

MINUTES OF THE REGULAR MEETING
JULY 17, 2006

The Regular Meeting was called to order by Vice Chairman Hans Arnold at 7:00 P.M. at which time the Pledge of Allegiance was recited. Board Members present were Peggy Rotton, Jerome Donovan, Bob Imobersteg, Rodger Reynolds and Bob Wood. Board Member absent: Chairman N. Joseph Yagey. Also in attendance were Town Councilman David Reynolds, Highway Superintendent Roger Cleveland, Town Engineer John Meagher and Town Planner Kurt L. Schwenzfeier, AICP

Minutes of June 12, 2006 meeting were distributed and motion was made by Board Member Peggy Rotton to approve these minutes as written; seconded by Board Member Jerome Donovan. All in favor.

Charles T. Sitrin Home, Tilden Avenue, New Hartford, New York. Preliminary Site Plan Review of proposed Nursing Home Residential Development. Tax Map #340.000-2-21; Zoning: Planned Development Institutional. Mr. Richard Wilson, CEO and Ms. Patricia Hayes of the Sitrin Home appeared before the Board.

The Charles T. Sitrin Health Care Center, Inc. proposes to relocate 110 skilled nursing residents from the existing facility to nine 12-14 bed residences. This project requires that the Sitrin Home obtain three (3) Certificates of Need from New York State Regulatory Agencies. Each Certificate of Need is tied directly to each other.

Vice Chairman Hans Arnold asked Mr. Wilson if the SEQR process impedes the Certificate of Need time frame. Mr. Wilson stated that 60 days may be reasonable.

This entire site was reviewed under SEQR during the Zone Map Amendment process. Now each phase should be reviewed under SEQR. The Town Planner stated that per a meeting with the Town Attorney, it was determined that the Planning Board does not have to send this project out for SEQR. However, that the Town Planning Board can and should send this project out for SEQR related to this phase of the development in order for the Planning Board to do their due diligence in the review of this project based on site concerns relating to this phase. Also, to verify protection not only for the Town and the applicant, but for residents near the project.

Vice Chairman Arnold wanted the Board to make the distinction that this Board does not have to send this project out for SEQR, but is only another way for the Town to obtain information for the environmental impacts related to this project. A compromise may be

the Board granting Conditional/Preliminary Approval without Final Approval and reserve Final Approval until such time that the Town has all information necessary.

Board Member Donovan referred to the fact that certain issues can only be gotten from the interested and involved agencies and what happens until the required calculation needed by certain agencies are received by those agencies. How can this Board move forward without the information required by the Town's Zoning Code?

Vice Chairman Arnold feels there are two options the Planning Board can take: 1. the standard vote to send it out for SEQR; or 2. grant Preliminary Approval and hold Final Approval until the outstanding items required per the Zoning Code have been received and reviewed by the Town for their adequacy.

Board Member Bob Imobersteg stated that the Planning Board has never done this before. The Board has always sent projects out for SEQR.

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

Vice Chairman Hans Arnold – yes	Board Member Rodger Reynolds – yes
Board Member Peggy Rotton – yes	Board Member Bob Wood – no
Board Member Jerome Donovan – no	Board Member Bob Imobersteg – no

Motion was **denied** by a vote of 3 – 3.

Motion was made by Board Member Jerome Donovan to declare the Planning Board as Lead Agency and to send this out for SEQR comments; seconded by Board Member Bob Wood. Vote taken:

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

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

New Hartford Public Library, 2 Library Lane, New Hartford, New York. Preliminary/ Final Site Plan Review of a proposed 8,800 square foot, two-story addition to the existing building. SEQR. Tax Map #339.007-6-71.2; Zoning: Low Density Residential. Mr. Kevin Kelly and Mrs. Maureen Netzband of the New Hartford Public Library appeared before the Board.

Mr. Kevin Kelly is requesting to construct an 8,800 square foot addition (4,400 SF on the main level and 4,400 SF on the lower level) to the back of the existing 10,000 SF Library. This would include an elevator and the addition would make the parking area more convenient and accessible for people visiting the library. The New Hartford Public Library is one of the busiest libraries in Oneida and Herkimer Counties and its use is increasing every year.

