

Testimony of a public hearing of the Town of Union Planning Board held at the Town Office Building, 3111 East Main Street, Endwell, New York, Tuesday, April 4, 2006, at 7:00 P.M.

PRESENT: Sue McLain, Chairman  
Ralph Signorelli  
Ada Elwood  
Lisa Miller  
Tom Crowley  
Beth Seliga  
Anthony Paniccia

Paul Nelson  
Marina Lane

David Watkins  
Joseph Bambara  
David McElwain, McElwain Engineering

MS. MCLAIN: It is 7:00 p.m. and the Planning Board is assembled and we will call the meeting to order. The first item on the agenda is the public hearing for the Legends at Dimmock Hill golf driving range and training center. I will read the announcement, but first of all we are here to gather information. The Planning Board is gathering information as well as the visitors who are here. So, after the announcement has been read, the applicant will make his presentation and then members of the Planning Board may ask questions. After the members of the Planning Board ask questions, then we may open it up to visitors to ask questions. We ask that you please limit the questions to three minutes or less and ask questions one at a time so that the applicant will be able to answer them. Anyone who does give testimony today should remember that they are sworn to tell the truth complete and unaltered. I will read the announcement. The Town of Union Planning Board will conduct a public hearing relative to the special permit application by Kevin Watkins for the construction of an outdoor recreational facility, golf driving range and pro shop on approximately 20 acres of agriculturally zoned land located at 130 Dimmock Hill Road, property tax map number 110.14-20-26.112. The public hearing will take place on Tuesday, April 4, 2006 at 7:00 p.m. in the Town Board Meeting Room on the second floor of the Town of Union Office Building

located at 3111 East Main Street, Endwell, New York. Would you like to begin, Mr. Watkins.

MR. WATKINS: Good evening, ladies and gentlemen and distinguished members of the Board. My name is Kevin Watkins, my partner Joseph Bambara and I are long time residents of the Town of Union and what we are proposing here today in front of the Board and in front of the general public is a golf driving range, practice, entertainment facility that is going to be located at 130 Dimmock Hill Road. We have a short Power Point presentation to give you an overview of what we are proposing. The members of the Board have hard copies of the presentation. I did my best to get an angle so that everybody can at least see it. The members of the Board, once again, will have a hard copy. The second part of the presentation is going to be a real time simulation of the golf facility. It is done in computer format and I'll basically walk you through the facility, it is pretty much very, very close to scale. It's up to you, once we are through with the Power Point presentation to stop and answer questions or go directly to the real time simulation and get everything out of the way and they open it up to questions.

MS. MCLAIN: How long does the presentation take?

MR. WATKINS: The presentation will take about five to ten minutes.

MS. MCLAIN: Why don't you proceed with the presentation.

(Let the record show that the applicant presented a Power Point presentation detailing proposal for Legends at Dimmock Hill. All Board members received the presentation in hard copy format. At the conclusion of the Power Point presentation, the applicant provided the Board members and visitors with a real time computer simulation of the proposed facility.)

MS. MCLAIN: Thank you. That was a very interesting presentation. That is the end of the presentation. Are there any questions from the Planning Board?

MR. PANICCIA: On your septic plan design you have two different plans that show septic from two different locations. Which is correct.

MR. WATKINS: This is Steve McElwain, from McElwain Engineering.

MR. MC ELWAIN: The plan was approved by the Broome County Health Department.

MR. PANICCIA: I'm just going by what was presented tonight.

MR. MC ELWAIN: Do you have a copy of the site plan? That has been approved by the Broome County Health Department.

MR. WATKINS: What Marina is distributing right now is the actual site plan and the cut sheets are an addendum to that.

MR. PANICCIA: The second question I have, you said you have a nighttime use operation. Have you defined the hours?

MR. WATKINS: 10:00 a.m. to 10:00 p.m.

MR. PANICCIA: And the last question I have, I see on the lighting you have 12,000 watts of lighting and I just want to know when your neighbors are

looking out onto that area that faces them ... so are you sure when you state here that the hours will not exceed 10:00 p.m.?

MR. WATKINS: Definitely. I will put that in writing, no problem with that. If you are asking me to put that in writing, I have no problem doing that.

MR. SIGNORELLI: I have a question on the runoff drainage from the paved surface of the parking lot ... is that adjusted so it will go out into Dimmock Hill or is designed to go the other direction towards the septic system?

MR. WATKINS: Coming from north to southbound, Dimmock Hill Road, from north to south ... that actually will cross back onto the property from the road back into Choconut Creek.

MR. SIGNORELLI: At the bottom of the property?

MR. WATKINS: Right. Past the entrance. There will be two sluice pipes put into the entrance and the exit, they are roughly about 15 inches by 30 feet in diameter.

