

**MINUTES OF THE REGULAR MEETING**  
**May 8, 2006**

The Regular Meeting was called to order by Chairman Joseph Yagey at 6:00 P.M. Chairman Yagey introduced Scouts Joseph and Conrad Benincasa who led the Pledge of Allegiance. These boys are participating in a project for Boy Scouts. Board Members present were Hans Arnold, Peggy Rotton, Bob Imobersteg, Bob Wood, Rodger Reynolds and Jerome Donovan. Also in attendance were Police Chief Raymond Philo, Councilman David Reynolds, Councilman Bob Payne, Town Planner Kurt L. Schwenzfeier, AICP, and Secretary Dory Shaw.

Minutes of the March 27, 2006 meeting were distributed and motion was made by Board Member Peggy Rotton to approve these minutes as written; seconded by Board Member Bob Imobersteg. All in favor.

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**Zone Text Amendment, Chapter 118, Section 118-74 Building/Site Permits** of the Code of the Town of New Hartford; Local Law Introductory "A" of 2006 – recommendation to Town Board to adopt a Resolution. Chairman Yagey stated this is a change to Town Code broadening the language for Building/Site Permits.

After a review of the text for the Local Law Introductory "A" of 2006 to amend the Code of the Town of New Hartford, Chapter 118 entitled Zoning, Section 118-74, motion was made by Board Member Peggy Rotton to recommend to the Town Board approval for this amendment; seconded by Board Member Rodger Reynolds. Vote taken:

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

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

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**Public Hearing:** property owned by Mr. Michael Cortese on **Higby Road**, Town of New Hartford, Oneida County, New York. Hayward Properties is proposing to develop 2.6± acres of land on Higby Road into three (3) single-family residential lots known as **Shadowbrook Subdivision, Higby Road – Public Hearing for a three-lot major subdivision**. Tax Map #340.000-2-5; Lot Size: 2.6 ± Acres; Zoning: Low Density

Residential. Legal Notice was published in the observer Dispatch on April 30, 2006 and residents within 500' were notified. Mr. Patrick Hayward and Mr. Al Forte, Engineer, appeared before the Board.

Mr. Forte presented a plan for the residents to review and explained the proposal. All utilities will be underground; sanitary sewer will be extended under Higby Road to Christopher Circle; water is available but has not been accepted at this time; County DPW asked for a turnaround which is shown on sheet 2 of the plans and the westerly lot has been provided a driveway because of a site distance concern. The location of the driveway is deeded and is shown on the plot plan. The developer will not be disturbing the entire lots, only the front – they will not be disturbing the rear yards – water will be drained towards the back.

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

-Mr. Fred Scatko, Higby Road. He addressed water overflow/ponding, especially from South Woods. He has a concern that the water from this project will create additional water problems. He is also concerned about visibility problems from the additional driveways.

Mr. Forte explained that there won't be any change to the current runoff, cellar drains are out the back and water runoff will be directed toward the front. Chairman Yagey stated that a developer cannot add to an existing problem. He also explained the SEQR process to the public.

Mr. Lenny Grucza, 18 Christopher Circle. He has water runoff concerns as well and asked for an explanation of the sanitary sewer extension. Also, he would like the Highway Superintendent to look at the water situation on Higby Road.

Mr. Tom Scatko, 352 Higby Road. He feels there is a water runoff problem, especially with standing water on Christopher Circle. He also wanted to know about the proximity of the cemetery.

Mr. Pat Thompson, Christopher Circle. He referred to the ditches on Higby Road, which fill with water and do not drain.

Town Planner Schwenzfeier will contact the Highway Superintendent and Town Engineer to look into this drainage issue.

Board Member Donovan questioned water availability. Town Planner Schwenzfeier said

they can build, but until water is approved, no Certificate of Occupancy will be issued.

There being no further input, the Public Hearing ended at 6:40 P.M.

The Board Members reviewed the plans, drainage, driveway locations, site visibility, traffic, etc. Board Member Reynolds would like to see a traffic review of Higby Road done in the future.

Motion was made by Board Member Bob Imobersteg to close SEQR with a Negative Declaration; seconded by Board Member Rodger Reynolds. Vote taken:

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

Motion approved by a vote of 7 – 0.

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

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

Motion approved by a vote of 7 – 0.

