

MINUTES OF THE REGULAR MEETING
JANUARY 23, 2006

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. Board Members present were Hans Arnold, Peggy Rotton, Jerome Donovan, Tim Tallman and Bob Wood. Board Member absent: Bob Imobersteg. Also in attendance were Police Chief Raymond Philo, Dispatcher Jeff Madden, Town Attorney Gerald Green, Councilman David Reynolds, Superintendent of Highways Roger Cleveland, Codes Enforcement Officer Jerry Back, Town Planner Kurt L. Schwenzfeier, AICP, Senior Engineer John Meagher, Director of Parks & Recreation Michael Jeffery and Dolores Shaw, Secretary.

Chairman Yagey introduced new Board Member Tim Tallman who was recently appointed to take the place of Gerald Green. Mr. Green was appointed Town Attorney effective January 1, 2006.

The Board received the draft minutes of the November 14, 2005 Planning Board Meeting and Board Member Donovan had asked that his comments concerning the proposed retail project at Twin Orchards be incorporated into the minutes. Motion was made by Board Member Jerome Donovan to approve the minutes; seconded by Board Member Bob Wood. All in favor.

COR Development: Preliminary Site Plan Review of a proposed retail development on **Middle Settlement Road** with approximately 806 parking spaces. Tax Map #316.000-2-41.1 & 42; Lot Size: approximately 21 acres; Zoning: Planned Development Mixed Use. To be sent out for SEQR. Mr. Gerardi appeared before the Board with his engineer, Mr. Andy Hart of Bergmann Associates.

Mr. Gerardi explained that the proposal is for a 150,000 sf retail/restaurant use on a portion of the existing Twin Orchard's property. He also stated that they would need to apply for a four-lot subdivision for this property. The question came up again regarding the specific use. Chairman Yagey reminded everyone that the developer does not have to indicate the tenant, only to certify that the tenant meets the zoning requirements. Mr. Gerardi stated that since the last meeting he took into consideration comments from this Board. They have worked closely with Town Planner Kurt Schwenzfeier with the intent to have the Planning Board declare themselves Lead Agency. (Chairman Yagey stated that the Planning Board did open SEQR at the last meeting and declared themselves Lead Agency. It was sent out under the 30-day SEQR response in that the agencies could challenge the status – no one has challenged it. It still needs to be sent out formally and

there is sufficient information to do so. Board Member Arnold expressed his concern regarding premature submittals and how it could affect this Board.

Mr. Hart stated the large retail building will consist of 138,000 sf with 32,279 sf of outdoor sales on the western portion of this site; two (2) smaller out lot buildings with one (1) being a restaurant with 7,500 sf and one (1) farm stand with 3,240 sf. They are proposing 806 parking spaces. He addressed the layout of the road, parking, pedestrian access, storm water and landscaping. At this point they are at 29% green space and the requirement is 40% - they will provide mitigation if necessary. Parking would be a 5.4 ratio for the entire site – 9' x 18'. Chairman Yagey reiterated that this project is located in a Planned Development area and this Board can adjust percentage requirements.

At this time, Mr. Hart addressed the traffic study and referred to the sketch of the site, including the entry road and proposed road. Chairman Yagey referred to the road which comes to a dead end. Board Member Donovan referred to the road which could be dedicated to the Town and its proximity to Woods Highway. He would like to see it constructed to different/higher standards as it would be used more of a commercial nature. Discussion ensued regarding this property being in a GEIS area and how mitigation could affect this project. Mr. Gerardi would be happy to discuss this and other issues with the Town Planner. He said that his plan is representative of an overall retail development which is more stringent – they may have a more conservative impact. Board Member Arnold also asked about the distance from the right-of-way from Middle Settlement Road to the access point of someone pulling into the new farm stand – it is about 250'.

Chairman Yagey mentioned that he spoke with Highway Superintendent Roger Cleveland and they discussed the possibility of hiring an independent engineer to report to us on traffic, storm water, turning lands, distances, etc. for this project and for an adjacent project to be paid for by the developer(s).