MR. SIGNORELLI: So that goes along ... and then down where the arrows show there and eventually down to the creek.

MR. WATKINS: There were two areas of concern when we first purchased the property. The original creek I showed in the satellite photo. What we did was clean that out a little bit because basically what was happening is that all the water was deferred into the lower portion, there was more toward Dimmock Hill Road and directly onto the property. So we just cleaned out a little bit of that creek and now it is all flowing freely. We did put a small drainage ... if you are on the

north side of the property, if you are looking north, we put a drainage ditch that goes along the property line and right along Dimmock, right along the road and then it cuts back into the property and into the Choconut Creek down below. One of the reasons why we did that is because if you saw the property, if you were there and you were looking north, we are the lowest spot there. As you go up Dimmock Hill Road, the houses as you are going up, we were just naturally getting everybody's runoff.

MR. SIGNORELLI: OK, so this is the septic system. How about the water supply? Is that on the public system?

MR. MCELWAIN: No ... (muffled) well water ..

MR. SIGNORELLI: Do you have an irrigation plan for this?

MR. WATKINS: No.

MR. CROWLEY: How many tee boxes?

MR. WATKINS: 27 currently.

MR. CROWLEY: How many member boxes? The members that are going to be able to go up on top, how many people are going to be able to go up on top?

MR. WATKINS: Probably only one or two per at the most.

MR. CROWLEY: So that means potential four. And how many employees?

MR. WATKINS: Anywhere from two to four.

MR. CROWLEY: Do you have enough parking for all of that? That's 27 plus 8.

MR. WATKINS: I believe so.

MR. CROWLEY: I don't think you have enough there.

MR. WATKINS: We can always add.

MR. NELSON: Steve (Rafferty) I think looked at this already and I think the 29 was based on the ... one of the things that is concerning me a little bit here is you have found a couple of wrinkles that are concerning ... the cart path going up to the top to the tee boxes, because I don't think the parking considered the tee boxes at the top. And you are going to be disturbing a lot more area than you had initially shown on your plans, which means that if you put in a cart path ... how many feet long would that be?

MR. WATKINS: Probably say about 200 feet by six feet.

MR. NELSON: Between all of the parking areas, the building, the tee boxes, the greens that you are showing on the lower section, it looked to me like it showed on your diagram some raised mounds in the area where you are hitting out.

MR. WATKINS: That won't be there.

MR. NELSON: Are you going to have signs in the ground, no bumpers or anything like that? Somebody is going to need to do a calculation of how much area you are actually disturbing because when we started to look at the numbers before, it was getting pretty close to having to do the Storm Water Pollution Prevention Plan if you disturb more than an acre of land. I think if you do that cart path it's going to put you over the top, so someone needs to do some calculations for that. The other thing is that the drainage ditches that you have put in right now

do not even come close to meeting the Town's social erosion requirements under the ordinance as well as our charter. You do need to submit a detail showing how you are going to restore, because the way you have it right now, all that dirt has been dug out, I know you said you dredged a little bit to dig it out, but the problem is the water is going to run through there quickly now and it's going to pick up all the sediment from the land on either side where you have disrupted it and you are going to cause a problem somewhere else down, so you have to submit a detail showing how you are going to stabilize those and make sure there isn't a lot of sedimentation in the Town's storm system.

MR. PANICCIA: The practice bumpers that you are showing on the plan is 1100 feet to go to the first one and another 700 to the second one, so that is 1800 feet times 200 times six feet is almost 7000 square feet, so you will probably be over. The second question I have, it looks like this property is sloped and if the property is 1100 x 700 and you come off the road 100 feet for the driving range, it is actually 90 feet and you are hitting down hill and I'm not a great golfer, but I can hit it 270 and if I'm going downhill, there is a potential ... I know you did your calculation on a diagonal, which would be hitting from this way (shows on plan) and hitting from here going this way, but if somebody shakes one this way, you can definitely hit a person,

because that's about 300 yards, which is what people around here can usually drive. So you should consider that for the future.

MR. CROWLEY: According to your demonstration, on this sketch right here, you are showing that there is a house over here?

MR. WATKINS: Yes.

MR. CROWLEY: Now what is across the street from here?

MR. WATKINS: Another house that is for sale.

MR. CROWLEY: What do you have for protection for the lights from these cars for this house across the street? Anything?

MR. WATKINS: Not at this point in time.

MR. CROWLEY: The lights from these cars are going shine in that house.

MR. WATKINS: Well, it would be a 60-degree angle.

MR. CROWLEY: Show me on here where that house is located.

MR. WATKINS: Indicates on map.

MR. CROWLEY: There is a potential of these cars on the end, their lights would be shining right into that house. There should be some consideration for the people that live there. I don't think they should have to put up with that.

