

**MINUTES OF THE REGULAR MEETING**  
**JUNE 13, 2005**

The Regular Meeting was called to order by Chairman Joseph Yagey at 5:30 P.M. at which time the Pledge of Allegiance was recited. Planning Board Members present were Hans Arnold, Gerald Green, Jerome Donovan, and Bob Wood. Board Members absent were Robert Imobersteg and Ronald Morelle. 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 May 23, 2005 meeting were sent to each Board Member for their review. Motion was made by Board Member Arnold to accept the minutes as written; seconded by Board Member Jerome Donovan. All in favor.

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**St. Luke's Hospital, Champlin Avenue;** Amendment to Final. Second story addition. Tax Map #317.000-2-2.1; Zoning: Planned Development Institutional. Mr. John Gaetano is present representing St. Luke's Hospital.

Chairman Yagey stated that he is on the Board of Network Data systems, which is a separate corporation of Mohawk Valley Network, and which St. Luke's is a member. He does not see this as a conflict and, therefore, he is not abstaining from any participation in this project.

Chairman Yagey stated that vacant space would become available on the first floor of the St., Luke's Professional Office Building. They would like to renovate this space to become an expansion for Centrex Laboratories, Inc. and this would entail renovating the first floor and constructing a 3,295 square foot second story addition. The Centrex expansion would require only a small portion of the existing 80 parking spaces (currently used by the Dialysis Center which is being relocated to the Faxton campus) with the remainder of these parking spaces becoming available to other professional office tenants in the building.

Town Planner Schwenzfeier stated that he recommends approval of this amendment (this is an Amendment to Final Site Plan Approval and an amendment to their Campus Master Plan, which was approved by this Board). The Board Members reviewed the plan.

Motion was made by Board Member Jerome Donovan to grant this **Amendment to Final Approval**; seconded by Board Member Gerald Green. Vote taken:

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

Motion was **approved** by a vote of 5 – 0.

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**Parkview Estates, Middle Settlement Road**; Preliminary/Final Site Plan Review for an additional 12 mobile home sites (Final Phase IIIA); Tax Map #328.000-3-18; Lot Size: approximately 3 acres; Zoning: Planned Development Mobile Home. Mr. Donald D. Ehre, PE of Boulder Consultants, and Mr. Joseph Dodge, appeared before the Board.

The applicant is requesting twelve (12) additional mobile home sites under Final Phase III-A, which is on approximately three (3) acres. A new roadway will be extended from the existing Parkview Drive and connect to Middle Settlement Road. Public water is available and wastewater will flow to existing sanitary sewer main.

This project was sent out for SEQR and we were awaiting OCDPW to sign off on the driveway, which they have – the County will allow full access for the driveway on Middle Settlement Road.

Motion was made by Board Member Jerome Donovan to close SEQR with a Negative Declaration; seconded by Board Member Bob Wood. Vote taken:

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

Motion was approved by a vote of 5 – 0.

Motion to grant Preliminary Approval was made by Board Member Hans Arnold; seconded by Board Member Gerald Green. Vote taken:

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

Motion was approved by a vote of 5 – 0.

At this time, Board Member Green asked if the applicant would extend the buffering in the form of evergreens on the cemetery side and deciduous trees along Middle Settlement Road – the answer was yes.

Motion was made by Board Member Gerald Green to grant **Final Approval** with the condition that the buffering be extended as indicated above and as shown by the storm water management on the plan; and that a Building Permit be obtained within one (1) year of approval date; seconded by Board Member Bob Wood. Vote taken:

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

Motion was **approved** by a vote of 5 – 0.

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**Benderson Development, Commercial Drive/Henderson Street.** Preliminary/Final Site Plan Review of a proposed pharmacy in the Town of New Hartford and Village of New York Mills on approximately 3.91 acres. Town Tax Map #317.013-3-14; 317.013-3-15; 317.013-3-18.4; Village of NYM Tax Map #317.013-2-3; 317.013-2-2; Zoning: Retail Business 1. Lot Size: approximately 1.75 acres. Theresa Bakner, Esq., and Mr. Jim Rumsey, Architect, appeared before the Board representing the developer.

Chairman Yagey updated the Board. He stated that this project is in New Hartford and New York Mills. We tried to have a joint meeting but Acting Planning Board Chairman of New York Mills, Mr. Leo McCoy, said they would review/approve the plans at their own meeting. At this point, Chairman Yagey felt all of the changes we requested have been done.

