

MINUTES OF THE REGULAR MEETING
APRIL 11, 2005

The Regular Meeting was called to order by Chairman Joseph Yagey at 4:30 P.M. at which time the Pledge of Allegiance was recited. Planning Board Members present were Hans Arnold, Gerald Green, Jerome Donovan, Bob Wood and Bob Imobersteg. Board Member absent: Ronald Morelle. Also in attendance were Town Supervisor Ralph Humphreys; Town Planner Kurt L. Schwenzfeier, AICP; Town Engineer John Meagher; and Secretary Dory Shaw.

Minutes of the March 28, 2005 meeting were distributed and reviewed by the Board Members. Motion was made by Board Member Bob Wood to approve these minutes as written; seconded by Board Member Hans Arnold. All in favor.

Preliminary Site Plan Review for a 14,500 square foot **Walgreens Pharmacy** and a 2,100 square foot **Dunkin Donuts** to be located at the former Agway site on **Kellogg Road**. Zoning: RB2; Lot Size: 2.58 Acres; Tax Map #339.016-1-1. Messrs. Tom LoTurco of Clough, Harbour & Associates, LLP and Mr. Guy Hart, Jr. of HDL Properties, appeared before the Board.

Each Board Member has been provided with a drawing of the green space with additional trees and plantings. Town Planner Schwenzfeier discussed the possibility of review for the opening of SEQR. He also referred to an aerial map depicting the proposed pathways and trail system, which would be available from the existing library to the present site. Board Member Green stated that this aerial photo was a result of a meeting he had with Peter Rayhill, Esq. on an unrelated item who had mentioned an existing trail system in this area, and he asked Town Planner Schwenzfeier to secure a copy of it. Town Planner Schwenzfeier said he would check to see if this was a part of the Parks Plan. He also referred to alternative areas of where this trail/path system could emanate and connect with the Kellogg Road site. Reference was made to walkways, and Walgreens is making it part of the project. Board Member Green felt this aerial photo depicts an existing system and it is a potential link with the whole Sauquoit Valley area and he would like to take advantage of it. The Board Members discussed designation of land, how it affected their green space requirements, and easements

Mr. Guy Hart, Jr. of HDL Properties considered a right-of-way along the easterly boundary but he doesn't think a pedestrian access is allowed because of the high wires owned by Niagara Mohawk. Reference was made to the adjacent bank and the western

boundary. They would research this to see the impact with Niagara Mohawk. Mr. Hart said they would maintain ownership and assume maintenance but not assume liability. Board Member Arnold asked, assuming that all legal ramifications can be worked out with the Town, would you be willing to entertain an access easement with the Town maintaining the liability – Mr. Hart said yes. Board Member Green wanted to know if we could have Attorney Peter Rayhill look into legal issues with regard to liability.

Chairman Yagey asked if there were any other comments. Town Planner Schwenzfeier said the parking is adequate, the entrance has to go through DPW, the Town, and also the State, but feels we can open SEQR review.

Board Member Green referred to the recent Letter of Intent from Mr. Tom LoTurco of Clough, Harbour. Mr. LoTurco said this is a standard letter that the Planning Board and Town would like to see regarding the Site Plan. It has a narrative of the features of the property; also lighting on the site encompasses both the Walgreens property and Dunkin Donuts. Reference was made to Board Member Donovan's request for a separate entrance. Mr. LoTurco said he checked with his traffic engineer and because of the proximity to the railroad, they didn't want to do this – it is a safety issue. Board Member Donovan asked them to contact the County DPW for their comments on this issue – Mr. LoTurco said he would.

Motion was made by Board Member Bob Imobersteg for the Planning Board to be Lead Agency for this project; seconded by Board Member Jerome Donovan. Vote taken:

Chairman Joseph Yagey – yes	Board Member Bob wood – yes
Board Member Bob Imobersteg – yes	Board Member Jerome Donovan - yes
Board Member Hans Arnold – yes	Board Member Gerald Green – yes

Motion passed by a vote of 6 – 0.

