

TOWN OF HARTWICK PLANNING BOARD RESOLUTION

A RESOLUTION DETERMINING THAT AN ACTION TO GRANT SITE PLAN APPROVAL FOR A PROJECT TO ADD BASEBALL FIELDS AND SUPPORTING INFRASTRUCTURE AT AN EXISTING FAMILY AMUSEMENT PARK VENUE WILL NOT HAVE A SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT

WHEREAS, the Town of Hartwick Planning Board (the "Planning Board") is the duly authorized Planning Board for the Town of Hartwick, New York, authorized by the Town of Hartwick Town Board, in accordance with the New York Town Law and the Town of Hartwick Site Plan Review Law, to review and approve or disapprove site plans for applicable land uses in accordance with the standards and procedures set forth in the aforementioned law; and

WHEREAS, Hickey Golf, Inc. and its principal Robert Hickey (collectively, "Hickey") own and operate an existing commercial, recreational and entertainment venue known as "Cooperstown Fun Park" ("Fun Park"), located at 4850 State Route 28, Cooperstown, New York, in the hamlet of Hyde Park, Town of Hartwick, Otsego County, New York; and


WHEREAS, the Fun Park has been operated by Hickey at the same location for approximately 30 years, with different attractions and infrastructure over the years which most recently included: a sports pub; an 18-hole miniature golf course; go-karts on a 1,000-foot track; batting cages; laser tag; a picnic area; a tractor pull, music amphitheater and festival area, and a 2,500 square foot main building consisting of an arcade, restaurant and bathrooms, all to be located on an approximately 25-acre portion of a larger property owned by Hickey (the "Site"); and

WHEREAS, on or about June 29, 2020, Hickey initially applied for site plan approval to undertake a similar land use with some of the attractions, but with a different business focus at the Site, with the proposed facility to be called "Cooperstown Ballpark Village" (the "Ballpark Project" or "Cooperstown Ballpark Village Project"); and

WHEREAS, the Ballpark Project was initially designed to include three grass baseball fields with irrigation to be provided through water withdrawal from the Susquehanna River located approximately 200 feet from the fields; and

WHEREAS Hickey advised the Planning Board that his intention was to hold weekly baseball tournaments for youth teams at the baseball fields, with infrastructure in support of that endeavor; and

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Andrea Vazquez,
Town Clerk

WHEREAS, under the Ballpark Project proposal, the existing wastewater disposal system and drinking water facilities would continue to be used and the existing entrance to the facility was to be changed to one-way in, with a new 1-way exit to be constructed; and

WHEREAS, the Planning Board declared its intention to act as lead agency ("Lead Agency") for the review of the Ballpark Project in accordance with the State Environmental Quality Review Act ("SEQRA"), and it provided written notice of its intention to act as Lead Agency to the following government agencies, on or about January 12, 2001: the New York State Department of Environmental Conservation ("NYSDEC"); the New York State Department of Transportation ("NYSDOT"); the New York State Department of Health ("NYSDOH"); the New York State Office of Parks, Recreation and Historic Preservation's State Historic Preservation Office ("SHPO"); and although they are not "involved agencies" within the meaning of the SEQRA regulations because they are federal agencies rather than State or local agencies, the United States Army Corps of Engineers ("USACE") and the Susquehanna River Basin were notified of the Ballpark Project and treated as involved agencies, (collectively referred to as the "Involved Agencies"); and

WHEREAS, none of the Involved Agencies objected to the Planning Board's intention to act as SEQRA Lead Agency with respect to the Ballpark Project; and

WHEREAS, the Planning Board issued a negative declaration (the "Negative Declaration") and site plan approval ("Site Plan Approval") for the Cooperstown Ballpark Village Project as then proposed in January 2021; and

