

MINUTES OF THE REGULAR MEETING
JULY 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, Robert Imobersteg and Ronald Morelle. Also in attendance were Town Supervisor Ralph Humphreys; Town Planner Kurt L. Schwenzfeier, AICP; Police Chief Raymond Philo; Town Engineer John Meagher and Secretary Dory Shaw.

Minutes of the June 13, 2005 meeting were sent to each Board Member for their review. This was deferred to the end of the meeting for discussion.

Walgreens Pharmacy/Dunkin Donuts - Preliminary/Final 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. Mr. Galen Haab of Germain & Germain, Attorneys-at-Law, appeared before the Board.

Town Planner Schwenzfeier stated that the Police Chief sent a letter today with his thoughts under the SEQR process. He had concerns with increased traffic, and alignment of lanes. Town Planner Schwenzfeier also stated that the County DPW recognizes the roadway deficiencies and rehabilitation of the road was scheduled for the year 2006, dependent on County budget adoption. Discussion ensued regarding the type of roadwork to be done. Also, it was stated that the developer has realigned the driveway to TOPS Plaza. There are no turning lanes – just a center turning lane and light. There is one entrance/exit out of the site at the light. Board Member Donovan mentioned that we asked for another entrance but the County DPW said no.

Board Member Arnold recommended contacting Oneida County DPW and advise them as to what this Board would like to see in terms of road rehabilitation, especially for future development in this area. (Town Planner Schwenzfeier and Highway Superintendent Cleveland will confer with Police Chief Philo for the formulation of this letter to the County). The Board Members realize that this project review should

proceed, but there is future growth planned in this area and we want the County to know what we'd like to see.

Chairman Yagey mentioned the relocation of a signal pole, which is close to the road – it is a dangerous situation. There was a discussion with Agway and Benderson previously about this, but it never transpired and he would like the new owners to relocate it. Highway Superintendent Cleveland has some drawings as to where this pole should be relocated.

Town Planner Schwenzfeier stated that the developer addressed the changes he requested to bring this up to Zoning Codes and setbacks, however, they could not agree to the pedestrian access cross easement - it is not the developer but Ni Mo who won't grant the easement. A question arose as to whether the easement can be granted to the Town – Board Member Arnold asked the Town Planner to check into this. Chairman Yagey asked the Town Planner to try to get something in writing from Ni Mo as to why they won't grant the easement.

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

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

Motion was passed by a vote of 7 – 0.

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

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

Motion was passed by a vote of 7 – 0.

There being no further input or discussion, motion was made by Board Member Jerome Donovan to grant **Final Approval** with the conditions that 1) the developer confer with Highway Superintendent Cleveland for the relocation of the pole because it is a safety

issue and 2) the developer give the Town an easement on the strip of land referred to above if Ni Mo agrees; seconded by Board Member Hans Arnold. Vote taken:

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

Motion was **passed** by a vote of 7 – 0.

Conceptual/Preliminary Review of a **33-lot Major Subdivision** to be located on **Higby Road (between South Woods and Higby Woodlands)**. Possibility of opening SEQR. Tax Map #340.000-2-1.2; Lot Size: approximately 27 acres; Zoning: Low Density Residential. Dr. Frank DeLaus, Mr. Michael Pezzolanella, and Mr. Donald E. Ehre, P.E., appeared before the Board.

Board Member Jerome Donovan stated that he would abstain from voting on this project but would participate in the discussion as his residence abuts this project.

Mr. Ehre explained that this subdivision lies between Higby Woodlands and South Woods. Lot #1 is on Higby Road and the other 32 lots front on a proposed network of roadways to be deeded to the town. Entrance will be coming from Thistle Court. The roadway also will connect to the right-of-way provided from Higby Woodlands Subdivision. The road right now ends in Higby Woodlands (Sylvan Way). Mr. Ehre said that in talking with Mr. Carucci (who owns Higby Woodlands), they are planning to move forward on their currently approved project (lots are approved but not constructed yet). Mr. Ehre said water would come from Thistle Court and sanitary sewer will come across an easement to Lot 17 in Higby Woodlands. Storm water – an agreement has been reached between this developer and Messrs. Carucci and Eberley to address this (Mr. Ehre will submit a copy of the agreement to this Board). There are two (2) points of discharge of storm water between Lots 23 and 24 and Lots 12 and 13.