Board Member Arnold asked Town Planner Schwenzfeier the number of parking spaces that would be needed for the restaurant only – 120 spaces, which they provided 87. Board Member Arnold stated that he feels we have a great opportunity, especially with the new 840 corridor, for an open space trail to the proposed business park at Woods Highway – to make this and other projects visually attractive to the Town of New Hartford. He does not want to compromise on green space.

Board Member Arnold would like to have the Town Planner and Town Staff evaluate whether or not we should be provided an open space through this development. He feels we have a tremendous opportunity for an open space trail to the proposed business park

at Woods Highway connecting to the new Rayhill Trail. He would like to see this Board take a care review of this project and before it goes out to SEQR, make any adjustments.

The Board discussed the parking situation for this project, traffic patterns, proximity to the new business park and road improvements.

Highway Superintendent Cleveland said he would work on getting someone on board to look at this project, as well as the proposed business park. Board Member Donovan stated that we need to discuss this contract engineer with Mr. Larry Adler also since we are proposing for these two (2) developers to pay for the study.

At this time, Police Chief Raymond Philo addressed the Board. He would like this Board to look at things collectively about the intersections leading into these developments because there will be a public safety impact. He wants to bring this Board up-to-date with NYSDOT.

Mr. Gerardi said he would take this Board's concerns into consideration and contact the Town Planner.

Cafua Management, c/o Bohler Engineering. Preliminary/Final Site Plan Review for a proposed drive-thru at **Dunkin Donuts, 8483 Seneca Turnpike.** Tax Map #328.013-1-18; Lot Size: 0.63 Acres; Zoning: Retail Business 1. Mr. Spiek appeared before the Board stating that he revised the curb cuts. Mr. Spiek stated that a new island will be near the door and the other two islands by the road will be wider with additional green space. Curbs will be added. Green space by the drive-thru side along the property line is about 1 ½'. The one way exit has been smoothed out but there is a utility pole and they move it as close as possible.

Town Planner Schwenzfeier stated that NYSDOT reviewed the plan and had no adverse comments. However, they need a Work Permit from NYSDOT.

The Board Members reviewed the plan. 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 Tim Tallman – yes

Board Member Hans Arnold – yes
Board Member Peggy Rotton – yes
Board Member Bob Wood – yes

Motion was passed by a vote of 6 – 0.

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

Chairman Joseph Yagey – yes	Board Member Hans Arnold – yes
Board Member Jerome Donovan – yes	Board Member Peggy Rotton – yes
Board Member Tim Tallman – yes	Board Member Bob Wood – yes

Motion was passed by a vote of 6 – 0.

Motion was made by Board Member Peggy Rotton to grant Final Approval with the condition that they contact NYSDOT for a Highway Work Permit and that a Building Permit be obtained within one (1) year of approval 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 Peggy Rotton – yes
Board Member Tim Tallman – yes	Board Member Bob Wood – yes

Motion was **passed** by a vote of 6 – 0.

(Pre-development Agreement and Memorandum of Understanding are set).

Mr. James Mackey, **Pyramid Corporation**. Conceptual Site Plan Review of a proposed 22,000 square foot expansion at **Sangertown Square Mall**. Tax Map #328.008-1-12.1. Zoning: Retail Business 1. Mr. Mackey appeared before the Board with a sketch of the proposal for a 22,528 sf gross leasable area to the existing Sangertown Square Mall and the addition of 109 parking spaces near the existing Sear’s TBA (to be announced) building (this parking is on the opposite side of the loop road. Green space requirement is met.

Chairman Yagey stated that this Board has concerns about the parking proposal. Mr. Mackey stated they are looking at about 100 spaces in this area and they are still within their parking ratio of 4.5 – the total number of parking spaces at Sangertown is 4,077. Mr. Mackey stated current parking ratio is at 4.62. If they don’t add the 100 spaces, the parking ratio would be 4.39.