Town Planner Schwenzfeier said the proposed pharmacy will consist of one (1) free-standing building with 14,464 square feet on a 1.75 acre portion of a 3 ± acre lot. The pharmacy will have two (2) drive-thru windows. He stated that Benderson applied for and received an Area Variance for an 8' fence from the Town of New Hartford Zoning Board of Appeals on April 25, 2005, and New York Mills Zoning Board of Appeals on May 5, 2005, as the adjacent neighbors preferred to have this height. Also, Benderson will plant 8' cedars on both sides of the fence and they will work with the residents on this planting plan.

Town Planner Schwenzfeier said one change is missing from the plans, the no thru truck traffic sign for deliveries to be located adjacent to the dumpsters. The Board discussed

the turn around radius for a truck. The opening for the loading dock will be on the Commercial Drive side of the building. Board Member Arnold is concerned about the tractor-trailer movement as he feels it would be difficult – Town Planner Schwenzfeier said he reviewed this and the turn around for a tractor-trailer is adequate. He said the tractor-trailers going around the building is a noise issue and New York Mills also has that same concern.

Board Member Green to Board Member Wood – does this invite traffic in spite of a sign? Board Member Wood said he could see it being used by trucks around the building, which becomes an enforcement issue. Chairman Yagey said he talked about this with Mr. McCoy. Chairman Yagey left it to the developer and the Town Planner to figure out if it's workable.

Board Member Green referred to the fence issue. He asked Town Engineer John Meagher if he was happy with the fence proposal. Mr. Meagher said most of the residents who he talked to and also the Board Members in New York Mills, say they are happy with the proposal.

At this time, motion was made by Board Member Jerome Donovan to close SEQR with a Negative Declaration; seconded by Board Member Gerald Green. Vote taken:

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

Motion was **approved** by a vote of 5 – 0.

Motion to grant Preliminary Approval was made by Board Member Bob Wood; seconded by Board Member Gerald Green. Vote taken:

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

Motion was **approved** by a vote of 5 – 0.

Board Member Arnold wanted to ask Benderson about the tractor-trailer movement again. Mr. Rumsey said a tractor-trailer could go in and out easily. He ran a computerized template and it is not a problem – it can be done.

Board Member Arnold asked if this entrance is the same location on Commercial Drive as previously shown – are we locked in with this driveway for Walgreens and is NYSDOT happy – answer is yes. Everything conforms to all changes we requested.

Board Member Green thanked Mr. Rumsey for recognizing the needs of this Board.

Motion was made by Board Member Jerome Donovan to grant **Final Approval** and that the applicant apply for a Building Permit within one (1) year of approval date; seconded by Board Member Bob Wood. Vote taken:

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

Motion was **approved** by a vote of 5 – 0.

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**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, CEO of the Charles T. Sitrin Home, appeared before the Board.

This change is to make the already approved Phase 1 into Phase 1A and Phase 1B. Phase 1A will include 52,000 square feet of Congregate building; 3,200 square feet of Type A duplex buildings; 3,700 square feet of Type B duplex buildings; and 2,200 square feet of cottage buildings – total of 30 one-bedroom units and 28 two-bedroom units.

Mr. Richard Coriale of NYSDEC has not submitted his comments in writing as of this date and the response time for SEQR was closed as of June 12, 2005. Highway Superintendent Roger Cleveland wrote Mr. Coriale on May 17, 2005 stating that he reviewed this project for sanitary sewer capacity and finds them adequate to accommodate flows from this development.

Town Planner Schwenzfeier stated that he reviewed this amendment and recommends approval since they still have to get a storm water permit for Phase 1A.

Motion was made by Board Member Gerald Green to grant the **Amendment to Final** for Phase 1A (congregate living facilities and cottages) contingent upon NYSDEC's approval and permit; and that a Building Permit be obtained within one (1) year of

approval date (if Sitrin needs to extend this permit time frame, they would need to come back before the Planning Board); seconded by Board Member Hans Arnold. Vote taken:

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

Motion was **approved** by a vote of 5 – 0.

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At this time, Board Member Donovan referred to the not for profit letter and possible PILOT agreements to address impacts for municipal services sent to the Town Board by this Board for their response. He wanted to know if a response was received. Board Member Donovan referred to a policy being discussed with Cedarbrook and the Town at this time and commends the Sitrin Home for this. He is concerned with the impacts on Town services for present and future projects in the Town in regard to tax-exempt projects.

Chairman Yagey said we do not have a written response yet. Town Attorney Vincent Rossi contacted Special Counsel Peter Rayhill regarding this issue, and Attorney Rayhill asked for additional time to review this.

