

MINUTES OF THE REGULAR MEETING
NOVEMBER 29, 2004

The Regular Meeting was held at the Municipal Building at 1 Maple Street, New York Mills, New York. This meeting was called to order by Chairman Joseph Yagey at 7:00 P.M. at which time the Pledge of Allegiance was recited. Board Members present were Gerald Green, Hans Arnold, Ronald Morelle, Jerome Donovan, Bob Wood and Bob Imobersteg. Also in attendance from the Town of New Hartford were Codes Enforcement Officer Jerry Back, Town Planner Kurt L. Schwenzfeier, AICP, Town Engineer John Meagher, Police Chief Raymond Philo, Councilman J.C. Waszkiewicz, and Secretary Dory Shaw.

In attendance from the Village of New York Mills was Mayor Robert M. Maciol, Trustee Susan Baryla-White, Trustee John Bialek, Trustee John Montrose, Trustee John Semeniak, Village Clerk/Treasurer Sharon A. Guca, Police Chief Bradley G. Frankland, Police Sergeant Lee Soja, Fire Chief Robert Glenn, Assistant Fire Chief Mike Wolak, Codes Enforcement Officer David Neary, Highway Supervisor Joseph R. Cotrupe, Jr., Planning Board Member Jim Bombace, Planning Board Member Lynn Cross, Planning Board Acting Chairman Leo McCoy, Zoning Board of Appeals Member Tom Rowlands, Village Engineer Al Swierczek and Village Attorney William Borrill.

In attendance from NYS Department of Transportation is Messrs. Jim Papaleo and Steve Zywiak

Chairman Yagey stated that by agreement with the Village of New York Mills, the Planning Board of the Town of New Hartford is Lead Agency for this project and he explained this process. Both the Village of New York Mills Planning Board and the Town of New Hartford Planning Board jointly must approve the project.

Chairman Yagey explained the procedure for tonight's meeting. Chairman Yagey also explained that the meeting this evening is a Public Hearing for a proposed pharmacy on Commercial Drive and Henderson Street, with property in New Hartford and Village of New York Mills and stated that this is zoned for a drug store.

At this time, the Public Hearing began and representatives from Benderson Corporation introduced themselves – Mr. Jim Rumsey, Theresa Bakner, Esq., and Mr. Dan LoBlamowski. Mr. Rumsey stated that Eckerd's has been sold to Brooks Drugs, however, the name will remain the same (Eckerd's). The store has been downsized from 13,800 sq to 12,800 sq and reduced the amount of parking from 74 to 67 spaces on this

site to create more buffering on the residential side. Mr. Rumsey said the Town of New Hartford has asked for views from the neighbor's properties and he submitted an aerial photo, which also displayed the proposed buffering and proposed fencing. Along the south property line there will be a 6' high stockade fence (the back of the property) with landscaping, such as Red Sunset Maples, Colorado Spruce, Skyline Honeylocust, Rugosa Rose, Spring Snow Crabapple and Tams Juniper as well as low bushes and high bushes. They can be planted on both sides of the fence. The building is brick with decorative cornices, a flat roof with peaked entrances. Mr. LoBlamowski stated that they had prepared a traffic analysis in May 2003, which has been revised eliminating the retail space on the western portion of the property and also updated the report with the closing of a portion of Clinton Street. He also read from a letter sent to Benderson from NYSDOT validating the report and that the study directly reflects the traffic conditions that are at that intersection. They are currently working with NYSDEC for storm water drainage issues, and are awaiting approval for final designs. They are addressing storm water issues with the Town Engineer also.

Chairman Yagey stated that the traffic analysis was prepared by FRA Engineering, Buffalo, New York, and a copy of that study is available for the public to review.

-Mrs. Donna Cotrupe, 18 Royal Brook Lane. She referred to the traffic study – she asked if the study was done before Judd Road is completed – the answer is yes. Chairman Yagey stated that the report addresses the closing of Clinton Street, but he doesn't know at what point how we can predict exactly what Judd Road will do. It will take a lot of traffic off New Hartford Street. Mrs. Cotrupe said she would like a more current study.

-Mrs. June Collins, 38 Royal Brook Lane. The exits on Henderson Street and Commercial Drive, will they be one-way or both ingress and egress – Mrs. Collins was told both exists are proposed to be ingress and egress. She is concerned about trying to get in and out of this project with the heavy traffic congestion there now. Mr. LoBlamowski said he does not feel this will add to the problems already there.

-Mr. Robert Maciol, Mayor of New York Mills. He spoke from a prepared speech regarding this project. He addressed the concerns of the residents, traffic and drainage issues for this project (this has been made a part of the file). He thanked the Town of New Hartford Planning Board for their part/review of this project and also thanked representatives of New York Mills Boards, and residents for their input.

Chairman Yagey addressed everyone for the record that the Town of New Hartford Planning Board has been contacted regarding another pharmacy across the street from this project to be located on the Inkawhich property. He wanted to advise everyone that

we don't have all the details yet, no drawings have been submitted, but there is a possibility of another pharmacy coming into this particular area and he wanted to make his comments made part of the record.