The Board Members told Mr. Mackey they understand the parking in this area isn’t an everyday event, but asked him to consider the safety issue and how to address it.

Chairman Yagey referred to previous proposals before this Board with Sangertown that never materialized, even the proposal for an elevated walkway. Chairman Yagey referred to a tentative agreement with Sangertown for the use of the vacant freestanding Sears building for police/fire use. Mr. Mackey said he would check into this and advise the Board.

Board Member Donovan asked Mr. Mackey if the 22,538 sf was for the new tenant only – Mr. Mackey said yes – it would not include other uses. The total sf is 50,000 but they need the 22,528 extra sf with access to the outside to be practical.

Discussion again ensued regarding the parking situation. Also, Mr. Mackey said he would work with the Town Planner regarding this Board's concerns and submit updated drawings for SEQR.

Motion was made by Board Member Jerome Donovan to declare the Planning Board as Lead Agency; seconded by Board Member Hans Arnold. Vote taken:

Chairman Joseph Yagey – yes	Board Member Hans Arnold – yes
Board Member Jerome Donovan – yes	Board Member Peggy Rotton – yes
Board Member Tim Tallman – yes	Board Member Bob Wood – yes

Motion was passed by a vote of 6 – 0.

Mr. Larry Adler/New Hartford Office Group, LLC - Conceptual Site Plan Review of a proposed development on **Woods Highway**. Zoning: Planned Development Park. Mr. Adler appeared before the Board for a conceptual review with maps indicating a proposed business park off Woods Highway known as New Hartford Business Park. This would be a professional business park with approximately fifty (50) offices, some manufacturing, and commercial buildings. Building sizes would run from 5,000 sf to 200,000 sf on approximately 118 acres. This property runs from Seneca Turnpike, Woods Highway and to the other side of Judd Road. It is two (2) separate pieces at this time. Mr. Adler referred to correspondence dating from the middle 1990's when the Town of New Hartford proposed a business park, known as Par Technology Park – this did not take place. He referred to the Comprehensive Plan done by the Town of New Hartford which still had this property zoned for a business park. Preliminary engineering studies for water and sewer were done in this area.

Mr. Adler stated that he purchased this property at the end of 2005. He is trying to put something together consistent with what the Town had in mind in the 90's.

Board Member Arnold referred to the new Route 840 corridor and how it would affect this project. Also, how the NYSDOT and traffic reports focused on the Judd Road connection.

Board Member Donovan asked how this development related to COR Development's project at Twin Orchards, in particular, the driveway and building that drive up to Town standards for dedication as a Town road. Mr. Adler said he could not comment at this time as it was not discussed earlier when the Town was looking to do the park.

Chairman Yagey asked, are you proposing the possibility of Woods Highway to Route 840 – Mr. Adler said yes. Town Planner Schwenzfeier said this connection has been in the process for over a year and NYSDOT designed Judd Road to connect to Woods Highway.

Board Member Arnold feels we need the traffic experts to look at this as this business spark would be serviced by Route 840, Route 5 and Woods Highway. He's questioning whether the Town would be better serviced by service roads or a Town road to provide for development in this area. Mr. Adler said that from his perspective he feels a connector road is good planning and he will look into a future road as it benefits them also to have another access point.

Mr. Adler said this development will be phased and the rear of the property by Judd Road is the first phase; also part of the first phase would be along Seneca Turnpike. He feels that as the park develops he would like to see some recreational uses and some residential uses. We doesn't have any current plans for this yet. Mr. Adler said he would like to start this development by this summer.