Discussion between the Board Members ensued about the role the Planning Board has with this issue and how it may affect present and future developments. Board Members Arnold and Green feel the concerns are valid. Board Member Green feels the request to the Town Board has been made and we haven't heard back from them – we need to act upon these and condition approvals, i.e., if Attorney Rayhill says there are impacts, we should consider these as a Board. Board Member Arnold feels we should provide a basis to have some type of PILOT program. Attorney Rayhill is saying we have a right to measure those impacts.

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**Salvation Army, Seneca Turnpike, New Hartford.** Preliminary/Final Site Plan Review of a proposed new building with associated parking. Zoning: Planned Highway Business. Tax Map #328.011-1-39.2 and #328.011-1-1.2; Lot Size: approximately 4.32 Acres. Mr. Bob Seigart of Schopfer Architects appeared before the Board with representatives of Salvation Army.

Town Planner Schwenzfeier presented the new drawings for the Board's review. He stated that at the meeting of May 23, 2005, the Public Hearing was held and the Board asked him to make a list of items to be addressed by the Salvation Army based on the comments from the Public Hearing. He said he had discussions with Salvation Army in regard to this list of issues including some of Police Chief Ray Philo's comments.

Chairman Yagey stated that a meeting is scheduled with NYSDOT for the purpose of 1) speed limit reduction on Route 5 near Woods Highway; and 2) the issue of a possible exit to Middle Settlement. Chairman Yagey said it is a State highway but the roads are in the Town and problems exist. He is pursuing these issues, as safety is a major concern in this area. In talking with Mr. Papaleo of NYSDOT, we might move along further with these issues. We tried to get the meeting held before tonight, but not everyone was available.

Board Member Green said he spent a lot of time reviewing the information package and he contacted Police Chief Philo. One of the concerns Chief Philo has is the numerous pictures of the accumulation of debris at the drop off, and garbage. Also of concern was the testimony from the neighbors of rummaging/dumping, and the eyesore left on site after hours, and the enforceability by the Police Department. Board Member Green asked Police Chief Philo as a suggestion to check with the Utica Police Department to see what sort of problems, if any, the downtown facility generates. Before he prepares to vote on this project, he wants to know what Chief Philo has to say.

Town Planner Schwenzfeier said the applicant has done some changes, but they haven't addressed the driveway to Middle Settlement or left turns because the meeting hasn't been held yet with NYSDOT. They have addressed the Police comments by agreeing to no left turns out of the upper driveway on Seneca Turnpike – the applicant feels they need full access on the lower driveway to be a viable retail store. Board Member Arnold asked if Chief Philo distinguished between these driveways and is it acceptable to the Chief – Town Planner Schwenzfeier said he doesn't know at this time because the Chief is on vacation. Board Member Arnold would like to know how the Police Chief feels about the driveways. Town Planner Schwenzfeier said he still needs to get together with Police Chief Philo for the Police Service Pre-development Agreement.

Board Member Donovan asked about lane compression – there is a turning lane that would service that upper entrance driveway, but then it narrows. He referred to any trash being dumped or flying debris, and who is responsible for the clean up of this debris? He is suggesting that the project sponsor try to get some sort of agreement that they would police the area and remove litter and trash through a Memorandum of Understanding with NYSDOT.

Chairman Yagey said there are highway easements and it is NYSDOT's road outside of an easement. Board Member Donovan asked about bus service. Town Planner Schwenzfeier said he made a call to Centro and they aren't planning any further extensions to bus routes at this time.

Discussion ensued among the Board Members in that it is their understanding that Salvation Army is saying it is more beneficial to their success to locate their facility in an area that is the source of the donors. Board Member Donovan felt that as a non-profit they are chartered to service people who need them the most and there is no bus service to this site. Chairman Yagey felt that in his opinion this Board does not have the authority to consider that because they are non-profit and can't get bus service there. He feels it is not an issue for approval or disapproval.

Board Member Arnold addressed the Board stating that he felt the Salvation Army would receive clothes/items and operate a retail store so consumers can purchase these items. He thought their priority is to serve the inner population. He feels safety on this road is critical and it is documented and we wouldn't be doing our public any good unless we took a hard look at traffic and safety. He feels Board Member Donovan raises a point that is very much in the purview of this Board – pedestrian movement and safety – cars and people moving into and out of projects. He feels pedestrian safety is very much a part of our responsibility.