Chairman Yagey said he would draft a letter to the County DPW about the growth in this area and ask them if they would be willing to indicate any plans or studies in the future to improve the traffic situation there.

Cedarbrook Project (Sitrin Home), Tilden Avenue. Amendment to Final. Tax Map #340.000-2-21; Lot Size: 60 acres of a 232 acre parcel; Zoning: Planned Development Institutional. Mr. Richard Wilson, Executive Director, appeared before the Board.

Chairman Yagey stated that this is an Amendment to Final as they are relocating some of the buildings. The project needs to be amended as when they start getting into the boring, a problem arose with rock. The footprint would be compromised in the future because of the type of rock. It is the recommendation of Staff to send it out to the NYSDEC, County Planning and the Water Board again for their review. There is no impact to Codes. Town Planner Schwenzfeier said he would like to verify not needing the fire pond any longer with the Water Board.

Board Member Arnold referred to Oneida County Water Quality and Water Pollution Control Waste District – Town Engineer Meagher said the County and Town shouldn't have a problem with this.

The Board referred to the changes and how they affect the previous approval. Town Planner Schwenzfeier referred to the Engineering Report and explained that this project will now have Phase 1A and Phase 1B – with this change, Phase 1B is smaller.

Board Member Arnold has concerns regarding the pumping of sewage uphill, as it could become a problem for the Town if it malfunctions. Town Engineer Meagher said he doesn't get involved with this system because it is private.

Chairman Yagey asked Mr. Wilson to address this issue. Mr. Wilson said this was addressed last time and it hasn't changed. He would need a clarification of what we want the engineer to address. Board Member Arnold stated to Mr. Wilson that the Town should look at the engineering viability of the force main and whether it conforms to the standards of a force main. Town Engineer Meagher said he would take a look at this and if it needs further review, he will advise the Board for an outside source to review it further. (Note: no pump or force main was required for the original plan).

Board Member Donovan referred to any possibility of connecting the existing facility with a new drive on Mohawk Street, which he feels would be unsafe. He feels it would increase the traffic at the intersection. Mr. Wilson said the answer to connect the two complexes is no at this time, but if we move forward with the larger plan, they would think about it.

Board Member Wood referred to the gabion baskets – it is part of their construction plan and will not be permanent.

Reference was made to a Municipal Service Agreement. Mr. Wilson said he did not feel it is relevant for tonight's discussion.

Mr. Wilson approached the Board for a clarification of SEQR and the time frame involved. He feels that we already have the responses from the Agencies and would like to take advantage of the building season at this time. Chairman Yagey asked the Board Members for their thoughts. The Board felt this was a significant enough change for further review, but would be willing to ask the Town Attorney or Special Counsel for a legal opinion as to whether SEQR should be sent out again on this project.

At this time, Mr. Wilson asked the Board for an extension of the Cedarbrook project approval. Motion was made by Board Member Hans Arnold to **grant a one-year extension** of approval for this project **from today's date**; seconded by Board Member Jerome Donovan. Vote taken:

Chairman Joseph Yagey – yes	Board Member Hans Arnold – yes
Board Member Jerome Donovan – yes	Board Member Bob Wood – yes
Board Member Gerald Green – yes	Board Member Bob Imobersteg – yes

Motion **passed** by a vote of 6 – 0.

Chairman Yagey referred to the Longworth Acres Subdivision, for discussion, and the status of it as this time. The Board Members received a copy of the letter from our consultant, Mr. Curt Nichols/Shumaker Engineering, which stated that the calculations done by Mr. Ehre reflect this project isn't going to add to the existing storm water runoff problem, but it doesn't address the larger area. The Board referred to the \$31,000 study that was recommended by the consultant and that the Town Board denied. Board Member Green was led to believe that money was available for this study and that water runoff has existed in this area for a long time.

Board Member Arnold stated that he wrote to Attorney Peter Rayhill regarding his response to legal questions on this project, but he doesn't have an answer at this time.

Discussion ensued as to how to proceed with this development. Board Member Arnold feels it is this Board's responsibility of good planning for the Town of New Hartford. He feels that this project has had changes and we have reviewed them.