Board Member Jerome Donovan asked how this project was sent out for SEQR without the Planning Board authorizing resolution as Lead Agency? Town Planner Schwenzfeier explained that Chairman Yagey authorized him to send it out for SEQR with the understanding that the Board would pass a resolution declaring itself Lead Agency prior to taking any other action toward Preliminary or Final Approval. This was also done to accommodate the New Hartford Public Library so that they could proceed with their construction as bids have already been granted and work was to start a week ago.

Board Member Donovan stated for the record that he feels this is a procedural problem with this project per the requirements of §118-12 Site Plan Review of our Town Zoning Code. He recognizes that the Planning Board would send this out no matter what, but feels the Board should make that decision not the Chairman. He will accept these responses for SEQR but this process is flawed.

This project is considered an Unlisted Action since it is the expansion of a non-residential structure involving more than 4,000 square feet of gross floor area. Vice Chairman Arnold acknowledged that this is a departure from past practice for this Board but it does not mean that this Board isn't within its right to change past practice. The Board can change the practice, not the legal procedure, as is in the instance here.

Motion was made by Board Member Bob Imobersteg to declare a Negative Declaration for this Unlisted Action; seconded by Board Member Jerome Donovan. Vote taken:

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

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

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

Vice Chairman Hans Arnold – yes	Board Member Rodger Reynolds – yes
Board Member Peggy Rotton – yes	Board Member Bob Wood – yes

Board Member Jerome Donovan – yes Board Member Bob Imobersteg – yes

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

Faxton - St. Luke's Healthcare, Champlin Avenue, New Hartford, New York.
Amendment to Final form a temporary to a permanent parking lot. Tax Map #317.000-2-2.1; Zoning: Planned Development Institutional. Mr. John Gaetano of Faxton - St. Luke's Healthcare appeared before the Board.

As part of the Faxton - St. Luke's Healthcare's strategic plan, the employee, visitor and physician impact at each site was analyzed to determine the affect on parking and other amenities through the various phases of migration that are outlined below. The evaluation was based on the assumption that patients will migrate to the appropriate campus for clinical services.

The proposed plan entails the construction of a permanent parking area around the northerly and westerly sides of the existing parking field in order to permit the parking of 100 additional cars during the transition period. The proposed work includes the paving of an area between approximately fifty and one hundred feet wide along the northerly and westerly sides of the present parking lot "A".

Town Planner Schwenzfeier was asked if there is green space and whether the existing storm water facility could handle the extra storm water. The Town Planner answered yes to both of these questions. The Town Planner's only concern is if the permanent parking area will have enough lighting.

Mr. Gaetano stated that St. Luke's is in the process of installing security cameras around the facility to provide additional protection for hospital staff, patients and visitors. Several Planning Board Members would like to see additional lighting for the new parking area now that it will be permanent.

Motion was made by Board Member Peggy Rotton to grant Amendment to Final Approval of this project with the following condition that the additional parking lot lighting be reviewed and coordinated with the Town Planner and Highway Superintendent to ensure that the parking lot has adequate light; seconded by Board Member Bob Imobersteg. Vote taken:

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

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

Rogers Sales & Service, 8477 Seneca Turnpike, New Hartford, New York. Conceptual/Preliminary Site Plan Review for the conversion from car sales to a car wash. Tax Map #328.011-1-17; Zoning: Retail Business 1. Lot Size: 0.76 acres. Mr. Al Swierczek, P.E. and Mr. Roger Griffith of R. Griffith, LLC appeared before the Board

They have proposed the building be modified/converted into a 4 bay car wash, together with appurtenant work. There is also approximately 890 sf of existing office space in the easterly corner of the building. It is not envisioned that this space and use will be needed by the car wash operation. However, the applicant may elect to actively use it for his needs or if he finds a tenant. Neither the footprint nor height of the building will be changed by the conversion. The exterior appearance of the building will not be significantly changed by the conversion.