Board Member Green felt that if the Salvation Army leaves the inner city and for whatever reason goes to the suburbs, they will live with the consequences – it is their plan - if that's the case, it can be factored into the review analysis. Board Member Wood questions the location for them.

Chairman Yagey felt we need a consensus that is specific – what we want from the developer. Board Member Arnold feels the frustration from the developer, but wants them to know he feels they have been treated fairly and all our issues are valid concerns. He feels this Board has certain responsibilities and he doesn't know how we can go forward until we get the best solution we can for traffic safety between Jay-K and Woods Road. He feels this is a permissible project but it is permissible only if certain design features are incorporated and he is looking at this project if it was a private or a non-tax exempt project. Board Member Arnold also stated that he puts a lot of stock into Police Chief Philo's safety concerns.

The Board Members again discussed the issues they feel are important to be addressed . .



the possibility of a lane width increase on Seneca Turnpike, turning lanes, restrictions on left hand movement, relationship of driveways across from Salvation Army, gated entrances, pedestrian safety and speed limit, as well as access to Middle Settlement Road.

Board Member Green wants to see the Police Agreement, which is separate from the GEIS Pre-development Agreement. Board Member Wood addressed fencing, which runs along the back to the existing building and additional plantings along the western side and detention area.

Mr. Seigart addressed the Board stating that this facility will fund the adult rehabilitation center in Syracuse – that is the primary function here. They don't expect the population of Utica to follow this store. He feels 99% of the traffic to this facility will be by car – they deal with all kinds/types of clientele.

Town Planner Schwenzfeier said Salvation Army resolved some issues. He feels they addressed the left turn issue on the upper drive but not the lower drive; they support lowering the speed limit but that is out of their hands; gating and dumping; and they are willing to enter into some kind of an agreement to enforce dumping if it happens.

Chairman Yagey asked Mr. Seigart if they are willing to cooperate with all the issues addressed. Ms. Tracy Wittenburg, Esq., stated that she feels we have to be specific and what the Board feels is necessary. She questions whether other businesses police the roadway. Board Member Arnold felt the nature of their business is different and he referred to when Salvation Army had hoppers. Attorney Wittenburg stated that the design is different and people can't drop things off in a hopper any longer. She also stated that now their architect will have another list of changes to address. Board Member Arnold reiterated that this project has a lot of complex issues and we need to look at the residents of the Town and to protect everyone, the developer, the residents and projects down the road.

Mrs. Rosemary Ruzinsky, Seneca Turnpike, asked to speak. She wanted to know if the Board Members received her letters and she would like a reply from this Board (these letters were sent to each Board Member).

Attorney Wittenburg referred to the proposed meeting with NYSDOT and one of the issues being the access road to Middle Settlement – she stated that they were advised by NYSDOT that they could not have an access. Chairman Yagey said he would be talking with the head engineer for NYSDOT regarding this statement/issue and sometimes things change. He doesn't know what could happen until the meeting is held.

Board Member Arnold said he will ask NYSDOT whether a turning lane within the right-of-way can be placed to serve this development to improve things, and that the developer put it in.

The Board again addressed screening – the Town Planner was asked to make some phone calls and show the residents where the fencing and plantings will be placed. Discussion ensued regarding the Town Planner meeting with the neighborhood and Mrs. Ruzinsky to address the issues that were discussed this evening, and he would pass along to them what transpired at the NYSDOT meeting.

Mrs. Ruzinsky stated that she doesn't care who she hears from but she wants her letters addressed and the issues raised in her letters shown on the plans.

Chairman Yagey thanked the Board for their input and discussion as he feels this Board is doing a good job with the review of this project.

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**Longworth Acres, Tibbitts Road/Snowden Hill Road. Public Hearing** for Preliminary/Final Subdivision Review of a 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. Donald D. Ehre, P.E., Boulder Consultants; Mr. William Virkler and Mrs. Barbara Couture appeared before the Board.

Town Planner Kurt Schwenzfeier stated that he has been advised in writing by Mr. William Virkler of the following: "Longworth Acres will give the Town an option to accept conveyance of 2+ acres adjacent to Lot 13 and show as an out lot on the plat of Longworth Acres. Included in the conveyance will be easements over Lot 13 for ingress and egress. The option period will be for 24 months from the date of Planning Board approval for this subdivision. Sale price will be \$1.00 The Town would pay for the survey, legal and transfer expenses associated with this sale. The use of the land shall be exclusively for a regional storm water detention facility. In the event the current regional storm water study being conducted by Shumaker Engineering, Curt Nichols, P.E., indicates that this proposed detention area should be larger, then he agrees to add part of Lot 13 to the out lot to the extent that there is no significant negative impact on the marketability of Lot 13 as a residential building lot".

