

MINUTES OF THE REGULAR MEETING
FEBRUARY 13, 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, and Jerome Donovan. Absent: Board Members Bob Imobersteg, Ronald Morelle and Tim Tallman. Also in attendance were Highway Superintendent Roger Cleveland, Police Chief Raymond Philo, Councilman David Reynolds, Town Planner Kurt L. Schwenzfeier, AICP, and Dispatcher Jeff Madden.

Minutes of the January 23, 2006 meeting were distributed and motion was made by Board Member Peggy Rotton to approve these minutes as written; seconded by Board Member Hans Arnold. All in favor.

Pyramid Network Services: Special Use Permit for a proposed **10' expansion at the existing cell tower** at 8291 Woods Highway. Tax Map #316.000-2-32.4; Lot Size: 1.5 Acres; Zoning: Planned Development Park. Mr. Mark Zagger appeared before the Board.

Town Planner Schwenzfeier updated the Board on the original application for the monopole and what transpired at the Planning Board and Zoning Board of Appeals meetings.

Mr. Zagger stated that there is an existing monopole on Woods Highway that is 100' in height. He is proposing to extend this height by 10' (this unit would be for T-Mobile). Also, cellular equipment will be installed within that area of the tower. He referred to a sketch of the proposed unit and corresponding equipment. He is aware of the limitations at this site and will work with the Planning Board as they don't own the land, it is owned by Crown Atlantic.

The Board Members referred to the lack of vegetative screening at this site and Town Planner Schwenzfeier will check into the original approval/discussion concerning any screening. The applicant is willing to provide screening.

Board Member Arnold asked the applicant to explain how the towers work and if they planned to have more than one provider – will the equipment look like the photograph submitted and how many units would be placed on each “branch”. Currently there are

three (3) antennas with three (3) different carriers. This 10' extension will include nine (9) cellular antennas. Mr. Zagger explained that this monopole isn't a large one for the industry but it has a solid foundation, and technology changes every day and prone to change over the years from a technical standpoint. Structurally they are limited to what is there - the original 100' monopole, with provisions for a potential 30' future extension.

At this point, motion was made by Board Member Hans Arnold that the Planning Board be Lead Agency for this project; 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

Motion passed by a vote of 4 – 0. This will be sent out for SEQR with related correspondence. A Public Hearing will be held on this application at a date to be announced.

Chuck E Cheese, 4697 Commercial Drive (K Mart Plaza). Conceptual/Preliminary Site Plan Review for a **proposed Chuck E Cheese** restaurant at the Eckerd's building in K Mart Plaza. Tax Map #328.008-1-3; Zoning: Retail Business 1.

Chairman Yagey explained that the applicant could not attend due to weather conditions as they were coming in from Texas.

Town Planner Schwenzfeier stated that they are proposing to convert approximately 8,516 square feet of the existing 14,810 square foot Eckerd's Drug Store at 4697 Commercial Drive (K-Mart Plaza). The façade will be remodeled showing the Chuck E. Cheese image, new signage, lighting, awnings and entrance doors. Proposed are thirteen (13) new parking spaces on existing pavement to bring the total number of parking spaces at this whole site to 846. The reason they are here this evening is because of the change in use – this is also in a GEIS area.

Board Member Arnold asked the Town Planner to explain what distinguishes this from the renovations being done at the former Pharmhouse Plaza. The Town Planner explained that the proposed uses at Pharmhouse are still retail but this application for Chuck E Cheese is for a restaurant, not a pharmacy. Board Member Arnold wanted to know what the proposed uses are at Pharmhouse – it is not known at this time but it was related to Staff that it is still retail. If a different type use is determined at the Pharmhouse site, it would have to come before this Board.

At this time, motion was made by Board Member Peggy Rotton that the Planning Board be declared Lead Agency for this application; 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

Motion was passed by a vote of 4 – 0. This will be sent out for SEQR with the related correspondence.

Board Member Donovan asked, if the remainder of the existing Eckerd's building is to be used for retail it wouldn't have to come back before this Board – Town Planner Schwenzfeier said it wouldn't have to come back unless this Board would like to place a condition on approval.

Chairman Yagey noted for the record that the Town Board has granted approval to the Planning Board for a Power Point system in this building (Kellogg Road Train Station). Councilman Bob Payne has expertise in this system and Town Planner Schwenzfeier and Dispatcher Jeff Madden have been looking into this digital projector, either stationary or portable unit. Chairman Yagey thanked the Police Department for the use of Mr. Madden's services.

