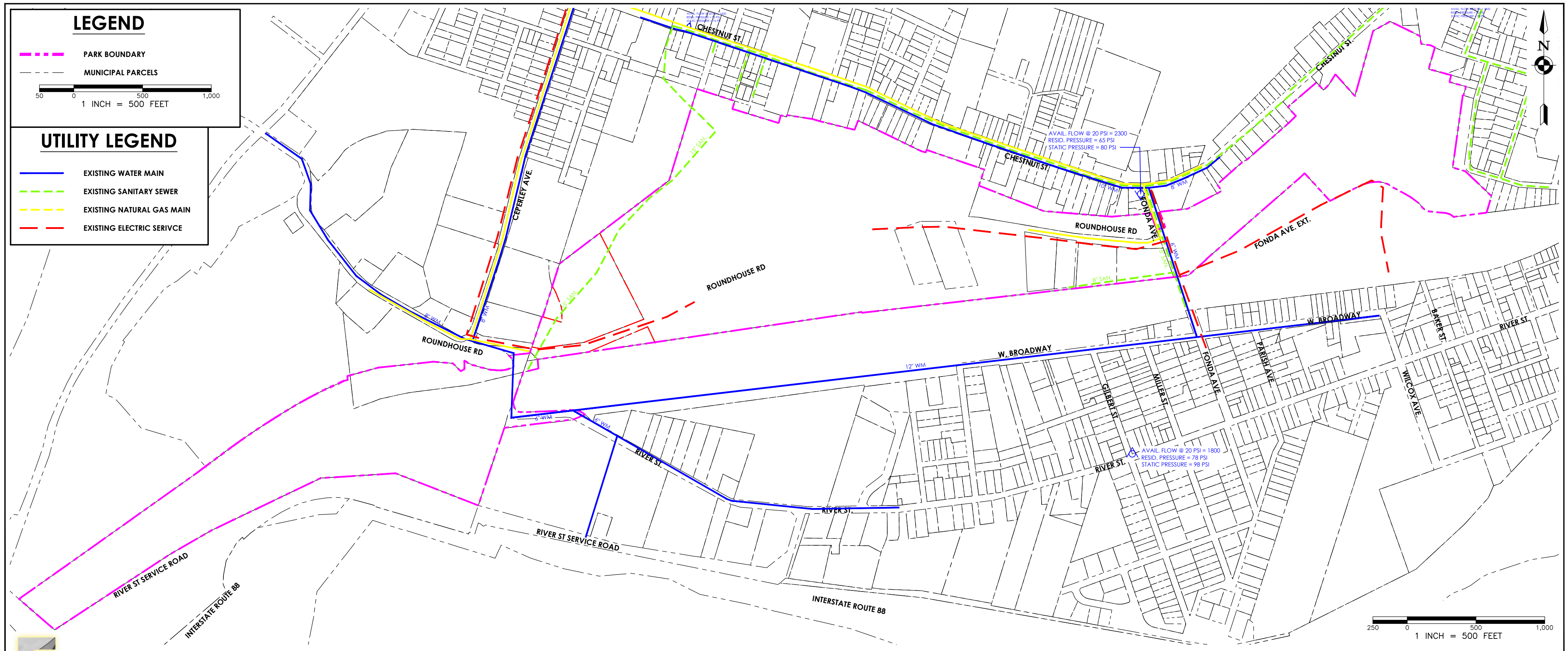


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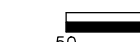
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  - MUNICIPAL PARCELS
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1 INCH = 500 FEET

# UTILITY LEGEND

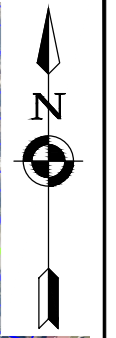
- EXISTING WATER MAIN
- EXISTING SANITARY SEWER
- EXISTING NATURAL GAS MAIN
- EXISTING ELECTRIC SERVICE



# LEGEND









-  FEDERALLY REGULATED WETLANDS
-  NYSDEC REGULATED WETLANDS
-  NYSDEC REGULATED 100' BUFFER AREA
-  NYSDEC REGULATED STREAMS
-  100 YEAR FLOOD ZONE
-  ACTION SITES FOR BROWNFIELD OPPORTUNITY REVITALIZATION
-  PARK BOUNDARY
-  MUNICIPAL PARCELS

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1 INCH = 500 FEET

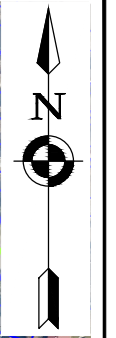


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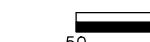
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-  NYSDEC REGULATED WETLANDS
-  NYSDEC REGULATED 100' BUFFER AREA
-  NYSDEC REGULATED STREAMS
-  100 YEAR FLOOD ZONE
-  ACTION SITES FOR BROWNFIELD OPPORTUNITY REVITALIZATION
-  PARK BOUNDARY
-  MUNICIPAL PARCELS

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1 INCH = 500 FEET

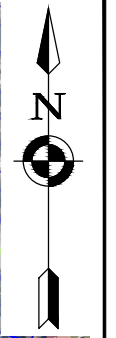


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1 INCH = 500 FEET

# LEGEND

-  FEDERALLY REGULATED WETLANDS
-  NYSDEC REGULATED WETLANDS
-  NYSDEC REGULATED 100' BUFFER AREA
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-  ACTION SITES FOR BROWNFIELD OPPORTUNITY REVITALIZATION
-  PARK BOUNDARY
-  MUNICIPAL PARCELS

50 0 500 1,000  
1 INCH = 500 FEET



250 0 500 1,000  
1 INCH = 500 FEET



Appendix A  
Photograph Log

**Photo #1**



Fonda Ave Extension looking northwesterly.

**Photo #2**



Fonda Ave Extension looking northerly.

**Photo #3**



Fonda Ave Extension looking northwesterly.

**Photo #4**



Fonda Ave Extension looking westerly.

**Photo #5**



Intersection of Fonda Ave and Fonda Ave Extension looking southwesterly.

**Photo #6**



Intersection of Fonda Ave and Roundhouse Rd looking westerly.

**Photo #7**



Fonda Ave Extension looking southerly at the Norfolk Southern service building.

**Photo #8**



Fonda Ave Extension looking southeasterly.

**Photo #9**



Fonda Ave Extension looking easterly.

**Photo #10**



Fire hydrant along Roundhouse Rd looking northerly.

**Photo #11**



Fonda Ave looking northerly at Chestnut Street.

**Photo #12**



Roundhouse Rd looking westerly.

**Photo #13**



Roundhouse Rd looking westerly.

**Photo #14**



Roundhouse Rd looking westerly.



**Photo #15**



Roundhouse Rd looking westerly.

**Photo #16**



Roundhouse Rd looking westerly.

**Photo #17**



Roundhouse Rd looking westerly.

**Photo #18**



Roundhouse Rd looking westerly.

**Photo #19**



Roundhouse Rd looking westerly.

**Photo #20**



Roundhouse Rd looking northeasterly.

**Photo #21**



Roundhouse Rd looking northwesterly.

**Photo #22**



Roundhouse Rd looking westerly at Lutz Feed, Inc.

**Photo #23**



Roundhouse Rd looking northerly.

**Photo #24**



Roundhouse Rd looking northeasterly.

**Photo #25**



Roundhouse Rd looking westerly.

**Photo #26**



Round Rd looking westerly at Lutz Feed, Inc.

**Photo #27**



Roundhouse Rd looking northwesterly.

**Photo #28**



Roundhouse Rd looing northerly.

**Photo #29**



Roundhouse Rd looking northeasterly.

**Photo #30**



Roundhouse Rd near intersection of Ceperley Ave looking southwesterly toward existing bridge abutment.



**Photo #31**



Roundhouse Road looking southerly across railyard at existing abutment.

**Photo #32**



Roundhouse Rd looking southerly across the Railyard.

**Photo #33**



End of River St looking westerly.

**Photo #34**



End of River St looking across Railyard at Lutz Feed, Inc.

**Photo #35**



End of River St looking northeasterly.

**Photo #36**



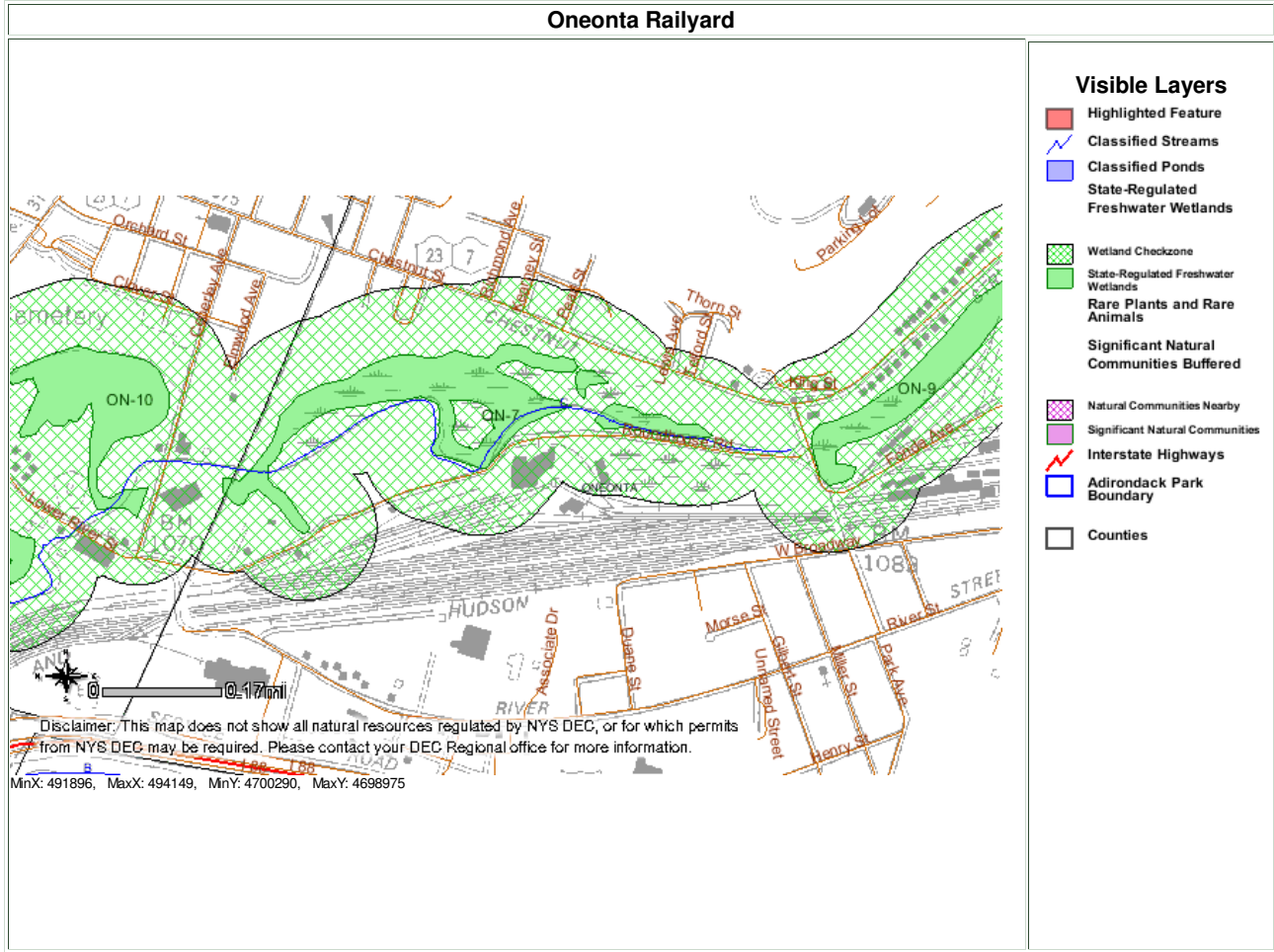
End of River St looking easterly.

## Appendix B

### Environmental Mapping

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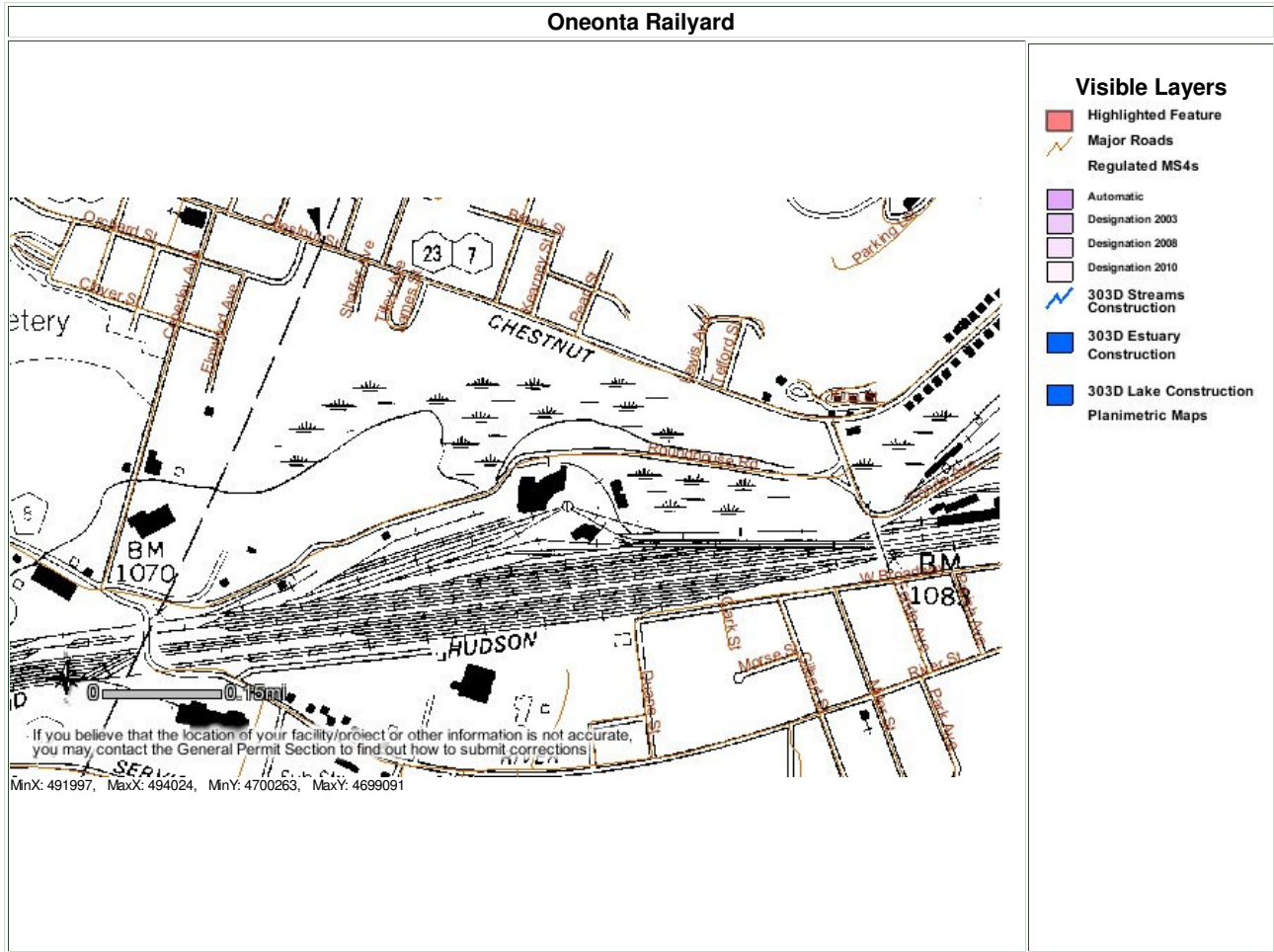
Please set your printer orientation to "Landscape".



Disclaimer: This map was prepared by the New York State Department of Environmental Conservation using the most current data available. It is deemed accurate but is not guaranteed. NYS DEC is not responsible for any inaccuracies in the data and does not necessarily endorse any interpretations or products derived from the data.

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Please set your printer orientation to "Landscape".





# U.S. Fish and Wildlife Service National Wetlands Inventory

Otsego

Jan 19, 2016



## Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other

## Riparian

- Herbaceous
- Forested/Shrub

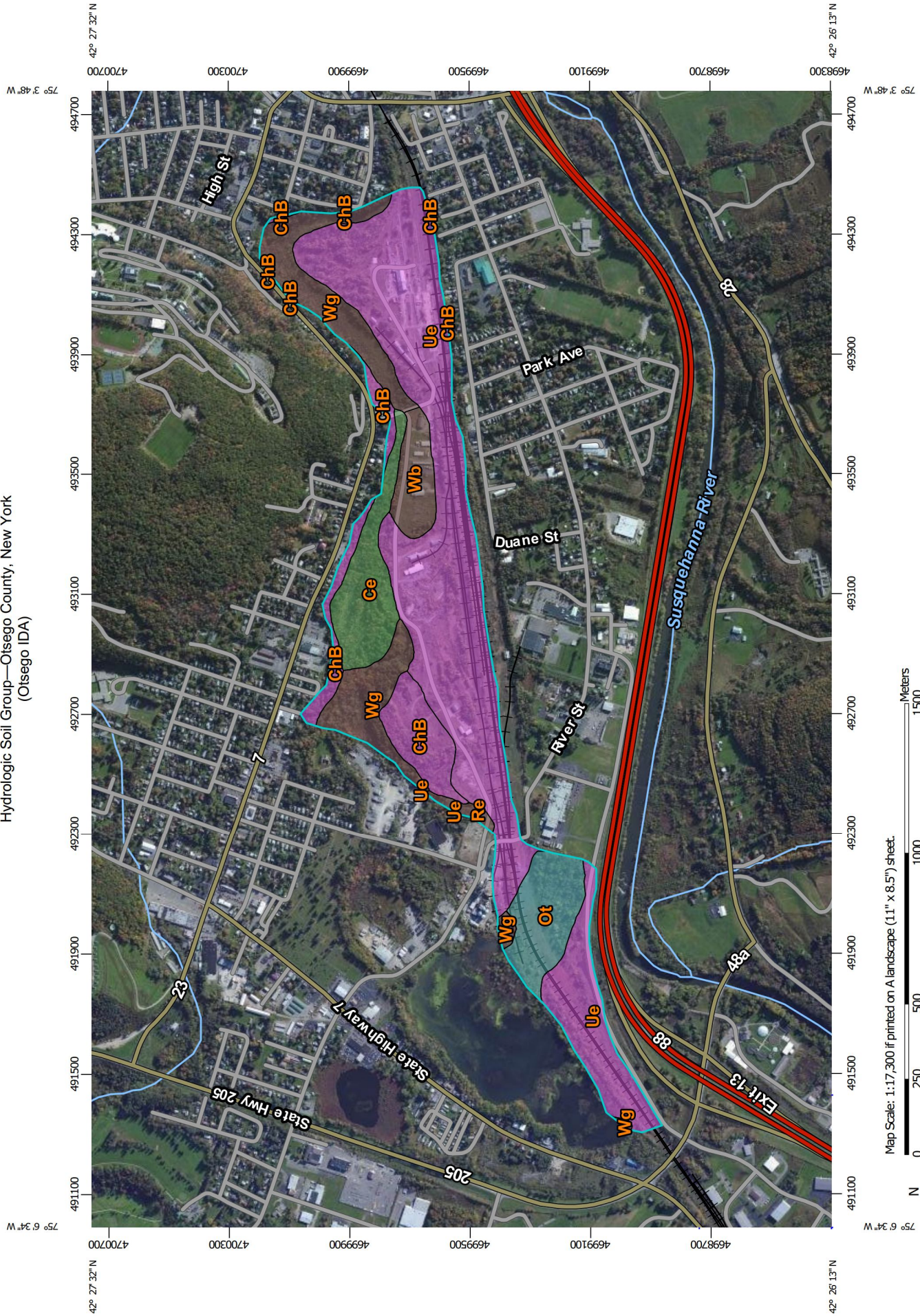
## Riparian Status

- Digital Data

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.


































User Remarks:

Hydrologic Soil Group—Otsego County, New York  
(Otsego IDA)





## MAP LEGEND

 Area of Interest (AOI)	 C
 Area of Interest (AOI)	 C/D
<b>Soils</b>	 D
<b>Soil Rating Polygons</b>	 Not rated or not available
 A	<b>Water Features</b>
 A/D	 Streams and Canals
 B	<b>Transportation</b>
 B/D	 Rails
 C	 Interstate Highways
 C/D	 US Routes
 D	 Major Roads
 Not rated or not available	 Local Roads
<b>Soil Rating Lines</b>	<b>Background</b>
 A	 Aerial Photography
 A/D	
 B	
 B/D	
 C	
 C/D	
 D	
 Not rated or not available	
<b>Soil Rating Points</b>	
 A	
 A/D	
 B	
 B/D	

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000. Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>  
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Otsego County, New York  
Survey Area Data: Version 14, Sep 24, 2015

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: May 10, 2011—Oct 8, 2011

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Hydrologic Soil Group

Hydrologic Soil Group— Summary by Map Unit — Otsego County, New York (NY077)				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
Ce	Carlisle muck	A/D	21.8	8.1%
ChB	Chenango gravelly silt loam, 3 to 8 percent slopes	A	23.5	8.7%
Ot	Otego silt loam	C	20.1	7.4%
Re	Red Hook silt loam	B/D	2.1	0.8%
Ue	Udorthents, smoothed	A	151.9	56.1%
Wb	Wakeville silt loam	B/D	11.6	4.3%
Wg	Wayland soils complex, 0 to 3 percent slopes, frequently flooded	B/D	39.6	14.6%
<b>Totals for Area of Interest</b>			<b>270.7</b>	<b>100.0%</b>

## Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

## Rating Options

*Aggregation Method:* Dominant Condition

*Component Percent Cutoff:* None Specified

*Tie-break Rule:* Higher



**KEY TO MAP**

150-Year Flood Boundary ——— ZONE B  
 100-Year Flood Boundary ——— ZONE A  
 Zone Identification with Date of Identification 4-1-72/74 ZONE A5  
 100-Year Flood Boundary ——— ZONE B  
 500-Year Flood Boundary ——— ZONE B

Base Flood Elevation Line With Elevation in Feet ——— 512  
 Base Flood Elevation in Feet Where Uniform Within Zone\*\* ——— (EL 987)  
 Elevation Reference Mark ——— RM7 X  
 River Mile ——— + 11.5

\*\*Reference to the National Geodetic Vertical Datum of 1929

**EXPLANATION OF ZONE DESIGNATIONS**

**ZONE EXPLANATION**

**A** Areas of 100-year flood, base flood elevations and flood hazard factors not determined.

**A0** Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet average depth of inundation are shown, but no flood hazard factors are determined.

**AH** Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet, base flood elevations are shown, but no flood hazard factors are determined.

**A1-A15** Areas of 100-year flood, base flood elevations and flood hazard factors not determined.

**A16** Areas of 100-year flood to be protected by flood protection system under construction; base flood elevations and flood hazard factors not determined.

**B** Areas between limits of the 100-year flood and 500-year flood, an area subject to 100-year flooding with average depths less than one (1) foot or where the conditions change, area is from one one square foot of area protected by Zone B Base Flood (Minimum shading).

**C** Areas of minimal flooding (No shading).

**D** Areas of undetermined, but possible, flood hazards.

**V** Areas of 100-year coastal flood with velocity (wave action) base flood elevations and flood hazard factors determined.

**V1-V20** Areas of 100-year coastal flood with velocity (wave action) base flood elevations and flood hazard factors determined.

**NOTES TO USER**

Certain areas not in the special flood hazard areas (Zones A and V) may be protected by flood control structures.

This map is for flood insurance purposes only; it does not necessarily show all areas subject to flooding in the community or all planning factors suitable for flood hazard areas.

For additional map panels, see separately printed Index to Map Panels.

INITIAL IDENTIFICATION  
 JANUARY 16, 1974

CONVERSION TO REGULAR PROGRAM  
 SEPTEMBER 29, 1978

Refer to the CONVERSION TO REGULAR PROGRAM map shows on this map to determine when actual rates apply to structures in the zones where elevations or depths have been established.

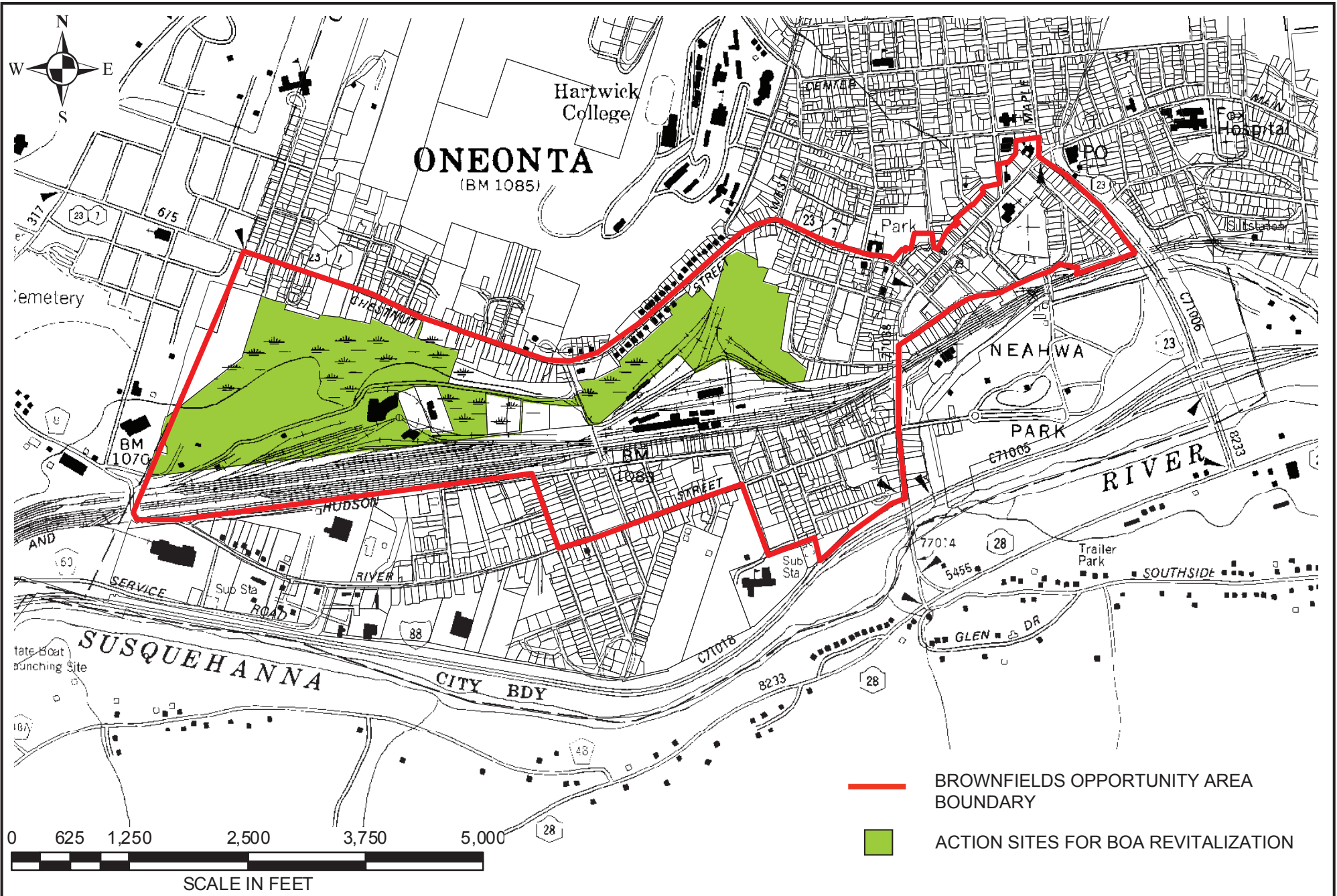
To determine if flood insurance is available in this community, contact your insurance agent, or call the National Flood Insurance Program at (800) 638-6242, or (518) 534-8172.