Octagon Engineering, Mr. Al Forte. Preliminary Site Plan Review for a proposed restaurant at the former **Milk Stop** property at **61 Clinton Road** (applicant is Mr. Michael Scarafile to operate a business known as **Charlie Boys' BBQ**). Tax Map #328.016-1-64; Lot Size: approximately .025 acres; Zoning: RB4 Neighborhood Business. Mr. Forte appeared before the Board for his client, Mr. Michael Scarafile. He wishes to renovate an existing 1,648 sf one-story building. After renovations, the building will be reduced to 1,139 sf (the demolished part of the building isn't well constructed, and with this will provide additional green space). There are two (2) separate parcels, NYSDOT is the owner of one and the other is where the building is located – Mr. Scarafile is in the process of purchasing both. There will be no inside dining, take-out only with a few tables outside with a canopy. Hours of operation may be

10:30 AM to 9:00 PM. The entire frontage is now used as a driveway and the proposal is to construct two (2) 30' driveways for better and safer access to Clinton Road.

Board Member Donovan asked about public restrooms. Mr. Forte said there is an existing restroom inside for the workers but not open to the public. He stated that the Health Department and NYS Building Code doesn't require a public restroom for this type of business. Board Member Donovan would like Mr. Forte to explore the possibility of a public restroom – Mr. Forte will advise his client.

Board Member Arnold referred to the abandoned railroad in the rear as it was discussed years ago for an open space system. Director of Parks & Recreation Michael Jeffery explained that it is an idea that did not come to fruition between the towns of Kirkland and New Hartford.

At this time, motion was made by Board Member Peggy Rotton to declare the Planning Board as Lead Agency and to send this out for SEQR comment; seconded by Board Member Hans Arnold. Vote taken:

Chairman Joseph Yagey – yes
Board Member Jerome Donovan – yes
Board Member Tim Tallman – yes

Board Member Hans Arnold – yes
Board Member Peggy Rotton – yes
Board Member Bob Wood – yes

Motion was passed by a vote of 6 – 0.

Presentation by **Mr. Curt Nichols, P.E., of Shumaker Engineering** to update the Planning Board on the Tibbitts/Snowden Hill/Oxford Roads storm water study. Mr. Nichols presented the Planning Board with a summary of a report entitled Oxford Road/Kellogg Road Regional Storm Drainage Assessment dated November 11, 2005 that was prepared for the Town of New Hartford. In his summary, Mr. Nichols reviewed the parameters of the hydrologic model, and summarized the storm water runoff calculations for several key locations within the 617 acre watershed. In addition, he presented the Planning Board with conceptual construction costs for corrective actions at key locations with known and/or calculated localized flooding problems. This document has been made a part of the Planning Board files for drainage studies.

CORRESPONDENCE:

Slocum Dickson Medical Group, Burrstone Road: change from a one-story structure to 3-stories for their medical building (addition to existing building). Tax Map #317.000-2-8.3; Zoning: Planned Development Institutional.

Town Planner Schwenzfeier explained that Slocum Dickson is planning to construct two (2) additional stories onto their existing complex. He said that we have to amend the fees in lieu of mitigation.

Chairman Yagey stated that this is a change to their Site Plan which was approved. The footprint isn't touched at all. With the MRI in the basement, they feel it is easier to build the additional two (2) stories now. Their parking requirements are 766 parking spaces and they only need 659. He asked the Board Members for any comments.

There being no further discussion, motion was made by Board Member Peggy Rotton to amend the Final Approval of Slocum Dickson Medical Group to allow the additional two (2) additional stories; seconded by Board Member Bob Wood. Vote taken:

Chairman Joseph Yagey – yes	Board Member Hans Arnold – yes
Board Member Jerome Donovan – yes	Board Member Peggy Rotton – yes
Board Member Tim Tallman – yes	Board Member Bob Wood – yes

Motion was **passed** by a vote of 6 – 0.

OTHER

Town Attorney Gerald Green presented the Planning Board with the possibility of a Findings Statement along with Director of Parks & Recreation Michael Jeffery. The Planning Board discussed future action. Chairman Yagey advised Town Attorney Green that he has the option of seeking additional legal assistance if needed.

Board Member Hans Arnold thanked them for their hard work on this issue.

There being no further business, the meeting adjourned at 8:20 P.M.

Respectfully submitted,

Dolores Shaw
Planning Board Secretary
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