-Mr. Ken Bart, 6 Royal Brook Lane. He presented a petition and a list of issues/concerns from residents along Royal Brook Lane, i.e., construction type of building, setbacks, deliveries, buffering, drainage, refuse containers, construction timetable, and lighting (this has been made a part of the file). Mr. Bart further addressed the buffering issue requesting that the length of the buffer line be increased to run the entire length of the lot, not just where shown behind Eckerd's. It would help with any future expansion at this site, also. This would ensure the privacy of the residents and property owners. He also referred to the barrier behind Wal-Mart as he feels it was well designed and could be erected at this site to help keep debris contained and lighting minimized. He would like to invite the members of the Town of New Hartford Planning Board to walk the site to see what they contend with in their backyards - the lighting from Consumer Square shines into their yards. He doesn't feel the residents are asking for anything out of line. He also inquired as to whether the Town of New Hartford could hold up any Certificate of Occupancy until all agreements from the developer have been satisfied.

Mr. Bart asked if this developer completed all previous obligations with other projects? Chairman Yagey said the wall in the back of Consumer Square was the Town of New Hartford Planning Board's decision, it was not a Benderson requirement. He also referred to the lighting at Consumer Square and what transpired on that site. He stated that Benderson Corporation has been one of the best developers in the Town - we have never asked them for anything that they have not complied with and they always followed their plans. Also, they have complied with everything at their project on Kellogg Road (TOPS). Chairman Yagey said Benderson was instrumental with getting a light at the New York Mills High School and modifications to the light at Hapanowicz.

-Mr. John Bialek - he asked if there was anything that could be done regarding the opticon units for the fire trucks that still haven't been installed. Town of New Hartford Planner Kurt Schwenzfeier said he has been talking with Mr. Tom Hattala regarding this issue. Fire Chief of NYM Bobby Glenn said he has also been in touch with Benderson, but nothing has been forthcoming. Theresa Bakner, Esq., said she would look into this matter immediately with Mr. Hattala.

-Mr. John Montrose - he invited the Town of New Hartford Planning Board to walk through Royal Brook Lane so see what everyone is talking about. He would be willing to meet with anyone at any time, as some of the houses are only 60' from the

property line. He feels it gives a better perspective on what is going on in the area and why a barrier wall is needed.

-Mrs. June Collins, 38 Royal Brook Lane. She addressed the lighting situation also as the lights from the Partner's Trust bank at Consumer Square shine into the back yards. Chairman Yagey explained how the Town of New Hartford Planning Board addressed the lighting issue with Partner's Trust and how it was resolved.

-Mr. Scott Bauer, 5 Royal Brook Lane. He asked if it would be possible to get a no right on red from Commercial Drive to Henderson Street. Also, a sign erected stating not to block the side road to be able to let residents access/exit Royal Brook Lane more easily. Mr. Jim Papaleo of NYSDOT addressed this issue stating that Councilman J.C. Waszkiewicz mentioned it to him. He will look into this further, but he explained why NYSDOT allows for right on red to allow for better traffic flow with no stacking problems. To prohibit vehicles to travel freely, it would be more time consuming, but he would check into it to see what kind of impact could exist. He stated that Route 5A is a permitted access highway and we could only require the developer to mitigate.

Councilman Waszkiewicz asked, if traffic does back up, can the turning lane be changed – Mr. Papaleo said yes. Mr. Papaleo said right now the intersection operates at a fairly good service rate. He mentioned that the light at Hapanowicz is a Village of NYM light. He further stated that conditions have changed tremendously, but they have tweaked that signal and it can be changed again when Judd Road opens.

-Mrs. Cotrupe, 18 Royal Brook Lane. When will Judd Road and Eckerd open. Mr. Papaleo said Judd Road is scheduled to open November 2005 and representatives from Benderson said Eckerd is prepared to start building in April and finish in August 2005. Mr. Cotrupe is also concerned about lanes on Commercial Drive and access/egress. Mr. Zwiak of NYSDOT said this can be looked into once Judd Road opens.

-Mr. Ken Bart, 6 Royal Brook Lane. He wanted to know how the residents would know about a decision relative to this project? Chairman Yagey said he can't speak for New York Mills, but depending on what is heard tonight, there will be no decision tonight, but this could be on the agenda for the next Town of New Hartford Planning Board meeting – he reiterated the New Hartford Planning Board. He further reiterated that it requires both municipalities to approve the project. Chairman Yagey stated that the Town of New Hartford Planning Board meeting is published in the Observer Dispatch or Mr. Bart can call the Secretary to the Planning Board for the meeting date. It won't be another Public Hearing, but it is an open meeting.

Chairman Yagey stated that Councilman J.C. Waszkiewicz approached Benderson about annexing this property into the Village of New York Mills.

-Mr. Fred Majka, 2 Royal Brook Lane. The elevation in his area is very low and he is concerned about water runoff, and what about snow removal. Chairman Yagey said storm water issues will be addressed by the developer.

-Mr. Parkola, 10 Crescent Drive. How does this new pharmacy affect the other two Eckerd's – will it affect the traffic? Chairman Yagey said this is not a Planning Board issue whether they open or close their stores. Councilman Waszkiewicz asked if it is in the Planning Board's authority to ask Benderson about this? It was stated that other businesses come and go and there is no way of determining this.

It was asked how far the building would be from Henderson Street – Mr. Rumsey said about 144'.

-Mrs. Dee Ellis – she has a concern about traffic and turning lanes as she feels there will be a lot of accidents at this site.

Chairman Yagey asked if there were any additional comments. There being no further input, the Public Hearing closed at 8:00 P.M.

Chairman Yagey thanked the New York Mills officials for the use of their building and for their input regarding this project. The Planning Board meeting adjourned at 8:30 P.M.

Respectfully submitted,

Dolores Shaw
Planning Board Secretary

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