**ELEVATION REFERENCE MARKS**

REFERENCE MARKS	ELEVATION FEET (INCH)	DESCRIPTION OF LOCATION
*RM1	1103.64	Chisled square on northeast corner of drop inlet headwall on south side of State Route 48, about 0.5-mile southwest of sewage treatment plant.
*RM2	1093.39	Chisled cross on support post at extreme northeast corner of State Route 205 bridge over Susquehanna River.
*RM3	1062.69	Chisled cross on top of south butt at end of cable anchor located on Interstate 88 about 1300 feet northeast along eastbound lane from off-ramp intersection with State Route 205, 60 feet east of guardrail end.
*RM4	1060.63	Chisled square at southeast corner of concrete culvert headwall located on Interstate 88, 3000 feet northeast along eastbound lane from intersection of off-ramp and State Route 205, approximately 100 feet east of 65 MPH sign.
*RM5	1079.91	Rivestreet built on flush in middle of Interstate 88 about 6,000 feet northeast along eastbound lane from off-ramp at State Route 205, about 20 feet west of east heading line of new that building, one foot north of south edge of asphalt.
*RM6	1069.32	Chisled cross on top of 18-inch corrugated-culvert 16th expansion housing located approximately 1.1 mile northeast along eastbound lane of Interstate 88 from off-ramp at State Route 205.
*RM7	1072.74	Chisled square at top of concrete culvert beneath Interstate 88 opposite a baseball diamond to north 1.4 mile northeast along eastbound lane from off-ramp at State Route 205.
*RM8	1080.53	Chisled cross on concrete base of electric line tower located along Interstate 88, opposite a school to north, 1.8 mile northeast along eastbound lane from off-ramp at State Route 205.
*RM9	1083.21	Chisled cross on top of westermast rivet, at south end of northwest girder of the Main Street bridge over Susquehanna River, 0.1 foot lower than walkway.
*RM10	1065.55	Chisled cross on top of westermast butt at end of cable anchor on Interstate 88, 1700 feet northeast from Main Street bridge.
*RM11	1081.28	Chisled cross on top of westermast B x 24-inch grill, sixth from the south end of State Route 231 State Route 28 bridge over Susquehanna River.
*RM12	1065.79	Chisled square on top of abutment at south end of dam, 1500 feet east of State Route 231/State Route 28 bridge, 200 feet north of State Route 231 intersection.
*RM13	1088.26	Chisled cross on top butt opposite seventh order west of east abutment of an abandoned Delaware and Hudson Railway bridge on north side of westside, at approximate corner of Susquehanna River.
*RM14	1084.46	A standard disk mounted "X 75 1935" located in the east side of a watermain foundation, 194 feet east of southeast corner of the station, 85.5 feet west of the water tank housing, near Silver Creek.
*RM15	1207.89	Chisled cross on a concrete block, located 20 feet east of telephone booth, 120 feet northeast of main entrance to State University at southeast corner of Racine Parkway.
*RM16	1185.97	Chisled cross at center of drop inlet grill located on east side of Clinton Street, 90 feet south of Service Street.
*RM17	1099.04	Chisled square on northeast corner of drop inlet curb plate on south side of Fair Street.
*RM18	1127.30	Chisled square at southeast corner of walk over north end of Center Street bridge over Onondaga Creek.
*RM19	1192.52	Chisled square on top center of north headwall on High School Drive bridge over Onondaga Creek.
*RM20	1170.00	Chisled square on top of south curb of Main Street, opposite 2 x 5 foot iron plate on north side of street.
*RM21	1139.01	Butt on south side of pole 12-3-72 at north end of guardrail to the north of Park Street, opposite north corner entrance, near Onondaga Parkway.

\*OUTSIDE THE CORPORATE LIMITS



*Oneonta, New York*  
City of the Hills

BROWNFIELDS OPPORTUNITY AREA  
PRE-NOMINATION STUDY  
**ACTIONS FOR REVITALIZATION MAP**

CITY OF  
ONEONTA  
FIGURE 9

## Appendix C

### City of Oneonta Zoning Map and Zoning District Requirements

# City of Oneonta

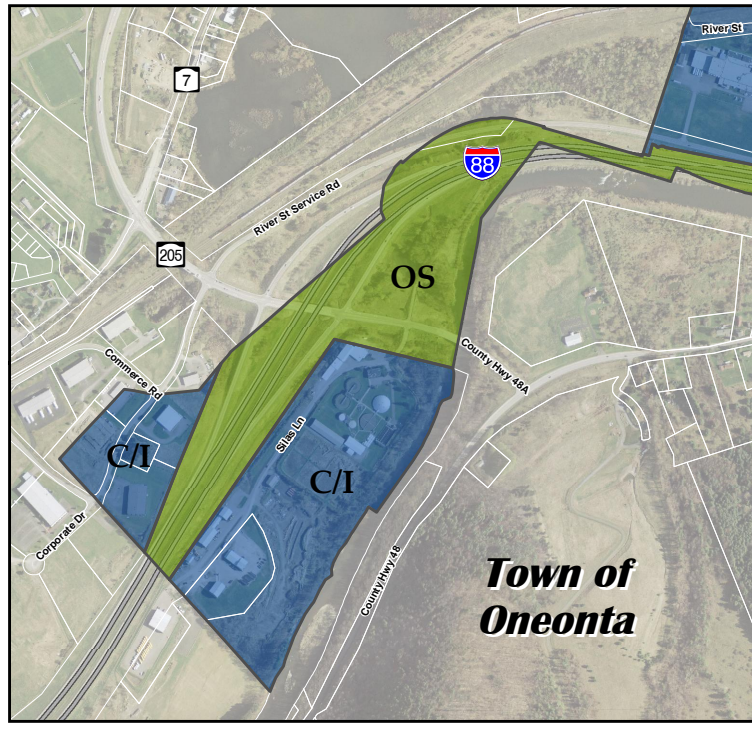
## Zoning District Map

3-16-11 **DRAFT**

### LEGEND

R-1	Low-Density Residential	MU-1	Downtown Mixed-Use
R-2	Moderate Density Residential	MU-2	Gateway Mixed-Use
R-3	High Density Residential	CI	Commercial/Industrial
R-4	Transitional Residential	U	University
		OS	Open Space & Conservation

1" = 400' 0 1,000 2,000 4,000 Feet 



Continued on  
Inset Above

**Town of  
Oneonta**

**City of  
Oneonta**

**Town of  
Oneonta**



City of Oneonta, NY  
Wednesday, February 4, 2015

## Chapter 300. ZONING

### Article IV. Regulations Applicable To All Zoning Districts.

#### § 300-29. Special use permits.

- A. Purpose and intent. The purpose of this article is to provide greater flexibility in the placement of certain kinds of uses when, because of their unique characteristics, these uses are such that they can be compatible with and complementary to the uses now permitted in the zone, provided that appropriate safeguards are imposed. Additionally, this article intends to provide the framework for adequate review and tighter control of certain uses which have a marked effect on the surrounding area due to their unusual design, operational characteristics, or the amount of traffic they generate.
- B. Applicability. Uses requiring a special use permit are listed in the **Table of Permitted Uses by District, § 300-92**, the Bulk and Use Tables,<sup>[1]</sup> and Article II. All uses requiring a special use permit are also required to have a site plan review.
- [1]: *Editor's Note: The Bulk and Use Tables, listed in §§ 300-92 through 300-101, are included at the end of this chapter.*
- C. Authorization to grant or deny special uses. The special uses listed in this chapter may be permitted, enlarged or otherwise altered upon authorization by the Planning Commission in accordance with the standards and procedures set forth in this section and such additional standards as may be set forth for such special uses elsewhere in this chapter. The zoning variance procedure before the Zoning Board of Appeals shall not be used to acquire authorization to enlarge, modify or otherwise alter a special use or to amend a special use permit. Such authorization may be granted by the Planning Commission only. In permitting a special use or the modification of a special use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by the chapter, any additional conditions which the Planning Commission considers necessary to protect the best interests of the surrounding property or the City of Oneonta as a whole. These conditions include, but are not limited to, controlling the location and number of vehicle access points, limiting the number, size and location of signs, and required diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property. In the case of uses existing prior to the effective date of this chapter and classed in this chapter as special use, any change in use or in lot area or an alteration of structure shall conform with the requirements dealing with special uses. Should a zoning variance be required, however, such application shall go before the Zoning Board of Appeals.
- D. Procedure for application and review.
- (1) Application requirements. If a use is permitted by special use permit, as set forth in this chapter, the applicant shall make a written application for a review of completeness and an approval to the Code Enforcement Officer of the City of Oneonta, at least four weeks prior to the Planning Commission meeting, on forms prescribed by the Code Enforcement Officer. At minimum, the application shall include the following:
- (a) The applicant's name, address and interest in the subject property.
- (b) The owner's name and address, if different than the applicant, and the owner's signed consent to the filing of the application.



- (c) The street address and legal description of the subject property.
  - (d) An application for site plan approval, as required by Article **VII**. The site plan approval process can run concurrently with the special use permit process, if desired by the applicant.
  - (e) A written statement addressing the standards relevant to the proposed use, as outlined in this article, and other regulations outlined in this article pertaining to specific uses, and stating specifically how the proposed special use permit relates to and meets each such standard, whether qualitative or quantitative in nature.
  - (f) A map showing the property and all properties within a radius of 500 feet to the exterior boundaries thereof.
  - (g) Plans and elevations necessary to show the proposed development and other drawings or information necessary to an understanding of the proposed use and its relationship to surrounding properties as required by this chapter.
  - (h) Any additional information which may be required to demonstrate compliance with any additional standards imposed on the special use permit by the particular provision of this article authorizing the special use.
- (2) Fee. Every application for a special use permit shall be accompanied by a fee which shall be set by resolution from time to time by the Common Council of the City of Oneonta.
- (3) Public hearing on special use.
- (a) Before a special use is permitted, the proposed special use shall be considered by the Planning Commission at a public hearing. Notice of said hearing shall be given in accordance with provisions of law.
  - (b) The City Clerk shall also, insofar as practicable, mail notices of the hearing to all property owners, as appearing on the latest tax roll of the City, within a two-hundred-foot radius, regardless of whether or not the owner resides therein, unless the City Clerk has definite knowledge of other addresses of absentee owners. Compliance with this subsection shall not be a condition precedent to proper legal notice, and no hearing or action taken thereon shall be deemed invalid or illegal because of any failure to mail the notices provided for in this section.
  - (c) The Planning Commission may deny, approve, or approve with conditions a special use permit. Reasonable conditions may be imposed upon approval of a special use to reduce to a minimum any detrimental effect. Such conditions are outlined in § **300-29E**.
- (4) Appeal. The applicant or any persons may appeal a decision of the Planning Commission. An appeal of such decision shall be to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- (5) Notification of action. The Planning Commission shall notify the applicant for a special use permit, in writing, within five days after the decision has been rendered.
- E. General standards governing special uses. Except as may be provided elsewhere in this article, each special use permit application shall meet the following standards:
- (1) A special use shall comply with the appropriate standards of the district in which it is located as well as the provisions of Article **IV**, Regulations Applicable To All Zoning Districts.
  - (2) In order to grant any special use, the Planning Commission shall find that the request is in harmony with the general purpose and intent of this chapter, taking into account the location and size of use, the nature and intensity of the operations involved in or conducted in connection with it and the size of the site in respect to streets giving access thereto.
  - (3) In order to grant any special use, the Planning Commission shall find that the establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the area

of such proposed use or be injurious to the property and improvements in the area or to the general welfare of the City.

- (4) The site plan for the property shall be approved in accordance with the provisions of Article **VII** of this chapter.
  - (5) The proposed size, height, architectural character and placement of new or expanded structures on the site shall be reasonably compatible with the existing or anticipated buildings on adjacent properties.
  - (6) Streets and access facilities serving the site shall be able to safely accommodate the expected traffic generated by the proposed use; the use shall not cause excessive traffic congestion or delays, obstruct access to adjacent properties, or imperil the safety of motorists, pedestrians, or bicyclists.
  - (7) The proposed use shall not adversely affect the use and enjoyment of adjacent properties by generating excessive noise, vibration, light, glare, odors or any other form of pollution or nuisances.
  - (8) The proposed use will be served adequately by essential services such as streets and highways, off-street and on-street parking, police and fire protection, stormwater drainage, refuse disposal, water and sewer service, and schools.
- F. Preexisting special uses. Any use lawfully established prior to, and lawfully continuing in existence on, the date of adoption of this chapter, and which is located in a district in which the special use is permitted under the terms of this chapter, shall be deemed a conforming use without further action, application or review, unless a preexisting special use permit expires, or unless such use ceases to continue for a period of more than six consecutive months.
- G. Discontinuance and revocation.
- (1) A special use permit shall become void five years after approval, or after such greater or lesser time as may be specified as a condition of approval, unless within that time the required building construction, alteration or enlargement is commenced.
  - (2) The special use permit shall expire if an initiated special use, as approved, ceases to continue for a period of more than five years continuously.
  - (3) A special use permit may be revoked by the Planning Commission. A public hearing shall be held after the permit grantee has been notified to consider whether or not the special permit grantee has violated the terms and conditions of the special use permit.

## § 300-30. Construction on hillsides and steep slopes.

- A. Findings. The Common Council has made the following findings concerning the need to address sediment and erosion control during construction on hillsides and steep slopes.
- (1) Land development can alter hydrologic response. Land development projects and other land use conversions and their associated changes to land cover can alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, which in turn can increase flooding, stream channel erosion, and sediment transport and deposition, and can decrease groundwater recharge by creating impervious surface such as pavement and buildings, and compacting pervious surfaces.
  - (2) Cumulative effects. The cumulative effects of several storms on a particular project and the erosion and sediment contributions from several projects can create a significant cumulative effect on water quality, hydrologic response of local watersheds, and can alter or destroy wildlife habitat.
  - (3) Land development can contribute to increased nonpoint source pollution. Land development projects and other land use conversions can contribute to increased nonpoint source pollution and degradation of receiving waters due to the addition of petroleum products, fertilizers and pesticides,

construction waste, and other substances to runoff from construction sites.

- (4) Land development can cause significant environmental damage to wildlife and wildlife habitat. Land development projects can cause significant damage to trees and other wildlife habitat through compaction of soils due to construction vehicle traffic, stripping of vegetation during grading and other site preparation activities, and can increase turbidity in water supplies that may damage the habitat of aquatic species.
  - (5) Stormwater runoff related to development can adversely affect health, safety, welfare, and the environment. The impacts of stormwater runoff related to development can adversely affect public safety, public and private property, surface water supplies, groundwater resources, drinking water, aquatic and nonaquatic wildlife habitats, fish and other aquatic life, property values, and the potential for other uses of land and water.
  - (6) Best management practices can minimize adverse impacts. These adverse impacts outlined above can be controlled and minimized through the application of best management practices during construction activities, low-impact development practices post-construction, and periodic inspections before, during and after construction to ensure that erosion and sediment control practices are functioning effectively.
  - (7) It is therefore in the public interest of health, safety, welfare, and environmental protection to minimize the impacts associated with land development and to regulate stormwater runoff during construction in areas of steep slopes in order to address the adverse impacts to public health, safety, welfare, and the environment detailed in the above subsection.
- B. Purpose and intent. Based on the findings above, the purpose of this section is to provide for the regulation of development of steep slopes, greater than 15%, by developing standards for design, installation, and maintenance of stormwater management measures during construction on steep slopes for the following reasons:
- (1) To control the quantity and quality of runoff.
  - (2) To prevent soil erosion and sedimentation resulting from site construction and development.
  - (3) To prevent the pollution of runoff from construction sites.
  - (4) To protect natural resources.
  - (5) To protect other properties from damage that could be caused by erosion and sedimentation or the quantity or quality of runoff.
  - (6) To reduce public expenditures in maintenance of stormwater drainage systems such as removing sediment from systems, repairing or replacing failed systems, restoring degraded natural resources, and to prevent damage to City infrastructure caused by inadequate controls.
- C. Site plan review. Any and all uses involving the disturbance of more than 1,000 square feet of land surface with slopes greater than 15% shall be subject to site plan review. The Planning Commission has the authority to waive these standards if it determines the area consisting of slopes greater than 15% is small enough so as to pose limited or no environmental risk. The scope of site plan review required under this section shall be limited to the purpose and intent of § **300-30B**.
- D. Strategies and standards.
- (1) Strategies to be employed. To ensure that all sources of soil erosion and sediment on the construction site are adequately controlled, the following strategies shall be employed:
    - (a) Minimize the areas of disturbed soil. Limit site preparation activities such as grading and clearing to where they are absolutely necessary and consistent with the phasing plan and the daily schedule of construction activities.
    - (b) Maximize the protection and on-site use of native vegetation. Protect all vegetation not intended

- for removal by adequately marking, fencing around the drip line of trees, protectively wrapping and temporarily transplanting as necessary.
- (c) Reduce the time that soil is left disturbed. Utilize construction management by phasing; soil disturbed by construction activities shall be stabilized within 14 days of ceasing disturbance.
  - (d) Stabilize soil with seeding and mulch as soon as possible after disturbance.
  - (e) Control water at upslope site perimeters. Prevent stormwater from entering areas of disturbed soil from outside the site and from other parts of the site. Utilize diversion swales and vegetated strips to reduce the amount of water entering a construction site.
  - (f) Control water on site. On the site, water must be controlled and kept to low velocities so that erosion is minimal. This can be achieved through immediate seeding and mulching or the application of sod, as well as the use of structural measures, including silt fences, check dams, mulch filter socks, and mechanical tracking of hillsides.
  - (g) Control sediment on site. Reduce the amount of sediment produced from areas of disturbed soils, and control the sediment produced on site through seeding and mulching and structural measures.
  - (h) Control sediment at the downslope site perimeters. Prevent the off-site transport of all sediment produced on the construction site using vegetated strips, diversion dikes, and swales, sediment traps and basins, stabilized construction entrances, and silt fences or mulch filter socks.
  - (i) Utilize biological or recyclable materials. To the extent possible, developers should utilize natural biological materials or recyclable materials as temporary measures that can remain on site after the completion of construction such as mulch berms or other methods, as opposed to silt fences, which must be removed and disposed of after the completion of construction activities in order to reduce waste and reduce costs of removal.
  - (j) Fill materials should be compacted sufficiently to be stable for their height and sufficiently strong to bear the weight of any structures they support.
- (2) Design standards. The following standards shall be applied in planning for stormwater management and erosion control:
- (a) Stormwater management and erosion control designs shall not conflict with minimum New York State Department of Environmental Conservation stormwater requirements or other environmental permits required.
  - (b) Measures shall be designed and installed to control the post-development average annual rate of runoff, as well as the average annual rate of runoff during each phase of construction so that it does not exceed average annual pre-development runoff. Average annual rate of runoff should be calculated using the Universal Soil Loss Equation.
  - (c) Emergency spillways and downslope drainage facilities shall have capacity to accommodate a one-hundred-year/twenty-four-hour storm.
  - (d) All measures in the plan shall meet, as a minimum, the best management practices (BMPs) set forth in the New York Standards and Specification for Erosion and Sediment Control.
  - (e) Stormwater management practices shall be selected to accommodate the unique hydrologic and geologic conditions of the site.
  - (f) The use of low-impact development techniques are preferred to intercept, treat, and infiltrate runoff from developed areas distributed throughout the site, as are techniques that restore, enhance, or protect natural areas such as riparian areas, stream channels, wetlands, and forests. Low-impact development techniques address stormwater through small, cost-effective landscape features located at the lot level and include items such as reducing the use of pipes, ponds, curbs

and gutters; maintaining recharge areas, buffer zones, and drainage courses; using infiltration swales, grading strategies, and open drainage systems; reducing impervious surfaces and disconnecting those that must be used; and conserving open space.

- (g) Stormwater management systems shall not discharge to surface waters, ground surface, subsurface, or groundwater within 100 feet of surface water within a water supply intake protection area.
  - (h) Any contiguous area of disturbance, not associated with the installation of a roadway, shall be limited to 20,000 square feet.
  - (i) Contiguous areas of disturbance shall be separated by at least 20 feet of area maintained at natural grade and retaining existing, mature vegetated cover that is at least 20 feet wide at its narrowest point.
- E. Required submissions in stormwater management plans for application review. In addition to any information generally required by the City for subdivision or site plan application, the applicant must submit the following items to the Planning Commission for review:
- (1) Existing and proposed conditions, including the following elements:
    - (a) Local map showing property boundaries.
    - (b) North arrow, scale, and date of plan and plan amendments.
    - (c) Surveyed property lines.
    - (d) Structures, roads, utilities, earth stockpiles, equipment storage, and stump disposal.
    - (e) Topographic contours at two-foot intervals.
    - (f) Critical areas relating to natural resources as defined at a regional level, state level, or local level by a regional, state, or local level natural resource inventory.
    - (g) Stockpile areas and staging areas.
    - (h) Within the project area, within 400 feet of the project boundary, and upgradient within the watershed or appropriate portions thereof, all surface waters, water bodies, streams, intermittent streams, ephemeral streams, wetlands, vernal pools, and drainage patterns and watershed boundaries.
    - (i) Vegetation, including description of species.
    - (j) Extent of the one-hundred-year floodplain, when applicable.
    - (k) Soil information from a soils survey soil series map or detailed site soil samples.
    - (l) Easements or covenants.
    - (m) Areas of soil disturbance or remediation areas.
    - (n) Areas of cut and fill.
    - (o) Areas of poorly or very poorly drained soils, including any portion to be disturbed or filled.
    - (p) Location of all structural, nonstructural, and vegetative stormwater management and erosion control BMPs.
    - (q) Detail sheet showing each BMP.
    - (r) Phasing plan.
    - (s) Inspection schedule.

- (t) Construction schedule.
- (u) Earth movement and grading schedule.
- (v) Construction erosion and sediment control plan that complies with the provisions of this regulation.
- (w) An operations and maintenance plan.
- (x) Spill prevention plan and emergency management plan for spills of potentially hazardous materials.
- (y) Surety.
- (z) Identification of alternatives in the drainage system design that provide for contingencies during storm events, for instance, an alternative for water flow in case a critical culvert becomes blocked by debris.
- (aa) Design calculations for all temporary and permanent BMPs and a narrative description of each measure, its purpose, construction sequence, and installation timing.
- (bb) Drainage report with inclusion of more frequent small storms as well as traditional calculations.
- (cc) Landscaping plan (unless required by other sections of the regulations).
- (dd) Notation of soil types (unless required by other sections of the regulations).

F. Inspections.

- (1) Inspections/frequency. Periodic inspections of stormwater management structures or techniques shall be conducted by the City Engineer or a qualified professional. At a minimum, inspections shall be conducted at the site prior to commencement of land-clearing activities, after every storm event during construction, periodically during construction, at the completion of construction activities and removal of any temporary BMPs, and as specified thereafter in an agreed-upon inspection schedule proposed by the developer in consultation with either the contractor who will build the project or a consulting contractor and approved by the Planning Commission and the City's Engineer, to insure that stormwater management structures or techniques are performing effectively.
- (2) Inspections/documentation. All inspections shall be documented and written reports prepared by the City's Engineer or compliance consultant that contain the following information:
  - (a) Date and location of the inspection.
  - (b) Date of last storm event.
  - (c) Whether construction is in compliance with the approved stormwater management plan.
  - (d) Variations from approved construction specifications.
  - (e) Photographic documentation of each erosion and sediment control BMP and any other site level techniques employed pursuant to this regulation, such as but not limited to seeding of fill piles, marking of root zone areas of trees, disposal of construction debris, and implementation of any state- or federal-level recordkeeping or reporting procedures related to erosion and sediment control.
  - (f) Recommended actions for replacement, repair, or substitution of BMPs that are not functioning properly.
  - (g) Copies of reports and labeled photographs shall be provided to the Planning Commission.
- (3) Phases of inspection. The schedule for inspections may include the following phases:

- (a) Initial site inspection prior to plan approval, which shall include a site walk by the developer or developer's engineer and contractor, the City's Engineer and/or Code Enforcement Officer, and a member of the Planning Commission.
- (b) Erosion control inspection to ensure erosion control techniques or structures have been properly installed, and are in accord with the developer's submitted plan.
- (c) During and post-storm event inspection. The City Engineer shall inspect the site during and within 48 hours after the first storm event and subsequent storm events to ensure that erosion and sediment control techniques and drainage structures are functioning properly.
- (d) Stormwater management system inspection. This inspection will include inspection of temporary measures to be employed only during construction, as well as semipermanent and permanent measures designed to remain for some time period after construction is completed but which may be completed before all construction of the site is completed. The inspector will also note whether construction debris is being disposed of properly and whether other erosion and sediment control measures in addition to those in the approved plan must be instituted by the developer to protect water resources.
- (e) Final inspection and storm performance inspection. The City Engineer shall inspect the system after the system has been constructed and before the surety has been released. This inspection shall also evaluate the effectiveness of the system during and after the first actual storm. No surety will be released until the inspector certifies both the final inspection and the storm performance inspection.
- (f) During inspections, or during other site visits by the City Engineer, if it is determined that the developer is not adhering to the approved erosion control plan, or that one or more of the erosion control techniques or structures installed are not operating properly, the City Engineer may issue a stop-work order. The stop-work order must provide specific reasons for its issuance, as well as to how the developer is to proceed to remediate the reasons for the order.

## § 300-31. Home occupations.

See definition in Article I.

- A. Purpose. The general purpose of the home occupation regulations is to ensure that home occupations are compatible with the residential character of the residential districts in which they are located. Family and group day-care homes are not subject to home occupation regulations contained in § 300-31.
- B. Permitted home occupations. All permitted Type A home occupations are subject to the requirements and procedures of site plan review and approval as set forth in Article VII of this chapter. All permitted Type B home occupations are subject to the requirements and procedures of special use permits as set forth in Article VII of this chapter. To be deemed a home occupation, the use must be clearly incidental, accessory, and secondary to the residential use of the property. Subject to the requirements herein and notwithstanding anything to the contrary set forth above, customary home occupations include but are not limited to the following:
  - (1) Office facilities for physicians, surgeons, dentists, physical therapists, massage therapists, accountants, architects, brokers, engineers, land surveyors, lawyers, insurance agents, and realtors. These uses are subject to the specific limitations contained elsewhere in this section pertaining to home occupations.
  - (2) Office facility of a salesperson, sales representative or manufacturer's representative. This use is subject to the specific limitations contained elsewhere in this section.
  - (3) Office facilities for ministers, priests, rabbis, or other religious leaders.
  - (4) Home crafts, such as model making, rug weaving, and lapidary work.