MS. MCLAIN: Any other questions from the Planning Board? At this time, then, we will open up the questioning to visitors, but I would ask that you go to the microphone, that you limit your questions or comments to one question at a time and three minutes and that you give your name and address. Is there anyone who would like to speak?

MR. BURLINGAME: My name is Eric Burlingame, I'm at the property that sits about 10 feet off his property at 170 Dimmock Hill. Facing north, the property north where you showed the trees and the six-foot fence and I'm 6'1" and my house is 30 feet from this. Can I ask for your permission to speak a little more than three minutes, it is going to take me probably about five to six minutes, just to kind of hopefully bring some points ... because this is really going to affect me and my family.

MS. MCLAIN: Is there a question in ...?

MR. BURLINGAME: A couple of comments for the Planning Board to consider.

MS. MCLAIN: A couple of comments. Make it about four minutes.

MR. BURLINGAME: I am 25 years, I have a fiancée and a daughter who is three years old and I have one on the way. I bought this house, it was a dump. I have spent every bit of money that I have to fix this place up. I'm taking loans out to fix this place out to raise my family in a nice, safe environment. When I moved out there, the property that he has ruined was a nice little wetland, had a lot of reeds, real soft ground, animals all the time. My daughter used to go out and play with the cows out there, you would see all kinds of animals walking down, it was just an environment that I wanted to have for my family to grow up and raise for the rest of my life and it has been violated by this. I'll get onto some of the concerns that I have for my safety. In 2001 my mom was a victim of sexual abuse, somebody broke in our house and assaulted her and it kinds of brings back memories now I'm going

to have all of these new people coming in and out of this area and looking at my wife, she is a very beautiful woman, my daughter, she is three years old. I'm a court officer in the Broome County Court, I see sexual offenders every day, sexual predators every day and it is kind of disturbing to have this thought of people just being able to look down on my property and having them see my family every day. The lights, I mean 18 foot lights – my house is 10 feet away and according to that diagram up there, it looked like the light ... my bedroom window looks down on this property. If they have lights on until 10:00 at night, I go to bed at 9:00, my daughter goes to bed at 8:00, I mean, she is three years old. I have a son on the way at the end of this month. This is absurd. I think you guys need to think about this. I don't know if anybody else is here from the surrounding neighborhood, but I can speak for them, I know there are kids next door. Again, a six foot fence is nothing. There are 18 foot lights, I'm 6'1". People go up the hill a little bit on their golf cart and then can look down on my property and again my kids are out there all day long, I go out and play with them, my wife sits home all day with them, sits outside ... fiancée. It's just not fair to me. I'm young, I started this whole life to buy my own house, spent thousands of dollars, it's just not fair. Again, too I don't know, he said the start time is 10:00 but I know when I went to the driving range, there were people golfing the minute daylight cracked. Those older men like to

get up and hit golf balls or whatever, not 10:00 in the morning. How many people go out at 10:00 in the morning to hit golf balls in the summertime? Ten o'clock is absurd, I think he's lying about that 10:00 start time. How many of you would like to have a driving range next to your house. You drive around the triple cities, there is not a driving range anywhere near anybody's house because the lights are bright, they shine, you don't think this is going to affect my house at all? Think about it. No other driving range has a house next to it. That's all I have to say.

MS. MCLAIN: Thank you. Is there anyone who can address ...?

MR. WATKINS: If he said that I'm sitting here lying, I said to the Board that I would commit in writing to what the hours of operation are.

MR. BURLINGAME: That is a minor detail.

MS. MCLAIN: Thank you.

MR. CHANDLER: Emerson Chandler. I don't live in the area, but I drove school bus up through there for many years for the Johnson City School District. Coming down that hill, coming down Choconut or any of them, what I know as the old Eaton Farm, it's low land, it floods in the spring. I don't know how much water that ... will hold ... something that should be strongly considered.

MS. MCLAIN: Thank you. Anyone else that would like to speak?

MR. TRELEASE: Ron Trelease. 4 Carolyn Court. The question I have, you are going to do this in a couple of phases and what would be your total cost and investment, do you have any kind of figure in mind?

MR. WATKINS: That is private information.

MS. MCLAIN: If you don't want to answer the question ...if you would prefer not to ...

MR. WAKINS: I would prefer not to.

MR. TRELEASE: OK.

MS. MCLAIN: Anyone else? In that case the public hearing is closed.

MS. MCLAIN: Anyone else? Any further comments or questions from the Board?

Hearing concluded 7:50 p.m.

\*\*\*\*\*

I, KATHLEEN C. CARNEY, do hereby certify that the foregoing transcript of a public hearing of the Town of Union Planning Board is a true, accurate and complete transcript of my stenographic notes/tape taken at the above time and place.

---

KATHLEEN C. CARNEY