COR Development/Twin Orchards: Request to be sent out for SEQR for the 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. Joseph Gerardi, Esq. and Mr. Andy Hart of Bergmann Associates appeared before the Board.

Town Planner Schwenzfeier stated that this application did not go out for formal SEQR review as the plans were incomplete. Mr. Gerardi is asking that this application be sent out for SEQR review and possibly the scheduling of a Public Hearing as he has presented Staff with updated plans.

Chairman Yagey stated that the Town Board is looking for some kind of direction from the Planning Board regarding the proposed road – whether it is a planned Town Approved road or private driveway. If it isn't planned for a Town road, then it doesn't have to be developed according to Town specs. The Town Board is looking for a letter from the developer to the Planning Board of what their intention is.

Mr. Gerardi referred to the sketch of the proposed project. He indicated that they purchased adjacent property which increased their green space to approximately 30-32%. The required percentage of green space is 40%. He also addressed the traffic issues and outlined the turning lanes at the three (3) legs of the Middle Settlement Road and Clinton Street intersection. He understands that these changes are subject to Oneida County DPW and NYSDOT review. He did not prepare a grading plan. Signage they would like to be visible on the right side of the entry drive. Board Member Donovan referred to the left turns and would there be a thru lane at the intersection (near BOCES) – Mr. Gerardi said it is a dedicated left and right turn and thru lane combined.

Discussion ensued by the developer regarding offsetting the fees in lieu of mitigation if they constructed a Town Approved road. Chairman Yagey explained the GEIS process (a credit wouldn't affect anything on site – mitigation is for off site).

Board Member Donovan stated that from a Town perspective, maybe we should be more concerned about off site implications. Board Member Arnold feels we need to be fully aware of the road situation - he suggested that road as an idea because when the town developed the whole series of plans for a business park, those plans called for a road between Woods Highway and Middle Settlement Road. He thought it was coming in at a different location/extension but he doesn't have those documents. He feels the Town Staff should review those documents. He feels it is incumbent on our Town Planner and Town Staff to do the analysis and give us a recommendation; otherwise we will have different views. If Town Staff cannot provide this, that we should hire a consultant for an evaluation. This is the only chance to get it right and it's the first step toward the development of the 840 corridor. If a professional planning evaluation feels the road is a bad idea, then that's fine, but at least we have that communication on this issue.

Chairman Yagey stated that he talked to Highway Superintendent Cleveland about this and he is talking about hiring a traffic engineer. Town Planner Schwenzfeier stated that he has been in contact with Mr. Rooney of Clark Patterson regarding intersections that he thinks should be investigated regarding this project and the adjacent business park on Woods Highway. The Town Planner has a meeting set up with Oneida County DPW to look at traffic. The Town Planner will meet with both developers and NYSDOT as well to work on some of the concerns. Board Member Arnold stated that if it is determined it is better to have a road, what should the alignment be and the capability of that road in the future.

Board Member Arnold stated for the record that he would like this information now with all questions answered to move forward with this project. If it is determined not to

develop the road, then at least we have a decision. He also referred to a service road that goes between private developments and which is not a Town road – we should explore this option also. He believes there should be a public walkway, green space through this development and a possible connection to the Rayhill Trail.

Board Member Arnold also referred to the public water supply and waste water (this would fall under SEQR review) and he would like the Town Planner to emphasize these issues with the involved agencies. The Town Planner stated he has talked to these agencies.

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

Chairman Joseph Yagey – yes	Board Member Hans Arnold – yes
Board Member Jerome Donovan – yes	Board Member Peggy Rotton – yes

Motion passed by a vote of 4 – 0.

Chairman Yagey asked if there was a cross connection in the Town Business park – it was stated no, at that location. A connection was from Woods Road.

Further discussion ensued regarding any proposed connection to Woods Highway, any future plans for this area, and what can be achieved with future developments. Board Member Rotton would like to proceed with this development as quickly as possible as this developer has been before the Board several times. Board member Arnold feels we need to advise the developer of our concerns and plan for the future. Board members Arnold and Donovan feel this discussion will go towards preliminary and or final approval as this is an important issue to resolve.

Chairman Yagey referred to Highway Superintendent Cleveland and the status of hiring an engineer. Mr. Cleveland explained that Clark Patterson has transportation people that can answer these kinds of questions. But he advised that we need to meet with the County for their concerns. He feels the first step is to see if we need the connector road, and if there is going to be one, it needs to be designed. Further, a dedicated highway is a Town Board decision and we need to hear from the Town Board if they would accept it.