- (5) Workshop or studio for an artist, photographer, graphic designer, website designer, craftsman, writer, composer, dressmaker, tailor or computer programmer.
  - (6) Facilities for instruction to not more than three pupils at any given time, such as in music, dance, art or crafts.
  - (7) Homebound employment of a physically or mentally handicapped person who is unable to work away from home by reason of disability.
  - (8) Limited barbershop and hairstylist. This use is subject to the specific limitations contained elsewhere in this section.
  - (9) All other home occupation uses which are customary in residential areas and which can be conducted without substantial change in the appearance, character, or generation of pollution and traffic of the residence.
- C. Prohibited home occupations. Notwithstanding anything contained herein to the contrary, permitted home occupations shall not in any event be deemed to include:
- (1) Nursing homes, medical clinics or hospitals.
  - (2) Antique or furniture shops.
  - (3) Barbershops, hairstylists or beauty salons except for limited barbershops and hairstylists in accordance with the limitations contained elsewhere in this section.
  - (4) Funeral homes, mortuaries or embalming establishments.
  - (5) Restaurants or bars.
  - (6) Private clubs or lodges.
  - (7) Stables, kennels or animal hospitals.
  - (8) Boardinghouses, tourist homes or bed-and-breakfast establishments.
  - (9) Renting of trailers.
  - (10) Garage or shop for the repair of motor vehicles.
  - (11) Taxi operations.
- D. Class A home occupations. Class A home occupations are permitted in the zone districts specifically identified in the Table of Permitted Uses<sup>[1]</sup> and the Bulk and Use Tables<sup>[2]</sup> found in the Appendix. Class A home occupations may be permitted by site plan review by the Code Officer only, and may be referred by the Code Officer to the Planning Commission.
- (i) General standards.
    - (a) No persons shall be employed in the home occupation other than members of the household occupying the dwelling unit.
    - (b) Except for articles produced on the premises, and except as permitted by Subsection **D(1)(h)** below, no stock-in-trade shall be stored on the premises. Individual samples of specific goods available for sale, whether produced on the premises or elsewhere, may be kept on premises, in a limited quantity, for customer viewing.
    - (c) No more than 25% of the total floor area of the dwelling unit or more than 300 square feet of floor area shall be utilized in the conduct of the home occupation.
    - (d) No offensive noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects shall be produced by the home occupation.



- (e) In no way shall the appearance of the structure be altered nor shall the activity within the residence be conducted in a manner which would cause the premises to differ from its residential character, or from residential character generally, except that a single sign in accordance with § **300-20K** shall be permitted.
  - (f) Not more than one such home occupation may occur on a residential lot.
  - (g) No outdoor display of goods or outdoor storage of goods, equipment or material used in the home occupation shall be permitted.
  - (h) The sale of property at retail is prohibited, except as a minor or subordinate part of a permitted home occupation use or except as a mail-order business.
  - (i) No traffic shall be generated by such home occupation in a volume that would create a need for parking greater than that which is consistent with the normal parking usage of the district.
  - (j) No traffic is generated by such use in any greater volume than would normally be expected from a single dwelling unit in the residential neighborhood in which the use is to be located.
  - (k) Class A home occupations shall not be allowed on any premises that is grandfathered for density, lot size, or the number of off-street parking space requirements of this chapter.
  - (l) Class A home occupations shall not be permitted on any premises containing a nonconforming use except in residential nonconforming uses.
- (2) Additional standards applicable to limited barbershops, hairstylists and client/customer on-site-based office facilities. These standards apply to Class A home occupations listed in Subsection **B** under permitted home occupations, Subsection **B(1)**, **(2)** and **(8)**, which are characterized by having customers or clients on site, and are applicable to such uses in addition to the standards contained in Subsection **D(1)** above. Special use permits for limited barbershops, hairstylists and client/customer on-site-based office facilities shall be issued for up to a five-year period and shall expire automatically unless renewed. Unless, as determined in the special use permit review process, the unique character of the particular neighborhood in which the proposed use is to be located allows for a greater intensity of use, the following standards of intensity of use numbered Subsection **D(2)(a)**, **(b)** and **(c)** shall apply. In any case, the following standard in Subsection **D(2)(d)** shall apply. Failure to comply with items in Subsection **D(2)(a)**, **(b)**, **(c)** and **(d)** below shall be grounds for revocation of a special use permit prior to its expiration date. Permit holders shall, at least once every 12 months, certify, in writing, to the Code Enforcement office, compliance with all terms of the permit that were specified by the issuing body as well as compliance with items in Subsection **D(2)(a)** through **(d)** below or modifications to Subsection **D(2)(a)** through **(d)** below made by the issuing body.
- (a) No more than one client/customer shall be on the premises at any time.
  - (b) Hours of operation shall be limited to 8:00 a.m. to 5:00 p.m. and days of operation to Monday through Friday.
  - (c) All activities associated with the home occupation shall be conducted indoors.
  - (d) Such uses shall be permitted only in single-family owner-occupied homes.
- [1]: *Editor's Note: The Table of Permitted Uses by District, listed in § 300-92, is included at the end of this chapter.*
- [2]: *Editor's Note: The Bulk and Use Tables, listed in §§ 300-93 through 300-101, are included at the end of this chapter.*
- E. Class B home occupations. All home occupations listed as permitted home occupations under § **300-31B** but which do not qualify as Class A home occupations under § **300-31D** are Class B home occupations. Class B home occupations are permitted in the zoning districts specifically identified in the Bulk and Use Tables<sup>[3]</sup> found in the Appendix. Class B home occupations are permitted by special use permit only.
- (1) General standards.

- (a) The standards contained in Subsection D(1) shall apply to limited barbershops, hairstylists, and client/customer on-site-based office facilities. Additional standards applicable to limited barbershops, hairstylists and client/customer on-site-based office facilities: These standards apply to home occupations listed in Subsection **B** under permitted home occupations, Subsection **B(1)**, **(2)** and **(8)**, which are characterized by having customers or clients on site, and are applicable to such uses in addition to the standards contained in Subsection **D(1)** above. Special use permits for limited barbershops, hairstylists and client/customer on-site-based office facilities shall be issued for up to a five-year period and shall expire automatically unless renewed. Unless, as determined in the special use permit review process, the unique character of the particular neighborhood in which the proposed use is to be located allows for a greater intensity of use, the following standards of intensity of use numbered Subsection **E(1)(a)[1]**, **[2]** and **[3]** shall apply. In any case, the following standard in Subsection **E(1)(a)[4]** shall apply. Failure to comply with items in Subsection **E(1)(a)[1]**, **[2]**, **[3]** and **[4]** below shall be grounds for revocation of a special use permit prior to its expiration date. Permit holders shall, at least once every 12 months, certify, in writing, to the Code Enforcement office, compliance with all terms of the permit that were specified by the issuing body as well as compliance with items in Subsection **E(1)(a)[1]** through **[4]** below or modifications to Subsection **E(1)(a)[1]** through **[4]** below made by the issuing body.

- [1] No more than one client customer shall be on the premises at any time.
- [2] Hours of operation shall be limited to 8:00 a.m. to 5:00 p.m. and days of operation to Monday through Friday.
- [3] All activities associated with the home occupation shall be conducted indoors.
- [4] Such uses shall be permitted only in single-family owner-occupied homes.

- (b) Other Class B home occupations. Standards applicable to other Class B home occupations:

- [1] Only the members of the household occupying the premises as their primary residence and a maximum of one nonresident employee may conduct the activity.
- [2] Outdoor display of goods or outdoor storage of equipment or materials used in the home occupation shall be permitted if screened at all seasons of the year from the view of adjacent lots and streets; shall not be located in front yards; does not pose a nuisance to adjacent property owners; and the general landscaping of the site shall be in character with that generally prevailing in the neighborhood.
- [3] In no way shall the appearance of the structure be altered nor shall the activity within the residence be conducted in a manner which would cause the premises to differ from its residential character, or from residential character generally, except that a single sign not exceeding six square feet in area shall be permitted.
- [4] No offensive noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects shall be produced by the home occupation. Class B home occupations are additionally subject to the regulations found in § **300-63**.

[3]: *Editor's Note: The Bulk and Use Tables, listed in §§ 300-92 through 300-101, are included at the end of this chapter.*

## § 300-32. Short-term rentals.

See definition in § **300-4**.

- A. Authority to grant or deny permits for short-term rentals. The Code Enforcement Officer shall have the authority to issue new and annual renewal permits under this provision.
- B. Fee. Every application for a permit shall be accompanied by a nonrefundable fee, which shall be set by

resolution from time to time by the Common Council of the City of Oneonta.

- C. New applications for short-term rentals shall be subject to the following:
- (1) Districts permitting new short-term rentals. Upon the adoption of the 2011 City Zoning Code, new rentals will only be allowed in the MU-1, MU-2, R-4 and C/I Districts.
  - (2) Shared driveways. If there is a shared driveway and each property is owned by different owners, the application will be denied unless each property owner states in writing that they have no objection to the issuance of the permit. If all properties involved are owned by the same owner, this restriction shall not apply.
- D. Renewal applications for short-term rentals shall be subject to the following:
- (1) Any short-term rental property that received a permit for the 2011 summer rental season may apply for renewal. In order to be considered a renewal, the property must have been issued a permit in the immediately preceding year. All other applications shall be considered new applications. Prior years' issuance of a permit does not imply/guarantee approval of subsequent applications.
  - (2) Conditions for denial of permit renewal. The City of Oneonta shall deny renewal of a permit for short-term rentals based on any or all of the following criteria:
    - (a) That there are current code violations or expired reports, forms or certifications.
    - (b) That the applicant property fails to meet all standards of the certificate of substantial compliance.
    - (c) That tenants at the property were issued more than two noise ordinance violations during the previous 12 months.
- E. Property requirements/required materials to be provided with application. The following requirements must be met and proof submitted with applications. Proof may include photocopies, photographs, signed application statements, or other verifiable information. Other materials such as information on tenant rules, code of conduct, or property safety features may be included.
- (1) All applications for short-term rentals must include a copy of a current and valid certificate of substantial compliance issued by the City of Oneonta Code Enforcement office.
  - (2) Emergency contact information. Such information shall include, but not be limited to: the name, addresses and phone numbers of the building owner, if local, or a local agent, and second local contact person who will be available for problems/emergencies that may arise. A local agent shall be a person that meets the criteria for local agents found at § **158-58B** of the Code of the City of Oneonta as one who can respond in person to calls within one hour. "Nonresident owners," as that term is used at § **158-58B**, shall be defined as those persons that reside outside of the following zip code areas: 12116, 12155, 13348, 13415, 13747, 13750, 13751, 13753, 13757, 13775, 13776, 13796, 13806, 13807, 13808, 13810, 13820, 13825, 13834, 13846, 13859, 13860, 13861. The above emergency contact information, as well as instructions for dialing 911 for emergency/fire/ambulance assistance, shall be posted on or about the inside of the front or main door of each short-term rental occupancy dwelling unit.
  - (3) All applicants must contact the Code Enforcement office to obtain a list of all property owners within a two-hundred-foot radius of proposed short-term rentals and notify these property owners, in writing, via regular first-class mail, of the dates they plan to rent their property. This notification must include the name and phone numbers of at least two local agents who will be available for problems/emergencies that may arise and whom neighbors may contact in the event of complaints or problems with the short-term rental.
  - (4) That the property has at least one off-street parking space for each rental dwelling unit. Exception: in the MU-1 District.
  - (5) That the property owner will comply with all applicable occupancy limitations of the City of Oneonta Housing Code, including but not limited to §§ **158-10A**, **158-11A** and **C**, **158-12E(1)**, **158-14B(2)** and **(3)**.

A scaled floor plan sketch showing dimensions, room uses, and door and window locations is required for all new applications and for renewal applications, if changed.

- F. Approval or denial. The Code Enforcement Officer shall have the authority to immediately approve the application if all required documentation and other pertinent information has been submitted and meets all review criteria as set forth in this chapter.
- G. Fines and penalties/failure to obtain a permit; short-term rental without a permit. An administrative penalty shall be imposed against the owner of the premises for every day said premises are rented as a short-term rental without a permit; the amount of the penalty will be set by resolution from time to time by the Common Council of the City of Oneonta. Such penalty shall be determined upon investigation and determination by the Code Enforcement office. The property owner shall be notified, in writing, of any violation or imposition of a penalty and the process for appeal. Any finding and/or imposition of a penalty may be appealed, in writing, to the Board of Public Service within 45 days of the notice of violation. A claim of ignorance of the provisions of this statute shall not be a basis for appeal. Any amount of an administrative penalty which is not paid within 45 days of notice or within 45 days after appeal shall be charged an additional administrative penalty of 12% interest and the same shall be re-levied upon the real property taxes for the property and become a lien against the premises.

## § 300-33. Bed-and-breakfasts.

A bed-and-breakfast establishment is permitted in accordance with the Bulk and Use Tables<sup>[1]</sup> found in the Appendix, subject to the following standards.

- A. A bed-and-breakfast shall only be established in a single-family detached dwelling.
- B. A maximum of five guest rooms and a maximum of 10 overnight guests at any time shall be permitted in any one bed-and-breakfast establishment.
- C. No food preparation, except beverages, is allowed within individual guest rooms. Meal service may only be provided to overnight guests.
- D. All parking areas on property (except driveways) shall be behind the required building setback line and shall be screened from the view of adjacent residences to a height of six feet by a solid screening fence, or by dense shrubs and vegetation.
- E. The operator of the bed-and-breakfast shall be a full-time owner-occupant resident of the dwelling in which the bed-and-breakfast establishment is housed.
- F. The Planning Commission shall use as criteria for the granting of a special use permit:
  - (1) The square footage of the lot dedicated to the use of the bed-and-breakfast business compared to the total square footage of the building or buildings intended for the bed-and-breakfast usage.
  - (2) Adequate parking site adjacent to or available to the building intended for the use.
  - (3) Use of surrounding properties and density of dwellings proximate to the subject property.
  - (4) Upon renewal, violation of any law, rule, regulation or ordinance of the City of Oneonta, the State of New York or the United States of America arising out of the use of the property as a bed-and-breakfast.
  - (5) Any other matter which impacts (either positively or negatively) upon the zone where the special permit is intended to be used or upon the community as a whole.
- G. The Planning Commission shall have the authority to impose additional reasonable conditions and restrictions as are directly related to and incidental to the proposed bed-and-breakfast establishment.
- H. Special use permits for bed-and-breakfasts shall expire 10 years from issuance, or upon sale of the building

so used, or upon the owner no longer continuously occupying and operating the business, whichever shall sooner occur.

[1]: *Editor's Note: The Bulk and Use Tables, listed in §§ 300-92 through 300-101, are included at the end of this chapter.*

## § 300-34. Fraternity, sorority and membership association houses.

- A. **Parking.** In addition to the parking requirements specified in the Bulk and Use Tables,<sup>[1]</sup> fraternities, sororities and membership association houses must demonstrate that they will provide and maintain a parking access and management arrangement sufficient to serve the parking and access demands associated with chapter meetings, formal and informal social activities, or other on-site events which include the attendance of persons other than those who reside on the property. Such parking and access arrangements may include, but are not limited to, the provision of additional on-site parking, the use of private off-premises parking, the use of public parking in municipal lots or on-street spaces, and the availability of bus or shuttle service or carpooling arrangements.
- [1]: *Editor's Note: The Table of Parking Requirements by Use, listed in § 300-101, is included at the end of this chapter.*
- B. **Minimum floor space.** At a minimum, fraternity, sorority and membership association houses must have 4,000 square feet of usable floor area. Single- or two-family structures containing 4,000 square feet or less at the time of adoption of this chapter may not be converted to fraternity, sorority or membership association houses.
- C. **Occupancy.** A minimum of 500 square feet of usable floor space per occupant shall be provided.
- D. **Buffer.** A fraternity or sorority located next to a single- or two-family unit shall have a hedge, berm, fence or wall, forming a continuous screen at least six feet high between it, that shall meet the requirements set forth in §§ **300-51** and **300-58**.
- E. **Temporary permitting.** A special use permit for a fraternity, sorority, chapter or membership association house may be granted for a limited term of up to one year and may be extended for additional periods by the issuing body. However, a special use permit shall expire if the special use shall be discontinued for more than six months.
- F. All existing fraternity, sorority, chapter and membership association houses existing on the date of adoption of this section shall apply for and obtain special use permits annually prior to May 31, or, in the event of failure to apply for or failure to be granted the special use permit, shall cease to function as fraternity, sorority, chapter or membership association houses. See also § **300-70B(2)**.

## § 300-35. Mobile home parks.

- A. All preexisting single-wide mobile homes installed and occupied pursuant to this section shall conform to the New York State Code, Rules and Regulations.
- B. All mobile homes installed and occupied pursuant to this section shall also comply with such additional construction requirements as may be required by the Planning Commission.
- C. All single-wide mobile homes must be located in a mobile home park.
- D. All mobile homes located in a mobile home park must be skirted prior to the issuance of a certificate of occupancy.
- E. No mobile home or communal recreation area in a mobile home park shall be located within 40 feet of a preexisting single-family or two-family residential lot.

- F. Private roads providing access to individual lots in a mobile home park shall have pavement as required by the City of Oneonta Engineering Department.
- G. Every mobile home park shall provide common recreational open space furnished with suitable equipment at a standard of 100 square feet per dwelling unit with a minimum area of 1,600 square feet per area.
- H. Mobile home parks shall be served by public water and sanitary sewers.

## § 300-36. Bars, cabarets and nightclubs.

- A. Regulations applicable to those bars, cabarets, and nightclubs existing on the effective date of this section and located outside of districts where such uses are permitted.
  - (1) Expansion prohibited. No bar, cabaret, or nightclub shall be expanded in either square footage of floor area, permitted maximum occupancy, or other unit of intensity. For purposes of determining whether or not a change in a bar, cabaret, or nightclub is a change in intensity, all changes shall be monitored by the Code Enforcement Officer. The Code Enforcement Officer shall be notified, in writing, by the owner or lessee, of all proposed changes. Upon completion of review of a proposed change, the Code Enforcement Officer shall issue a letter of determination to the owner or lessee.
  - (2) Existing bars, cabarets, and nightclubs with maximum permitted occupancies of over 50 persons, and also those with maximum permitted occupancies of under 50 persons, are subject to additional requirements for operations as outlined in Subsections **D** and **E** below.
- B. Establishment or expansion by variance procedure and expansion by expansion of nonconforming use procedure. Approval of a variance or expansion of a nonconforming use application by the Zoning Board of Appeals for the establishment of a new bar, cabaret, or nightclub, or for an increase in intensity of an existing bar, cabaret, or nightclub, shall be subject to site plan review by the Planning Commission for the establishment and expansion of permitted bars, cabarets, and nightclubs.
- C. Abandonment and discontinuance. Any bar, cabaret, or nightclub, which is abandoned, or in which operations have been discontinued for a period of six consecutive months, shall not be permitted to be reestablished, except in accordance with the permitting requirements of this chapter for new bars, cabarets, and nightclubs.
- D. Additional requirements for operation; "three strikes provision"; control of disorderly premises.
  - (1) Upon any arrest or conviction of a patron, staff or owner for illegal activity on or about a licensed premises as defined by the New York State Liquor Authority, being a violation of the laws of either the City of Oneonta or New York State alcohol beverage control laws relating to the operation, ownership or licensing of any bar, cabaret or nightclub, the City Clerk may send a notice of such violation by registered mail to the premises, including a copy of this subsection and Subsections **E**, **F** and **G** below.
  - (2) If, within any ten-year period of such arrest or conviction, there is an additional conviction of a patron, staff or owner for illegal activity on or about a licensed premises, as defined by the New York State Liquor Authority, of the laws of either the City of Oneonta or New York State alcohol beverage control laws relating either to the ownership or licensing of any bar, cabaret or nightclub, the City Clerk shall send a notice of such violation by registered mail, including a copy of this subsection and Subsections **E** and **F** below, and those premises shall immediately be allowed to continue operation only with a valid special use permit issued by the Common Council as set forth in Subsection **E**.
  - (3) Upon any felony conviction under City of Oneonta laws and/or New York State alcohol beverage control laws related to patron, staff or owner activity on or about a licensed premises as defined by the New York State Liquor Authority, the City Clerk shall send a notice of such conviction by registered mail, including a copy of this subsection and Subsections **E** and **F** below, and those premises shall immediately be allowed to continue operation only with a valid special use permit issued by the Common Council as set forth in Subsection **E**.

- (4) All notices required herein shall be effective if mailed to the address on file for the licensee/owner.
- E. If required by Subsection **D**, a special use permit shall be required to operate a bar, cabaret or nightclub. Submission of a completed application for such special use permit shall be required of the owner or licensee of any bar, cabaret or nightclub within 60 days of the date of mailing of the notification by the City Clerk to the licensed premises. If said application is not submitted and certified as complete by the City Clerk within the time required, continued operation as a bar within the City shall be in violation of the Zoning Law of the City of Oneonta, and said operation shall terminate. If said operation shall continue, an administrative penalty shall be assessed against the licensee of said premises in the amount of \$1,000 per day for each day of such continued operation. In addition thereto, the City Attorney is authorized to take any enforcement action against the premises for violation of this provision, and the cost of any such enforcement shall be added to the administrative penalty. Nothing within this provision shall entitle an owner or licensee to any right to continue operation as a prior nonconforming use.
- F. A special use permit for a bar, cabaret, or nightclub, as required under § **300-36D**, may initially be granted for a limited term of up to two years. Subsequent special use permit renewals may be granted to coincide with tavern license renewal dates or any other time period as determined by the issuing body. However, a special use permit shall expire if the special use shall be discontinued, for any reason, for more than six months.
- G. Special use permits: standards and requirements for bars, cabarets, and nightclubs. In addition to the requirements outlined under § **300-29**, Special use permits, when an application is reviewed for a special use permit for a bar, a cabaret, or a nightclub, the following shall be considered and applied:
- (1) Zoning. Bars, cabarets, and nightclubs shall be located only in areas of the City of Oneonta specifically zoned for such uses.
  - (2) Facilities requirements. Bars, cabarets, and nightclubs shall comply with all applicable state and local building, fire, health, and safety codes.
  - (3) Security and operational requirements. Bars, cabarets, and nightclubs shall comply with all applicable state and local building, fire, health, safety, and operational requirements. Each application for a special use permit for a bar, cabaret, or nightclub shall include a management operations plan, which shall include but not be limited to a detailed, thorough, and effective plan for addressing each item listed below and any other items as required by the Planning Commission. In a case where no policy or procedure exists, the management operation plan must reference the item and so state (i.e., "establishment has no dress code for patrons other than what is required by New York State health laws").
    - (a) Violence control policy and procedures.
    - (b) Method(s) of ensuring secure emergency communication to the City of Oneonta Police Department and the City of Oneonta Fire Department.
    - (c) Evacuation plan and evidence of evacuation drills supervised by professionals in the field of firesafety.
    - (d) Name of owner and of daily on-site employee(s) with authority to act in owner's absence.
    - (e) Annual risk management training and review, preferably by the liability insurance carrier for the establishment.
    - (f) Controls to prevent excessive drinking.
    - (g) Controls to prevent underage drinking.
    - (h) Controls to manage noise.
    - (i) Controls to manage crowds.
    - (j) Current certification and continuing training for owners and primary operational and

- management staff from New York State certified alcohol training awareness program schools, such as TIPS and I'm Smart.
- (k) Annual orientation and training of all employees, with training verification signed and dated by employees, in principles of New York State certified alcohol training awareness program schools, such as TIPS and I'm Smart.
  - (l) Requirements for security (bouncer) staff, including ability to control patrons and crowds and requirements for ongoing training.
  - (m) Dress code for staff.
  - (n) Dress code for patrons.
- (4) Review criteria. At the time of initial application for a special use permit, and subsequent renewals, the Planning Commission will consider the following among its criteria for the initial award or subsequent renewal of a special use permit for a bar, cabaret, or nightclub. In addition, the Planning Commission may request any or all documentation or reports pertaining to its review:
- (a) Management operation plan as defined above.
  - (b) Compliance with provisions of § 300-29, Special use permits.
  - (c) Compliance with the provisions of the City of Oneonta Zoning Code applicable to occupancy, density, and use.
  - (d) Compliance with all applicable facilities requirements, including review of reports of the City of Oneonta Code Enforcement office.
  - (e) Compliance with all applicable building, fire, health and safety regulations.
  - (f) Reports of incidents as recorded by the City of Oneonta Police Department.
  - (g) Reports of incidents as recorded by the City of Oneonta Fire Department.
  - (h) Reports of incidents and activities as filed with the Alcoholic Beverage Control (ABC) Board.
  - (i) Proactive actions by the establishment within the past two years targeted towards reducing potential risk and liability, reducing the possibility of underage and excessive drinking, supporting staff in becoming trained in New York State certified alcohol training awareness program schools, such as TIPS and I'm Smart.
- (5) Action and response. Each special use permit issued shall list as conditions that the City of Oneonta reserves the right, in response to noncompliance with the standards as outlined and referenced in this section, to require modifications to facilities and to operational limitations, and to impose penalties, including but not limited to:
- (a) Revocation of special use permit.
  - (b) Denial of special use permit.
  - (c) Temporary suspension of special use permit until infractions are remedied.
  - (d) Temporary and permanent reduction of maximum permitted occupancy.
  - (e) Recommendation to ABC Board for nonrenewal of liquor license.
- (6) Automatic revocation of a special use permit. Subsequent to the issuance of a special use permit to any bar, cabaret or nightclub, any conviction within a ten-year period under City of Oneonta laws and/or New York State alcohol beverage control laws related to patron, staff or owner activity on or about a licensed premises, as defined by the New York State Liquor Authority, shall result in the revocation of such special use permit within 30 days. Notification of such revocation shall be sent by



the City Clerk by registered mail to the licensed premises.

## § 300-37. Motor vehicle service, sales or repair establishments.

- A. In addition to the information required for site plan review, as specified in Article **VII**, the site plan submitted shall also show the location and number of fuel tanks to be installed, the dimensions and capacity of each storage tank, the depth that the tanks will be placed below the ground, the number and location of pumps to be installed and the type of structure and accessory buildings to be constructed.
- B. All fuel pumps shall be located at least 25 feet from any street or property line.
- C. The entire area of the site traveled by motor vehicles shall be hard surfaced.
- D. Any repair of motor vehicles shall be performed in a fully enclosed building, and no motor vehicle shall be offered for sale on the site, except in accordance with an approved site plan. No motor vehicle parts or partially dismantled motor vehicle parts or partially dismantled motor vehicle shall be stored outside of an enclosed building.
- E. Up to five unlicensed motor vehicles may be temporarily stored, for not exceeding two months, at a repair or service establishment if adequate off-street parking spaces are available.
- F. Landscaped area. A ten-foot-wide landscaped area shall be provided along all gasoline service station property lines, excluding points of ingress and egress and property lines adjacent to existing commercial uses. The landscaped area shall be densely populated with a mixture of shrubs, trees and fence, no less than six feet high, which will create an opaque buffer.
- G. Accessory uses; gasoline service stations. The following accessory uses shall be permitted pursuant to a special use permit procedure in gasoline service stations only:
  - (1) Rental trailers. An additional 100 square feet of area shall be provided for each rental trailer. Not more than 10 rental trailers shall be stored on site at one time. Storage shall be to the rear of the front building line.
  - (2) Rental trucks. An additional 200 square feet of area shall be provided for each rental truck. Not more than eight trucks shall be stored on a site at any one time. Storage shall be to the rear of the front building line.
  - (3) Rental combination. Where both trailers and trucks are offered for rent, not more than 12 units total shall be located on a site at any one time.
- H. No motor vehicle establishment with fuel-dispensing equipment shall be located within 300 feet of any public entrance to a church, school, library, hospital or charitable institution. Such distance shall be measured in a straight line from said public entrance to the lot line nearest said entrance along the street line.
- I. Illumination originating from a canopy shall only be directed towards the ground. Canopies shall not be any larger than is necessary to contain extinguisher systems, fuel supply systems, and other necessary utilities.
- J. No motor vehicles left for service shall be parked nearer than 30 feet to the street line or lines of the lot, nor left on the lot for a period exceeding 30 days.

