

MINUTES OF THE REGULAR MEETING
MARCH 27, 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, Bob Imobersteg, Bob Wood, Rodger Reynolds and Jerome Donovan. Also in attendance were Highway Superintendent Roger Cleveland, Codes Enforcement Officer Jerry Back, Councilman David Reynolds, Councilman Bob Payne, Mr. Jim Papaleo, NYSDOT, Mr. Steve Zywiak, NYSDOT, Town Planner Kurt L. Schwenzfeier, AICP, and Secretary Dory Shaw.

Minutes of the February 13, 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.

Chairman Yagey welcomed newly appointed Board Members Bob Wood and Rodger Reynolds. He then explained that the agenda items would be addressed at 4:30 P.M. and two (2) Public Hearings held at 7:00 P.M.

Chuck E Cheese, 4697 Commercial Drive, New Hartford, New York.

Preliminary/Final Site Plan Review of a proposed restaurant at the Eckerd's building in **K Mart Plaza**. Close SEQR. Tax Map #328.008-1-3; Zoning: Retail Business 1. Ms. Alice Winters from Chuck E Cheese, Irving, Texas, appeared before the Board.

Ms. Winters stated that they plan on remodeling 8,516 square feet of the existing Eckerd's building in K Mart Plaza for the new restaurant, Chuck E Cheese. Parking is there and they want to do some striping.

Board Member Donovan referred to the remaining portion of that building and the intended use. Ms. Winters said they will be using only that portion of square footage mentioned and she does not know what is proposed with the other section of the building.

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:

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|------------------------------------|-----------------------------------|
| Chairman Joseph Yagey – yes | Board Member Jerome Donovan – yes |
| Board Member Hans Arnold – yes | Board Member Bob Wood – yes |
| Board Member Rodger Reynolds – yes | Board Member Peggy Rotton – yes |
| Board Member Bob Imobersteg – yes | |

Motion approved by a vote of 7 – 0.

Board Member Arnold wanted to know how to communicate with the owner of our concerns with the remaining part of the building – Town Planner Schwenzfeier said he would notify the owner.

Codes Enforcement Officer Back said that this project is before us because of the change in use. If the rest of the building goes back to retail use, it would not have to come back before this Board. If it is a different use, then it would need to come back before this Board.

Motion was made by Board Member Peggy Rotton to grant Preliminary Approval of this project; seconded by Board Member Bob Imobersteg. Vote taken:

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|------------------------------------|-----------------------------------|
| Chairman Joseph Yagey – yes | Board Member Jerome Donovan – yes |
| Board Member Hans Arnold – yes | Board Member Bob Wood – yes |
| Board Member Rodger Reynolds – yes | Board Member Peggy Rotton – yes |
| Board Member Bob Imobersteg – yes | |

Motion approved by a vote of 7 – 0.

Pre-development Agreement and Memorandum of Understanding have been signed.

Motion was made by Board Member Hans Arnold to grant **Final Approval** to **Chuck E Cheese** and to incorporate Codes Enforcement Officer Back’s statement regarding any change in use of the remainder of the building as mentioned above and that a Building Permit be obtained within one (1) year of approval date; seconded by Board Member Bob Imobersteg. Vote taken:

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|------------------------------------|-----------------------------------|
| Chairman Joseph Yagey – yes | Board Member Jerome Donovan – yes |
| Board Member Hans Arnold – yes | Board Member Bob Wood – yes |
| Board Member Rodger Reynolds – yes | Board Member Peggy Rotton – yes |
| Board Member Bob Imobersteg – yes | |

Motion **approved** by a vote of 7 – 0.

Charlie Boy’s BBQ, 61 Clinton Road, New Hartford, New York. Preliminary/Final Site Plan Review of a proposed restaurant at the former Milk Stop property. Close SEQR. Tax Map #328.016-1-64; Lot Size: approximately .025 acres; Zoning: RB4

Neighborhood Business. Mr. Al Forte of Octagon Engineering appeared before the Board for his client, Mr. Scarafile.