There will be two (2) vacuum islands on the side near Dunkin' Donuts. A small vending area is provided at the rear of the building (money change machine, money management machine, possibly a car accessory or soda machine). The storm water will be handled on site through the use of the existing dry wells in the front and back of this site. The landscaping already exists. The site entrance/exit was located by the Planning Board and NYSDOT during the original site plan approval process (7 year ago) for the now existing Sales & Service building. Mr. Swierczek then discussed the site circulation with the Board. Site lighting exists around the perimeter of the property and the lighting fixtures would be replaced with cut-off light fixtures.

The Board asked how wide is the grass area is between Seneca Turnpike to the existing paving. The lawn area is approximately 16' wide and is totally within the New York State Right-of-Way. Board Member Donovan would like to see additional trees or shrubs along Seneca Turnpike. There are existing utilities within the grassed area along Seneca Turnpike, which is controlled by NYSDOT, and Mr. Swierczek recommended that planting would not be beneficial based on the existing utilities, the fact that it is under the control of NYSDOT, and that any work within the Right-of-Way would have to get a NYSDOT work permit.

The Board recommended that a couple of the parking spaces located closest to Seneca Turnpike be removed for planting. Vice Chairman Arnold requested that trees be used instead of shrubs as snow can be placed under the trees without the damage, unlike what happens to shrubs when they are coved by snow plowing. The applicant agreed to look into providing the additional planting area.

Motion was made by Board Member Rodger Reynolds to declare the Planning Board as Lead Agency and to send this out for SEQR comments; seconded by Board Member Peggy Rotton. Vote taken:

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

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

Connector road/traffic study from Woods Highway to Middle Settlement Road. Presentation was made by Mr. Kevin Rooney of Clark Patterson Associates and Mr. Gordon Stansbury of GTS Consulting

The Town of New Hartford has been approached by developers wishing to undertake projects in this rapidly developing area. One development is located at the western end of Clinton Street at the intersection of Middle Settlement Road. The second development would be located on Woods Highway and west of the first proposed development. To address the potential problems, the Town of New Hartford has conducted this study. The Middle Settlement-Woods Highway Connector Link Study will focus on the potential benefits of constructing a connector link between Middle Settlement Road and Woods Highway, and extension of Woods Highway to Route 840.

The Levels of Service for both signalized and unsignalized intersections are defined in terms of control delay. Control delay is a measure of the total travel time lost and includes slowing delay, stop delay, queue moving up time and start up lost time. Level of Service thresholds are defined as average delay in seconds per vehicle over a fifteen-minute analysis period and range from Level of Service A to F for both signalized and unsignalized intersections. An overall intersection Level of Service D or better is generally considered acceptable at signalized intersections. A signalized intersection Level of Service below D indicates that the average control delay per vehicle will exceed 55 seconds.

An overall intersection Level of Service E or better is generally acceptable at unsignalized intersections with Level of Service E indicating that the delay per vehicles will exceed 50 seconds. Level of Service thresholds are lower for an unsignalized intersection because drivers generally expect lower delays at unsignalized intersections verses signalized ones.

Based on the results of the various phased traffic models, the construction of the two proposed developments will require the implementation of many roadway improvements to assure that the surrounding intersections continue to operate at an acceptable Level of Service.

A two-page summary of roadway improvements was presented to the Board. This summary considered the following alternatives: a 2007 Null alternative; a 2007 Clinton Street Extension; a 2007 Clinton Street Extension with the Business Park; and a 2007 Clinton Street Extension with the Business Park and the Woods Highway-840 Connector Link.

Once the two large developments are constructed, the most appropriate mitigation measures to maintain an acceptable Level of Service would be the construction of the connector road between Middle Settlement Road and Woods Highway, an extension of Woods Highway to Route 840 and improvements at the Woods Highway/Route 5 and Clinton Street/Middle Settlement Road intersections. The recommended improvements will allow for these future developments by dispersing traffic through the study area, reducing traffic volumes on the smaller roadways that do not have the extra capacity, and promoting use of the primary route, Route 840, in this area of the Town of New Hartford.