Board Member Donovan asked the Town Planner to provide a map to the Planning Board Members that shows the walkways in the Town of New Hartford. He also stated that green space is only at 30-32% and he would like to see more green space with this

project. Mention was made of the adjacent Schmitt property where there is a ravine – this ravine could be included as green space also if the developer would like to pursue this.

Dr. Frank DeLaus: Proposed 33-lot Major Subdivision on Higby Road – **update.** Tax Map #340.000-2-1.2; Lot Size: 27 Acres; Zoning: Low Density Residential. Mr. Donald D. Ehre, P.E. and Dr. DeLaus appeared before the Board.

SEQR was opened for this project but not sent out pending agreements with an adjacent property owner regarding sewer and storm water from this subdivision to be connected to an existing and proposed system in Higby Woodlands. Since that time, Staff has been advised that the applicant will not be negotiating with the adjacent property owner and will install a pumping station at the intersection of Thistle Way and Ironwood Road. These lots will be accessible from Sylvan Way, not on Higby Road. This project will have all site improvements at inception, and permits will be obtained within one (1) year of approval date.

Mr. Ehre addressed the Board and what has transpired. The lot layout was the same, although Lots 13 and 24 are proposed out lots for storm water management and storm water quality basins. Mr. Ehre explained the sanitary sewer connection. Mr. Ehre said they can't go to gravity because of some of the adjacent property owners – they have a storm drain easement only and not a sanitary sewer easement. This would be designed by County and Town requirements and turned over to the Town.

Chairman Yagey asked the applicant how they would know if the Town wants to accept the pumping station – Mr. Ehre said they designed it according to Town specs. Chairman Yagey said we need an answer from the Town stating that they would accept the pumping station.

The layout of the property was discussed, slopes, etc. Also, water runoff/flow was discussed and explained. Mr. Ehre stated that their plan would not increase any ground water with adjacent properties, it could help.

Chairman Yagey asked the developer to look into a turning lane at Valley View Road – Mr. Ehre said it is a County Road and they would need their comment. Mr. Ehre stated that when and if Higby Woodlands is expanded, they could have a connection for these lots through Sylvan Way.

Board Member Arnold asked about the storm water – will the two (2) new basins go into an existing basin and flow into other basins – Mr. Ehre said yes. Board Member Arnold asked, what has been done with the timing of these basins. Mr. Ehre explained the discharge rate and Higby Woodlands basin is overly large and could accommodate the storm water runoff from this project. Board Member Arnold asked about sanitary sewers – would you form a district and would these residents pay for it. Mr. Ehre said they are proposing a pumping station and that there are three (3) other pumping stations in the Town. These other pumping stations are the responsibility of the Town (constructed by the developer and maintained by the Town). Board Member Arnold feels a gravity system is better and he hopes the Town takes a serious look at trying to intervene. He asked if the Town was involved with the adjacent property owner – Dr. DeLaus said no

Board Member Arnold asked if there was a sewer district formed between the Carucci development – it was stated yes, part of the consolidated district. There is a sewer system designed at the end of the cul-de-sac for this development. Town Planner Schwenzfeier said he would have the Town Attorney find out more about this. Board Member Arnold feels the Town should be involved to help resolve this situation before a pumping station is constructed.

Mr. Ehre explained that if Mr. Carucci will not let them connect, perhaps there is another option with them providing the money and the Town building the pumping station. Dr. DeLaus said he is willing to pay for connecting to Carucci's project if the Town can get Mr. Carucci to agree with it - this will be discussed further with Highway Superintendent Cleveland.

This project has not been sent out for SEQR yet because of the still pending discussions on utility easements – which have not been obtained. Since there has been no resolution on this matter, Dr. DeLaus is proposing that a sanitary pumping station be installed as a function of this project, thereby negating the need to connect to the Carucci project. Board Member Arnold will be looking at the response from the Water Board regarding water availability, fire flows, etc.

Discussion ensued regarding the adjacent property known s Higby Woodlands and securing easements. Dr. DeLaus said he has tried to negotiate with Mr. Carucci to no avail and they have no other choice but to construct a pumping station. It was stated that if the Town doesn't accept the pumping station, then the developer has to establish a homeowners association and this association takes care of it themselves.

This will be sent out for SEQR with related correspondence.

Town of New Hartford
Planning Board Minutes
February 13, 2006
Page 8

Correspondence

The Board Members discussed Charlie Boy's BBQ on Clinton Road and the information that was forwarded to them regarding whether bathroom facilities are needed or not at this facility.

There being no further business, the meeting adjourned at 6:50 P.M.

Respectfully submitted,

Dolores Shaw
Secretary/Planning Board

dbb