

**MINUTES OF THE REGULAR MEETING**  
**MAY 9, 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, Ronald Morelle, Bob Wood and Bob Imobersteg. Also in attendance were Town Supervisor Ralph Humphreys; Highway Superintendent Roger Cleveland; Town Planner Kurt L. Schwenzfeier, AICP; Police Chief Raymond Philo, Town Engineer John Meagher; and Secretary Dory Shaw.

Minutes of the April 11, 2005 and April 28, 2005 meetings were distributed and reviewed by the Board Members. Motion was made by Board Member Bob Imobersteg to approve the minutes of April 11, 2005; seconded by Board Member Ronald Morelle – all in favor; motion was made by Board Member Bob Wood to approve the April 28, 2005 minutes as written; seconded by Board Member Hans Arnold – all in favor.

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**Cristiano Subdivision, 3-lot Major Subdivision on Lindale Place.** Preliminary and Final Subdivision Approval. Tax Map #340.000-1-36.1; Lot Size: approximately 16.5 Acres; Zoning: Residential/Agricultural 1. Mr. Antonio Cristiano and Mr. Al Forte, Engineer, appeared before the Board.

Chairman Yagey stated to the Board Members that SEQR was closed on October 25, 2004. There was one slight change from the original submittal. They revised the water lines coming into the property and this reduces further the potential for any additional redevelopment of these lots. He further stated that Mr. Cristiano will maintain the hammerhead effect on this property – the Town owns the land but Mr. Cristiano will maintain it.

Highway Superintendent Roger Cleveland said there is nothing in writing, there is a verbal agreement with Mr. Cristiano for mowing and snow plowing.

There being no further discussion, motion was made by Board Member Jerome Donovan to grant Preliminary Approval to this subdivision; seconded by Board Member Bob Imobersteg. Vote taken:

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

Motion to approve was granted by a vote of 7 – 0.

Motion to grant **Final Approval** was made by Board Member Bob Wood with the condition that Mr. Cristiano needs to apply for a Building Permit within one year of today's date; seconded by Board Member Ronald Morelle. Vote taken:

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

Motion to **approve** was granted by a vote of 7 – 0.

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**Longworth Acres. Proposed 14-lot Major Subdivision on Tibbitts Road and Snowden Hill Road.** Tax Map #339.000-2-21.1; approximately 60 acres zoned Residential/Agricultural 2. Mr. William Virkler, Mr. Donald D. Ehre, P.E., and Mrs. Barbara Couture appeared before the Board for this project.

Chairman Yagey brought the Board Members up-to-date on this project. Town Staff (Town Planner, Town Engineer, Highway Superintendent, Board Member Hans Arnold and Chairman Yagey) met with Mr. Curt Nichols of Shumaker Engineering. We informed Mr. Nichols that the Town Board has now approved the requested full study. Chairman Yagey credited Board Members Hans Arnold and Gerald Green for their approach to the Town Board concerning this issue. The purpose is also to 1) make sure we understand what was being studied; 2) a time table of when we could look at the material coming out of the study; and 3) how long this Board has to make a decision. It was decided to hold a Public Hearing for this project at the June 13, 2005 Planning Board meeting. Prior to this Public Hearing, we will have Mr. Nichols' report. He feels the Board should wait until the materials are submitted and reviewed before entertaining this tonight any further and asked for comments from the Board Members. It was the consensus of the Board to proceed with scheduling the Public Hearing and waiting for the report from Mr. Nichols but to have this report prior to the hearing for review.

Chairman Yagey also stated that the road will not be a Town road – it will be owned by the developer and we need to discuss recording this into the minutes, requiring it to be recorded into the deeds, and possibly having the Town Board pass a resolution to that effect.

Mrs. Couture asked if a reply was received by Attorney Peter Rayhill – Chairman Yagey said yes, but that is now a moot point because the Town Board agreed to do the study.

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**Cedarbrook Project (Sitrin Home), Tilden Avenue.** Amendment to Final Approval. Tax Map #340.000-2-21; Lot Size: 60 acres of a 232 acre parcel; Zoning: Planned Development Institutional. Ms. Patty Hayes appeared before the Board representing the Sitrin Home.