Chairman Yagey stated that this application is to renovate an existing one-story building on Clinton Road for a drive-up restaurant. There will be no seating inside, but a few tables outside. There is an existing bathroom inside the building for employees only, which is not accessible for patrons. A question arose regarding bathroom availability for patrons, and whether it was required or not. The Town Attorney made an inquiry into this matter and agencies have been contacted regarding this concern and if this was a new building, it would require bathrooms, but because this building is grandfathered in, they don't need to do this. However, the Planning Board within its approval and discretion can or cannot require it.

Chairman Yagey said he was informed that the applicant has decided to revise his plan and install a unisex bathroom. Town Planner Schwenzfeier said that as a result of the bathroom addition, the applicant moved the dumpster to a back location and reduced the parking by two (2) spaces. However, circulation and parking still meets requirements.

Mr. Forte stated for the record that he talked to Oneida County Health regarding this project and it was stated to him that a bathroom was not needed at this site with this type of project, but in the spirit of cooperation with the Town, his client agreed to install one. Mr. Forte worked closely with Town Staff regarding this issue.

Board Member Donovan for the record stated that he talked to various agencies and it is a sanitary code issue. He also spoke with Oneida County Health and there seems to be a difference of opinion. He said he spoke with the State Health Department and they felt a bathroom is required whether inside seating or out and he submitted this information for the file. However, he appreciates the developer making this accommodation, but in his opinion the bathroom is required.

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

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|------------------------------------|-----------------------------------|
| Chairman Joseph Yagey – yes | Board Member Jerome Donovan – yes |
| Board Member Hans Arnold – yes | Board Member Bob Wood – yes |
| Board Member Rodger Reynolds – yes | Board Member Peggy Rotton – yes |
| Board Member Bob Imobersteg – yes | |

Motion approved by a vote of 7 – 0.

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

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|------------------------------------|-----------------------------------|
| Chairman Joseph Yagey – yes | Board Member Jerome Donovan – yes |
| Board Member Hans Arnold – yes | Board Member Bob Wood – yes |
| Board Member Rodger Reynolds – yes | Board Member Peggy Rotton – yes |
| Board Member Bob Imobersteg – yes | |

Motion approved by a vote of 7 – 0.

Motion was made by Board Member Peggy Rotton to grant **Final Approval** for **Charlie Boy's BBQ** with the revised Site Plan dated March 23, 2006 and that a Building Permit be obtained within one (1) year of approval date; seconded by Board Member Bob Imobersteg. Vote taken:

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|------------------------------------|-----------------------------------|
| Chairman Joseph Yagey – yes | Board Member Jerome Donovan – yes |
| Board Member Hans Arnold – yes | Board Member Bob Wood – yes |
| Board Member Rodger Reynolds – yes | Board Member Peggy Rotton – yes |
| Board Member Bob Imobersteg – yes | |

Motion **approved** by a vote of 7 – 0.

Mr. Larry Adler, New Hartford Office Park, Woods Highway, New Hartford, New York. Preliminary Site Plan Review of a proposed business park off of Woods Highway. Tax Map #328.000-3-7 and 316.000-2-41.1; Lot Size: approximately 115 Acres; Zoning: Planned Development Park. Mr. Larry Adler appeared before the Board with

Chairman Yagey explained that this is for Phase I; the plan shows the total project but we will be reviewing Phase I, which consists of approximately 29 acres for a proposed hotel, mix of professional office, commercial and accessory use buildings near the rear of the property by Judd Road.

The Board Members reviewed the plan. Board Member Arnold asked if Mr. Adler would have a common property line with the adjacent COR Development project (Twin Orchards) – Mr. Adler said no, that Twin Orchards would retain a piece of property between them.

Chairman Yagey referred to a connector road and if Mr. Adler had talked to the State. Mr. Adler said the Town has made application to the NYSDOT for a connection to Judd Road – that is under way. He further stated that if we approve a plan with a connection to

Judd Road and it doesn't happen, how does this project proceed. Mr. Adler said it looks like NYSDOT designed Judd Road to have this happen and based on the history of this property, he feels it will be approved.