Update: COR Development, Twin Orchards Project, Middle Settlement Road, New Hartford, New York. Preliminary Site Plan Review of a proposed retail development on Middle Settlement Road. Tax Map #316.000-2-41.1 & 42; Zoning: Planned Development Mixed Use; Lot Size: approximately 21 acres. Mr. Joseph Gerardi of COR Development LLC, Mr. James Basile, P.E. of Bergmann Associates, Ms. Carlie Hanson of QPK Design, and Mr. Taylor McDermott of Lowe's appeared before the Board.

Mr. Gerardi updated the Planning Board on changes that have been made to the site plans since the last meeting and provided the members with an information packet. The most significant changes to the plans are the following: the distance to the first intersection off the main entrance is now 225' from Middle Settlement Road; the two buildings closest to Middle Settlement Road have been flipped, so that the proposed restaurant is now closest to the main entrance and the proposed apple store is now closest to the 840 off ramp; the proposed Lowe's building has also been flipped, now the garden center is closest to the main entrance. The storm water report has been submitted to the Town's consultant for review and has been revised to show a reconfiguration of the upper storm water detention pond and an underground detention system at Middle Settlement Road. A lighting plan has also been submitted to the Town and all fixtures are full cut off with no light spillage off the property.

Ms. Hanson of QPK Design presented the building façade, materials and colors. The overall height of the building is 31'-8" with the smaller peak at 41'-7" and the main peak at 51'-7" in height. The North West portion of the Lowe's building is below the surrounding grade of the site.

Mr. McDermott stated that this proposed building is much different than the existing Lowe's building at the Riverside location. This proposed Lowe's, if approved and constructed, will not cause the Utica Lowe's to close. The Lowe's at Riverside will remain open. The chain link fencing that is proposed at the Garden Center can be replaced with a fencing material that looks closer to wrought iron or some other more desirable alternative if the Board desires.

The Board discussed grading occurring off of the property and whether the pedestrian trail should be on the north or south side of the development. The Board asked the Town Planner to check the proposed trees on the side of the development closest to Route 840 to ensure that they are complimentary to the plantings that NYSDOT has done. The Board also requested that additional trees be planted along the front of the development.

Mr. Gerardi stated that he had some concern regarding the visibility of the buildings if additional trees are required along the front of the development.

Vice Chairman Hans Arnold felt that the traffic study presented at this meeting should be finalized and that this study be adopted by the Town of New Hartford to assist the Planning Board with future developments in this study's area. The Planning Board then expressly validated for the applicant that the Planning Board would meet at its regularly scheduled meeting on August 14th at 4:30 p.m.

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

Mr. Adler explained to the Board the Business Park proposal. He stated that he has been waiting on the results from the traffic study that was presented tonight in order to proceed with the extension of Woods Highway to Route 840. Mr. Adler then discussed the technical background for a break in access to Route 840 and the NYSDOT requirements. As it was stated earlier during the Traffic Study presentation, these break in access improves the Level of Services for the other intersections in this area.

The Board then undertook discussion regarding the SEQR process as related to this project. The Town Planner was asked to meet with Mr. Mike Jeffery, the Town Parks Director, to look at park and recreational opportunities in this area.

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

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

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

Update: **Reclassification of the Sauquoit Creek Pumping Station/NYSDEC Permit and the negotiation of Oneida County and NYSDEC regarding the Consent Order.**

Town Highway Superintendent Roger Cleveland updated the Board on the recent meetings involving NYSDEC and the revision of the Consent Order, Oneida County Water Pollution Control and the potential impact on development within the Oneida County Part Sewer District that is tributary to the Sauquoit Creek Pumping Station.

There being no further business, the meeting adjourned at 10:10 P.M.

Respectfully submitted,

Kurt L. Schwenzfeier, AICP
Town Planner