Town Supervisor Humphreys addressed the Board stating that he feels this water runoff has been a problem for a long time. He feels it shouldn't be tied into this project. He questioned whether someone other than Shumaker Engineering should take a look at Mr. Ehre's figures.

Board Member Green felt a legal opinion is necessary to proceed with this project as Mr. Nichols is stating that to do an effective study on Longworth Acres, he has to expand on this study and to also review any future development in this area. The nature of this water runoff can't be confined. He stated that if the Town Attorney has another opinion, he would like to know about it.

Mr. William Virkler approached the Board stating that he feels Longworth Acres is in the middle of a problem that has existed for a long time in this area. He has had discussions with Highway Superintendent Roger Cleveland to help mitigate this. He referred to Mr. Nichols' report and his response. Mr. Virkler said they have offered some land that wouldn't impact the lots and something that would help the Town, either a transfer or easement, but he hasn't heard anything on this. Mr. Virkler feels to deny this based on this study would create a moratorium in the Town. Board Member Arnold referred to the recommended study and felt it shouldn't be the cost of the developer to do the analysis of a larger area and that is why we asked Mr. Nichols to do it. He feels it is this Board's job to look into the future in this area for the sake of the Town.

Board Member Bob Wood stated that Mr. Nichols was going to do the smaller study, which was done and paid for by the developer. The larger study was deferred to the Town Board. Discussion ensued regarding the Planning Board's role with the continuation of this project. Board Member Arnold said he would contact Attorney Peter Rayhill to get a response from him by the May Planning Board meeting.

Town Supervisor Ralph Humphreys asked Town Engineer John Meagher to update the Planning Board Members. Mr. Meagher noted the study would be done in a couple of weeks. Mr. Meagher said that there are two (2) studies . . . the smaller one by Shumaker paid for by the developer and Mr. Nichols was to review additional information requested from the developer. The amount of runoff has been reviewed in the letter but other items, including the time of concentration have not been reviewed at this time. We should have this completed in a couple of weeks. The \$31,000 study is for a larger portion of the hill and this is the study that has not been approved by the Town Board at this time.

DISCUSSION:

Proposal for a 14,820 square foot **Walgreens Pharmacy** to be located at the Inkawich property on **Commercial Drive and Henderson Street** (across from the proposed Eckerd's). Zoning is Retail Business 1; Lot Size: 2.27 Acres; Tax Map

Town of New Hartford
Planning Board Minutes
April 11, 2005
Page 6

#317.013-1-35-38; 317.013-3-10-12; 317.013-3-21.1. Messrs. Tom LoTurco of Clough, Harbour & Associates, LLP and Mr. Guy Hart, Jr. of HDL Properties, appeared.

Chairman Yagey said he will contact the Acting Planning Board Chairman, Mr. McCoy, and arrange a joint meeting with New York Mills and review the drawings submitted. Mr. Hart explained that there would be one (1) curb cut change per NYSDOT's request.

Also, the Board discussed the possibility of annexation as it relates to the Inkawhich property on Commercial Drive/Henderson Street and the proposed Walgreens Pharmacy. The property would be annexed to New York Mills from New Hartford. Board Member Green said he would check with Attorney William Borrill and Town Attorney Vincent Rossi regarding the status of this and report back to the Board.

Board Member Donovan addressed the Board as he is concerned about the portable/temporary signs in certain areas of the Town and he wanted to bring it to this Board's attention as he feels it is the Planning Board's responsibility to be aware of this – especially for aesthetics. He has a list, in particular, of certain sites where these signs should be removed.

It was the consensus of the Board Members that this is to be handled by the Codes Office.

At this time (6:30 P.M.), motion was made by Board Member Hans Arnold to move into Executive Sessions to discuss a personnel matter; seconded by Board Member Jerome Donovan. All in favor.

Motion to come out of Executive Session at 7:00 P.M. was made by Board Member Gerald Green; seconded by Board Member Bob Imobersteg. All in favor.

Respectfully submitted,

Dolores Shaw
Planning Board Secretary

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