Mr. Virkler addressed everyone present and explained his subdivision proposal. The property involved is about 83 acres of land. They are proposing 13 single-family lots ranging in size from 1 acre to 11 acres. Lots on Snowden Hill will have individual driveways. On Tibbitts Road, the lots will share driveways with 2 entrances onto Tibbitts Road. Lots 1 – 5 will share by easement a common driveway connecting with Tibbitts Road opposite Jubilee Lane. Lots 6 – 9 will share, by easement, a common driveway midway between the two Jubilee Lane entrances.

Mr. Virkler stated that he is aware of the well water and storm water issues. Storm water issues will be explained with a study going on at this time and which will be addressed later on in this hearing. The well water is another issue. He explained that on lower Snowden Hill the Water Board would support water right now. Also, the Water Board may reconsider other water issues, as Mr. Virkler is saying he is giving two (2) acres to the Water Board for a tank and that tank would further serve lower Snowden Hill and fire flows thru Oxford and Imperial Drive areas. This proposed tank would be on Snowden Hill Road and this would give the people some relief. Mr. Virkler further explained about Lloyds Lane and those people who want water now and what has to be done to achieve this – there are steps to be taken.

Mr. Virkler stated that Tibbitts Road is #2 with the Water Board for water with a proposed tank on Tibbitts Road.

Reference was made by Mr. Virkler to the water tank issue a few years ago in the Middle Grove Subdivision, which did not get placed there. Water was already available for those residents. People in Snowden Hill/Tibbitts Road area need water. It was asked where the water tank location would be.

Board Member Arnold asked Mr. Virkler where he is now with water? Mr. Virkler said he heard from Mr. Don Weimer of the Water Board at 4:00 PM today's date. He said Mr. Weimer felt he could get the Water Board to serve Lots 1 – 6 and Lots 7 – 9 already have water, so it leaves three (3) lots on Snowden Hill with wells. He said that the Water Board passed a resolution a year ago and the water authority said they wouldn't allow a pumping station. He further addressed the domestic water and fire flows. He will have it in writing with the transportation corporation whether the plan for the tank still goes forward on one of the lots. With the presumption that they get water now, they have penciled in a possible detention basin.

Board Member Arnold asked if Mr. Weimer gave him any time frame on this decision – Mr. Virkler said his information was received at 4:00 PM today. Further, Mr. Virkler

said a bigger piece of this plan for Tibbitts and Snowden is that the water line we are putting in is going to be able to be the beginning of expanding water into Tibbitts Road.

Chairman Yagey opened the Public Hearing:

-Mr. Jeff Amidon, 109 -111 Jubilee Estates. He stated that he would be looking out his back yard to this project. He referred to the curb cuts on Tibbitts Road - will the curb cuts match? Mr. Virkler said one is directly across Jubilee Lane and the other is in the middle. Mr. Amidon asked if there were going to be any restrictions placed on the lots, i.e., size of home. Mr. Virkler said one home will be placed on each lot – no restriction on size. Chairman Yagey said the Planning Board does not have restrictions to the size of the homes –the Planning Board is looking at a single- family home development. Mr. Virkler stated that he doesn't have any restrictions other than he has to approve it himself. The cost of developing a project is costly so the sales price will be high. He does not feel anyone buying one of these lots wouldn't put up a nice home, and he has to approve it.

Mr. Amidon asked about drainage. Chairman Yagey said the Town has hired Shumaker Engineering to review the drainage in this area. They did the study of runoff not only as it pertains to Longworth Acres, but the land above and below this proposed subdivision. He has given us a review of water runoff and how to control it. Due to this study, Lot 9 is now a storm water basin. He has a letter from the engineer that it was sized for that. Shumaker will take that calculation before any approval. He explained the water runoff should be better as a result of this project.

Chairman Yagey was asked if this study encompassed development above this project and is that why the study was done – it was stated yes.

-Mr. Joseph Bolton, 34 Root Street. He is concerned about increased traffic on a road he feels wasn't designed to support future development, which will increase the demand for water and sewer from the Town; the character of the neighborhood would be changed – it would lose its rural look; expensive homes will increase assessed values with higher property taxes; and he feels the water tank will affect the looks of the area.