Board Member Donovan said we are looking at a Town road and State highway – it could take a while and who would be responsible for building it. He asked, is this road proposed under Phase I – Mr. Adler said yes. Board Member Arnold referred to developers in the Town who build projects and roads – the Town doesn't build roads. He feels it is a process the Town goes through with the State and Mr. Adler has to build this road from Woods Highway to his project and it should be shown on the plans and deeded to the Town according to Town road specs.

Board Member Arnold had concerns regarding access to Woods Highway and Route 840 from this development, especially access to Phase I and would the project have to happen first – Mr. Adler said you can access his development from the existing Woods Highway. Discussion centered on the construction of an interior dedicated road – Mr. Adler said it could be possible.

Chairman Yagey stated that a consultant is on staff who is studying this whole area, this project and the proposed COR Development, the connector road from COR to Woods Highway. The study is in progress. He mentioned that we need to review Phase I as just that. Board Member Donovan stated that if the developer comes in with a connection to Judd Road, the approval would be with a connector but if he takes it out and just extends it to his development, it is not an issue. Perhaps he could take the road out of Phase I and address it with the other phases contingent on the connector being built. Chairman Yagey stated he can't take the road out if it is on the plan.

Mr. Adler stated that he feels 110,000 square feet of office doesn't warrant an entrance off Woods Highway – they are proceeding as if this is a plan, he wants to get it approved. If the intersection with Judd Road did get bogged down, perhaps they would provide something with a loop.

Mr. Adler referred to the steps the Town had taken when they proposed a Business Park in this area and what transpired at that time. He also referred to the traffic report done for this area.

Chairman Yagey stated that when this is sent out for SEQR, we will review the comments received. This Board will be review internal circulation, green space and all other issues for Phase I. Mr. Adler said they are at approximately 45% for green space for Phase 1.

Board Member Donovan asked Mr. Adler if he was looking for alternative means of energy – Mr. Adler said no. Board Member Donovan referred to the Town’s 1995 plan for the Business Park and manufacturing was mentioned, i.e., PAR (which did not proceed) – does Mr. Adler have any plans for manufacturing? He would like to see some manufacturing jobs brought to this area. Mr. Adler said they have not precluded it and they are talking to some people regarding this. Mr. Adler said there may be some service retail but no retail like Commercial Drive. He is looking to fill a lot of the office space. If he can get some manufacturing, good, but he is not sure at this time.

Board Member Arnold feels this Board should get a comprehensive review from our Town Staff in terms of their review and he thanks Mr. Adler for doing what this Board has asked for by making a list of what transpired in the 1990’s – it was helpful.

Reference was made to the DGEIS and what the SEQR determination would be now. Town Planner Schwenzfeier said the GEIS was based on specifics of what the Town was looking at and that has to be adjusted. He talked with agencies to make sure any improvements for this project will be provided.

Chairman Yagey asked Mr. Adler if he was going to subdivide Phase I – Mr. Adler said he may in the event a tenant wants their own property.

Board Member Arnold thinks this concept is a good idea, but there was a big investment made in the 1990’s and now we have a plan before us today. He would like to have the Town Attorney or designee to review the previous plan and what is presented now. He feels our determination of SEQR is a foundation for the project to go forward and he feels legal assistance is needed, especially with the new Route 840 and what it will do for the Town balances by a need to have careful development in this area. He feels that when NYSDOT looks at Phase I and future phases, they should be compelled to move forward right away. He hopes the Town Board will contact the State representative to move it along.

Existing water and sanitary on the lower portion of Woods Highway was discussed as well as future expansion.

At this time, motion was made by Board Member Bob Imobersteg to declare the Planning Board Lead Agency; seconded by Board Member Jerome Donovan. Vote taken:

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| Chairman Joseph Yagey – yes | Board Member Jerome Donovan – yes |
| Board Member Hans Arnold – yes | Board Member Bob Wood – yes |
| Board Member Rodger Reynolds – yes | Board Member Peggy Rotton – yes |
| Board Member Bob Imobersteg – yes | |

Motion approved by a vote of 7 – 0.