Motion was made by Board Member Imobersteg to grant Final Approval with the condition that Building Permits be obtained within one year of approval date and that the release of the water is no greater than what exists in that area now; seconded by Board Member Rotton. Vote taken:

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

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

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**Public Hearing**: property owned by Jefferson Street Development, LLC, on **Higby Road**, Town of New Hartford, Oneida County, New York who is proposing to subdivide the 5.23 acre parcel into seven (7) single-family residential lots with one (1) outlet known as **Jewel Ridge Subdivision**; Tax Map #340.000-2-1.1; Lot Size: 5.23 Acres; Zoning: Low Density Residential. Legal Notice was published in the Observer Dispatch on April

30, 2006 and residents within 500' were notified. Mr. Gregg Grates and Mr. Donald D. Ehre, P.E. appeared before the Board.

Chairman Yagey stated this project is immediately to the west of the Christopher Circle development. The driveway at the high point has been reviewed and approved by OCDPW. Other drives will access onto the proposed roadway.

Mr. Ehre addressed in detail driveway/roadway locations, utility easements, drainage, storm water runoff calculations, catch basins, water main extensions, sanitary sewers, grading, site distances, traffic, plantings, etc.

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

-Mr. Pat Thompson, Christopher Circle. He has concerns regarding excavation of property – Mr. Ehre explained all work will be done on the developer's property, catch basins included. He is also concerned about proper drainage.

Town Planner Schwenzfeier explained the review process of accepting the engineer's report and the developer's responsibility to this project.

-Ms. Sue Green, Christopher Circle. She has concerns about infringement on her property – Mr. Ehre stated they have no right to go onto other properties.

-Mr. Lenny Grucza, 18 Christopher Circle. He asked for input regarding sewer lines and water, and clarification on how the sanitary system is planned; also drainage and storm water runoff - Mr. Ehre explained. Mr. Grucza also asked who is accountable for the accuracy of the surveys that were done in this area.

-Mr. Greg DeBernardis, 358 Higby Road. He referred to their driveway, which will abut his. He feels his privacy as he knows it now is affected. He is requesting shrubbery to help maintain his privacy. Mr. DeBernardis has a concern regarding traffic and catch basins; also grade levels of the road.

Chairman Yagey asked the developer to look into this request regarding shrubbery. Mr. Grates said he would take this into advisement and check with the Highway Superintendent also regarding rights-of-way.

-Ms. Susan Palmieri, Higby Road. She is concerned about traffic and site visibility. Also, street lights. Chairman Yagey explained the procedure to obtain street lights and also stated that any development has to be built as approved by this Board.

-Mrs. Grucza, 18 Christopher Circle. She asked about plantings. Mr. Ehre said from the property line to the pavement there is a right-of-way. If it is treed now, they won't take any down.

-Mr. Tom Scatko, 352 Higby Road. He addressed snow removal, whether the culverts would be covered (which they are), and setbacks of homes.

-Mr. Fred Scatko, 356 Higby Road. He referred to grade levels of the road. Mr. Ehre explained the cul-de-sac location and ground elevations.

There being no further business, the Public Hearing closed at 7:45 P.M.

Board Member Donovan referred to the water connections and also asked about the location of the DeBernardis property on the subdivision map. Mr. Ehre explained that they have provided a location for the connection of Mr. DeBernardis' driveway to the proposed Jewel Ridge Drive. Should Mr. DeBernardis grant the developers permission to enter his property, the contractor will construct the proposed driveway at this or another mutually agreed upon location at no cost to Mr. DeBernardis. Mr. DeBernardis addressed the Board stating he was never asked.

The Board discussed the privacy and driveway issues of Mr. DeBernardis. The Board also feels the storm water management analysis should be evaluated by an independent engineer and charge the applicant.

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

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

Motion approved by a vote of 7 – 0.

Board Member Hans Arnold is recommending:

- Table this application and ask the developer to come back with some answers regarding screening by the entrance road and cul-de-sac.
- Come up with an answer on the connecting road to the DeBernardis driveway.
- Try to obtain a cost for an independent storm water management review of this whole project and find out what that cost may be and then approach

the Town with it; and determine who pays for this study.

Motion was made by Board Member Hans Arnold to table this application to enable the developer to address the captioned issues; seconded by Board Member Jerome Donovan.  
Vote taken:

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

Motion approved by a vote of 7 – 0.

Board Member Reynolds asked the Town Planner to update him on the procedures of SEQR for this project.

Mr. Grates said he has a timetable concern. Town Planner Schwenzfeier advised the Board Members of the process to obtain an Engineering Services Agreement, and the Board would like to see this procedure simplified.

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Chairman Yagey updated the Board on the following:

- Eckerd Pharmacy project on Commercial Drive and Henderson Street
- Cell Tower extension on Woods Highway needs a variance for the drop zone
- DeLaus Subdivision on Higby Road
- Charles T. Sitrin Home

There being no further business, the meeting adjourned at 8:45 P.M.

Respectfully submitted,

Dolores Shaw  
Planning Board Secretary

dbS