-Mr. Bryon Rich, 161 Oxford Road. He always gets flooded and especially from Jubilee Estates. He wants to know how the water will run from Tibbitts into the basin. Mr. Ehre stated that a detention basin released water at a lower rate than it comes in then to a ditch line. Mr. Rich wants to know if the same mistake would be made in relation to Jubilee runoff – he has quality of life issues because no one wants to take care of the problem. He approached the Town and the County and there is no answer for him –

whose responsibility is it? In the meantime, he keeps getting flooded. Mr. Rich referred to the proposed Walgreens development on Kellogg Road – how does development continue when the County doesn't want to fix the road and address other issues. Chairman Yagey told Mr. Rich he could address this if there is a Public Hearing for Walgreens. Mr. Rich just wants the water situation fixed as he has trouble with water at his home on Oxford Road and his other property on Kellogg Road.

-Mr. Steve Appler, Beechwood Road. He said there are water problems on Oxford and Beechwood Roads, and he feels we are heading for more problems with water runoff.

-Mr. Dave Geiser, 3790 Sessions Road. He has lived there for 40 years. He looked at the survey maps for the area. He noticed from Snowden Hill Road between Hughes and Lloyds Lanes and over to Sherman Drive, it is marked on the original maps as marshland loaded with clay. He stated how the farmers in the area put drains in. He wants to know if any of those drainage canals are in Agricultural fields, which are posted for development. Also, he is concerned about wells. He has had to drill another well – it is good water but he is concerned about a large group of houses that draw from the same field. He is also concerned about drainage. Mr. Geiser wants to know the geography of the development, especially the lots on Snowden Hill (which are down by Oxford Road).

-Mr. Al D'Accurzio, 1 Lloyds Lane. His concern is water supply. In the 17 years he's lived there he has had increased problems with water flow and has had to redrill his well. He is not anti-development, but his issue is the effect this will have on his well. With increased homes in the area, the drain on the water supply would be tremendous; what about future development. He wanted to know if a hydro geologist looked at this.

Chairman Yagey stated that as of 4:00 PM today this water situation may have changed. However, when they drill wells we check the flows, it will tell us if there is adequate flow for a house but it wouldn't tell us about the homes above this development.

-Mr. Steve Kolek, 3879 Snowden Hill Road. To the south of his home there is a large drainage ditch. The ground gets hard and it doesn't drain. He wants to know where the water runoff goes. If you have five (5) acre lots with five (5) acres of lawns, a lot of water will be there. He asked where the driveways would be – it was stated three (3) driveways would be on Snowden Hill Road. Mr. Ehre stated that even with a five (5) acre lot, people might not put in acres of lawn.

-Mr. Vincent Nesci, 8 Imperial Drive. He also has concerns about storm water runoff. He is affected by the water runoff from Snowden Hill and Oxford Road. He has had the Town Engineer and Town Highway Superintendent look at his property.

Chairman Yagey said he knows there is a problem there but he has been told this project isn't causing the problem – this project will not make the situation any worse. This is why we are holding the Public Hearing, to get input. The Planning Board can't address it if it is not being caused by this project.

-Mr. Jack Brunner, 8937 Tibbits Road. With a minimum amount of houses here, he feels comfortable with what is being done as far as drainage. He asked Mr. Virkler, is there any possibility of a sewer district – has the Town looked at it beyond this project? Mr. Virkler said he feels this would get the pipes closer. Chairman Yagey doesn't know if this will occur soon or not. Mr. Brenner said he feels we need housing in the community - it is a good contribution for taxes. He is happy to see it all happen.

-Ms. Roseann Harvey, Lloyds Lane. She has no problem with development. Her concern is more wells affecting the water. She had to redig three (3) times. She wanted to know when the water tank would be put in, as she would like to see water in this area. She feels that farmland wasn't meant to be developed.

-Mr. Bill Fahy, 3842 Snowden Hill Road. He felt that the problems have been identified and as a Planning Board, you have a responsibility to address these problems; he is concerned about maintaining our neighborhoods. He is concerned about water and drainage. These issues are always addressed when new homes come in. Unless we can address these problems and get a plan from the Town's standpoint, how do we satisfy everyone.

Chairman Yagey explained the Planning Board's responsibility and procedures. The issues of water Town wide lies with the Town Board. We have to deal with this project for its affect on the existing problems.