Motion was made by Board Member Hans Arnold to open SERQR and send the application out for review to the Involved and Interested Agencies; seconded by Board Member Peggy Rotton. Vote taken:

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| Chairman Joseph Yagey – yes | Board Member Jerome Donovan – yes |
| Board Member Hans Arnold – yes | Board Member Bob Wood – yes |
| Board Member Rodger Reynolds – yes | Board Member Peggy Rotton – yes |
| Board Member Bob Imobersteg – yes | |

Motion approved by a vote of 7 – 0.

Mr. Adler said he would like to be able to discuss with the Town Attorney, as well as Staff, have to say about this review.

Mr. Kevin Phillips, 8181 Seneca Turnpike, Clinton, New York (Town of New Hartford). Conceptual/Preliminary Site Plan Review of a conversion from the former Karrat's Restaurant into offices with the addition of approximately 2,732 square feet on the Midland Avenue side of the property. Open SEQR. Tax Map #328.005-4-33; Lot Size: .78 Acres; Zoning: Planned Highway Business. (Applicant appeared before the Zoning Board of Appeals and received approval for Area Variances). Mr. Donald E. Ehre, P.E., and Mr. Kevin Phillips appeared before the Board.

Mr. Ehre stated that this applicant purchased the former Karrat's Restaurant and is planning to expand and square off the existing structure for office use (he would like to place his business there and rent the other two (2) offices spaces. The addition will not be any closer to Midland Plane than the existing building. Because of the change of use and property layout, the NYSDOT requires that we alter the arrangement of entrances to conform to their standard entrances. They have shown this on the plans. Thirty-six parking spaces are located in the front. Water and sewer lines will remain where they are. Mr. Ehre referred to green space and mentioned that with the changes requested by NYSDOT and in order to provide the two (2) entrances, they are at about 40% for green space and the requirement is 50%. It will be green space in the front of the property also. They have complied with NYSDOT's requests.

Further, Mr. Ehre explained that there were some concerns from the residents at the Zoning Board meeting regarding drainage and the applicant is addressing this issue.

Board Member Arnold addressed the entrances – there are three, a driveway leading into the proposed addition on Midland Place, a State approved entrance off Seneca Turnpike, the driveway entrance into the front parking lot from Midland Place. Discussion ensued regarding these drives.

At this time, motion was made by Board Member Jerome Donovan to declare the Planning Board Lead Agency for this project; seconded by Board Member Bob Wood.
Vote taken:

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| Chairman Joseph Yagey – yes | Board Member Jerome Donovan – yes |
| Board Member Hans Arnold – yes | Board Member Bob Wood – yes |
| Board Member Rodger Reynolds – yes | Board Member Peggy Rotton – yes |
| Board Member Bob Imobersteg – yes | |

Motion approved by a vote of 7 – 0.

Motion was made by Board Member Peggy Rotton to send the application of P3 Development out for SEQR; seconded by Board Member Bob Imobersteg. Vote taken:

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| Chairman Joseph Yagey – yes | Board Member Jerome Donovan – yes |
| Board Member Hans Arnold – yes | Board Member Bob Wood – yes |
| Board Member Rodger Reynolds – yes | Board Member Peggy Rotton – yes |
| Board Member Bob Imobersteg – yes | |

Motion approved by a vote of 7 – 0.

Mr. Patrick Hayward, Conceptual/Preliminary Review of a Major 3-Lot Subdivision off **Higby Road** known as **Shadowbrook Subdivision** – open SEQR. Tax Map #340.000-2-5; Lot Size: 2.9 Acres; Zoning: Low Density Residential. Mr. Al Forte appeared before the Board for his client, Mr. Hayward.

Chairman Yagey explained that this is a three-lot, single-family subdivision on 2.6 acres. This is considered a major subdivision because the developer is extending the sewers.

The Board Members reviewed the plans as submitted.

Motion was made by Board Member Jerome Donovan to declare the Planning Board Lead Agency for this project and open SEQR; seconded by Board Member Hans Arnold.
Vote taken:

Chairman Joseph Yagey – yes
Board Member Hans Arnold – yes
Board Member Rodger Reynolds – yes
Board Member Bob Imobersteg – yes

Board Member Jerome Donovan – yes
Board Member Bob Wood – yes
Board Member Peggy Rotton – yes

Motion approved by a vote of 7 – 0.