## § 300-38. Kennels.

Kennels shall be subject to the following requirements:

- A. Demonstration that the kennel will not create nuisance conditions for adjoining properties due to noise or odor.

- B. Demonstration that all animals will be confined to the property.
- C. Demonstration of adequate methods for sanitation and sewage disposal.
- D. Every kennel and its associated outside animal runs shall be located at least 150 feet from the nearest dwelling (other than the owner or user of the property) and at least 50 feet from any lot line.

## § 300-39. Temporary uses and structures.

Temporary use permits may be issued by the Code Enforcement Officer for a period not exceeding one year for nonconforming uses incidental to housing and construction projects, including such structures and uses as the storage of building materials and machinery, the processing of building materials, a real estate office located on the tract being offered for sale or a temporary dwelling, such as a recreational vehicle with appropriate provisions for water supply and sewage disposal used during construction of a dwelling, provided that such permits are conditioned upon agreement by the owner or operator to remove the structure or structures or use upon expiration of the permit or issuance of any applicable certificate of occupancy. Such permits may be renewed upon application to the Code Enforcement Officer for additional periods not exceeding one year.

## § 300-40. Swimming pools.

Residential swimming pools shall comply with the Property Maintenance Code of New York State, as well as other relevant sections of the New York Code, Rules and Regulations. Pool and deck placement shall comply with structure setback requirements of the applicable zoning district. In addition, swimming pools shall be subject to the following requirements:

- A. Location. All swimming pools and the appurtenances thereto shall be constructed and located so as to have a yard not less than 10 feet in width on all sides except where the pool is attached to, or part of, a principal structure.
- B. Setback for corner lots. All swimming pools constructed on corner lots shall conform to the setback required for a principal residential structure on the secondary or side streets.
- C. Fences. For the protection of the general public, all swimming pools shall be effectively fenced by an artificial enclosure not less than four feet in height. For pools projecting above the ground and which are self-enclosed by the exterior projections thereof, said enclosures shall be construed to satisfy the requirements of this provision, provided they are not less than four feet in height above the ground, and provided further that any openings in the enclosure affording access to the pool proper be provided with a gate containing an automatic or manual locking device affixed in such a manner as to exclude small children.
- D. Artificial lighting. Artificial lights for the illumination of swimming pools shall be designed, constructed and maintained so that no direct ray shall cross any property line.
- E. Maintenance equipment. All heating, filtering, disinfectant and recirculation equipment shall not be located at any point within 10 feet from adjacent property lines and shall be effectively screened and enclosed so as to not adversely affect the character of surrounding properties; no equipment shall be permitted, the use of which by reason of the emission of noise, vibrations, dust or odors would be considered obnoxious or dangerous to the health and safety of the public.
- F. Municipal pools excluded. The provisions of this section shall not be applicable to municipal swimming pools.

## § 300-41. Accessory dwelling units.

- A. The owner(s) of the lot upon which the accessory dwelling unit is located shall reside within the principal or accessory dwelling unit.

- B. An owner of a lawful single-family dwelling shall be permitted one accessory dwelling unit.
- C. Accessory dwelling occupancy shall not exceed two persons and shall consist only of the owner, or relatives of the owner, either by blood or marriage, of at least one of the occupants of the principal dwelling unit, or of full-time caretakers of an incapacitated resident owner.
- D. An accessory dwelling unit may be located either in the principal building or in an existing accessory building.
- E. The floor area for an accessory dwelling unit shall not exceed 35% of the floor area of the principal dwelling unit.

## § 300-42. Drive-through facilities.

In addition to the standards specified in this section, drive-through facilities are subject to the regulations found in § 300-63 of this chapter.

- A. All vehicle stacking areas shall be clearly identified through the use of pavement markings, and/or curbing and landscaping features and shall be designed so they do not interfere with safe pedestrian and vehicle circulation on the site or along the public right-of-way.
- B. The length of stacking areas shall be determined by the maximum length of stacking required to serve vehicles during the facility's peak hour of operation.
- C. All drive-through establishment vehicle stacking areas shall be located a minimum of 30 feet from any lot line adjoining a residential property.
- D. Any speaker system installed as part of the drive-through establishment shall be located a minimum of 30 feet from any property line adjoining a residential property.
- E. Minimum lot size shall be in accordance with the Bulk and Use Tables.<sup>[1]</sup>  
[1]: *Editor's Note: The Bulk and Use Tables, listed in §§ 300-92 through 300-101, are included at the end of this chapter.*
- F. Drive-through menu boards and ordering windows shall be located completely behind the structure at the rear of the property. Fifty percent of the total stacking lanes shall be located at the rear or side of the property and must be shielded from view by the building, hardscape or landscape treatments.
- G. Each parcel with a drive-through facility shall be limited to one point of shared ingress and egress. Where possible, cross access to the closest shared drive shall be provided.
- H. Noise. Decibel levels shall not exceed 60 dBA at the closest residential property line.
- I. Fences and buffers shall be provided in accordance with this chapter.
- J. Luminaries or lighting fixtures shall not exceed 16 feet in height in vehicular areas and 10 feet in height in pedestrian areas.
- K. Flood and area lighting shall be prohibited.
- L. No outdoor lighting shall have an intensity greater than 0.5 footcandle at the development property line.

## § 300-43. Outdoor furnaces.

- A. Intent. Residences and commercial establishments situated within the City of Oneonta are entitled to clean air and environmental circumstances free of unreasonable dust, obnoxious odors, noxious fumes and smells, as well as an environment free of stored debris and storage of combustible fuels in adjacent or exposed exterior areas within densely populated areas. The adoption of this section establishes restrictions

on the construction and operation of outdoor furnaces within the limits of the City for the purpose of promoting the public health, comfort, convenience, safety, welfare and prosperity of the City and its inhabitants.

- B. Existing outdoor furnaces. Any outdoor furnace in existence on the effective date of this chapter shall be permitted to remain, provided that the owner applies for and receives a permit, subject to the requirements of this section, from the Planning Commission within one year of such effective date.
- C. New installations of outdoor furnaces are prohibited in the City of Oneonta.
- D. Permit required. Any person wishing to continue to use an existing outdoor furnace installed in the City of Oneonta must secure a permit from the Planning Commission. The permit fee shall be established by the Common Council and shall include furnishing the following information:
  - (1) A drawing providing and identifying all of the information necessary to assure compliance herewith.
  - (2) Manufacturer's specifications for the outdoor furnace.
  - (3) Compliance with all applicable state and federal statutes, including EPA Method 28 (OWHH) and ASTM E2618-08.
- E. Location, use and restrictions. Any outdoor furnaces must comply with § **300-63**, Performance standards, in addition to the following regulations.
  - (1) All outdoor furnaces must be set a minimum of 50 feet from any property line.
    - (a) If located more than 50 feet but no more than 100 feet from any residence not served by the furnace, the height of the stack must be at least 75% of the height of the eave line of that residence, plus an additional five feet.
    - (b) If located more than 100 feet but no more than 150 feet from any residence not served by the furnace, the height of the stack must be at least 50% of the eave line of that residence, plus an additional five feet.
    - (c) If located more than 150 feet but no more than 200 feet from any residence not served by the furnace, the height of the stack must be at least 25% of the height of the eave line of that residence, plus an additional five feet.
  - (2) The use of such furnaces must follow all operating instructions supplied by the manufacturer.
  - (3) All units must be EPA qualified hydronic heaters.
  - (4) Outdoor furnaces and associated installation shall be subject to inspection by the Code Enforcement Officer at any reasonable time to assure compliance with the terms hereof.
  - (5) Fuel substances permitted for combustion in an exterior furnace installation shall be limited to the following:
    - (a) Natural gas, propane, home heating oil, coal and wood.
  - (6) Fuel substances prohibited for combustion in an exterior furnace installation shall include the following: industrial waste, rubber, plastic, used motor oil, toxic chemicals, contaminated waste, yard waste, household garbage, cardboard and wastepaper, animal waste and any material prohibited for combustion by federal, state or county statute.
  - (7) No exterior furnace shall be utilized in any manner as a waste incinerator.

## § 300-44. Telecommunications facilities.

- A. Legislative intent. The City of Oneonta recognizes the increased need and demand for wireless

communications transmitting facilities. Often these facilities require the construction of a communications tower. The intent of this section is to protect the City's interest in siting telecommunications facilities in a manner consistent with sound land use planning by:

- (1) Minimizing visual effects of facilities through careful design, siting and vegetative screening.
- (2) Avoiding potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
- (3) Maximizing use of any existing towers, buildings and structures.
- (4) Allowing wireless service providers to meet their technological and service objectives for the benefit of the public.

B. Approval of telecommunications facilities.

- (1) No telecommunications tower shall hereafter be used, erected, moved, reconstructed, changed or altered except after the granting of a special use permit by the City Planning Commission and in conformity with the provisions of this section. No existing structure shall be modified to serve as a telecommunications tower unless in conformity with this section.
- (2) Telecommunications towers and accessory facilities shall be permitted in any zoning district upon the issuance of a special use permit as provided in § **300-29** and the granting of preliminary and final site plan approval, in accordance with Article **VII**.
- (3) In reviewing an application for a special use permit for a telecommunications tower, the Planning Commission shall, at a minimum, require that the following criteria be met:
  - (a) Approval of lease. On municipal or government-owned property, a telecommunications facility shall be permitted upon execution of a lease with the municipality or the government entity and upon the issuance of a building permit. For any property owned by the City of Oneonta, all leases shall be approved by a majority vote of the Common Council and shall address relevant issues of safety, height, aesthetics, setbacks, future expansions of the facility and co-location. A telecommunications facility on municipal or government-owned property shall not require review or approval from the Planning Commission.
  - (b) Site plan approval. A telecommunications facility which does not require the construction of a new tower shall be permitted upon site plan approval from the Planning Commission in accordance with the standards set forth in Subsection **C**, Standards for site plan review, and upon the issuance of a building permit.
  - (c) Expanded site plan approval. Where a new tower is required, a telecommunications facility shall be permitted upon expanded site plan approval from the Planning Commission in accordance with the standards set forth in Subsection **E**, Standards for expanded site plan review, and upon the issuance of a building permit.

C. Standards for site plan review. The following standards, criteria and requirements shall apply to each site plan review by the Planning Commission for a telecommunications facility:

- (1) Location. Preference shall be given that the proposed facility be located in a higher-use district or on higher-intensity-use property. Such preference, from most favorable to least favorable, is as follows:
  - (a) Property with an existing structure suitable for co-location.
  - (b) Industrial districts.
  - (c) Commercial districts.
  - (d) Business office/office park districts.
  - (e) Municipal or government-owned property.

- (f) Residential districts.
  - (2) Safety. The applicant must comply with all applicable state and federal regulations, including but not limited to FAA and FCC regulations.
  - (3) Height. Telecommunications facilities on buildings or structures shall be no higher than 60 feet from the ground, unless the applicant submits sufficient information to justify a greater height as the minimum necessary to achieve its coverage objectives.
  - (4) Aesthetics.
    - (a) The telecommunications facility shall be situated in a manner that minimizes its proximity and visibility to residential structures.
    - (b) Every effort shall be made to camouflage the facility within or behind architectural features to limit its visibility from public ways and residential uses while still permitting the facility to perform its designated function.
    - (c) Facilities mounted on a roof shall be stepped back from the front facade in order to limit their impact on the building's silhouette.
    - (d) The facility shall blend in with the existing building's architecture and, if over five square feet, shall be painted or shielded with material which is consistent with the design feature and material of the building.
    - (e) The antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to or closely compatible with the colors of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
  - (5) Preference for municipal or government-owned sites. All telecommunications facilities erected, constructed or located within the City shall comply with the following requirements:
    - (a) A proposal for the facility shall not be approved unless the Planning Commission finds that the antenna planned for the proposed facility cannot be accommodated on an existing structure located on municipal or government-owned property within a one-mile search radius of the proposed facility due to one or more of the following:
      - [1] The antenna would exceed the structural capacity of the existing structure, as documented by a qualified professional engineer, and the municipality or government entity has refused to reinforce, modify or replace the structure to accommodate the planned or equivalent antenna.
      - [2] The antenna would cause interference materially impacting the usability of other existing antennas at the structure, as documented by a qualified professional engineer, and the interference cannot be prevented at a reasonable cost.
      - [3] Existing structures within the search radius cannot accommodate the antenna at a height necessary to function reasonably, as documented by a qualified professional engineer.
      - [4] Other reasons that make it infeasible to locate the antenna upon an existing structure.
- D. Application materials and supporting documentation for site plan review. Each applicant for site plan approval from the Planning Commission shall submit the following:
- (1) An environmental assessment form (long form) with the visual environmental assessment form (visual EAF) addendum.
  - (2) A site plan prepared to scale and in sufficient detail and accuracy showing the following:
    - (a) The exact location of the proposed telecommunications facility, together with any guy wires and guy anchors, if applicable.

- (b) The maximum height of the proposed telecommunications facility.
  - (c) If applicable, a detail of tower type (monopole, guyed, freestanding, or other).
  - (d) If applicable, the location, type and intensity of any lighting on the tower.
  - (e) Property boundaries and names of adjacent landowners.
  - (f) Proof of the landowner's consent, if the applicant does not own the property.
  - (g) The location of all other structures on the property and all structures on any adjacent property within 100 feet of the property lines, together with the distance of those structures to any proposed telecommunications facility.
  - (h) The location, nature and extent of any proposed fencing, landscaping and/or screening.
  - (i) The location and nature of proposed utility easements and access roads, if applicable.
- (3) A written report certifying that the applicant has made substantial effort to locate on municipal or governmental property, including the following information:
    - (a) The availability of any municipal or governmental property.
    - (b) The extent to which the municipal or governmental properties do or do not meet the applicant's needs, supported by an engineer's certifications as set forth in Subsection **C(5)**, Preference for municipal or government-owned sites.
    - (c) The reason why the subject site was chosen.
  - (4) A certification from a qualified licensed engineer that the telecommunications facility meets applicable structural safety standards.
  - (5) A certification from a qualified licensed engineer that the telecommunications facility will not interfere with local radio and/or television frequencies or with public safety communications.
  - (6) An engineering analysis of the radio emissions. The analysis shall be prepared and signed by a New York State licensed professional engineer specializing in electrical engineering with expertise in radio communications facilities. The results from the analysis must clearly show that the power density levels of the electromagnetic energy, including but not limited to nonionizing electrical radiation, generated from the proposed facility are within the allowable limits established by the FCC. If the telecommunications facility will be co-located with an existing facility, the cumulative effects of all facilities must also be analyzed. The power density analysis shall be based on the assumption that all co-located antennas are simultaneously transmitting radio energy at a power level equal to the maximum antenna power rating specified by the manufacturer.
  - (7) A search ring prepared, signed and sealed by a qualified radio frequency engineer registered in New York State and overlaid on an appropriate background map demonstrating the area within which the wireless communications facility needs to be located in order to provide the proper signal strength and coverage to the target area.
  - (8) An agreement, in writing, signed by the applicant and the owner of the property, stating that the applicant will remove the facility if it becomes obsolete or ceases to be used for its intended purpose for 12 consecutive months. The agreement shall state that if the facility is not removed after the twelve-month abandonment period and after the City has given 90 days' notice and an opportunity for a hearing to the applicant and the owner, the City may remove the facility and may charge any costs plus 50% to the applicant.
- E. Standards for expanded site plan review. The following standards, criteria and requirements shall apply to each application for extended site plan approval by the Planning Commission for a telecommunications facility:

- (1) Site plan review criteria. All the standards, criteria and requirements for site plan review shall apply for the review of an application for expanded site plan review.
- (2) Setbacks. All towers shall be set back from all adjacent property lines a sufficient distance to safeguard the general public and/or adjacent property. In the absence of any evidence supporting a greater or lesser setback distance, a setback of the tower from any adjacent property line equal to the tower height plus 10 feet and a front setback of at least 75 feet shall be deemed adequate. Accessory structures and guy anchors must comply with the minimum setback requirements of the underlying district.
- (3) Height. The height regulations otherwise applicable in the underlying district shall not apply to towers, provided that the applicant submits sufficient information to justify the proposed height as the minimum necessary to achieve its coverage objectives.
- (4) Aesthetics. Telecommunications facilities shall be located and buffered to the maximum extent practical and technologically feasible to help ensure compatibility with surrounding land uses. In order to minimize adverse aesthetic effects on neighboring residences to the extent possible, the Planning Commission may impose reasonable conditions on the applicant, including the following:
  - (a) The Planning Commission may require reasonable landscaping consisting of trees or shrubs to screen the base of the tower and accessory structures to the extent possible from adjacent residential property. Existing on-site trees and vegetation shall be preserved to the maximum extent possible.
  - (b) The Planning Commission may require that the tower be designed and sited so as to avoid, if possible, application of Federal Aviation Administration (FAA) lighting and painting requirements, it being generally understood that the tower should not be artificially lighted, except as required by the FAA.
  - (c) The tower shall be either blue or gray in color, have a galvanized finish or be colored appropriately to the extent that the tower is as unobtrusive as possible, unless otherwise required by the FAA. Accessory facilities should maximize use of building materials, colors and textures designed to blend with the natural surroundings.
  - (d) No tower shall contain any signs except signs displaying contact information and safety instructions. Such signs shall not exceed five square feet in surface area.
- (5) Co-location requirements. All towers erected, constructed or located within the City shall comply with the following requirements:
  - (a) A proposal for a tower shall not be approved unless the Planning Commission finds that the antenna planned for the proposed tower cannot be accommodated on an existing tower or structure within a one-mile search radius of the proposed tower due to one or more of the following:
    - [1] The antenna would exceed the structural capacity of the existing tower or structure, as documented by a qualified professional engineer, and the existing tower or structure cannot be reinforced, modified or replaced to accommodate the planned or equivalent antenna at a reasonable cost.
    - [2] The antenna would cause interference materially impacting the usability of other existing antenna at the tower or structure, as documented by a qualified professional engineer, and the interference cannot be prevented at a reasonable cost.
    - [3] Existing towers or structures within the search radius cannot accommodate the antenna at a height necessary to function reasonably, as documented by a qualified professional engineer.
    - [4] Other reasons that make it infeasible to locate the antenna upon an existing tower or structure.



- (b) Any proposed tower shall be designed structurally, electrically and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height or for at least one additional user if the tower is over 60 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying height.
- F. Application materials and supporting documentation for expanded site plan review. Each applicant for expanded site plan review from the Planning Commission shall submit the following:
  - (1) All application materials and supporting documentation required for a site plan review of a telecommunications facility.
  - (2) A written report inventorying existing towers and/or structures within a reasonable distance of the proposed site and outlining opportunities for shared use of existing facilities as an alternative to a proposed new structure. The applicant shall submit documentation demonstrating good-faith efforts to secure shared use on existing towers and structures as well as documentation of the technical, physical and/or financial reasons why shared usage is not proposed, as set forth in Subsection **E(5)(a)**. Written requests for shared use shall be provided where applicable.
  - (3) A written agreement stating that the applicant is committed to co-location of telecommunications facilities and that the applicant will negotiate in good faith for shared use of the proposed tower in the future. The applicant shall also agree to the following:
    - (a) To respond in a timely, comprehensive manner to a request for information from a potential shared-use applicant.
    - (b) To negotiate in good faith concerning future requests for shared use of the new tower.
    - (c) To allow shared use of the new tower if another applicant agrees, in writing, to pay charges.
    - (d) To make no more than a reasonable charge for shared usage based on generally accepted accounting principles.
- G. Technical consultants. The Planning Commission may retain technical consultants as it deems necessary to provide assistance reviewing the site plan or expanded site plan application. The applicant shall bear the reasonable costs associated with such consultation, which costs shall be assessed as an application fee. In no case shall the fee be more than 5% of the total project cost as determined for building permit fee assessment purposes.
- H. Procedural requirements.
  - (1) Public notice. The applicant shall notify adjacent property owners within 500 feet, by first-class mail, of the filing of any application for site plan and expanded site plan review.
  - (2) Public hearing. The Planning Commission shall conduct a public hearing within 62 days from the day an application is received for either site plan or expanded site plan review. The applicant shall notify adjacent property owners within 500 feet, by first-class mail, of the public hearing. Said notices must be mailed at least 10 days prior to the public hearing. All notice requirements of New York State General City Law § 27-b shall be complied with.
  - (3) Decision. The Planning Commission shall issue a decision within 30 days after the hearing. The time within which the Planning Commission must render its written decision may be extended by mutual consent of the applicant and the Planning Commission. Any denials by the Planning Commission shall be in writing and supported by substantial evidence.
- I. Monitoring.
  - (1) Nonionizing electrical radiation. The applicant shall ensure and shall demonstrate to the approving authority that emissions of nonionizing electrical radiation (NIER) are in compliance with standards established by the FCC or any subsequent superseding standards. If at any time during the operation

of the wireless telecommunications facility or attached wireless telecommunications facility the radio frequency emissions are not in compliance with standards established by the FCC, the operator shall immediately notify the City and immediately terminate the operation of the facility. Before resuming operation, the operator shall explain to the approving authority the cause of the failure to comply with radio frequency emission standards established by the FCC and demonstrate to the approving authority all measures taken to prevent such noncompliance in the future.

- (2) The owner and/or user of the wireless telecommunications facility or attached wireless telecommunications facility, after construction thereof, shall annually submit a report, to the City Engineer, prepared by a qualified professional engineer or engineers. Such report shall provide an analysis of the nonionizing electrical radiation emitted by the facility and shall be accompanied by sufficient underlying data so that the analysis can be reviewed for accuracy and completeness by a person expert in the field. After receiving the recommendation of the City Engineer, the approving authority may refer the report for professional review at the owner's expense. If the owner and/or user demonstrate that an acceptable comparable report is routinely made to another agency in satisfactory intervals, the approving authority may authorize the submission of such comparable report to the City Engineer, in lieu of the annual report required above.
  - (3) Future review by Planning Commission. The Planning Commission shall review any site plan or expanded site plan approval at five-year intervals to determine whether the technology in the provision of telecommunications has changed such that the necessity for the approval has been eliminated or modified, and whether the approval should be modified or terminated as a result of such change.
- J. Exemptions. The following types of telecommunications facilities are not subject to the provisions of this section:
- (1) Antennas used solely for residential household television and radio reception.
  - (2) Satellite antennas measuring two meters or less in diameter and located in commercial districts and satellite antennas one meter or less in diameter, regardless of location.
- K. Effect of law on existing telecommunications facilities. Telecommunications facilities in existence that do not conform to or comply with this section are subject to the following provisions:
- (1) Telecommunications facilities may continue in use for the purpose now used and as now existing but may not be replaced or structurally altered without complying in all respects with this section.
  - (2) If such facility is hereafter damaged or destroyed due to any reason or cause whatsoever, the facility may be replaced or restored to its former use, location and physical dimensions without complying with this law; provided, however, that if the cost of repairing the facility to the former use, physical dimensions and location would be 10% or more of the cost of a new facility of like kind and quality, then the facility may not be repaired or restored except in full compliance with this section.
- L. Interpretation; conflict with other laws. In their interpretation and application, the provisions of this section shall be held to be minimum requirements adopted for the promotion of the public health, safety and general welfare of the residents of the City of Oneonta. This section is not intended to interfere with, abrogate or annul other rules, regulations or ordinances, provided that whenever the requirements of this section are at variance with the requirements of any other lawfully adopted regulations, rules or ordinances, the most restrictive, or those that impose the highest standards, shall govern.

## § 300-45. Parabolic or dish-type antennas.

- A. No parabolic or dish-type antenna shall be erected, constructed, altered or maintained on any lot within the City without complying with the terms of this article.
- B. All parabolic or dish-type antennas located outside of a building shall meet the following requirements:

- (1) The maximum number permitted per lot, project site in the case of garden apartments, condominiums or similar types of complexes shall be one.
  - (2) All antennas shall be constructed so that the total height of the antenna is no higher than four feet above the base of its mounting point. In addition, in the case of masts, masts shall not exceed 10 feet without first obtaining a special use permit, subject to the requirements of § **300-29**.
  - (3) The maximum diameter shall be 12 inches. Any dish exceeding 12 inches shall require a special use permit, as outlined in § **300-29**.
  - (4) Parabolic and dish-type antennas are not permitted to be mounted on the front facade of a structure.
  - (5) No antenna may be located upon any lot except that lot upon which the building to be served is located.
  - (6) No antenna may be located upon any trailer or portable device or vehicle except for demonstration purposes not exceeding 15 days.
  - (7) No antenna shall be operated so as to create any sound, disturbance or other effect which is audible or can be sensed at any point beyond the lot lines upon which it is located.
  - (8) No antenna shall be constructed upon any lot by any tenant or lessee without the written consent of all of the owners thereof.
- C. Construction to meet requirements. No parabolic or dish-type antenna shall be made operational in the City until the Code Enforcement Officer shall certify, in writing, that the construction plans meet the requirements of this article, a permit is issued and that the final construction thereof meets the requirements of this article.

## § 300-46. Garage sales.

- A. Number of sales; duration; hours.
- (1) No person or nonprofit corporation shall operate, conduct, manage or present a yard sale upon his/her/its premises or other property under its control more often than four times per calendar year, and said sale shall not be continued for a period of time of more than five consecutive days.
  - (2) No sale shall be conducted before 8:00 a.m. or after 9:00 p.m.
- B. Persons and sales excepted. The provisions of this section shall not apply to or affect the following persons or sales:
- (1) Persons selling goods pursuant to an order of a court of competent jurisdiction.
  - (2) Persons acting in accordance with their powers and duties as public officials.
  - (3) Any person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed five in number.
  - (4) Any sale that is part of a City-sanctioned event, such as "Grand and Glorious Garage Sale."
  - (5) Penalties for offenses. Any person, association or corporation conducting any such sale who shall violate any of the terms and regulations of Subsection **A** shall, upon conviction, be fined not less than \$25 nor more than \$100.

## § 300-47. Prohibited uses.

Uses not specifically enumerated as permitted within this chapter are prohibited. Bars, cabarets, and nightclubs

are prohibited except where specifically permitted. Wording such as "including but not limited to" and similar such wording, where used elsewhere in this chapter, shall not include bars, cabarets, and nightclubs.

## § 300-48. Principal buildings.

No single-family or two-family residential lot shall have erected upon it more than one principal building. No yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be considered to provide a yard or open space for any other principal building.