WHEREAS, in January 2022, Hickey requested an amendment to the approved site plan to accommodate the following proposed changes: construction of a new building in place of an existing building near the Project entrance to be used as an office and information center; movement of the entrance road for the Site; changes to the location of the parking lot to reduce its footprint within the adjacent area of a State-regulated freshwater wetland; and the relocation of the existing batting cages; and

WHEREAS, on February 1, 2022, the Planning Board approved the amended site plan (the "Amended Site Plan Approval"; collectively, the Negative Declaration, the Site Plan Approval, and the Amended Site Plan Approval hereafter referred to as the "Prior Approvals" for the Ballpark Project); and

WHEREAS, on April 23, 2022, following the filing of an Article 78 Special Proceeding by a neighboring landowner alleging certain procedural and substantive defects regarding the Prior Approvals, and in light of further studies, communications with Involved Agencies, and additional minor changes to the Ballpark Village Project by Hickey, Hickey requested that the Project be placed on the Planning Board's agenda for its May 3, 2022 meeting, and advised that he intended to ask the Planning Board to rescind the Prior Approvals and re-review of the Ballpark Village Project which he now called the "Cooperstown Experience" (the "Cooperstown Experience Project"); and

WHEREAS, by cover letter dated April 26, 2022, Hickey submitted eight sets of application materials containing the following attachments relating to the Cooperstown Experience Project, which superseded and/or supplemented prior application materials submitted before the Prior Approvals, consisting of the following:

1. Site Plan Application;
2. Site Plan Drawing Package, most recently revised February 2022;
3. Architecture Plan & Elevations;
4. Full Environmental Assessment Form (Part 1);
5. Traffic Impact Study;
6. NYSDOT Stage 2 Approval and Traffic Study Approval;
7. Stormwater Pollution Prevention Plan;
8. SPDES General Permit for Construction Activities Acknowledgement by NYSDEC;
9. Wetland Delineation Report;
10. SHPO "No Effect Letter"; and
11. Northern Harrier Field Survey Report; and

WHEREAS, the Cooperstown Experience Project as now proposed consists of the following: three synthetic turf baseball fields with bleachers, field light poles, refreshment stand, washroom trailer, temporary hospitality tents; a new welcome center and office building near the Project entrance to replace the existing entrance building; the existing sports pub; hospitality tent combined with a gift shop converting an additional building; batting cages; circulation road and gravel cart/walking paths; food service building and first aid building converting an existing building; three parking lots with a total of 262 vehicle spaces; all on a 23.6-acre portion of Hickey's properties totaling 140.75 acres (the "Site") as depicted on the attached plan and the project plans, drawings and elevations; and

WHEREAS, on May 3, 2022, Hickey and his representatives made a presentation to the Planning Board, describing the proposed action, including the following details and matters developed during and since the Prior Approvals:

- the use of synthetic turf rather than natural grass for the three proposed baseball fields, thereby eliminating the need to withdraw water from the Susquehanna River and similarly eliminating the need for a Water Withdrawal permit from NYSDEC;
- modifications to the entrance and exit for the Project based upon ongoing communications between Hickey's engineers and NYSDOT officials;
- an update on archaeological, wetland and endangered species studies performed on behalf of Hickey for the Project, all included within the application package including:
 - o communications between NYSDEC officials and Hickey's consultants regarding the location of onsite wetlands and the repositioning of the

parking lot to minimize encroachment into the wetland's regulated "adjacent area", and therefore minimizing areas requiring permit coverage;

- o a finding by SHPO of the Project having "No Effect" upon archaeological and historic resources based upon the findings within a Phase IA/Phase IB archaeological and historic resources study of the Project Site; and
- o the absence of Northern Harrier sightings as documented in a professional field survey report; and

WHEREAS, during its May 3, 2022 meeting, the Planning Board rescinded the Prior Approvals following Hickey's request; and

WHEREAS, the Cooperstown Experience Project as now proposed will disturb approximately 24 acres, and as such, the Planning Board has characterized the Project as a Type I action for purposes of SEQRA; and