Chairman Yagey explained that the **Charles T. Sitrin Home, Cedarbrook Development** is looking for an extension of their approval which expires in May 2006. He stated that there are State regulations that this facility needs to deal with and that takes time.

Town Planner Schwenzfeier stated that this extension is strictly for Phase 1A.

Board Member Peggy Rotton would like to see a three-year extension for this project. The Board Members discussed the extension time frame. Motion was made by Board Member Bob Imobersteg to extend the approval for the Cedarbrook Development for the Sitrin Home by **one (1) year for Phase 1A** only; seconded by Board Member Rodger Reynolds. Vote taken:

Chairman Joseph Yagey – yes
Board Member Hans Arnold – yes
Board Member Rodger Reynolds – yes
Board Member Bob Imobersteg – yes

Board Member Jerome Donovan – yes
Board Member Bob Wood – yes
Board Member Peggy Rotton – no

Motion **approved** by a vote of 6 – 1.

PUBLIC HEARINGS – 7:00 P.M.

Omnipoint Cell Tower Extension/Pyramid Network Services, Special Use Permit for a proposed 10' height 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. Legal Notice was published in the Observer Dispatch on March 18, 2006 and residents within 500' were notified. Mr. Mark Zagger and Mr. Mike Crosby appeared before the Board.

Town Planner Schwenzfeier stated that the site on Woods Highway is owned by Crown Castle and T-Mobile has entered into a lease agreement with them. There are three (3) carriers on there now. Mr. Zagger presented drawings for the Board's review. He feels the fence compound that exists there now has plenty of room to expand.

Chairman Yagey asked about the expansion. Mr. Zagger said there will be a total of 420 square feet to the fence compound. Chairman Yagey asked if he had checked with requirements of approval for this tower, especially the landscaping as this was a concern. Mr. Zagger said their requirements, if the Board chooses, is to continue with the landscaping for their expansion – T-Mobile would facilitate the landscaping for their expansion and go back to Crown Castle for their input for what should have been done. Mr. Zagger said they weren't part of the original approval but will assist with the landscaping.

Chairman Yagey asked if there was anyone present to address this application:

-Mr. Dave Wargo, 8237 Woods Highway, Clinton, New York (Town of New Hartford). He prepared and sent a packet to the Planning Board Members to review. His land is adjacent to the cell tower. He referred to the drop zone if the 10' extension is approved, i.e., a 110' tower with a 105' drop zone. If the tower fell, it would be 5' over onto his land. He also feels there are other alternatives than an expansion at this site, i.e., pole mounted transmitters. Further, he referred to the photos as presented by the cell company. He feels this expansion and any other expansion would alter the character of the area.

Mr. Zagger addressed these concerns. He stated that cell companies are encouraged to expand with existing structures. The need is there for this area and this is a great location. He feels the tower isn't that visible from anything close by. He said the Sangertown area needs better cell service and referred to the gap areas. The smaller transmitters won't help in this area.

There being no further input or comments, the Public Hearing closed at 7:15 P.M.

Board Member Wood referred to the existing power lines – Mr. Zagger said there are OSHA regulations – once a unit is installed, they can't go back and fix it if needed because the power can't be turned off – it's a maintenance issue. However, they do work closely with power companies. Economically, it makes the project not feasible.

Board Member Donovan referred to the coverage area and approval of the existing pole, this expansion and other possible expansions. Mr. Zagger said there are many changes in the wireless industry and consolidations. In his opinion, he feels it is unlikely for another company to expand in the next twelve (12) months. Mr. Zagger wanted the full extension for this pole, but compromised with the 10'. Board Member Donovan asked if they looked at other sites or alternative means – Mr. Zagger said yes.

The Board discussed the drop zone factor and the construction of cell towers and associated structures. Board Member Arnold feels we should be contacting the owner to continue with the improvements as approved, i.e., landscaping. Chairman Yagey suggested that Codes Enforcement Officer Back needs to do whatever is necessary to make sure they comply with the original approval at this site (Crown Castle).

Discussion ensued regarding the original approval for this tower and how it was approved before the Town adopted a Telecommunications Law. Further discussion ensued regarding the drop zone and how it affected this application.