Mr. Virkler stated that this project has been before this Board for fifteen (15) months. The water problem was identified years ago. The Planning Board held this project up for some time while this decision was made. Our legal obligation is to make sure we don't add to an existing problem. As a result of many months, we have a plan that Longworth Acres will handle their storm water problem. In the course of the Town listening to this and the Planning Board going to the Town Board, the Town Board recently agreed to look at this. The answer on storm water is being addressed by the Town right now and Longworth will take care of its own. Between Shumaker Engineering and Mr. Donald Ehre, it will be handled.

Mr. Virkler stated that this development would add about \$4 or \$5 million of assessed values. When he first looked at this plan, he could have designed houses for fifty (50) lots. Because of the character of the neighborhood, they went with this plan. A major part of these 84 acres will be forever wild. He feels it will have a low impact, and well water will be moot with only three (3) lots.

Discussion ensued about expanding the sewers and how the money is allocated. If capacity were available in the sanitary system, then the Town would do a petition to bond for it.

Chairman Yagey introduced Mr. Curt Nichols of Shumaker Engineering. He mentioned that it was through the endeavors of Planning Board Members Hans Arnold and Gerald Green appearing before the Town Board to address the storm water runoff that we have a study (the Town Board approved the money for the study and it is still going on).

Mr. Nichols presented a summary of the modifications to the site, storm water runoff management design. He stated that Shumaker Engineering met with the Town Engineer and developer and to identify the specific storm water runoff problems in the vicinity of Tibbitts Road, Oxford Road and Kellogg Road, and to identify changes to engineering calculations that would possibly alleviate the regional flooding problems. It was determined that the most prudent solution to help mitigate the observed flooding conditions would be to develop a pre-developed storm runoff model to conservatively show a lower quantity of runoff prior to construction.

The end result is that the developer will provide storm water detention on the Longworth Acres subdivision to account for the increased post-developed hydrologic conditions. Revised site plans depicting the storm water detention pond was submitted to the Planning Board for review and approval. All calculations presented by the developer were approved by Shumaker, and are in conformance with current storm water detention regulations.

Chairman Yagey said that after the detention basin is in, it should diminish the existing problem. This is coming from two (2) sets of engineers. His understanding is Mr. Nichols is not done with the scope of the study and the Town has hired him and he is doing it in conjunction with Highway Superintendent Roger Cleveland, who does an excellent job. Mr. Nichols will do the complete study and he will look at the land. If he identifies some action, it is not the developer or this Planning Board, it will be up to the Town on how much money they want to spend to correct other projects. Tonight this Board is dealing with this project.

Mr. Nichols talked about the scope of the study. He took everyone's address to look at their properties. This is an area that is going to be subject to development pressure and this Board is telling them what the existing infrastructure can handle. They went to the County and there hasn't been any substantial infrastructure development in this area since the 1950's. The growth that is happening coupled with the push for more growth (residential) this Board needs to have answers to undertake those problems. His report will be comprehensive.

Board Member Green asked when the study would be available in writing – Mr. Nichols said in about 1 ½ months.

Chairman Yagey asked if there were any other comments. The Public Hearing closed at 8:30 P.M. by motion made by Board Member Jerome Donovan; seconded by Board Member Bob Wood. All in favor.

Chairman Yagey referred to the discussion Mr. Virkler had with the Water Board. The Water Board is saying they will supply water to Lots 6 – 9. Mr. Virkler addressed the Board stating that the call from Mr. Weimer was made to his engineer, Mr. Donald Ehre. Mr. Weimer had stated that he felt confident after speaking with more than one Water Board Member that he could get this approved as long as we approved to covenant people to understand that there won't be adequate fire flows.

Board Member Arnold: if we approved this contingent upon the availability of Lots 1 – 9 having water and then the Water Board delayed it beyond the time the developer was willing to wait, would that mean he needs to come back before this Board – Chairman Yagey said yes. Board Member Arnold said, is it accurate to say we don't have documentation if it is going to be all lots; can it be done safely with respect to any well draw down done on adjacent properties? Mr. Virkler said they never did the draw down test.

Discussion ensued regarding conditions of approval. If the Water Board for some reason doesn't supply water to those lots, the applicant would need to come back before this Board and the developer provide the draw down to show adequate flow and have it reviewed by Staff. Board Member Arnold asked if we have the professional in place to coordinate the draw down – the answer is yes. Board Member Arnold referred to the internal road system and maintaining the driveway without public designation, culverts, etc. Before we act on this, he wants to be satisfied going back to the individual plans with individual driveways that they showed us before. He is wondering if the individual drives are better. Highway Superintendent Roger Cleveland said he doesn't think the County will allow it.



Mr. Virkler said the top four (4) lots are served by the driveway system because of the site view.