## § 300-49. Permissible structures within minimum required side or rear setbacks.

- A. Any accessory building with a total floor area no more than 30% of the total floor area of the principal structure may be located on a property, subject to the setback and height restrictions in the Bulk and Use Tables, §§ **300-93** through **300-100**.
- B. Fences seven feet or less in height, excluding dog runs, may be located along the side or rear lot line, subject to additional regulations specified in § **300-58**.
- C. Unclosed steps or stairways and physically handicapped access ramps providing access to the first story of a building may extend into any required setbacks. Decks and porches shall not extend into required setbacks.

## § 300-50. Access to improved street.

No permit for the construction of any building shall be approved, unless such structure has access from an improved street or a street on an official map, plan, approved subdivision or duly filed plat in accordance with Subdivision of Land, Article **VIII**.

## § 300-51. Buffer areas.

- A. Purpose. The purposes of buffers where required in this chapter are to: maintain and protect property values; assure an acceptable degree of transition to reduce potential adverse incompatibility between abutting and nearby uses; provide appropriate barriers and relief from traffic, noise, heat, glare and the spread of dust and debris; enhance the visual and aesthetic appearance of the community.
- B. Standards. Whenever a buffer is required by this chapter, it shall meet the following standards. It shall:
  - (1) Provide a visual barrier.
  - (2) Block the glare of lights.
  - (3) Reduce noise produced on the site to a level no higher than that produced on conforming residential sites in the adjacent residential neighborhood.
  - (4) Serve as a protective barrier by blocking physical passage to the site, unless specific points of passage are desired.
  - (5) Prevent the passage of air pollution, dust and litter produced on the site.
  - (6) Screen the activities on the site and block views of the site which are not in harmony with the residential character of the adjacent neighborhood.
  - (7) Be maintained throughout the continuance of the use of the lot.

C. Design:

- (1) Buffers shall be composed of a combination of fencing, plantings, walls, landscaping, planters, trellises, etc.
- (2) Buffers shall clearly effect the purposes of Subsection **A** of this section and the standards of Subsection **B** of this section.
- (3) Buffer designs shall include all details required for an appraisal of the design, including but not limited to location, species and size of individual trees and shrubs and detailed design of all structures and other landscaping treatments.
- (4) A screen planting of dense evergreen material not less than five feet in height shall be required where lights from vehicles or overhead illumination located within the off-street parking area may shine directly into windows of adjacent residential buildings. Along side and rear lot lines, and subject to the approval of the Code Enforcement Officer, in lieu of screen plantings, a solid fencing may be provided not less than four feet nor more than six feet in height. If the designed fence or screen planting does not properly screen the overhead illumination from adjacent residential buildings, then the Code Enforcement Officer may increase the height requirements of the fence or evergreen screening.
- (5) Approval procedure. Buffer designs shall be submitted by the applicant and reviewed in conjunction with the building permit application review procedure.
- (6) Construction postponement. Construction of required buffers may be delayed for up to 18 months upon approval by the Code Enforcement Officer when the need for the buffer is unclear.
- (7) Buffering of existing parking areas in residential zones. No later than December 31, 2017, all rear and side yard parking areas occupying more than 750 square feet, exclusive of driveways but not maneuvering lanes, on properties located in residential zones, other than exclusively single-family home lots, shall provide buffers in accordance with § **300-51B**.

## § 300-52. Widening of right-of-way.

Where a building lot has frontage on a street, which is proposed for right-of-way widening, the required front setback shall be measured from such proposed right-of-way line.

## § 300-53. Lots in more than one district.

All the uses, buildings and facilities, yards, open space, off-street parking and required landscaping must be contained within the district in which the use is permitted except as specified in §§ 300-9I(2) and 300-11H(2).

## § 300-54. Corner and through lots.

The locations of all buildings on corner lots and on lots extending between two parallel streets shall comply with the following requirements: any yard on an improved street shall be a front yard, one other yard shall be a rear yard, and any other yards shall be a side yard.

## § 300-55. Creation of a new lot.

When a new lot is formed so as to include within its boundaries any part of a former lot on which there is an existing building or use, the subdivision must be carried out in such a manner as will not infringe upon any of the provisions of this chapter, either with respect to any existing structures or use or any proposed structures or use.

## § 300-56. Travel trailers.

Except as permitted by § 300-39, Temporary uses and structures, no person shall use or occupy any travel trailer, tent trailer, tent or motor home for living or sleeping quarters within Oneonta for more than 45 days per calendar year.

## § 300-57. Dumping of waste material.

Dumping, piling or accumulation of refuse, garbage (other than in closed containers which are regularly emptied in a lawful manner), waste material, scrap or other noxious substances is prohibited.

## § 300-58. Fences, walls and other structural screening elements.

- A. A building permit is not required prior to installation of a fence.
- B. Any fence shall have its most pleasant or decorative side facing the adjacent properties.
- C. No fence shall exceed four feet in height in the front yard. No portion of fence located behind the front facade shall exceed seven feet in height. The height of all fences shall be measured from the finished grade of the lot at the base of the fence.
- D. Fencing erected or maintained between the facade of a building, excluding porches, and a public right-of-way shall be no more than three feet in height.
- E. In no instance shall fences, walls, or other structures or design elements be placed in front yards so as to prohibit views to the primary frontage facade of principal structures placed along a public right-of-way.
- F. Fences incorporating barbed wire, electric current or similar materials or devices shall be allowed only when necessary for public utility operations and shall be subject to a minimum ten-foot setback, and shall include cautionary signage.
- G. The Planning Commission, as part of Subdivision, site plan review or special use permit, may require a fence or other screen to shield adjacent residences or other uses from undesirable views, noise or light.
- H. Fences shall be maintained to provide functional, visual and structural integrity.
- I. Fences designed to maim or injure prospective intruders are prohibited except as authorized in Subsection **F** above.
- J. Fences seven feet or less in height, excluding dog runs, may be located along the side or rear lot line.

## § 300-59. Fire escapes.

Existing fire escapes which are not in compliance with the setback requirements of this code may be reconstructed on the same footprint.

## § 300-60. Outdoor storage of materials and equipment.

- A. No outdoor storage of materials and equipment may be permitted in any zoning district, unless:
  - (1) Allowed as part of an approved site plan;
  - (2) Used in the construction or alteration of a structure on the same lot or in the same development and stored for not more than one year or not more than 60 days after completion of construction,

whichever is less; or

- (3) Such outdoor storage is limited to machinery, equipment or supplies essential to the operation of a farm or storage of any products grown on the premises of a farm or nursery.
- B. No more than one unregistered, unlicensed, or uninspected motor vehicle is allowed to be stored outside on any lot except in accordance with § **300-37**, Motor vehicle service, sales or repair establishments. Such vehicle may not be stored outside for more than one year.
- C. No front yard shall be used for any open storage or other storage of equipment such as motor homes, camping trailers, boats less than 20 feet in length, utilities trailers or other similar equipment.
- D. Parking facilities developed in any residential district as permitted by this chapter shall not be used for the storage of commercial vehicles. The term "storage of commercial vehicles" shall include regular or periodic parking of commercial vehicles. The parking on a property in a residential district of one commercial pickup truck with a gross weight of under 5,500 pounds, which is owned or operated regularly by a resident of that property, shall be exempt from this prohibition.
- E. All enclosed storage shall be within structures which meet the requirements of the New York State Code, Rules and Regulations. Storage in mobile homes not connected to public utilities or tractor-trailer bodies is not allowed in any district.
- F. No outdoor storage shall occur within 100 feet of a single-family residential or multifamily residential district. Outdoor storage shall provide a combination of distance and appropriately dense plantings or setback from residential or transitional uses or districts.
- G. Upon written approval by the Code Enforcement Officer, the temporary outdoor display of plants, trees and landscaping materials may be permitted for a period not to exceed six months per year. Such displays shall be maintained to provide a neat, orderly appearance at all times

## § 300-61. Off-street parking and loading regulations.

- A. Intent. The intent of this section is to prevent or alleviate congestion on public streets and to promote the public safety and welfare by establishing standards for the provision of off-street parking and loading spaces.
- B. Applicability.
  - (1) In all districts, every industrial, business, institutional, recreational, residential or other use shall provide, at the time of any change of use or when any building or structure is erected, enlarged or increased in capacity in the City, off-street parking for motor vehicles in accordance with the requirements of this and other applicable sections of these regulations, especially site plan review in accordance with Article **VII**, and the Table of Parking Requirements by Use, § **300-101**, provided in the Appendixes.
  - (2) Loading spaces shall be provided and maintained on the same premises with every building or structure erected, occupied, enlarged or intended to be used, involving the receipt or distribution by vehicles of material or merchandise. No such activity shall use a public right-of-way or parking area for standing, loading and unloading services.
  - (3) Bus, taxi or passenger loading spaces may also be required, depending on the use.
- C. Location of required spaces. Parking and loading spaces shall be located in accordance with the following:
  - (1) Parking areas set back from lot lines and streets. In all districts, no part of any parking area, other than driveways for ingress and egress, shall be located closer to a lot line than five feet nor closer to a sidewalk than 10 feet. Parking is further restricted from front yards elsewhere in this chapter.
  - (2) Parking of motor vehicles is prohibited on sidewalks and areas between the sidewalk and median strips

separating travel lanes as defined in the New York State Vehicle and Traffic Law.

- (3) For single-family detached, semidetached, two-family, attached and accessory dwelling units, off-street parking shall be provided on the same lot with the building it serves.
- (4) For multifamily dwellings, required off-street parking shall be located as close to the use as possible, given site conditions, and in no case more than 200 feet from the building it is required to serve.
- (5) Front yard parking requirements.
  - (a) No person shall keep, store, or park any motor vehicle, whether operable or inoperable, on any portion of a front yard or corner lot side yard facing a street of any property except on driveways previously approved by the Code Enforcement Officer, which may or may not consist of an impervious surface material. For the purposes of § **300-61** only, the term "front yard" shall mean either the front yard required for the zone district or the front setback of the existing primary building, whichever is greater.
  - (b) No owner, tenant, manager or occupant of property used as a residence shall allow any person to keep, store, or park any motor vehicle, whether operable or inoperable, on any portion of a front yard or corner lot side yard facing a street, except on driveways, which may or may not consist of an impervious surface material.
  - (c) The right to continue legitimate nonconforming front yard parking areas in all residential zones existing at the time of the adoption of this section, which parking areas have not previously been approved through the zoning variance procedure, shall expire on December 31, 2027, with the exception of those properties that have neither a driveway nor the unbuilt property width to create a driveway. Application may be made to the Zoning Board of Appeals for relief from the date of expiration of rights, and no variance application fee will be charged for such applications.

D. Computation of required spaces.

- (1) The required number of spaces is provided in the Table of Parking Requirements by Use, § **300-101**, for each land use in each zoning district.
- (2) In the case of a combination of uses, the total requirements for off-street auto parking spaces shall be the sum of the requirements for the various uses, unless it can be proven that staggered hours of use and/or shift employment would permit modification. Whenever a major fraction of a space is required, a full space shall be provided.
- (3) If spaces are provided on the basis of employees or participants, the number on the theoretical maximum shift or peak period shall be used.
- (4) Unless otherwise specified, off-street parking standards are based on square feet of all floor area, including the area of any accessory buildings.

E. Dimensions of off-street automobile parking spaces. Off-street automobile parking spaces shall be no smaller than nine feet by 18 feet. Every such space shall have independent, direct and usable driveway access to a street or alley with minimum maneuver area between spaces as follows:

- (1) Parallel curb parking: five feet end to end, with an aisle width of 12 feet for one-directional flow and an aisle width of 24 feet for two-directional flow.
- (2) Thirty-degree parking: an aisle width of 13 feet for one-directional flow and an aisle width of 26 feet for two-directional flow.
- (3) Forty-five-degree parking: an aisle width of 16 feet for one-directional flow and an aisle width of 26 feet for two-directional flow.
- (4) Sixty-degree parking: an aisle width of 21 feet for one-directional flow and an aisle width of 26 feet for two-directional flow.



- (5) Perpendicular parking: an aisle width of 26 feet for one-directional and two-directional flow.
- F. Nonconforming parking and loading. No building or lot alterations nor change of use shall be allowed which would increase the degree of nonconformity with the off-street parking and loading regulations of this chapter.
- G. Off-street parking and loading standards by usage. The parking requirements listed in the Table of Parking Requirements by Use, § **300-101**, reflect reasonable standards for uses in most locations. The City of Oneonta Common Council, in adopting these standards, is providing guidance to future developers, tenants and residents of uses requiring off-street parking and loading. From an environmental, community character and cost perspective, it is always desirable to construct the least number of parking spaces to accommodate a particular use. The following general requirements apply to all off-street parking.
- (1) Applicants are encouraged to provide evidence of lesser parking and loading demand if appropriate, including the availability of nearby parking lots, parking garages, on-street parking, or shared parking lots.
  - (2) The Planning Commission may require less off-street parking or loading, if warranted, based on the information presented. In any case where less off-street parking is required, the Planning Commission reserves the right to require the set-aside of additional open space sufficient to accommodate the amount of off-street parking which would ordinarily be required.
  - (3) The Planning Commission also reserves the right to request additional information, such as but not limited to expected number of employees, participants, expected attendance or expected deliveries, relevant to judging the adequacy of listed parking and loading standards. Such information may result in application of off-street parking standards higher than those listed.
  - (4) For uses not listed, the required number of off-street parking or loading spaces shall be determined by the Code Enforcement Officer based on similarity to listed uses and information provided by the applicant.
  - (5) In all cases, the provided off-street parking and loading should be sufficient to prevent frequent on-street parking by users or employees or the loading and unloading of passengers or materials from the public right-of-way in such a manner that is disruptive to traffic.
  - (6) In addition to the off-street parking limits based on the standards in the Table of Parking Requirements by Use, § **300-101**, one appropriately sized parking space shall be available for each commercial vehicle used in any business conducted on or from the premises.
  - (7) The Planning Commission reserves the right to require off-street parking spaces suitable for vehicles with boats or trailers in the City.
  - (8) Parking of any tractor-trailer combinations or tractor without trailer, except in conjunction with provision of a commercial service to an owner or occupant of the property, shall be prohibited in any residential district.
  - (9) Use, storage, parking and placement of semitrailers, semi-van trailers, shipping and storage containers, and similar such containers shall not be used, stored, parked or placed except in conformance with this subsection. In residential zones: No such container or containers shall be used, stored, parked or placed on premises in any residential zone, except for:
    - (a) A single period of not more than four days in any twelve-month period; and
    - (b) Periods of more than four days and for more than one single period in any twelve-month period, only by special permit from the Code Enforcement office, for the number of periods and for a period of time to be determined by the Code Enforcement office, only when used as an accessory to an ongoing construction project at the premises where located.
  - (10) Buffering of existing parking areas in residential zones. No later than December 31, 2017, all rear and side yard parking areas occupying more than 750 square feet, exclusive of driveways but not

maneuvering lanes, on properties located in residential zones, other than exclusively single-family home lots, shall provide buffers in accordance with § 300-51B.

- (11) Enlargement of existing parking areas in the R-2 and R-4 Districts. No rear or side yard parking areas in existence at the time of the adoption of this chapter, on properties located in the R-2 or R-4 Districts, shall be enlarged to create additional parking spaces unless the enlargement is in the form of a permeable surface material.

## § 300-62. Miscellaneous supplementary regulations.

- A. Obstructions at street intersections. No fence, shrub, tree, planting or any structure, including fences, shall be constructed within 50 feet of intersecting street lines which are higher than three feet above gutter grade or which obstruct the view of motorists or create other traffic hazards.
- B. Height exceptions. The limitations of height, found in the Bulk and Use Tables,<sup>[1]</sup> shall not apply to chimneys, aerials, silos, elevators, water tanks, ventilators, skylights, tanks and other necessary features usually carried above roofs, nor to towers, antennas or spires of churches or other buildings.  
[1]: *Editor's Note: The Bulk and Use Tables, listed in §§ 300-92 through 300-101, are included at the end of this chapter.*
- C. Abandoned vehicles. No motor vehicle, automobile, automobile trailer or other vehicle shall remain outside, upon any property within the City, when such vehicle has been so dismantled or parts removed therefrom or otherwise abandoned so that such vehicle may be incapable of operation or use for a period of 30 continuous days, except that travel trailers not used for dwelling purposes may be stored in rear yards when not in use.
- D. Construction within required front yard setback. Existing structures, such as open porches, terraces or stoops, shall not be enclosed, and upper-floor additions shall not be constructed over existing open or enclosed structures when said existing structures lie within the required front yard setback.
- E. Artificial lighting. No lighting shall be directed on a sidewalk, street or public place or upon adjacent premises, nor on any other premises which shall cause glare, reflection or intrinsic brightness, constituting a nuisance or traffic hazard.
- F. Demolition of buildings and structures. Demolition of all buildings, structures, and parts thereof, in all zones, shall be subject to Article VII of this chapter, Site Plan Review and Approval. This requirement shall not apply to any demolition order made by the Board of Public Service, which shall have the sole authority to determine, direct, oversee and enforce any demolition order it shall make.  
[Amended 8-7-2012 by Ord. No. 3-2012]
- G. Comprehensive procedure permitted when multiple reviews are required. Whenever a single project requires any combination of site plan review, zoning variance(s), special use permit, or zone change, a comprehensive procedure may be utilized as follows:
  - (1) For projects requiring site plan review and zoning variance(s): review and decision by the Zoning Board of Appeals only on both the site plan and the zoning variance(s).
  - (2) For projects requiring site plan review and special use permit: review and decision by the Planning Commission only on both the site plan review and the special use permit.
  - (3) For projects requiring zoning variance(s) and special use permit: review and decision by the Planning Commission only on the special use permit; review and decision by the Zoning Board of Appeals only on the zoning variance(s).
  - (4) For projects requiring site plan review, zoning variance(s) and special use permit: review and decision by the Planning Commission only on the site plan review and the special use permit; review and decision by the Zoning Board of Appeals only on the zoning variance(s).

- (5) For projects requiring one or more of the following: site plan review, zoning variance, and/or special use permit, and also requiring a zone change: review and decision by the Common Council only for the site plan review and/or the special use permit, and for the zone change; review and decision by the Zoning Board of Appeals only on the zoning variance(s).
- H. Occupancy of a single dwelling unit by more than three unrelated individuals who have not been determined to be a functional family under the provisions of this statute is prohibited. Each week of occupancy shall constitute a new violation of this provision.  
[Added 11-15-2011 by Ord. No. 8-2011]
- I. Rental of a single dwelling unit, either by the owner or by any agent of the owner, to more than three unrelated individuals who have not been determined to be a functional family under the provisions of this statute is prohibited. Each week such agreement shall remain in full force and effect shall constitute a new violation of this provision.  
[Added 11-15-2011 by Ord. No. 8-2011]

## § 300-63. Performance standards.

- A. Applicability.
  - (1) Planning Commission action. All uses subject to the requirements of this section may be established and maintained if their operation is approved by the Planning Commission and/or the Code Enforcement Officer as being in conformance with the standards and regulations limiting dangerous and objectionable elements, such as dust, smoke, odor, fumes, noise or vibration. In approving the site plan, the Planning Commission and/or the Code Enforcement Officer shall decide whether the proposed use will conform to these applicable performance standards or any additional performance standards required by state or federal laws or which are generally recognized performance standards for a given industry.
  - (2) Use subject to the performance standards procedures.
    - (a) All uses must comply with these performance standards.
    - (b) In addition, if the Code Enforcement Officer has reasonable grounds to believe that any other existing or proposed use violates any of the performance standards, such proposed use may be required to certify compliance with these performance standards or such existing use may be cited for violation of these regulations.
- B. Performance standards procedures.
  - (1) The Code Enforcement Officer shall identify whether a proposed use will be required to certify compliance with any of the performance standards listed in this section. Certification may require signing a written statement or presentation of construction detail and a description of the specifications for the mechanisms and techniques to be used in restricting the emissions of any dangerous and objectionable elements. The applicant shall also file an affidavit acknowledging understanding and stating agreement to conform to the same at all times. Any information which is designated by the applicant as a trade secret and submitted herewith will be treated as confidential under provisions of the New York State Freedom of Information Law.<sup>[1]</sup> If site plan review is required, during the course of site plan review, the Planning Commission will determine if the applicant's proposal falls within the performance standards based upon information provided by the applicant. If site plan review is not required, the Code Enforcement Officer will determine if the applicant's proposal falls within the performance standards based upon information provided by the applicant. The Code Enforcement Officer can require the applicant to show that the construction detail and a description of the specifications for the mechanisms and techniques is in compliance with the standards set forth below.

[1]: *Editor's Note: See Public Officers Law § 85 et seq.*

- (2) Vibration.
- (a) No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or beyond the lot lines, nor shall any vibrations produced exceed 0.002 g. peak at up to a frequency of 50 cycles per second, measured at or beyond the lot lines using either seismic or electronic vibration measuring equipment.
- (b) Vibrations occurring at higher than a frequency of 50 cycles per second or a periodic vibration shall not induce accelerations exceeding 0.001 g. Single-impulse periodic vibrations occurring at an average interval greater than five minutes shall not induce accelerations exceeding 0.01 g.
- (3) Noise.
- (a) The maximum decibel level radiated by any use or facility at any lot lines shall not exceed the values in the designated octave bands given in Table 1. The sound-pressure level shall be measured with a second-level meter and associated octave-band analyzer conforming to standards prescribed by the American Standards Association. (American Standard Sound-Level Meters for Measurement of Noise and Other Sound, Z24.3-1944, American Standards Association, Inc., New York, and American Standard Specifications for an Octave-Bank Filter Set for the Analysis of Noise and Other Sound, Z24.10-1953, American Standards Association, Inc., New York, shall be used.)

**Table I**

<b>Frequency Band (cycles per second)</b>	<b>Maximum Permitted Sound-Pressure Level (decibels)</b>
0 to 75	69
75 to 150	60
150 to 300	56
300 to 600	51
600 to 1,200	42
1,200 to 2,400	40
2,400 to 4,800	38
4,800 to 10,000	35

- (b) Where any use adjoins a residential or mixed-use district at any point at the district boundary, the maximum permitted decibel levels in all octave bands shall be reduced by six decibels from the maximum levels set forth in Table I.
- (4) Smoke. The density emission of smoke or any other discharge into the atmosphere during normal operations shall not exceed visible gray smoke of a shade equal to or darker than No. 2 on the standard Ringelmann Chart. (A Ringelmann Chart is a chart published by the United States Bureau of Mines, which shows graduated shades of gray for use in estimating the light-obscuring capacity of smoke.) These provisions applicable to visible gray smoke shall also apply to visible smoke of a different color but with an apparent equivalent capacity.
- (5) Odor. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air emitted to four volumes of clean air. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail. There is hereby established, as a guide in determining such quantities of offensive odors, in Table III, Odor Thresholds, in Chapter 5 of the Air Pollution Abatement Manual, Copyright 1959, by the Manufacturing Chemical Association, Inc., Washington, D.C., as said manual and/or table is subsequently amended.
- (6) Fly ash, dust, fumes, vapors, gases and other forms of air pollution. No emission shall be permitted which can cause any damage to health, animals, vegetation or other forms of property or which can cause any excessive soiling at any point beyond the boundaries of the lot. The concentration of such emission on or beyond any lot line shall not exceed 0.1, the maximum allowable concentration set forth

in § 12-29 of the Board of Standards and Appeals of the New York State Department of Labor, effective October 1, 1956, and any subsequent standards.

- (7) Electromagnetic radiation. It shall be unlawful to operate or cause to be operated any planned or intentional source of electromagnetic radiation which does not comply with the current regulations of the Federal Communications Commission regarding such sources or electromagnetic radiation, except that, for all governmental regulations regarding such sources of electromagnetic radiation of the Interdepartment Radio Advisory Committee shall take precedence over the regulations of the Federal Communications Commission. Further, said operation in compliance with the Federal regulations shall be unlawful if such radiation causes an abnormal degradation in performances of other electromagnetic radiators or electromagnetic receptors of quality and proper design because of proximity, primary field, blanketing, spurious reradiation, harmonic content or modulation of energy conducted by power or telephone lines. The determination of abnormal degradation in performance and of quality and proper design shall be made in accordance with good engineering practices, as defined in the latest principles and standards of the American Institute of Radio Engineers and the Electronic Industries Association. In case of any conflict between the latest standards and principles of the above groups, the following precedence in interpretation of the standards and principles shall apply: American Institute of Electrical Engineers; Institute of Radio Engineers; and Electronic Industries Association.
- (8) Radioactive radiation. No activities shall be permitted which emit dangerous radioactivity at any point beyond the property lines. The handling of such radioactive materials, the discharge of such materials into the air and water and the disposal of radioactive wastes shall be in conformance with the regulations of the Nuclear Regulatory Commission, as set forth in Title 10, Chapter 1, Part 20, as amended, and all applicable regulations of the State of New York.
- (9) Heat. Heat emitted at any or all points shall not at any time cause a temperature increase on any adjacent property in excess of 5° F., whether such change is in the air or on the ground, in a natural stream or lake or in any structure on such adjacent property.
- (10) Glare. Dark Sky compliant lighting fixtures are required, as defined by the following standards.
  - (a) Direct glare. No such direct glare shall be permitted, with the exception that parking areas and walkways may be illuminated by luminaries so hooded or shielded that the maximum angle of the cone of direct illumination shall be 60° drawn perpendicular to the ground, and with the exception that such angle may be increased to 90° if the luminary is less than four feet above ground.
  - (b) Indirect glare. Indirect glare shall not exceed that value which is produced by an illumination of the reflecting surface, not to exceed 0.3 footcandle (maximum) and 0.1 footcandle (average). Deliberately induced sky-reflected glare, as by casting a beam upward for advertising purposes, is specifically prohibited.
- (11) Liquid or solid waste. No discharge shall be permitted at any point into a public sewer or stream or into the ground, except in accord with standards approved by the State and Otsego County Departments of Health and local ordinances, of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements. There shall be no accumulation of solid wastes conducive to the breeding of rodents or insects.
- (12) Stormwater. For all developments disturbing more than one acre, New York State Department of Environmental Conservation (NYSDEC) requires that municipalities receive a copy of the stormwater pollution prevention plan (SWPPP) prior to plan approval. The owner is required to comply with the NYSDEC's SPDES General Permit for Stormwater Discharge from Construction Activity, Permit No. GP-02-01.