Chairman Yagey stated that we need to verify the original application which allowed a 30' extension at this site and how the drop zone affects this approval. He asked Town Planner Schwenzfeier to check into this.

Motion was made by Board Member Jerome Donovan close SEQR on this application with a Negative Declaration; seconded by Board Member Peggy Rotton. Vote taken:

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| Chairman Joseph Yagey – yes | Board Member Jerome Donovan – yes |
| Board Member Hans Arnold – yes | Board Member Bob Wood – yes |
| Board Member Rodger Reynolds – yes | Board Member Peggy Rotton – yes |
| Board Member Bob Imobersteg – yes | |

Motion approved by a vote of 7 – 0.

Motion was made by Board Member Peggy Rotton to grant Preliminary Approval subject to verification by the Town Planner and Codes Enforcement Officer that the original approval allowed for the 30' extension with the proper drop zone; seconded by Board Member Rodger Reynolds. Vote taken:

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| Chairman Joseph Yagey – yes | Board Member Jerome Donovan – yes |
| Board Member Hans Arnold – yes | Board Member Bob Wood – yes |
| Board Member Rodger Reynolds – yes | Board Member Peggy Rotton – yes |
| Board Member Bob Imobersteg – yes | |

Motion approved by a vote of 7 – 0.

Motion was made by Board Member Hans Arnold to grant **Final Approval** with the condition that the Codes Enforcement Officer ensure that the owner of the tower has done their three-year annual inspection at the site and that all landscaping that was originally approved at this site is accomplished; and that the 30' extension (the design of the

original tower could accommodate a 30' extension – original approval was for a 100' pole) and proper drop zone be reviewed as part of this final approval; seconded by Board Member Bob Imobersteg. Vote taken:

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| Chairman Joseph Yagey – yes | Board Member Jerome Donovan – yes |
| Board Member Hans Arnold – yes | Board Member Bob Wood – yes |
| Board Member Rodger Reynolds – yes | Board Member Peggy Rotton – yes |
| Board Member Bob Imobersteg – yes | |

Motion **approved** by a vote of 7 – 0.

COR Development/Twin Orchards: Public Hearing for a proposal to construct 150,000 square feet of retail development (one large retail building at 138,000 ± sf with 32,279 ± sf of outdoor sales, and a 7,500 ± sf restaurant. Also included will be a 3,240 ± sf farm stand building along Middle Settlement Road. There will be 806 parking spaces. Tax Map #316.000-2-41.1 & 42; Lot Size: approximately 21 acres; Zoning: Planned Development Mixed Use. Legal Notice was published in the Observer Dispatch on March 18, 2006 and residents within 500' were notified. Joseph Gerardi, Esq. of COR Development and Mr. Andy Hart of Bergmann Associates appeared before the Board.

Chairman Yagey explained they a consultant has been hired to do a study for the total traffic situation in the Middle Settlement Road area, turning lanes on Middle Settlement Road, and Seneca Turnpike near the proposed Business Park. Representatives from NYSDOT are also here this evening.

Mr. Gerardi gave an overview of the proposed project. He displayed a site plan indicating where the proposed buildings would be located and parking. He stated that the property is currently owned by the Yager family. He stated that storm water for the site is in the preliminary stage. They have looked at traffic with the submittal of a traffic study as well as the utility analysis, which have been circulated to the Involved Agencies through the SEQR process. He also presented an aerial photo of the site, which did not show Route 840 as it was not available at the time.

Chairman Yagey asked if there was anyone present to address this application:

-Mr. Joseph Dodge, representing Garden Home Management, Park View Estates, Middle Settlement Road. He has no objection to this application, but he is suggesting that the outgoing traffic be kept east or northwest –not turning on to the curve on Middle settlement – either straight out or to the left – as Middle Settlement is a busy road. There are 217 families who live in the park with a Day Care Center. The traffic pattern has

changed over the years and he would also like to see a No Passing zone in this area. He would be interested in knowing what the traffic analysis states.