Chairman Yagey referred to an engineer/consultant to be hired by the Town and paid for by the applicant to oversee construction of the storm water, sewer and any roads dedicated to the Town. This engineer could verify the calculations and act as our liaison to make sure this project is built as approved. Chairman Yagey told the developer that this has been done in the past and explained the reasons why.

Board Member Wood asked if this project was going to be done in phases? Dr. DeLaus there would be two (2) phases - he would like approval on both but he will start with one (1) phase first.

Chairman Yagey referred to Lot 27, which he feels could be a problem. Mr. Ehre explained that all lots conform to the Zoning and Lot 27 would be set back at an angle.

At this time, motion was made by Board Member Gerald Green for this Board to be Lead Agency on this project and send out for SEQR once agreements are given to the Planning Board; seconded by Board Member Bob Imobersteg. Vote taken:

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

Motion was **passed** by a vote of 6 – 1 (the one being the abstention of Board Member Jerome Donovan).

Town Planner Schwenzfeier was asked to look at the density of this project, especially for green space requirements. Reference was made to wetlands. Mr. Ehre said there is a small wetland area in Lot 1 – this will also be a part of the SEQR review. Board Member Wood referred to drainage and trickle treatment (water that runs through stones).

Chairman Yagey brought the Board Members up-to-date on the recent withdrawal by the Salvation Army on Seneca Turnpike and what he was told by their representatives.

Board Member Arnold referred to a meeting that was held with NYSDOT, what was discussed and concerns that were raised regarding this application and other future projects in this area. Board member Imobersteg felt those concerns/conditions need to be adhered to with future projects, and the Board Members felt these concerns should be brought to the attention of the developer of this project and/or the owner of the properties. Town Planner Schwenzfeier said he communicated those concerns to the property owner.

Board Member Green addressed the issue of those concerns and conditions and felt without having an actual development in front of this Board, he doesn't know if we can actually incorporate those conditions.

Board Member Donovan felt those conditions outlining the concerns should be made a part of the record for future development.

The conditions discussed at the meeting for this Seneca Turnpike site are as follows:

- Reduction of the speed limit to 40 MPH just before Woods Highway and 500' beyond to the west of Woods Highway
- No left turns coming out at either driveway at this site
- An access drive out to Middle Settlement Road
- Possible acceleration and deceleration lane onto the site.

Town Supervisor Humphreys addressed the Board stating that at the last Town Board meeting, a Resolution was passed requesting a Speed Limit change to 40 MPH on Seneca Turnpike to Woods Highway and 500' beyond to the west of Woods Highway.

Board Member Green referred to the Longworth Acres Subdivision and said he spoke with the Town Planner regarding the particulars addressed. He asked the Town Planner to communicate his concerns with the developer so that there would be no misunderstanding of what he felt we were expecting from them. Town Planner Schwenzfeier said he verbally spoke with Mr. Virkler and he is aware of the concerns. Board Member Green recommends that the minutes reflect the approval of Longworth Acres was subject to written conditions set forth by the Planner as part of that approval. He also suggested a letter reflecting these conditions be sent to Mr. Virkler with this Board reviewing it first. (The Town Planner was asked to send this communication in writing and to copy the Planning Board Members).

It was noted that the New York Mills Planning Board approved Eckerd's Pharmacy on Commercial Drive and Henderson Street. Dory Shaw will ask the Village Clerk for a copy of the minutes.

Reference was made about a report from Parks Director Michael Jeffery as he was working on data in regard to parkland. Town Planner Schwenzfeier said he would contact Mr. Jeffery, set up a meeting and advise the Board accordingly. The Board would like it on next month's agenda for a Finding Statement to implement

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Board Member Donovan referred to the draft June 13, 2005 minutes in reference to tax-exempt properties and he requested an addition to the last sentence on Page 19. He requested to amend the last sentence of these minutes to include Town Supervisor Humphreys name; discussion ensued about this issue.

Motion was made by Board Member Jerome Donovan to approve the minutes of the June 13, 2005 meeting with the revision; seconded by Board Member Hans Arnold. Vote taken:

Chairman Joseph Yagey – yes	Board Member Bob Imobersteg – yes
Board Member Gerald Green – yes	Board Member Bob Wood – yes
Board Member Jerome Donovan – no	Board Member Ronald Morelle – yes
Board Member Hans Arnold – yes	

Motion was **passed** by a vote of 6 – 1.

There being no further business, the meeting adjourned at 6:05 P.M.

Respectfully submitted,

Dolores Shaw
Planning Board Secretary

dbS