# ZONING

## 300 Attachment 2

### City of Oneonta Bulk and Use Regulations

**Table of Permitted Uses by District  
(§ 300-92)**

**KEY:**

- R-1: Low-Density Residential District
- R-2: Moderate-Density Residential District
- R-3: High-Density Residential District
- R-4: Transitional Residential District
- MU-1: Downtown Mixed-Use District
- MU-2: Gateway Mixed-Use District
- C/I: Commercial/Industrial District
- U: University District
- POS: Public Open Space District
- P: Permitted Use
- S: Special Use Permit required

Uses	Zoning Districts								
	R-1	R-2	R-3	R-4	MU-1	MU-2	C/I	U	POS
Adult use							S		
Animal hospital						P	P		
Apartment complex			P	P	P	P	P	P	
Bar, tavern, pub or nightclub with maximum occupancy less than 50 <sup>#</sup>				P* <sup>#</sup>	P <sup>#</sup>	P <sup>#</sup>	P <sup>#</sup>		
Bar, tavern, pub or nightclub with maximum occupancies equal to or more than 50 - S				S		S			
Bed-and-breakfast	S	S	S	P <sup>#</sup>	P	P	P	S	
Boarding, lodging or rooming house							S		
Building, accessory*	P	P	P	P	P	P	P	P	
Building, mixed-use - S for components not otherwise permitted				P	P/S	P	P/S		
Building, office				P	P	P	P		
Building, public	S	S	S	P	P	P	P	S	
Car wash facility						P	P		
Cemetery									P

ONEONTA CODE

Uses	Zoning Districts								
	R-1	R-2	R-3	R-4	MU-1	MU-2	C/I	U	POS
Club, membership/club, private				P	P	P	P		
College					P	P		P	
Contractor's yard							P		
Convenience store					P <sup>#</sup>	P	P		
Convention center ( <sup>#</sup> only in MU-1 if for more than 40,000 square feet floor area)					P <sup>#</sup>		P		
Cultural use facility or museum				P	P	P	P		S
Day-care center <sup>#</sup>	S	S	P <sup>#</sup>	P <sup>#</sup>	P <sup>#</sup>	P <sup>#</sup>	S	S	
Dormitory				S	S	S	S		
Drive-in facility* <sup>#</sup>						P <sup>#</sup>	P <sup>#</sup>		
Dry-cleaning outlet				P	P	P	P		
Dry-cleaning facility <sup>#</sup>							P <sup>#</sup>		
Dwelling unit, accessory*	P	P	P	P	P	P	P	P	
Dwelling, multifamily			P	P	P	P	P	P	
Dwelling, single-family	P	P	P	P	P	P	P	P	
Dwelling, two-family			P	P	P	P	P	P	
Family day-care home	P	P	P	P	P	P	P	P	
Fraternity, sorority, chapter or membership association house							S		
Funeral home <sup>#</sup>					P <sup>#</sup>	P <sup>#</sup>	P <sup>#</sup>		
Garage, commercial <sup>#</sup>					P <sup>#</sup>	P <sup>#</sup>	P <sup>#</sup>		
Golf course <sup>#</sup>							P <sup>#</sup>		S
Greenhouse, commercial					P	P	P		
Group family day-care home	P	P	P	P	P	P	P	P	
Home occupation (Class A)*	P	P	P	P	P	P	P	P	
Home occupation (Class B)*	S	S	S	P	P	P	P	S	
Homeless shelter				S		S	S		
Hospital <sup>#</sup> – for more than 20,000 square feet floor area					P <sup>#</sup>	P <sup>#</sup>	P <sup>#</sup>		
Hotel <sup>#</sup>					P <sup>#</sup>	P <sup>#</sup>	P <sup>#</sup>		
Inn <sup>#</sup> – for more than 10 guest rooms			S	P	P	P	P	S	
Kennel							P		
Laundry, self-service				P	P	P	P		
Manufacturing, heavy <sup>#</sup>							P <sup>#</sup>		
Manufacturing, light					P	P	P		
Mobile home park <sup>#</sup>							P <sup>#</sup>		
Motel – S						S	S		

## ZONING

Uses	Zoning Districts								
	R-1	R-2	R-3	R-4	MU-1	MU-2	C/I	U	POS
Motor vehicle repair, motor vehicle service station					P <sup>#</sup>	P	P		
Motor vehicle sales					P <sup>#</sup>	P <sup>#</sup>	P		
Neighborhood market	S	S	S	P	P	P	P	S	
Open space and usable open space	P	P	P	P	P	P	P	P	P
Outpatient health center			S	S	P <sup>#</sup>	P <sup>#</sup>	P		
Parking garage ( <sup>#</sup> only in MU-1 and MU-2 if for more than 10 cars)					P <sup>#</sup>	P <sup>#</sup>	P		
Personal storage facility							P		
Place of worship <sup>#</sup>	S	S	P <sup>#</sup>	P <sup>#</sup>	P <sup>#</sup>	P <sup>#</sup>	P <sup>#</sup>	P <sup>#</sup>	
Planned unit development	P	P	P	P	P	P	P	P	P
Recreation, indoor commercial					P	P	P		
Recreation, outdoor commercial							P		
Residential care facility for maximum 6 sleeping rooms or 12 residents <sup>#</sup>			P <sup>#</sup>	P <sup>#</sup>	P <sup>#</sup>	P <sup>#</sup>	P <sup>#</sup>	P <sup>#</sup>	
Residential care facility for more than 6 sleeping rooms or 12 residents – S			S	S	S	S	S	S	
Restaurant ( <sup>#</sup> only in R-4 if for more than 2,000 square feet floor area)				P <sup>#</sup>	P	P	P		
Retail, goods and services ( <sup>#</sup> only in R-4 if for more than 4,000 square feet floor area)				P <sup>#</sup>	P	P	P		
School ( <sup>#</sup> only in R-3 and R-4 if for more than 1,000 square feet floor area)	S	S	P <sup>#</sup>	P <sup>#</sup>	P	P	P	P	
Shopping center ( <sup>#</sup> only in MU-1 and MU-2 if for more than 4,000 square feet floor area)				P <sup>#</sup>	P <sup>#</sup>	P			
Short-term rental – permit required				P	P	P	P		
Swimming pool, private*	P	P	P	P	P	P	P	P	
Telecommunications facility or tower	S	S	S	S	S	S	S	S	S
Townhouse or townhome, including parent parcel			P	P	P	P	P	P	
Warehouse, wholesale or distribution center							P		

**NOTES:**

\* Not the principal use of the property.

# Site plan review required. See Article II for other criteria triggering site plan review. Note that site plan review is required for all new buildings, with exceptions noted in Article II.



## ZONING

### Bulk and Use Table C/I Commercial/Industrial District (§ 300-99)

For additional regulations, see § 300-12, C/I Commercial/Industrial District, and § 300-92, Table of Permitted Uses by District.

Uses	Minimum Lot Size (square feet)
<b>Permitted Uses<sup>1</sup></b>	
Animal hospital	20,000
Apartment complex	20,000
Bar, tavern, pub or nightclub – <sup>#</sup> for occupancy less than 50; S for occupancy equal to or more than 50	10,000
Bed-and-breakfast	4,000
Building, accessory, includes residential garages*	N/A
Building, mixed-use – S for components not otherwise permitted <sup>2</sup>	10,000
Building, office or outpatient health center	10,000
Building, public	10,000
Car wash facility	10,000
Club, membership/club, private	10,000
Contractor's yard	20,000
Convenience store	20,000
Convention center	5 acres
Cultural use facility or museum	10,000
Drive-in facility* <sup>#</sup>	N/A
Dry-cleaning facility <sup>#</sup>	20,000
Dry-cleaning outlet	4,000
Dwelling unit, accessory*	N/A
Dwelling, multifamily – density minimum 1,000 square feet per dwelling unit	8,000
Dwelling, single-family	8,000
Dwelling, two-family – minimum of 8 dwelling units per project, density minimum 1,000 square feet per dwelling unit	8,000
Family day-care home	12,000
Funeral home <sup>#</sup>	20,000
Garage, commercial <sup>#</sup>	20,000
Golf course <sup>#</sup>	10 acres
Greenhouse, commercial	10,000
Group family day-care home	12,000

ONEONTA CODE

Uses	Minimum Lot Size (square feet)
Home occupation (Class A or B)*	N/A
Hospital – #for more than 20,000 square feet floor area	20,000
Hotel#	10,000
Inn – #for more than 10 guest rooms	10,000
Kennel	1 acre
Laundry, self-service	4,000
Manufacturing, heavy #	20,000
Manufacturing, light	10,000
Mobile home parks# – minimum of 8 dwelling units per project, density minimum: 1,000 square feet per dwelling unit	8,000
Motor vehicle repair or service station	20,000
Motor vehicle sales	20,000
Neighborhood market	4,000
Outpatient health center	10,000
Parking garage	20,000
Personal storage facilities	20,000
Place of worship#	4,000
Planned unit development	2 acres
Recreation, indoor commercial	4,000
Recreation, outdoor commercial	20,000
Residential care facility – less than or equal to 6 sleeping rooms or 12 residents	10,000
Restaurant	10,000
Retail, goods and services	10,000
School	10,000
Self-service laundry	4,000
Shopping center	1 acre
Short-term rental – permit required	10,000
Swimming pool, private*	N/A
Townhouse or townhome – minimum of 8 dwelling units per project, density minimum: 1,000 square feet per dwelling unit	8,000
Warehouse, wholesale, or distribution center	20,000
<b>Uses Requiring A Special Use Permit#</b>	
Adult use <sup>3#</sup>	10,000
Bar, tavern, pub or nightclub – S for occupancy equal to or more than 50#	10,000
Boarding, lodging, or rooming house#	10,000

## ZONING

Uses	Minimum Lot Size (square feet)
Day-care center <sup>#</sup>	10,000
Dormitory <sup>#</sup>	10,000
Fraternity, sorority, chapter, or membership association house <sup>#</sup>	10,000
Homeless shelter <sup>#</sup>	10,000
Motel <sup>#</sup>	10,000
Residential care facility – more than 6 sleeping rooms or more than 12 residents <sup>#</sup>	10,000
Telecommunications facility or tower <sup>#</sup>	4,000

**NOTES:**

**Maximum Allowable Impervious Surface Coverage (§ 300-12G):** Impervious coverage of more than one acre requires site plan review. Impervious coverage of more than 60% of lot requires site plan review. Includes all impervious surfaces such as structures, parking areas, driveways, and pedestrian walks. Scope of site plan review shall be limited to surface and subsurface drainage issues.

**Maximum Building Height:** There is no maximum building height in this district. All new buildings are subject to site plan review.

**Off-Street Parking Requirement (§ 300-12I):** See § 300-101, Table of Parking Requirements by Use, and § 300-61 for additional parking and loading requirements. For nonresidential uses, requirement is per occupied story, per structure. Shared parking is strongly encouraged. Range of 80% to 110% of number provided is acceptable. Parking waivers may be obtained from the Planning Commission, as specified in § 300-61 of this Code. See § 300-61 for restrictions on setback parking.

\* Not the principal use of the property.

# Site plan review required.

<sup>1</sup> See § 300-12D and E and § 300-92, Table of Permitted Uses by District, for additional criteria triggering site plan review.

<sup>2</sup> Uses not listed as permitted in this district may be permitted by special use permit if included as a minor part of a mixed-use building.

<sup>3</sup> Adult uses must be a minimum 500 feet from any residence, school, library, place of worship, or park.

## Appendix D

### Utility Record Mapping

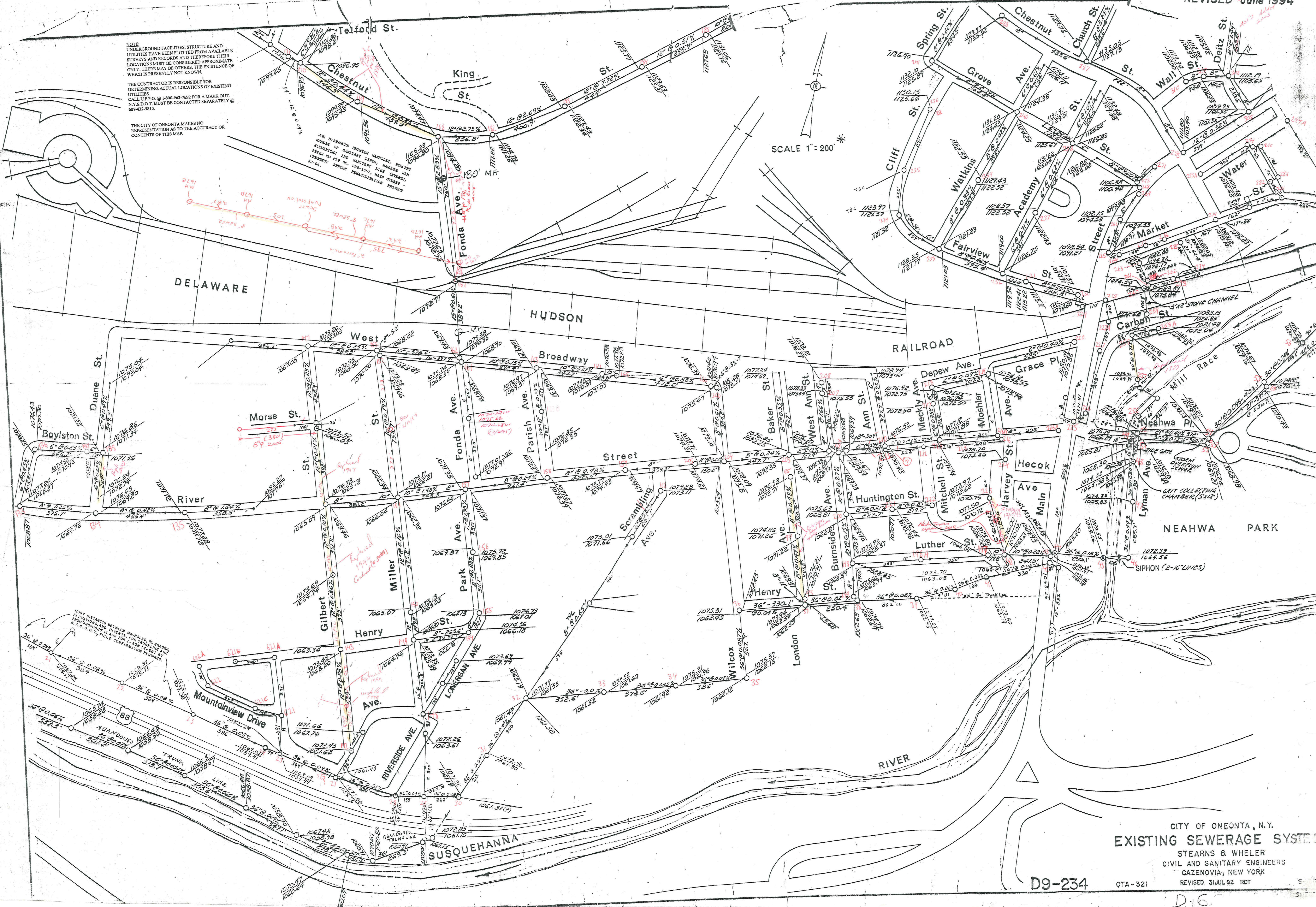
NOTE:  
 UNDERGROUND FACILITIES, STRUCTURE AND UTILITIES HAVE BEEN PLOTTED FROM AVAILABLE SURVEYS AND RECORDS AND THEREFORE THEIR LOCATIONS MUST BE CONSIDERED APPROXIMATE ONLY. THERE MAY BE OTHERS, THE EXISTENCE OF WHICH IS PRESENTLY NOT KNOWN.

THE CONTRACTOR IS RESPONSIBLE FOR DETERMINING ACTUAL LOCATIONS OF EXISTING UTILITIES.  
 CALL U.P.O. @ 1-800-962-7692 FOR A MARK OUT. N.Y.S.D.O.T. MUST BE CONTACTED SEPARATELY @ 607-432-5810.

THE CITY OF ONEONTA MAKES NO REPRESENTATION AS TO THE ACCURACY OR CONTENTS OF THIS MAP.

FOR DISTANCES BETWEEN MANHOLES, PERCENT GRADES OF SEWERARY LINES, MANHOLE RISES REFER TO MAP NO. 23-157, MAIN STREET - CHESTNUT STREET REHABILITATION PROJECT.

SCALE 1" = 200'



CITY OF ONEONTA, N.Y.  
**EXISTING SEWERAGE SYSTEM**  
 STEARNS & WHEELER  
 CIVIL AND SANITARY ENGINEERS  
 CAZENOVIA, NEW YORK  
 REVISED 31JUL 92 RDT

D9-234

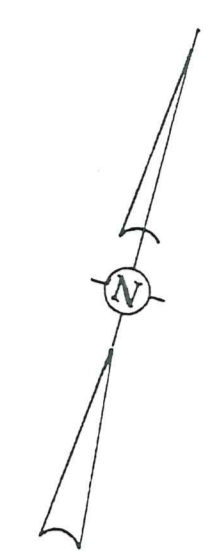
OTA-321

D-6

SHEET 2

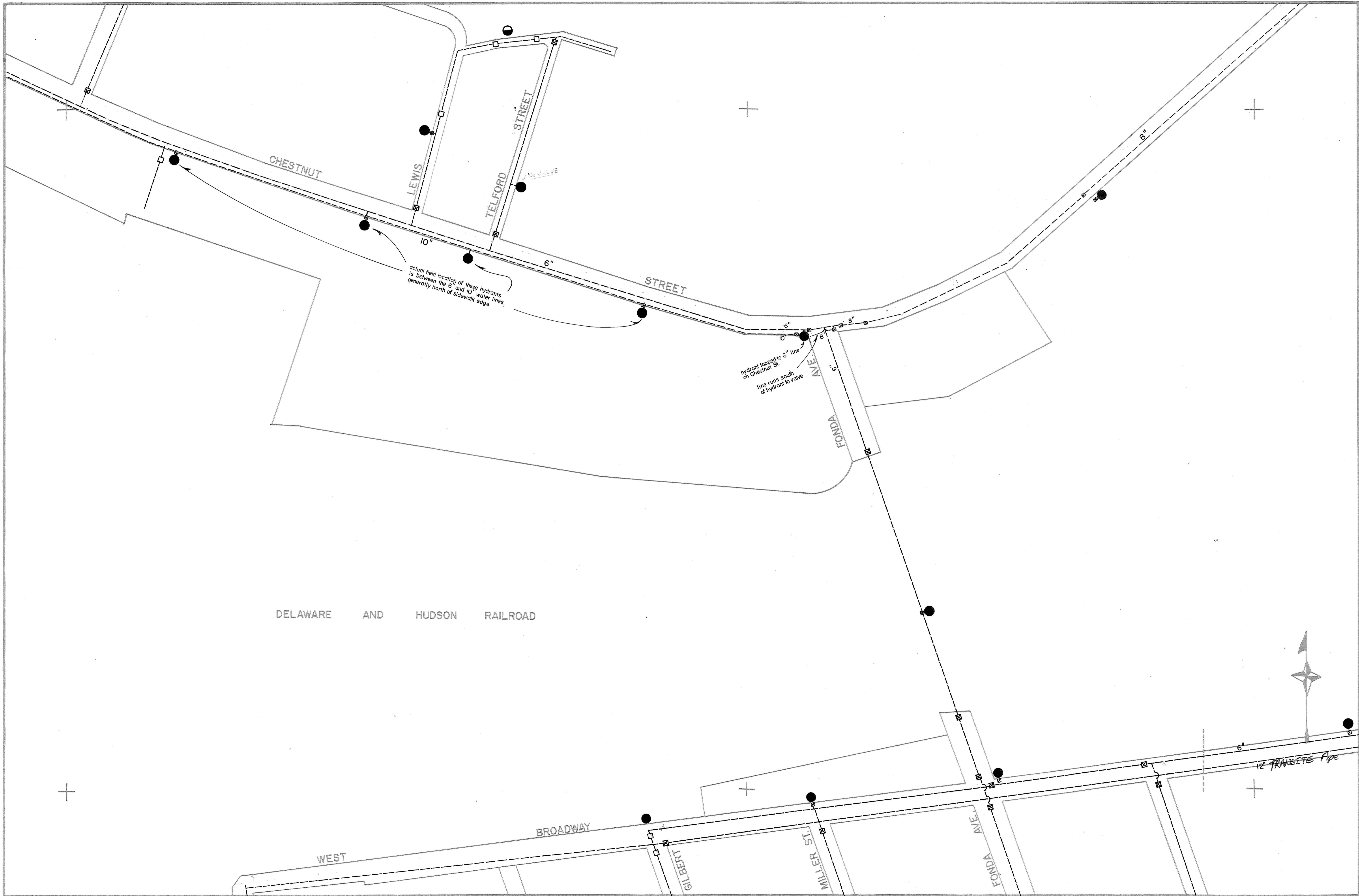
NOTE:  
UNDERGROUND FACILITIES, STRUCTURE AND UTILITIES HAVE BEEN PLOTTED FROM AVAILABLE SURVEYS AND RECORDS AND THEREFORE THEIR LOCATIONS MUST BE CONSIDERED APPROXIMATE ONLY. THERE MAY BE OTHERS, THE EXISTENCE OF WHICH IS PRESENTLY NOT KNOWN.  
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CALL U.F.P.O. @ 1-800-963-7692 FOR A MARK OUT. N.Y.S.D.O.T. MUST BE CONTACTED SEPARATELY @ 607-432-9411.  
THE CITY OF ONEONTA MAKES NO REPRESENTATION AS TO THE ACCURACY OR CONTENTS OF THIS MAP.

SCALE 1" = 200'



CITY OF ONEONTA, N.Y.  
**EXISTING SEWERAGE SYSTEM**  
STEARNS & WHEELER  
CIVIL AND SANITARY ENGINEERS  
CAZENOVIA, NEW YORK  
OTA - 321  
REVISED 31 JUL 92 RDT

D9-234  
S-762



299.11

300.09

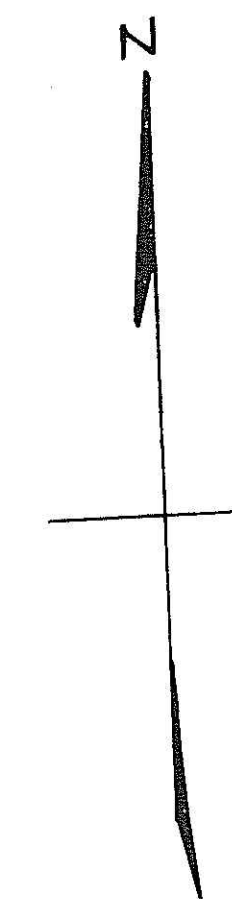
DELAWARE AND HUDSON RAILROAD

299.16

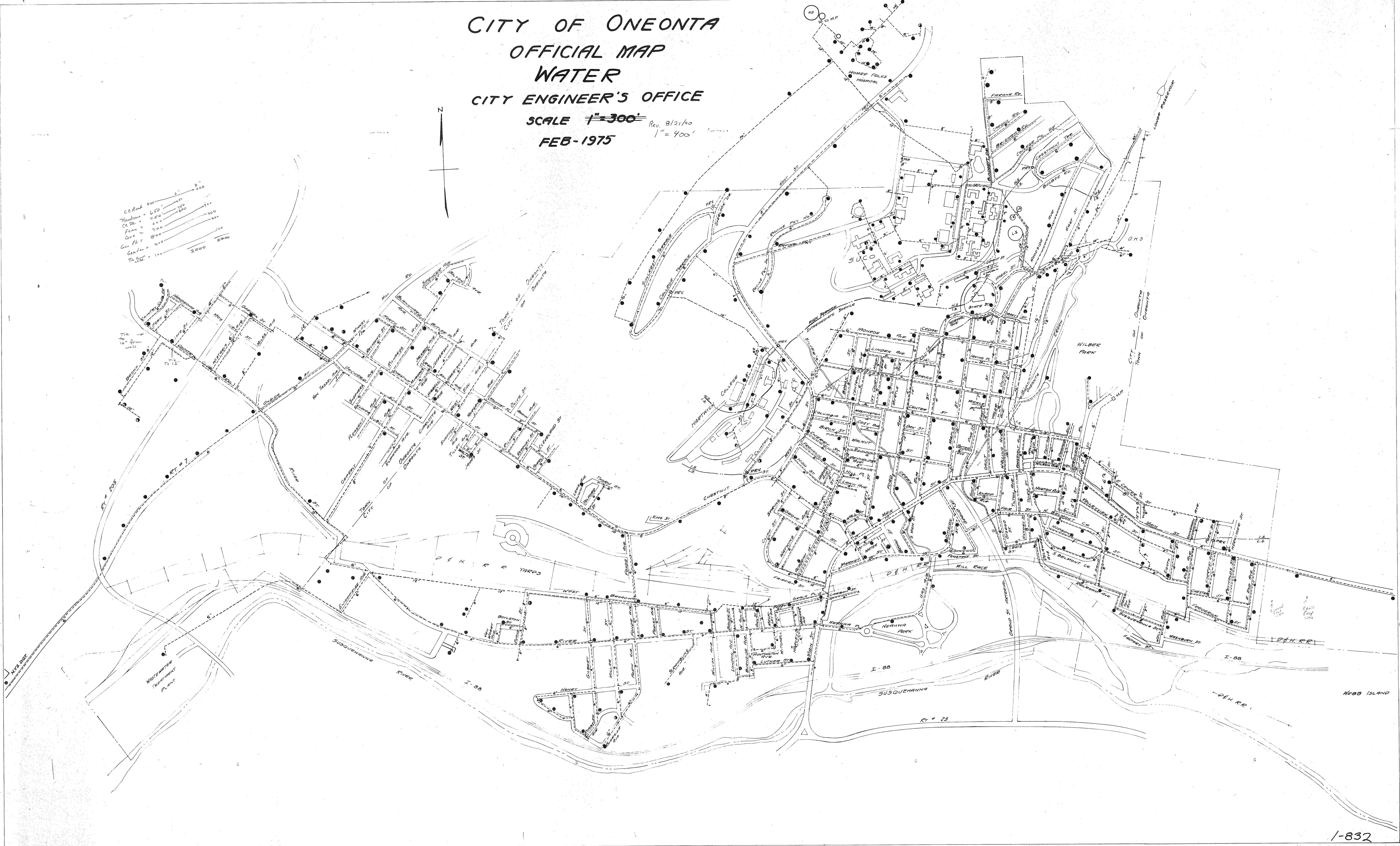
WATER MAP 299.12

BASE MAP 299.12

**CITY OF ONEONTA**  
**OFFICIAL MAP**  
**WATER**  
**CITY ENGINEER'S OFFICE**  
**SCALE 1"=300'** Rev. 8/21/40  
**FEB-1975** 1"=400'



CC Road	400	1000
Trunkline	650	1500
CE Pipe	750	1800
CE Pipe	800	2000
CE Pipe	900	2200
CE Pipe	1000	2400
CE Pipe	1100	2600
CE Pipe	1200	2800
CE Pipe	1300	3000
CE Pipe	1400	3200
CE Pipe	1500	3400
CE Pipe	1600	3600
CE Pipe	1700	3800
CE Pipe	1800	4000
CE Pipe	1900	4200
CE Pipe	2000	4400
CE Pipe	2100	4600
CE Pipe	2200	4800
CE Pipe	2300	5000
CE Pipe	2400	5200
CE Pipe	2500	5400
CE Pipe	2600	5600
CE Pipe	2700	5800
CE Pipe	2800	6000
CE Pipe	2900	6200
CE Pipe	3000	6400
CE Pipe	3100	6600
CE Pipe	3200	6800
CE Pipe	3300	7000
CE Pipe	3400	7200
CE Pipe	3500	7400
CE Pipe	3600	7600
CE Pipe	3700	7800
CE Pipe	3800	8000
CE Pipe	3900	8200
CE Pipe	4000	8400
CE Pipe	4100	8600
CE Pipe	4200	8800
CE Pipe	4300	9000
CE Pipe	4400	9200
CE Pipe	4500	9400
CE Pipe	4600	9600
CE Pipe	4700	9800
CE Pipe	4800	10000





# HYDRANT FLOW DATA SUMMARY

City Oneonta and TFPD  
County Otsego

State New York

Witnessed by: Insurance Services Office, Inc.