Board Member Green said with regard to the work on this study, Mr. Nichols' recommendation is a one-acre basin with an outlet structure, which will be discharging. As the level of this pond starts to fill, the discharge structure will start and be equal to the discharge when it was a hayfield, not houses. Is there anything else that needs to be done on this parcel – is this to be incorporated with baskets? Mr. Nichols said he would envision some sort of ditch or sub-surface drainage. You have to discharge to an onsite ditch which will be the across the lots. Board Member Green was expecting a written response as to what steps Mr. Nichols' recommended we take or incorporate into the approval of this particular project in order to address the water runoff concerns. Mr. Nichols said a ditch is the basin – that ditch would address the quantity and quality concerns in accordance with current regulations.

It was asked if Mr. Nichols had an opportunity to speak with the developer's engineer – Mr. Nichols said not yet. The location for this basin is shown on the map and they worked it out. Mr. Virkler would like to work with Town Staff for the basin process.

Chairman Yagey asked Mr. Nichols about the conveyance. Town Planner Schwenzfeier said we didn't talk about the conveyance. Board Member Arnold stated that the Highway Superintendent works with this type of issue and he's sure things can be worked out.

Mr. Virkler said he will be meeting with the Water Board and report back to the Town.

At this time, motion was made by Board Member Jerome Donovan to close SEQR with a Negative Declaration; seconded by Board Member Hans Arnold. Vote taken:

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

Motion was passed by a vote of 5 – 0.

Motion to grant Preliminary Approval was made by Board Member Jerome Donovan; seconded by Board Member Bob Wood. Vote taken:

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

Motion was passed by a vote of 5 – 0.

After further discussion, motion was made by Board Member Jerome Donovan to grant **Final Approval** with the following conditions:

- A plan of conveyance acceptable by the Town Highway Superintendent
- Should the Water Board not provide water to lots designated 1 – 6 (this approval is subject to the Water Board providing this water), the developer will be back in front of this Board as then the approval is null and void (Lots 7, 8 & 9 already have water)
- Mr. Curt Nichols of Shumaker Engineering needs to verify in writing calculations and size of catch basin to insure it is sufficient to cover 100-year storm. These calculations were made by Donald Ehre, P.E.

motion seconded by Board Member Bob Wood. Vote taken:

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

Motion was **passed** by a vote of 5 – 0.

In addition to the above, it was later stated that a list of outstanding issues upon which this project was approved was to be developed by the Town Planner and conveyed to the developer.

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**Mr. Larry Adler/Judd Road Group II, LLC, 4630 Commercial Drive, New Hartford.** Conceptual/ Preliminary Site Plan Review of one commercial building with drive-thru, and one retail building. Tax Map #328.008-1-8.1 and 8.2; Lot Size: approximately 1.34 acres; Zoning: Retail Business 1. Mr. Larry Adler appeared before the Board representing Judd Road Group.

This proposal is to demolish an existing 4,002 square foot structure (formerly a bank) and construct a 6,314 square foot retail building. Also proposed is a 2,100 square foot free-standing structure with a drive-thru lane and access drive. There are three (3) curb cuts onto Commercial Drive and the proposed project will have one (1) driveway to the site.

Mr. Adler said he would be adding green space to this project. The smaller building will be a Dunkin Donuts with a drive-thru and the other may be a restaurant.

Discussion ensued regarding parking calculations and as soon as we know the seating area, parking can be calculated properly. Codes Enforcement Officer Back will be contacted again for his interpretation. Mr. Adler needs to submit a floor plan showing seating area to Mr. Back.

The Board reviewed the plans as submitted.

Motion was made by Board Member Gerald Green to declare the Planning Board Lead Agency for SEQR; seconded by Board Member Hans Arnold. Vote taken:

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

Motion was passed by a vote of 5 – 0.

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Chairman Yagey referred to a recommendation from this Board to the Town Board regarding a Local Law, which changes fees for Plumbing Inspections.

Motion was made by Board Member Gerald Green to **recommend to the Town Board the approval of the Zone Text Amendment for Section 118.93 Fees**; seconded by Board Member Bob Wood. Vote taken:

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

Motion was **passed** by a vote of 5 – 0.

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Discussion was held with Town Supervisor Ralph Humphreys regarding the Planning Board's memorandum to the Town Board regarding tax-exempt property.

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There being no further business, the meeting adjourned at 9:30 P.M.

Respectfully submitted,

Dolores Shaw  
Planning Board Secretary

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