WHEREAS, the Planning Board resolved at the May 3 meeting to continue to act as SEQRA Lead Agency for the Project as now modified, and to continue to coordinate the Project's SEQRA review with the Involved Agencies; and

WHEREAS, written notice of the Planning Board's intention to continue to act as Lead Agency was sent to each of the original Involved Agencies following the May 3, 2022 meeting, except for the Susquehanna River Basin Commission, because water withdrawal from the Susquehanna River is no longer necessary or part of the Project as the fields will be synthetic turf rather than natural grass; and

WHEREAS, no Involved Agency expressed any objection to the Planning Board continuing to act as Lead Agency for the further SEQRA review of the Cooperstown Experience Project; and

WHEREAS, during the May 3 meeting, the Planning Board scheduled a public hearing for the Project to be held on June 7, 2022, at 7:00 p.m.; and

WHEREAS, proper and adequate notice of the Public Hearing was duly published by the Planning Board and posted in the Town Hall; and

WHEREAS, a public hearing was held on June 7, 2022, and members of the public were afforded the opportunity to provide input concerning the Project, and certain members of the public did provide input; and

WHEREAS, the Planning Board referred the Cooperstown Experience Project application to the Otsego County Planning Department ("County Planning") in accordance with Section of 239-m of the New York General Municipal Law on or about May 4, 2022 (the "239-m Referral"); and

WHEREAS, on or about June 1, 2022, County Planning responded to the 239-m Referral by stating that the Project has "[n]o significant county-wide or inter-community impacts"; and therefore the referral was "[r]eturned for local action" without any substantive conditions or recommendations; and

WHEREAS, further review and discussion about the Project was undertaken during the Planning Board's June 7, 2022 meeting following the close of the public hearing, and Hickey's consulting project engineer presented further information and responded to questions concerning the Project; and

WHEREAS, additional review and discussion of the Cooperstown Experience Project occurred during the Planning Board's July 5, 2022 meeting, during which the Board reviewed, discussed, and answered the questions contained in Part 2 of a Full EAF for the Project; and

WHEREAS, the Planning Board, having fully reviewed the proposed action, makes the following findings and determination of significance with respect to the Cooperstown Experience Project, pursuant to SEQRA;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE TOWN OF HARTWICK PLANNING BOARD, AS FOLLOWS:

- A. The Cooperstown Experience Project proposes the physical alteration of approximately 24 acres of land which exceeds the minimum threshold for physical alteration for a non-residential use on NYSDEC's Type I list; therefore this is a Type I action that requires review under SEQRA.
- B. The Planning Board designated itself to be the Lead Agency, has properly notified the other involved agencies of its intent to act as Lead Agency, without objection, and has conducted a coordinated review with the identified state and local Involved Agencies having jurisdiction by law to fund, approve or directly undertake the action, and the USACE, and has considered the input of the Involved Agencies in its SEQRA determination of significance with respect to the Cooperstown Experience Project.
- C. The Planning Board adopts the responses relating to anticipated environmental impacts from the Project contained in the attached Full EAF Part 2 which was discussed by the Planning Board during the July 5 meeting of the Planning Board.
- D. The Planning Board adopts the findings, conclusions and determination of significance contained in the attached Negative Declaration which identifies the Planning Board's rationale for its

determination that the Project will have no adverse environmental impact.

- E. The Planning Board authorizes either of the Co-Chairmen to execute the Full EAF Part 3, indicating the issuance of a Negative Declaration, and to direct the Interim Planning Board Clerk to file and provide notice of the attached Negative Declaration in accordance with the applicable provisions of law and as indicated in the Negative Declaration document.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Greg Horth
Alex Thomas
Margaret Kennedy
Thomas Fay
Jodi Bottita

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Date Adopted: July 5, 2022



ANDREA VAZQUEZ
TOWN OF HARTWICK
INTERIM PLANNING BOARD CLERK