Date: Confirmed May 2012

TEST NO.	TYPE DIST.*	TEST LOCATION	SERVICE	FLOW - GPM $Q = (29.83(C(d^2)p^{0.5}))$			PRESSURE PSI		FLOW - AT 20 PSI		REMARKS***
				INDIVIDUAL HYDRANTS	TOTAL	STATIC	RESID.	NEEDED **	AVAIL.		
1	Comm	East St. at the High School	City of Oneonta, Total System	1010	0	1010	82	44	5000	1300	1996
1A	Comm	East St. at the High School	City of Oneonta, Total System	1010	0	1010	82	44	1250	1300	1996
2	Comm	Railroad at Delaware	City of Oneonta, Total System	1160	0	1160	88	64	5000	2000	1996
2a	Comm	Railroad at Delaware	City of Oneonta, Total System	1160	0	1160	88	64	3000	2000	1996
3	Comm	Country Club Rd. at Browne Rd.	City of Oneonta, Total System	1160	0	1160	76	65	4000	2800	1996
3A	Comm	Country Club Rd. at Browne Rd.	City of Oneonta, Total System	1160	0	1160	76	65	3000	2800	1996
4	Comm	River Rd. at Gilbert St.	City of Oneonta, Total System	840	0	840	98	78	4000	1800	1996
4A	Comm	River Rd. at Gilbert St.	City of Oneonta, Total System	840	0	840	98	78	3000	1800	1996
5	Comm	West St. at Ravine Pl.	City of Oneonta, Total System	1240	0	1240	105	64	3500	1800	1996
6	Comm	Market St. at Main St.	City of Oneonta, Total System	1240	0	1240	92	76	3500	2800	1996
7	Comm	Main St. at Dietz St.	City of Oneonta, Total System	840	0	840	80	69	3500	2100	1996
8	Comm	West End Ave at Chestnut St.	City of Oneonta, Total System	960	0	960	76	53	3000	1600	1996
9	Comm	River St. at Main and Harvey Streets.	City of Oneonta, Total System	990	0	990	97	90	3000	3600	1996
10	Comm	Center St. at Central St.	City of Oneonta, Total System	1060	0	1060	78	52	2500	1600	1996
11	Comm	Valley View At 6th St.	City of Oneonta, Total System	710	0	710	61	45	2250	1200	1996
12	Comm	Main St. at 3rd St.	City of Oneonta, Total System	560	0	560	77	67	3000	1400	1996

THE ABOVE LISTED NEEDED FIRE FLOWS ARE FOR PROPERTY INSURANCE PREMIUM CALCULATIONS ONLY AND ARE NOT INTENDED TO PREDICT THE MAXIMUM AMOUNT OF WATER REQUIRED FOR A LARGE SCALE FIRE CONDITION.

THE AVAILABLE FLOWS ONLY INDICATE THE CONDITIONS THAT EXISTED AT THE TIME AND AT THE LOCATION WHERE TESTS WERE WITNESSED.

\*Comm = Commercial; Res = Residential.

\*\*Needed is the rate of flow for a specific duration for a full credit condition. Needed Fire Flows greater than 3,500 gpm are not considered in determining the classification of the city when using the Fire Suppression Rating Schedule.

\*\*\* (A)-Limited by available hydrants to gpm shown. Available facilities limit flow to gpm shown plus consumption for the needed duration of (B)-2 hours, (C)-3 hours or (D)-4 hours.

INSURANCE SERVICES OFFICE, INC.  
HYDRANT FLOW DATA SUMMARY

City Oneonta and TFPD      State New York      Witnessed by: Insurance Services Office, Inc.      Date: Confirmed May 2012  
 County Otsego

TEST NO.	TYPE DIST.*	TEST LOCATION	SERVICE	FLOW - GPM $Q=(29.83(C(d^2)p^{0.5}))$		PRESSURE PSI		FLOW -AT 20 PSI		REMARKS***
				INDIVIDUAL HYDRANTS	TOTAL	STATIC	RESID.	NEEDED **	AVAIL.	
13	Comm	Chestnut St. at Spring St.	City of Oneonta, Total System	1090	0	78	50	2250	1600	1996
14	Comm	Chestnut St. at Fonda St.	City of Oneonta, Total System	1100	0	80	65	2500	2300	1996
15	Comm	State St. at Exit St.	City of Oneonta, Total System	890	0	72	43	1750	1200	1996
16	Comm	Henry St. at Wilcox St.	City of Oneonta, Total System	1090	0	90	60	2500	1700	1996
17	Comm	Chestnut St. at Oneida St.	City of Oneonta, Total System	630	0	74	62	3000	1400	1996
18	Comm	Pony Farm Rd. at Commerce Rd.	City of Oneonta, Total System	1430	0	98	71	2250	2500	1996
19	Comm	Rose St. at Chester St.	City of Oneonta, Total System	770	0	74	50	1500	1200	1996
19A	Res	Rose St. at Chester St.	City of Oneonta, Total System	770	0	74	50	1000	1200	1996
20	Comm	Fitzelle Hall upper end of road	City of Oneonta, Total System	0	0	64	55	2250	2200	40664

THE ABOVE LISTED NEEDED FIRE FLOWS ARE FOR PROPERTY INSURANCE PREMIUM CALCULATIONS ONLY AND ARE NOT INTENDED TO PREDICT THE MAXIMUM AMOUNT OF WATER REQUIRED FOR A LARGE SCALE FIRE CONDITION.

THE AVAILABLE FLOWS ONLY INDICATE THE CONDITIONS THAT EXISTED AT THE TIME AND AT THE LOCATION WHERE TESTS WERE WITNESSED.

\*Comm = Commercial; Res = Residential.








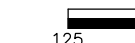
\*\*Needed is the rate of flow for a specific duration for a full credit condition. Needed Fire Flows greater than 3,500 gpm are not considered in determining the classification of the city when using the Fire Suppression Rating Schedule.

\*\*\* (A)-Limited by available hydrants to gpm shown. Available facilities limit flow to gpm shown plus consumption for the needed duration of (B)-2 hours, (C)-3 hours or (D)-4 hours.

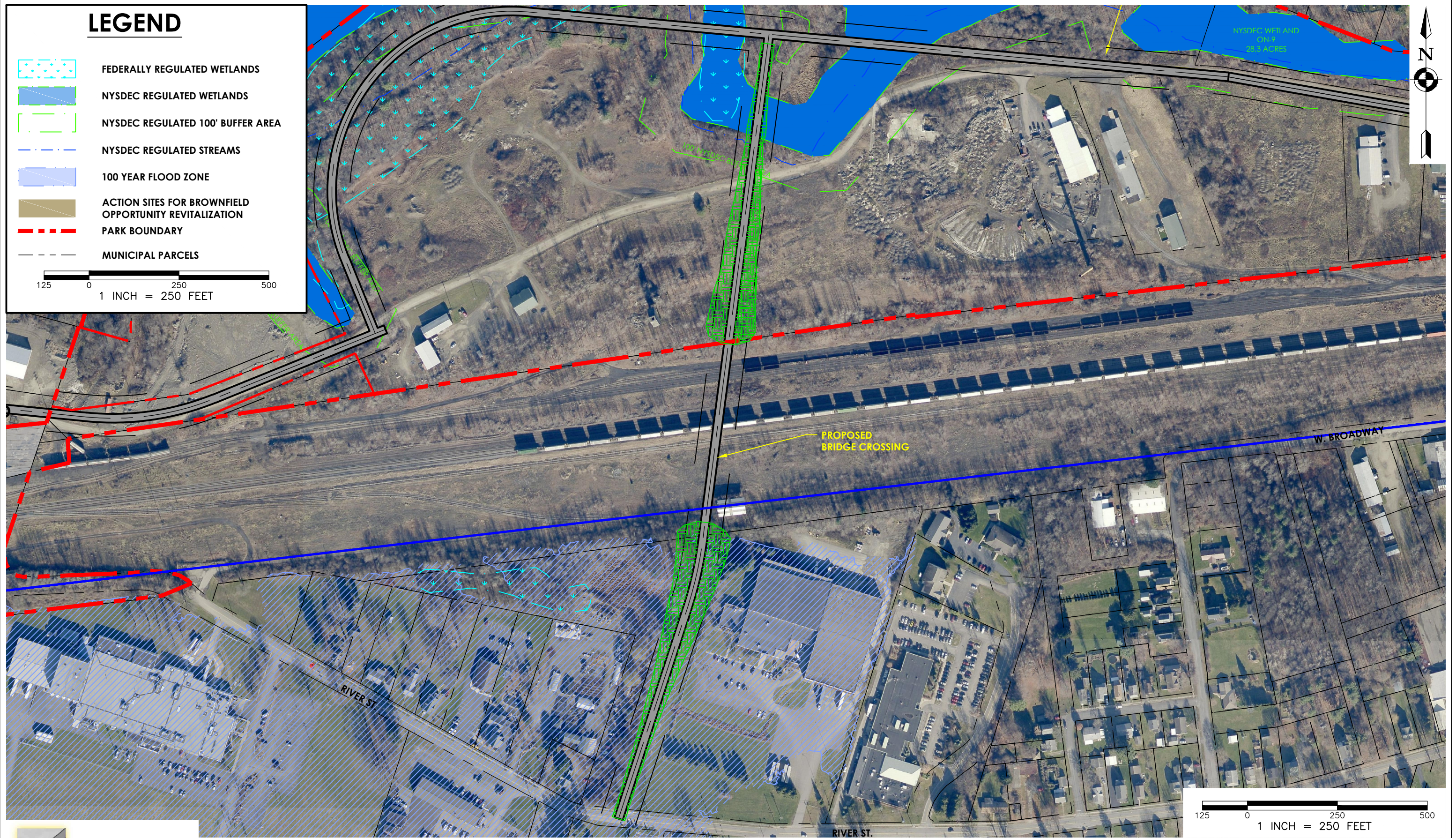
## Appendix E

### Bridge Conceptual Design Information

# LEGEND

-  FEDERALLY REGULATED WETLANDS
-  NYSDEC REGULATED WETLANDS
-  NYSDEC REGULATED 100' BUFFER AREA
-  NYSDEC REGULATED STREAMS
-  100 YEAR FLOOD ZONE
-  ACTION SITES FOR BROWNFIELD OPPORTUNITY REVITALIZATION
-  PARK BOUNDARY
-  MUNICIPAL PARCELS

125 0 250 500  
1 INCH = 250 FEET



125 0 250 500  
1 INCH = 250 FEET



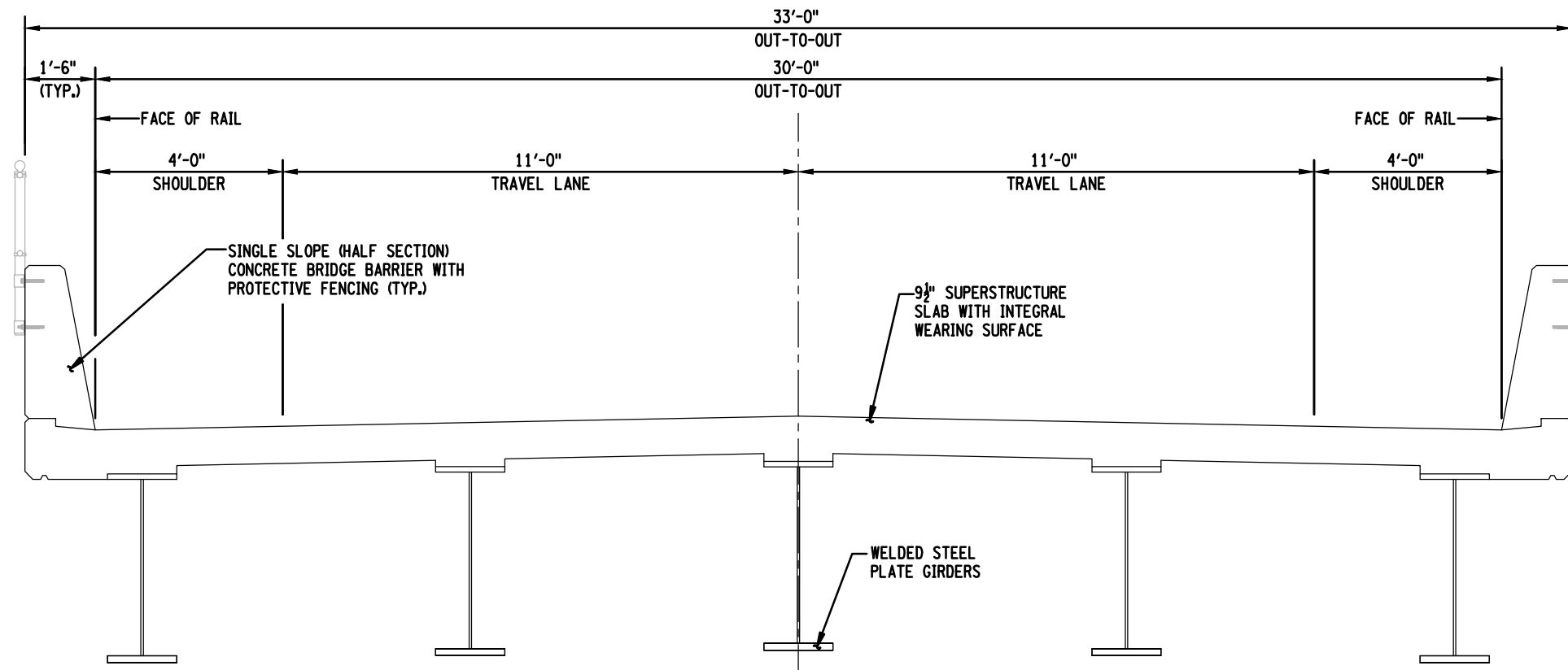
Clark Patterson Lee  
DESIGN PROFESSIONALS

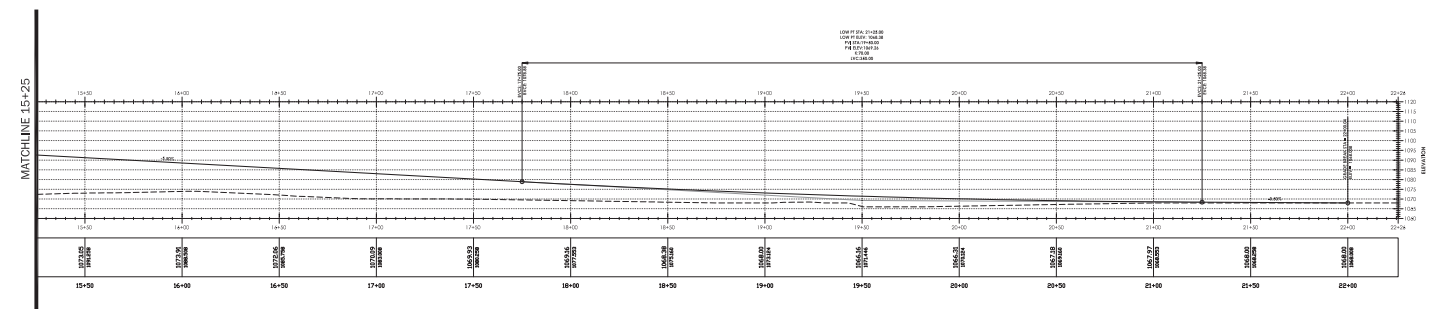
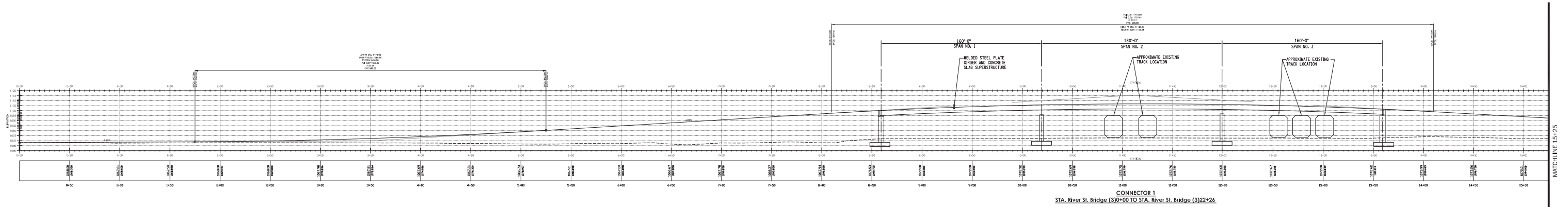
COUNTY OF OTSEGO INDUSTRIAL DEVELOPMENT AGENCY

JANUARY 2016

BRIDGE CROSSING OPTION 1

Scale: 1"=250'





CONCEPTUAL PROFILES

**COUNTY OF OTSEGO INDUSTRIAL DEVELOPMENT AGENCY**  
**RIVER STREET BRIDGE AND APPROACH CONCEPT**

---

**Assumptions:**

Track Elevation: ±1070 ft.

Clearance: 22 ft. (min.)

Low Chord: 1092 ft.

Superstructure Depth: 5 ft.

Existing Grade: ±1068 ft.

**Structure – Connector No. 1 (Easterly Alignment):**

- Feature carried and crossed: River Street over CSX Railroad
- Type of bridge: Continuous steel multi girder with a concrete deck
- Number and length of spans: (3) Three spans of 160'-0", 180'-0", 160'-0"; Total Length 500'-0"
- Width of travel lanes, and shoulders: Two 11'-0" Travel Lanes and two 4'-0" shoulders. The bridge deck out-to-out width is 33'-0"
- Sidewalks: None.
- Utilities carried: None.
- Vertical under clearance: 22'-0" minimum (per NYSDOT BM 2.5.3) is maintained across the entire length of the rail yard.
- Key Notes and Impacts
  1. Construction within CSX Railroad property will be required for construction of the bridge substructures.
  2. If the 22'-0" minimum vertical clearance at Span No. 1 does not have to be maintained, the vertical profile could be modified to lessen to fill impacts at the south approach.

**Approaches -**

South Approach - River Street

- Width of travel lanes, and shoulders: Two 11'-0" Travel Lanes and two 4'-0" shoulders.
- Maximum grade: 6%
- Horizontal and Vertical Curves: will be required.
- Sidewalks: None.
- Key Notes and Impacts
  1. The service drive located at 214 River St, Oneonta, NY 13820 will require total reconstruction to accommodate the south approach. Property acquisition will be required.
  2. Required Design Standards could have a significant impact on the vertical alignments approaching the bridge (i.e. design speed, sight distance, minimum horizontal and vertical curves, etc.)

**COUNTY OF OTSEGO INDUSTRIAL DEVELOPMENT AGENCY  
RIVER STREET BRIDGE AND APPROACH CONCEPT**

---

North Approach – Roundhouse Road

- Width of travel lanes, and shoulders: Two 11'-0" Travel Lanes and two 4'-0" shoulders.
- Maximum grade: 6%
- Horizontal and Vertical Curves: Vertical Curves will be required.
- Sidewalks: None.
- Key Notes and Impacts
  1. None, located when the designated development area.

**Cost Estimate** – The cost estimate for this concept includes the cost of the bridge and substructures, the cost of the north and south approaches.

- The bridge and substructures quantities are calculated based on maintain a 22'-0" minimum vertical clearance from bridge begin to end.
- The approaches and Roundhouse Road quantities are calculated based on 1 on 2 slope limits. No other earth retaining methods were considered (i.e. retaining walls to limit fill impacts).
- Site drainage impacts and associated cost are not included in this estimate.



**Estimate 13381.00**

Estimated Cost:\$5,946,230.00

Contingency: 20.00%

**Estimated Total: \$7,135,476.00**

**RAIL YARD STUDY  
COUNTY OF OTSEGO  
INDUSTRIAL DEVELOPEMENT AGENCY**

***Base Date: 10/14/15***

Spec Year: 08

Unit System: E

Work Type: STRUCTURES

Highway Type: ASPHALT

Urban/Rural Type: ROLLING

Season: SPRING (3/21 to 6/20)

County: OTSEGO

Midpoint of Latitude: 0

Midpoint of Longitude: 0

District: 09

Federal/State Project Number:

*Prepared by System Administrator*

Estimate: 13381.00

<u>Line #</u>	<u>Item Number</u>	<u>Quantity</u>	<u>Units</u>	<u>Unit Price</u>	<u>Extension</u>
<u>Description</u>					
<u>Supplemental Description</u>					

Group 0001: Initial Group

0002	203.02	2,700.00	CY	\$20.00	\$54,000.00
UNCLASSIFIED EXCAVATION AND DISPOSAL					
0004	203.03	73,000.00	CY	\$10.00	\$730,000.00
EMBANKMENT IN PLACE					
0006	203.21	410.00	CY	\$50.00	\$20,500.00
SELECT STRUCTURE FILL					
0008	206.01	360.00	CY	\$35.00	\$12,600.00
STRUCTURE EXCAVATION					
0010	207.26	210.00	SY	\$15.00	\$3,150.00
PREFABRICATED COMPOSITE STRUCTURAL DRAIN					
0012	304.12	2,200.00	CY	\$40.00	\$88,000.00
SUBBASE COURSE, TYPE 2					
0014	402.128302	2,160.00	TON	\$100.00	\$216,000.00
12.5 F3 TOP COURSE HMA, 80 SERIES COMPACTION					
0016	407.0102	770.00	GAL	\$5.00	\$3,850.00
DILUTED TACK COAT					
0018	551.012053	1,440.00	LF	\$20.00	\$28,800.00
STEEL H-PILES (HP 12X53)					
0020	551.12	24.00	EACH	\$10.00	\$240.00
SPLICES FOR STEEL H-PILES					
0022	551.13	1.00	LS	\$200,000.00	\$200,000.00
FURNISHING EQUIPMENT FOR DRIVING PILES					
0024	551.14	4.00	EACH	\$1,300.00	\$5,200.00
DYNAMIC PILE TESTING					
0026	554.3005	4,000.00	SF	\$200.00	\$800,000.00
GEOSYNTHETIC REINFORCED EARTH SYSTEM WALL - OTHER; AS SHOWN IN THE CONTRACT DOCUMENTS					
0028	555.09	940.00	CY	\$1,000.00	\$940,000.00
CONCRETE FOR STRUCTURES, CLASS HP					
0030	556.0202	110,000.00	LB	\$2.00	\$220,000.00
EPOXY-COATED BAR REINFORCEMENT FOR STRUCTURES					
0032	556.03	6,000.00	EACH	\$4.00	\$24,000.00
STUD SHEAR CONNECTORS FOR BRIDGES					
0034	557.0103	1,840.00	SY	\$320.00	\$588,800.00
SUPERSTRUCTURE SLAB WITH INTEGRAL WEARING SURFACE - BOTTOM FORMWORK REQUIRED - TYPE 3 FRICTION					

Estimate: 13381.00








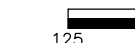
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<u>Description</u>					
<u>Supplemental Description</u>					
0036	557.2003	110.00	SY	\$240.00	\$26,400.00
STRUCTURAL APPROACH SLAB WITH INTEGRAL WEARING SURFACE - TYP E 3 FRICTION					
0038	558.02	1,670.00	SY	\$5.00	\$8,350.00
LONGITUDINAL SAWCUT GROOVING OF STRUCTURAL SLAB SURFACE					
0040	559.16960118	11,000.00	SF	\$1.00	\$11,000.00
PROTECTIVE SEALING OF STRUCTURAL CONCRETE					
0042	559.18960118	10,000.00	SF	\$1.00	\$10,000.00
PROTECTIVE SEALING OF STRUCTURAL CONCRETE ON NEW BRIDGE DECKS AND BRIDGE DECK OVERLAYS					
0044	564.0501	1.00	LS	\$1,300,000.00	\$1,300,000.00
STRUCTURAL STEEL, TYPE 1					
0046	565.1522	15.00	EACH	\$3,500.00	\$52,500.00
TYPE M.R. EXPANSION BEARING (226 TO 450 KIPS)					
0048	565.1722	5.00	EACH	\$2,500.00	\$12,500.00
TYPE M.R. FIXED BEARING (226 TO 450 KIPS)					
0050	567.60	28.00	LF	\$200.00	\$5,600.00
ARMORLESS BRIDGE JOINT SYSTEM					
0052	568.70	136.00	LF	\$130.00	\$17,680.00
TRANSITION BRIDGE RAILING					
0054	569.04	1,000.00	LF	\$230.00	\$230,000.00
SINGLE SLOPE (HALF SECTION) CONCRETE BRIDGE BARRIER					
0056	606.10	5,800.00	LF	\$30.00	\$174,000.00
BOX BEAM GUIDE RAILING					
0058	606.120201	8.00	EACH	\$1,300.00	\$10,400.00
BOX BEAM GUIDE RAILING END ASSEMBLY, TYPE IIA					
0060	607.06410016	1,000.00	LF	\$45.00	\$45,000.00
SNOW FENCING FOR BRIDGES					
0062	609.0251	200.00	LF	\$50.00	\$10,000.00
GRANITE CURB (AS DETAILED) - TYPE I					
0064	610.1402	1,100.00	CY	\$50.00	\$55,000.00
TOPSOIL - ROADSIDE					
0066	610.1601	9,660.00	SY	\$1.00	\$9,660.00
TURF ESTABLISHMENT - ROADSIDE					
0068	620.03	600.00	CY	\$55.00	\$33,000.00
STONE FILLING (LIGHT)					

Estimate: 13381.00

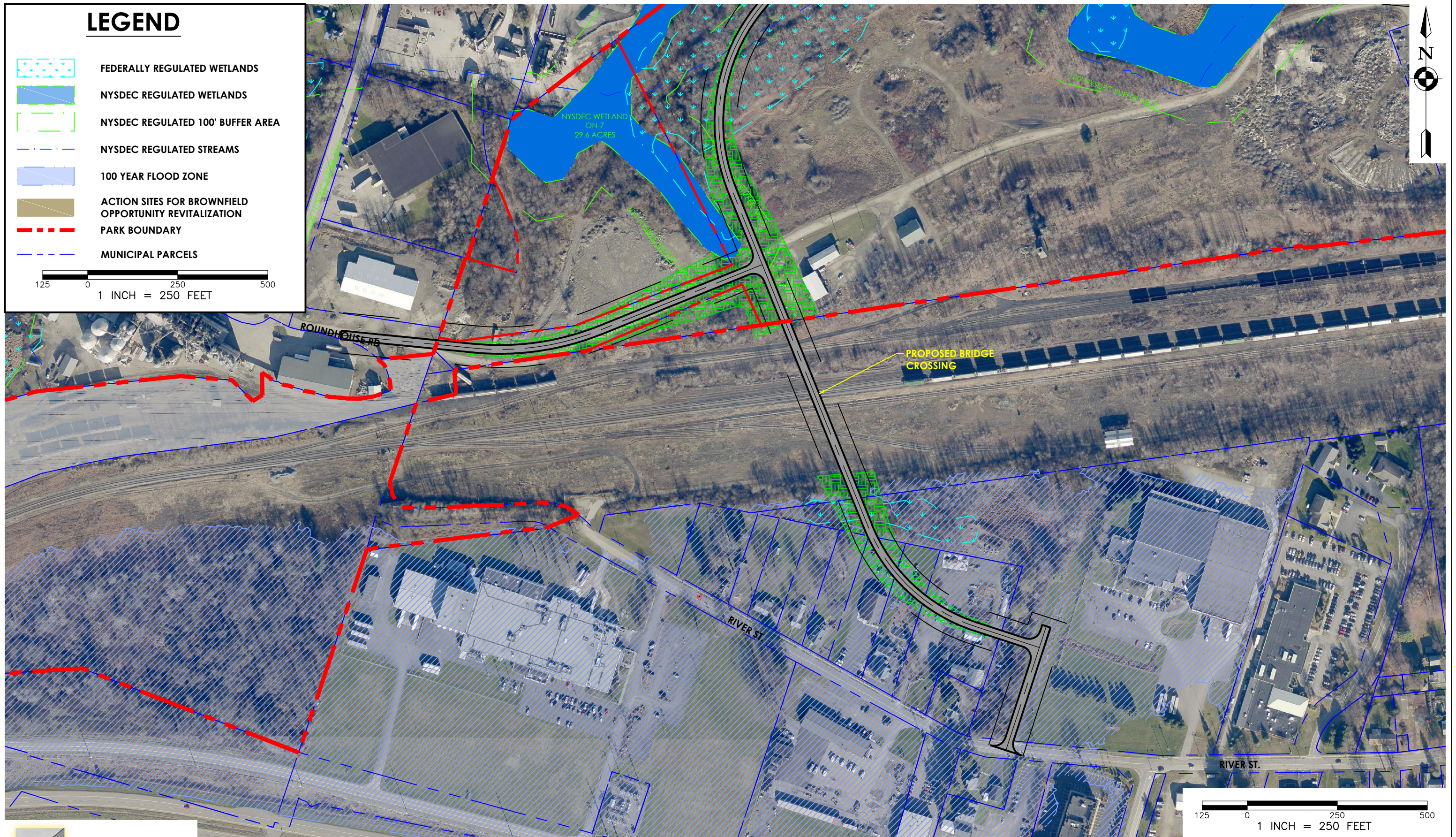
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<u>Description</u>					
<u>Supplemental Description</u>					