Town Planner Schwenzfeier stated that the Sitrin Home is requesting an Amendment to Final. He stated that between the approved plans on June 14, 2004 and now, the congregate living center to the north of Higby Road has been moved south closer to Higby Road. That move switched it into Phase 1A and Phase 1B. They included a pump station and all that would be addressed under Phase 1B, which would probably have to go back out to the agencies because storm water hasn't been addressed for Phase 1B. We are only considering Phase 1A. A letter from NYSDEC was received today's date requesting additional information. Board Member asked if we are doing a full SEQR review again? Town Planner Schwenzfeier thought NYSDEC is doing a whole new review unless he can talk with Mr. Coriale from NYSDEC and get the information he needs from the NYSDEC representative who had worked on the project before (Mr. Coriale had just taken over this position with NYSDEC and needs to secure the reports from whoever reviewed it before him). Because of the SEQR comments not being received yet from NYSDEC, the Board felt we couldn't proceed any further tonight and encouraged Town Staff to get the report from them before the June 13<sup>th</sup> meeting. Town Planner Schwenzfeier said he would contact them again.

Town Planner Schwenzfeier said we didn't start SEQR up again. However, he wants it verified and it is verified through the permit process. Board Member Arnold asked Ms. Hayes if their engineer had certified the storm water calculations – Ms. Hayes said yes. Town Planner Schwenzfeier said we still need a letter that it meets the requirements. Further discussion ensued regarding storm water issues.

Board Member Donovan referred to the April 11, 2005 minutes where this Board felt there was a significant enough change and we could ask the Town Attorney or Special Counsel for a legal opinion regarding SEQR. He asked where this opinion was.

Chairman Yagey asked Ms. Hayes if they were ready to break ground – she said yes. The Board discussed a conditional final for this amendment pending the response from NYSDEC. A discussion ensued regarding this issue and also for Staff, in particular the Highway Superintendent and Town Planner, to contact NYSDEC and meet with them to secure a response.

At this time, Board Member Donovan referred to tax exempt projects, in particular, what is the Town Board's tax policy regarding tax exempt, non-profit projects such as the Sitrin Home in light of questions surrounding the Preswick Glen project. Discussion ensued regarding the Planning Board's role in regard to this matter, and the policy of the Town Board. It was the consensus of the Board Members that a letter be written and sent to the Town Board by the Planning Board asking for their written policy regarding tax exempt projects and to obtain a response as soon as possible. The Board Members would like to see a draft of this letter before sending it to the Town Board.

Board Member Arnold noted that the Planning Board not only approves a project with conditions, but this Board also makes planning recommendations to the Town Board.

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**Salvation Army, Seneca Turnpike.** Preliminary Site Plan Review of a proposed new 25,672 square foot building with associated parking on approximately 4.32 acres. Zoning: Planned Highway Business. Tax Map #328.011-1-39.2 and #328.011-1-1.2; approximately 4.32 Acres. Mr. Robert Seigart, Schopfer Architects, Captain Lawrence Schuse of the Salvation Army, Tracy Wittenburg, Esq., and Mr. Joseph Giovinazzo appeared before the Board.

At this time, Board Member Bob Imobersteg stated that he is on the Board of Salvation Army and wouldn't vote on this project.

Town Planner Schwenzfeier said that he received revised plans and that SEQR was open and sent out. He stated that the Police had issues with this project but hadn't seen the revised plans yet (these will be sent to Police Chief Philo). The revised plans were sent based on the comments that came through SEQR. NYSDOT had sent a fax today addressing the revised preliminary plans with comments (that have been made a part of the file). Board Member Green referred to Page 2 of the NYSDOT comments regarding the Maintenance and Protection of Traffic details – Mr. Seigart said those are technical details and aren't on the plans – those are part of the construction documents.

Mr. Seigart addressed the Board regarding the revised plans and he is aware that Police Chief Philo had concerns. Chairman Yagey stated that the Police Chief needs to review the plans and have time to comment.

Chairman Yagey stated that he had made it clear that he would like a road going down to Middle Settlement Road or a reason why it can't be done. He actually went to the site and as one Board Member, he would like to see the road/drive. Board Member Green addressed this issue – Mr. Seigart said access to Middle Settlement would not be acceptable to them as it cannot be done because of the grade. Board Member Arnold felt a road/drive would give more flexibility in the Town to have this. He further stated that the rest of the Planning Board Members have been through this question about an access to Middle Settlement and is it unfair to ask the developer if they would consider it if it is something the Town wanted – he can't agree with the letter from NYSDOT. A question was asked that if this were approved with a road/drive to Middle Settlement, would NYSDOT give them a permit?

The discussion of a previous project took place where a road was a condition of their approval and it was mentioned that the NYSDOT was later in favor of it. Town Planner Schwenzfeier said he would contact NYSDOT about this.

Board Member Green referred to the Town Planner's recommendations regarding the entrance alignment with PAR Tech – Mr. Seigart said this was moved to accommodate the NYSDOT's comments.