-Ms. Christine Krupa – she wanted to know how many entrances would be on the site. Chairman Yagey said at the one intersection where it is signaled into Twin Orchards – that won't change – it will change once the traffic analysis is in. Some modifications for turning lanes and lane widening will take place. In terms of additional entrances, a public road was discussed rather than a private road was discussed. The applicant is willing to consider it a public road because there is development in the rear of this property that may or may not occur – a connector road to Woods Highway.

-Mr. James Cehonski, Park View Estates. Is there a single line in and out or another lane? Entrance coming out of the development is planned to be two (2) lanes out with a right and thru, and one left. Mr. Cehonski is concerned about traffic as Middle Settlement is a busy road.

-Ms. Joanne Jacobsen, Oneida Street. We doesn't feel we need another Lowe's type store, it affects green space, traffic and services. This proposal may hurt the smaller businesses trying to survive.

Chairman Yagey explained the planning process for a development in the Town and the Planning Board's responsibility, particular zoning for projects, etc.

-Ms. Lisa Brett, Clinton. She referred to the situation with the Water Board and Canal Corporation – what about water pressure to this area. Also, she would like to suggest that the developer put in some park land and/or bike trails.

Chairman Yagey explained that this application was sent to the Water Board through SEQR review and we will await their comments.

-Mr. Jerry Bohling. He asked if this Board looks at the whole area or just the business community. Chairman Yagey explained that this Board is responsible for the whole Town.

-Mr. Jim Cehonski, Park View Estates. He asked if water and sewer is available – the response was yes. Also, he referred to any possible road work that may be needed as it is a County road and who pays for the improvements. He also asked if there was a plan for any road work at this time – the response was no road work planned to date but the Planning Board will await responses from the Involved Agencies.

-Mr. Dave Wargo, Woods Highway. He likes the concept of this project and appreciates having another option for a place to shop. He feels that the road that extends to Woods Highway is crucial and should be completed as soon as possible.

Chairman Yagey referred to the proposed Business Park and the discussion of a connecting road. Mr. Jim Papaleo of NYSDOT stated that they are looking seriously at the proposal for an access to Route 840. If a connection is made from Woods Highway to Route 840, some of the new traffic on that road may shift. Traffic patterns change when new highways are built. The department is working with the Town, County and developers and with the consultant regarding any connection road to make an assessment of what will happen in the future. We hope to have the consultants report soon.

Chairman Yagey stated that when we look at plans for a project, we assume that the developer has done is correct. Many times we find we have options.

Mr. Arnold referred to the map of the project with a overlay of his thoughts/concerns. It is the proximity of the first turn into the project to the north off access road being close to the intersection of Middle Settlement Road and create some problems with traffic backing up. The 10' retaining wall that would have to be built to accomplish the storm water management plan; the amount of green space incorporated into the development. This concept would expand the green space in front, it would push the entrance road back into the development and move the retention up to the front of the site. For now we could keep the building in the same location and create more of a boulevard entrance where you are selecting which of the uses you are going into. This would lower the retention basin and increases the open space. Also mentioned was the traffic study – we need to know if this road should be configured to be a future town roadway or internal service road; look at open space corridor that might tie into the Rayhill trail on Route 840. There is an opportunity to bring this on to the south side of Route 840 and to the proposed Business Park.

Board Member Arnold asked, if the Chairman wants him to make a motion for the developer to modify the layout to accomplish some objectives that the Town wants to see met, he would (there was no formal motion made).

Board Member Arnold said he is not presenting this as an alternate answer, but some ideas to consider.

Chairman Yagey said that perhaps the developer would like to take the concept and review it and come back to us with an answer to see if it works or not.

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Board Member Donovan asked the developer to consider going out on the right side of the property rather than left side for a Town road – just look at it as it is another option.

Board Member Rotton asked if an economic feasibility study had been done on this development. Mr. Gerardi stated that he has been in this business for over 20 years and retail tenants are very different. They don't get into the actual economic analysis in terms of sales, but economic development on feasibility.

There being no further comments, the Public Hearing closed at 8:40 P.M.

There were no other items on the agenda, therefore, the meeting adjourned at 8:55 P.M.

Respectfully submitted,

Dolores Shaw
Secretary/Planning Board

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