Total for Group 0001:\$5,946,230.00

# LEGEND

-  FEDERALLY REGULATED WETLANDS
-  NYSDEC REGULATED WETLANDS
-  NYSDEC REGULATED 100' BUFFER AREA
-  NYSDEC REGULATED STREAMS
-  100 YEAR FLOOD ZONE
-  ACTION SITES FOR BROWNFIELD OPPORTUNITY REVITALIZATION
-  PARK BOUNDARY
-  MUNICIPAL PARCELS

125 0 250 500  
1 INCH = 250 FEET



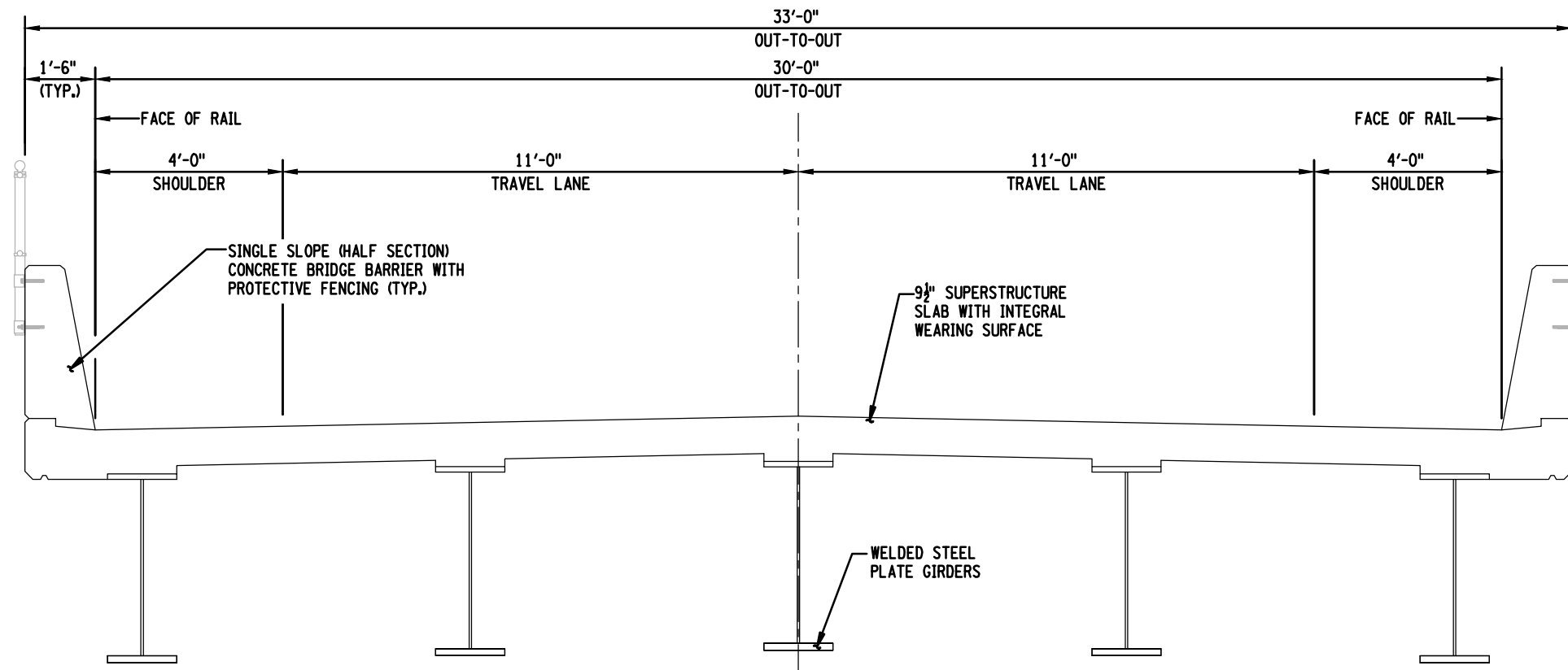
Clark Patterson Lee  
DESIGN PROFESSIONALS

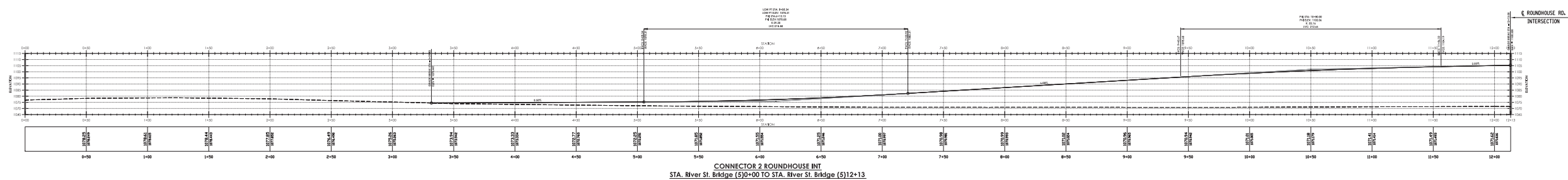
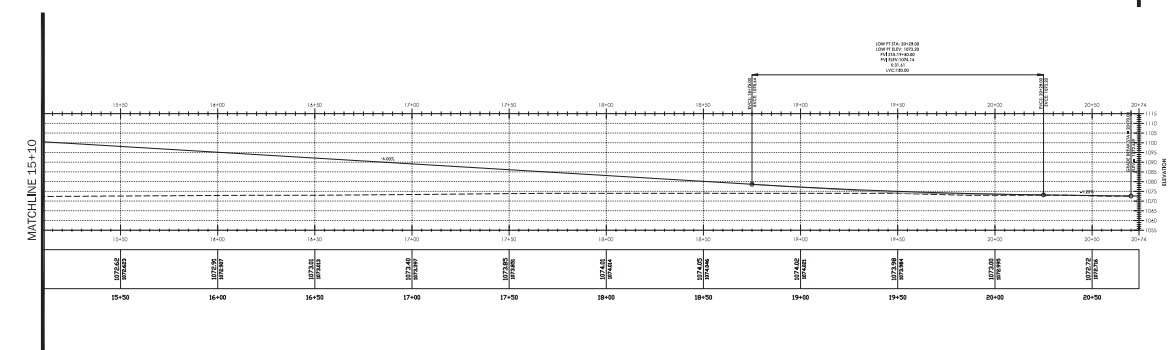
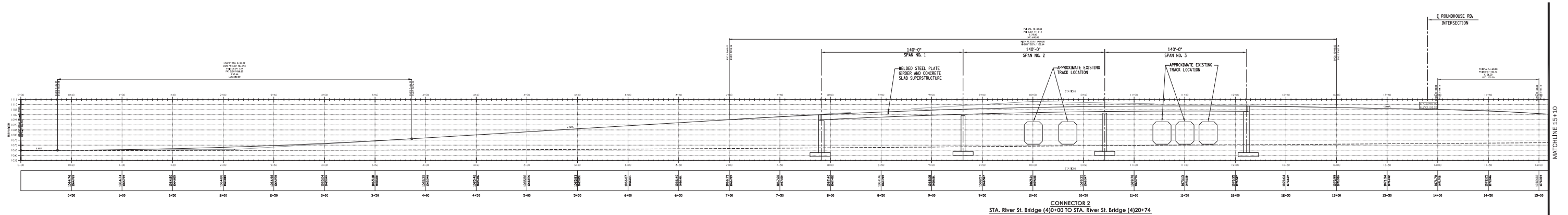
COUNTY OF OTSEGO INDUSTRIAL DEVELOPMENT AGENCY

JANUARY 2016

BRIDGE CROSSING OPTION 2

Scale: 1"=250'





**COUNTY OF OTSEGO INDUSTRIAL DEVELOPMENT AGENCY**  
**RIVER STREET BRIDGE AND APPROACH CONCEPT**

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**Assumptions:**

Track Elevation: ±1070 ft.  
Clearance: 22 ft. (min.)  
Low Chord: 1092 ft.  
Superstructure Depth: 5 ft.  
Existing Grade: ±1068 ft.

**Structure - Connector No. 2 (Westerly Alignment):**

- Feature carried and crossed: River Street over CSX Railroad
- Type of bridge: Continuous steel multi girder with a concrete deck
- Number and length of spans: (3) Three spans of 140'-0"; Total Length 420'-0"
- Width of travel lanes, and shoulders: Two 11'-0" Travel Lanes and two 4'-0" shoulders. The bridge deck out-to-out width is 33'-0"
- Sidewalks: None.
- Utilities carried: None.
- Vertical under clearance: 22'-0" minimum (per NYS DOT BM 2.5.3) is maintained across the entire length of the rail yard.
- Key Notes and Impacts
  1. Construction within CSX Railroad property will be required for construction of the bridge substructures.
  2. If the 22'-0" minimum vertical clearance at Span No. 1 does not have to be maintained, the vertical profile could be modified to lessen to fill impacts at the south approach.

**Approaches -**

South Approach - River Street

- Width of travel lanes, and shoulders: Two 11'-0" Travel Lanes and two 4'-0" shoulders.
- Maximum grade: 6%
- Horizontal and Vertical Curves: will be required.
- Sidewalks: None.
- Key Notes and Impacts
  1. The service drive located at 214 River St, Oneonta, NY 13820 will require partial reconstruction to accommodate the south approach. Property acquisition will be required.
  2. Required Design Standards could have a significant impact on the horizontal and vertical alignments approaching the bridge (i.e. design speed, sight distance, minimum horizontal and vertical curves, etc.)
  3. (5) Properties within the area identified as "Potential Development Area" will require signification impacts for the construction of the south approach.



**COUNTY OF OTSEGO INDUSTRIAL DEVELOPMENT AGENCY  
RIVER STREET BRIDGE AND APPROACH CONCEPT**

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North Approach – Roundhouse Road

- Width of travel lanes, and shoulders: Two 11'-0" Travel Lanes and two 4'-0" shoulders.
- Maximum grade: 6%
- Horizontal and Vertical Curves: will be required.
- Sidewalks: None.
- Key Notes and Impacts
  1. Major impacts to the Lutz properties due to fill limits. Attention is brought to how to maintain adequate ingress and egress to and from the Lutz property.
  2. Required Design Standards could have a significant impact on the horizontal and vertical alignments approaching the bridge (i.e. design speed, sight distance, minimum horizontal and vertical curves, etc.)

**Cost Estimate** – The cost estimate for this concept includes the cost of the bridge and substructures, the cost of the north and south approaches and the proposed reconstruction of Roundhouse Road adjacent to the north bridge approach.

- The bridge and substructures quantities are calculated based on maintain a 22'-0" minimum vertical clearance from bridge begin to end.
- The approaches and Roundhouse Road quantities are calculated based on 1 on 2 slope limits. No other earth retaining methods were considered (i.e. retaining walls to limit fill impacts).
- Site drainage impacts and associated cost are not included in this estimate.

Estimate 13381.00

Estimated Cost:\$11,301,680.00

Contingency: 20.00%

**Estimated Total: \$13,562,016.00**

**RAIL YARD STUDY  
COUNTY OF OTSEGO  
INDUSTRIAL DEVELOPEMENT AGENCY**

***Base Date: 10/14/15***

Spec Year: 08

Unit System: E

Work Type: STRUCTURES

Highway Type: ASPHALT

Urban/Rural Type: ROLLING

Season: SPRING (3/21 to 6/20)

County: OTSEGO

Midpoint of Latitude: 0

Midpoint of Longitude: 0

District: 09

Federal/State Project Number:

*Prepared by System Administrator*

Estimate: 13381.00

<u>Line #</u>	<u>Item Number</u>	<u>Quantity</u>	<u>Units</u>	<u>Unit Price</u>	<u>Extension</u>
<u>Description</u>					
<u>Supplemental Description</u>					

Group 0001: Bridge & Approaches

0002	203.02	2,700.00	CY	\$20.00	\$54,000.00
UNCLASSIFIED EXCAVATION AND DISPOSAL					
0004	203.03	102,000.00	CY	\$10.00	\$1,020,000.00
EMBANKMENT IN PLACE					
0006	203.21	410.00	CY	\$50.00	\$20,500.00
SELECT STRUCTURE FILL					
0008	206.01	360.00	CY	\$35.00	\$12,600.00
STRUCTURE EXCAVATION					
0010	207.26	210.00	SY	\$15.00	\$3,150.00
PREFABRICATED COMPOSITE STRUCTURAL DRAIN					
0012	304.12	2,200.00	CY	\$40.00	\$88,000.00
SUBBASE COURSE, TYPE 2					
0014	402.128302	2,180.00	TON	\$100.00	\$218,000.00
12.5 F3 TOP COURSE HMA, 80 SERIES COMPACTION					
0016	407.0102	780.00	GAL	\$5.00	\$3,900.00
DILUTED TACK COAT					
0018	490.30	120.00	SY	\$25.00	\$3,000.00
MISCELLANEOUS COLD MILLING OF BITUMINOUS CONCRETE					
0020	551.012053	1,440.00	LF	\$20.00	\$28,800.00
STEEL H-PILES (HP 12X53)					
0022	551.12	24.00	EACH	\$10.00	\$240.00
SPLICES FOR STEEL H-PILES					
0024	551.13	1.00	LS	\$200,000.00	\$200,000.00
FURNISHING EQUIPMENT FOR DRIVING PILES					
0026	551.14	4.00	EACH	\$1,300.00	\$5,200.00
DYNAMIC PILE TESTING					
0028	554.3005	10,000.00	SF	\$150.00	\$1,500,000.00
GEOSYNTHETIC REINFORCED EARTH SYSTEM WALL - OTHER; AS SHOWN IN THE CONTRACT DOCUMENTS					
0030	555.09	940.00	CY	\$1,000.00	\$940,000.00
CONCRETE FOR STRUCTURES, CLASS HP					
0032	556.0202	110,000.00	LB	\$2.00	\$220,000.00
EPOXY-COATED BAR REINFORCEMENT FOR STRUCTURES					
0034	556.03	6,000.00	EACH	\$4.00	\$24,000.00
STUD SHEAR CONNECTORS FOR BRIDGES					

Estimate: 13381.00

<u>Line #</u>	<u>Item Number</u>	<u>Quantity</u>	<u>Units</u>	<u>Unit Price</u>	<u>Extension</u>
<u>Description</u>					
<u>Supplemental Description</u>					
0036	557.0103	1,840.00	SY	\$320.00	\$588,800.00
SUPERSTRUCTURE SLAB WITH INTEGRAL WEARING SURFACE - BOTTOM FORMWORK REQUIRED - TYPE 3 FRICTION					
0038	557.2003	110.00	SY	\$240.00	\$26,400.00
STRUCTURAL APPROACH SLAB WITH INTEGRAL WEARING SURFACE - TYP E 3 FRICTION					
0040	558.02	1,670.00	SY	\$5.00	\$8,350.00
LONGITUDINAL SAWCUT GROOVING OF STRUCTURAL SLAB SURFACE					
0042	559.16960118	11,000.00	SF	\$1.00	\$11,000.00
PROTECTIVE SEALING OF STRUCTURAL CONCRETE					
0044	559.18960118	10,000.00	SF	\$1.00	\$10,000.00
PROTECTIVE SEALING OF STRUCTURAL CONCRETE ON NEW BRIDGE DECKS AND BRIDGE DECK OVERLAYS					
0046	564.0501	1.00	LS	\$1,300,000.00	\$1,300,000.00
STRUCTURAL STEEL, TYPE 1					
0048	565.1522	15.00	EACH	\$3,500.00	\$52,500.00
TYPE M.R. EXPANSION BEARING (226 TO 450 KIPS)					
0050	565.1722	5.00	EACH	\$2,500.00	\$12,500.00
TYPE M.R. FIXED BEARING (226 TO 450 KIPS)					
0052	567.60	28.00	LF	\$200.00	\$5,600.00
ARMORLESS BRIDGE JOINT SYSTEM					
0054	568.70	136.00	LF	\$130.00	\$17,680.00
TRANSITION BRIDGE RAILING					
0056	569.04	1,000.00	LF	\$230.00	\$230,000.00
SINGLE SLOPE (HALF SECTION) CONCRETE BRIDGE BARRIER					
0058	606.10	5,800.00	LF	\$30.00	\$174,000.00
BOX BEAM GUIDE RAILING					
0060	606.120201	8.00	EACH	\$1,300.00	\$10,400.00
BOX BEAM GUIDE RAILING END ASSEMBLY, TYPE IIA					
0062	607.06410016	1,000.00	LF	\$45.00	\$45,000.00
SNOW FENCING FOR BRIDGES					
0064	609.0251	200.00	LF	\$50.00	\$10,000.00
GRANITE CURB (AS DETAILED) - TYPE I					
0066	610.1402	1,100.00	CY	\$50.00	\$55,000.00
TOPSOIL - ROADSIDE					
0068	610.1601	9,660.00	SY	\$1.00	\$9,660.00
TURF ESTABLISHMENT - ROADSIDE					

<u>Line #</u>	<u>Item Number</u>	<u>Quantity</u>	<u>Units</u>	<u>Unit Price</u>	<u>Extension</u>
<u>Description</u>					
<u>Supplemental Description</u>					

0070	620.03	600.00	CY	\$55.00	\$33,000.00
STONE FILLING (LIGHT)					

Total for Group 0001:\$6,941,280.00

**Group 0002:** West Roundhouse Rd. Reconstruction

0072	203.02	1,700.00	CY	\$20.00	\$34,000.00
UNCLASSIFIED EXCAVATION AND DISPOSAL					

0074	203.03	41,000.00	CY	\$10.00	\$410,000.00
EMBANKMENT IN PLACE					

0076	304.12	1,670.00	CY	\$40.00	\$66,800.00
SUBBASE COURSE, TYPE 2					

0078	402.128302	1,690.00	TON	\$100.00	\$169,000.00
12.5 F3 TOP COURSE HMA, 80 SERIES COMPACTION					

0080	407.0102	600.00	GAL	\$5.00	\$3,000.00
DILUTED TACK COAT					

0082	554.3005	24,000.00	SF	\$150.00	\$3,600,000.00
GEOSYNTHETIC REINFORCED EARTH SYSTEM WALL - OTHER; AS SHOWN IN THE CONTRACT DOCUMENTS					

0084	606.10	2,500.00	LF	\$30.00	\$75,000.00
BOX BEAM GUIDE RAILING					

0086	606.120201	2.00	EACH	\$1,300.00	\$2,600.00
BOX BEAM GUIDE RAILING END ASSEMBLY, TYPE IIA					

0088	610.1402	0.00	CY	\$50.00	\$0.00
TOPSOIL - ROADSIDE					

0090	610.1601	0.00	SY	\$1.00	\$0.00
TURF ESTABLISHMENT - ROADSIDE					

Total for Group 0002:\$4,360,400.00

Appendix F  
Cost Estimates

**OTSEGO COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
RAIL YARD STUDY  
PRELIMINARY COST ESTIMATE  
January 13, 2016**

**Option #1: New Bridge at Drogen Electric Supply**

Item	Description	Estimated Quantity	Unit	Estimated Unit Cost	Estimated Total Cost
<b>Park Utilities</b>					
1	Furnish and Install New 12" PVC Water Main	7,225	LF	\$ 70.00	\$ 505,750.00
2	Furnish and Install New 12"SDR-21 PVC Gravity Sanitary Sewer Main	6,850	LF	\$ 100.00	\$ 685,000.00
3	Natural Gas Main (by Utility)	8,500	LF	\$ 50.00	\$ 425,000.00
4	Telephone and Communications (By Utility)	7,500	LF	\$ 30.00	\$ 225,000.00
5	Electric + Transmission line planning/engineering, right of way/easement acquisition (By Utility)	7,500	LF	\$ 50.00	\$ 375,000.00
<b>Total Park Utility Cost =</b>					<b>\$ 2,215,750.00</b>
<b>Park Roadway</b>					
6	Roundhouse Roadway Construction	7,100	LF	\$ 275.00	\$ 1,952,500.00
7	Fonda Avenue and Access Road Roadway Construction	1,800	LF	\$ 275.00	\$ 495,000.00
<b>Total Park Roadway Cost=</b>					<b>\$ 2,447,500.00</b>
<b>Bridge Crossing</b>					
8	Bridge Superstructure	16,500	SF	\$ 225.00	\$ 3,712,500.00
9	Embankment In-Place	73,000	CY	\$ 12.00	\$ 876,000.00
10	Retaining Wall	4,000	SF	\$ 200.00	\$ 800,000.00
11	Bridge Roadway Construction	1,725	LF	\$ 350.00	\$ 603,750.00
12	Railroad Permitting, Approval, Traffic Control (Estimated)	1	LS	\$ 300,000.00	\$ 300,000.00
<b>Total Retaining Wall =</b>					<b>\$ 6,292,250.00</b>

TOTAL CONSTRUCTION COST = \$ 10,955,500.00

CONTINGENCY (10%) = \$ 1,095,550.00

LEGAL, ADMINISTRATION & ENGINEERING (20%) = \$ 2,191,100.00

TOTAL CAPITAL COST = \$ 14,242,150.00

**TOTAL CAPITAL COST = \$ 14,200,000.00**

**OTSEGO COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
RAIL YARD STUDY  
PRELIMINARY COST ESTIMATE  
January 13, 2016**

**Option #2: New Bridge at Lutz Feed Company**

Item	Description	Estimated Quantity	Unit	Estimated Unit Cost	Estimated Total Cost
<b>Park Utilities</b>					
1	Furnish and Install New 12" PVC Water Main	7,225	LF	\$ 70.00	\$ 505,750.00
2	Furnish and Install New 12"SDR-21 PVC Gravity Sanitary Sewer Main	6,850	LF	\$ 100.00	\$ 685,000.00
3	Natural Gas Main (by Utility)	8,500	LF	\$ 50.00	\$ 425,000.00
4	Telephone and Communications (By Utility)	7,500	LF	\$ 30.00	\$ 225,000.00
5	Electric + Transmission line planning/engineering, right of way/easement acquisition (By Utility)	7,500	LF	\$ 50.00	\$ 375,000.00
<b>Total Park Utility Cost =</b>					<b>\$ 2,215,750.00</b>
<b>Park Roadway</b>					
6	Roundhouse Roadway Construction	3,900	LF	\$ 275.00	\$ 1,072,500.00
7	Fonda Avenue and Access Road Roadway Construction	2,000	LF	\$ 275.00	\$ 550,000.00
<b>Total Park Roadway Cost=</b>					<b>\$ 1,622,500.00</b>
<b>Bridge Crossing</b>					
8	Bridge Superstructure	13,500	SF	\$ 225.00	\$ 3,037,500.00
9	Embankment In-Place	143,000	CY	\$ 12.00	\$ 1,716,000.00
10	Retaining Wall	30,000	SF	\$ 200.00	\$ 6,000,000.00
11	Bridge Roadway Construction	2,500	LF	\$ 350.00	\$ 875,000.00
12	Railroad Permitting, Approval, Traffic Control (Estimated)	1	LS	\$ 300,000.00	\$ 300,000.00
<b>Total Retaining Wall =</b>					<b>\$ 11,928,500.00</b>

TOTAL CONSTRUCTION COST = \$ 15,766,750.00

CONTINGENCY (10%) = \$ 1,576,675.00

LEGAL, ADMINISTRATION & ENGINEERING (20%) = \$ 3,153,350.00

TOTAL CAPITAL COST = \$ 20,496,775.00

**TOTAL CAPITAL COST = \$ 20,500,000.00**



**OTSEGO COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
RAIL YARD STUDY  
PRELIMINARY COST ESTIMATE  
January 13, 2016**

**Option #3: No Bridge**

Item	Description	Estimated Quantity	Unit	Estimated Unit Cost	Estimated Total Cost
<b>Park Utilities</b>					
1	Furnish and Install New 12" PVC Water Main	7,225	LF	\$ 70.00	\$ 505,750.00
2	Furnish and Install New 12"SDR-21 PVC Gravity Sanitary Sewer Main	6,850	LF	\$ 100.00	\$ 685,000.00
3	Natural Gas Main (by Utility)	8,500	LF	\$ 50.00	\$ 425,000.00
4	Telephone and Communications (By Utility)	7,500	LF	\$ 30.00	\$ 225,000.00
5	Electric + Transmission line planning/engineering, right of way/easement acquisition (By Utility)	7,500	LF	\$ 50.00	\$ 375,000.00
<b>Total Park Utility Cost =</b>					<b>\$ 2,215,750.00</b>
<b>Park Roadway</b>					
6	Roundhouse Roadway Construction	7,100	LF	\$ 275.00	\$ 1,952,500.00
7	Fonda Avenue and Access Road Roadway Construction	1,800	LF	\$ 275.00	\$ 495,000.00
<b>Total Park Roadway Cost=</b>					<b>\$ 2,447,500.00</b>
<b>Bridge Crossing</b>					
8	Bridge Superstructure	0	SF	\$ 225.00	\$ -
9	Embankment In-Place	0	CY	\$ 12.00	\$ -
10	Retaining Wall	0	SF	\$ 200.00	\$ -
11	Bridge Roadway Construction	0	LF	\$ 350.00	\$ -
12	Railroad Permitting, Approval, Traffic Control (Estimated)	0	LS	\$ 300,000.00	\$ -
<b>Total Retaining Wall =</b>					<b>\$ -</b>

TOTAL CONSTRUCTION COST = \$ 4,663,250.00

CONTINGENCY (10%) = \$ 466,325.00

LEGAL, ADMINISTRATION & ENGINEERING (20%) = \$ 932,650.00

TOTAL CAPITAL COST = \$ 6,062,225.00

**TOTAL CAPITAL COST = \$ 6,100,000.00**