Board Member Donovan referred to the previous project and the July 9, 2001 Planning Board minutes and comments made by the Highway Superintendent and Police Chief regarding access to Middle Settlement Road.

Mr. Seigart stated that they are not in favor of a road because of a liability issue. There is a steep slope and could present a hazard, especially in the winter and Mr. Seigart said there is a Church and school who are opposed to it, and the Church won't give them an easement. Chairman Yagey asked if they had anything in writing that the Church won't give them an easement – Mr. Seigart said no. Chairman Yagey advised him to obtain a letter from the Church stating they wouldn't give them an easement. Chairman Yagey explained the review process and why this Board asks for certain documents.

Board Member Arnold felt our review should have a legal review to include the liability issue and also the review of the land they want to acquire. Attorney Tracy Wittenburg stated that they have an architect who is trained and telling them the road isn't a good idea. Board Member Arnold said this Board's view is for the Town and we should have our own independent engineer or lawyer to discuss these issues. Our Planner and

Engineer may say the road doesn't serve a purpose, but then we'd know. Chairman Yagey stated that we need to review this in the best interests of the Town. Attorney Wittenburg said there is a time frame as far as a contract for the property.

-Mr. Joseph Giovinazzo approached the Board stating that he owns the vacant land adjacent to Alfredo's. His concern is that he feels Chairman Yagey is biased about this project and that concerns him.

Chairman Yagey responded that he is disturbed by his remarks and that he and this Board has never shown bias on any project and that he is proceeding with this project like any other – the review process and what is required.

Board Member Arnold recommended that the Town Planner and Highway Superintendent look at a possible road/drive connection to Middle Settlement Road. They are our representatives and he will accept their analysis. Town Planner Schwenzfeier stated that based on his conversations with NYSDOT and bearing in mind that a road might have to be shut down in the wintertime because of the grade, maybe something could be done to reduce the grade.

Board Member Arnold referred to the left turns west out of the project – Mr. Seigart said the NYSDOT had done some restriping in this area.

Board Member Greens referred to questions that need to be answered while addressing the concerns of the developer:

- Revised set of plans be sent to Police Chief Raymond Philo – get his comments as this is a sensitive area
- Board Member Arnold would like an analysis of the ingress and egress from Route 5B and put it in writing to whatever Staff has to be notified so that they can address it and give it a time frame
- If the Town Planner and Town Engineer state that the road/drive and grade elevation won't work, then they can report back to the Board with their findings
- Whether NYSDOT would give this applicant a permit to Middle Settlement if a condition is placed on the project regarding the road.

Board Member Green stated that NYSDOT have made recommendations before and until we get them here and ask questions and get their input, their opinion is subject to change.

Attorney Wittenburg asked, what if NYSDOT says okay, where do they go from here. Chairman Yagey said that is why he is referring this matter to the Town Planner and Highway Superintendent – to check into this.

Attorney Wittenburg said they need to get to their corporate people and time is of the essence. Captain Schuse said they need to get moving on this project as soon as possible. Colonel Schuse asked for a conditional approval.

Chairman Yagey stated that he feels this project is not going to get turned down (by referring to the access road). Board Member Green wants the record to reflect that Chairman Yagey's comment is one Board Member only and may not be reflective of the other Board Members.

The Board discussed the security on the site and the drop off area is by the main street to minimize any problems. Colonel Schuse said they would have donations seven days a week and an employee will be there giving tax receipts. There will be surveillance cameras on site also and they will prosecute any offenders. Board Member Arnold said there still is from time to time material on the ground at the Utica site and wants to make sure they represent to this community that no material would be set outside.

Colonel Schuse was asked if this was going to be a residence now or at any time – he said no –a retail store only.

Chairman Yagey asked the Board Members, is it acceptable to them to have our Staff take a look at that elevation and if they see a road can't be put in, is that acceptable to this Board – the answer is yes. Board Member Green questioned why this issue has to be addressed this evening and it was stated that way in the event Chief Philo doesn't have any comments – Board Member Green said he doesn't want to presume anything.

Board Member Green also stated that this store has been modeled after some store in Syracuse but he hasn't seen anything, he doesn't know what it looks like and he would like to see a copy of what the building looks like.

Chairman Yagey advised them to look into something in writing from the Church regarding the easement issue.

Discussion ensued regarding a Public Hearing. It was determined that a Public Hearing would be held on Monday, May 23, 2005 at 7:00 P.M.

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There being no further business, the meeting adjourned at 6:35 P.M.

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Respectfully submitted,

Dolores Shaw, Secretary  
Planning Board

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