

## MINUTES OF THE REGULAR MEETING

AUGUST 14, 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, Rodger Reynolds, Bob Wood, and Bob Imobersteg. Board Member absent: Jerome Donovan. Also in attendance were Councilman David Reynolds, Superintendent of Highways Roger Cleveland, Town Planner Kurt L. Schwenzfeier, AICP, Senior Engineer John Meagher, and Dolores Shaw, Secretary.

Minutes of the July 17, 2006 meeting were approved by Board Member Bob Imobersteg; seconded by Board Member Peggy Rotton. All in favor.

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**Charles T. Sitrin Home, Tilden Avenue, New Hartford, New York.** Preliminary Site Plan Review of proposed Nursing Home Residential Development. Close SEQR. Tax Map #340.000-2-21; Zoning: Planned Development Institutional. Mr. Rick Wilson, CEO and Ms. Patricia Hayes were in attendance representing the Sitrin Home.

Chairman Yagey referred to the July 17, 2006 meeting regarding SEQR. In discussions with the Town Planner, the Sitrin Home has approval for their project and this application is for a modification to that plan. Even with modification, new plans will be sent to the Involved Agencies, but it was felt it wasn't necessary to open SEQR again. Without the Planning Board granting Preliminary Approval, they can't get their Certificate of Need. The Town Attorney has sent each Planning Board member a letter verifying this (a copy has been made a part of this file).

Motion was made by Board Member Bob Imobersteg to close SEQR with a negative declaration on this application; seconded by Board Member Peggy Rotton. Vote taken:

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

Motion carried by a vote of 6 – 0.

After further discussion regarding Preliminary Approval based on the new plans that are to go to the Involved Agencies for their review and Town Staff review, motion was made

by Board Member Hans Arnold to grant Preliminary Approval; seconded by Board Member Peggy Rotton. Vote taken:

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

Motion **approved** by a vote of 6 – 0.

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**Rogers Car Wash, 8477 Seneca Turnpike, New Hartford, New York.**  
Preliminary/Final Site Plan Review/Approval for a proposed car wash. Close SEQR.  
Tax Map #328.011-1-17; Lot Size: 0.76 Acres. Zoning: Retail Business 1; Mr. Roger Griffith, his son, and Mr. Al Swierczek, P.E., appeared before the Board.

Town Planner Schwenzfeier displayed a map of the project for the Board's review. They removed some parking in the front and moved them to the back; some pavement and curb will be taken out and two (2) trees planted in the front for additional green space. Comments were received through SEQR. Town Planner Schwenzfeier stated that NYSDOT indicated that the Highway Work Permit be obtained where applicable and that the alignment and point of access is acceptable to them.

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

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

Motion carried by a vote of 6 – 0.

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

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

Motion carried by a vote of 6 – 0.

Town Planner Schwenzfeier stated that the Pre-development Agreement and Memorandum of Understanding are in the hands of the Town Board for approval at this time and which should be addressed within a few days. The applicant stated they will sign these documents when received.

Motion to grant **Final Approval** contingent upon the Town Board accepting the Pre-development Agreement and Memorandum of Understanding was made by Board Member Bob Imobersteg; seconded by Board Member Peggy Rotton. Vote taken:

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

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

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**CORRESPONDENCE:**

**COR Development/Twin Orchards, Middle Settlement Road, New Hartford, New York.** Update/changes to the plans. Tax Map #316.000-2-41.1 & 42; Lot Size: approximately 21 acres; Zoning: Planned Development Mixed Use. Mr. Joseph Gerardi appeared before the Board.

Mr. Gerardi said he is here to discuss some of the changes made to the Site Plan since the last meeting. Chairman Yagey indicated to Mr. Gerardi that this project is under correspondence and not an agenda item and wanted to know what he is looking for this evening. Mr. Gerardi stated that he has made the changes on the Site Plan that this Board discussed with him last month, and he would appreciate this Board considering closing SEQR and granting Preliminary Approval. Mr. Gerardi mentioned that he will be appearing before the Zoning Board of Appeals for several Area Variances, and that meeting is scheduled for August 21, 2006.

Chairman Yagey explained to Mr. Gerardi that he feels this project is not at the stage of closing SEQR and granting any approvals, especially when Area Variances need to be obtained. The Board discussed the type of variances requested for this project, i.e., light pole height requirements; parking, setbacks, etc. (The application for the Area Variances are in the Zoning Board of Appeals file). Discussion also ensued regarding lot coverage percentage and jurisdiction of this review. Town Planner Schwenzfeier referred to the upcoming Zoning Board meeting for this project and he mentioned that the Planning Board has some input regarding green space because of the zoning, which is Planned Development Mixed Use.

Further discussed was the draft report from Clark Patterson regarding the Middle Settlement Road/Woods Highway/Route 840 Connector Link and how it coincided with this project. It was suggested that Highway Superintendent Roger Cleveland and Town Planner Kurt Schwenzfeier make sure that these recommendations from this report are implemented with this project and proposed projects in this area, i.e., intersection improvements, upgrades to signals, etc. Town Planner Schwenzfeier noted that NYSDOT has most of the input on lights.

Chairman Yagey stated that if Mr. Gerardi is looking for a total Site Plan Review, then it needs to be rescheduled at another meeting.

Board Member Arnold would like to see a full report at the next meeting on this project to see if the applicant has satisfied the concerns of all the Involved Agencies, as well as what Highway Superintendent Cleveland states that this will be accomplished accordingly and especially with the Clark Patterson Report.

Board Member Reynolds stated that it is apparent to him that even with the improvements, the level of service is going to be maxed out. Chairman Yagey agrees, especially with the proposed business park. Chairman Yagey would like to see how this report ties into this project and report back to the developer with any issues or concerns.

Mr. Gerardi said he is fine with this and asked when the next Planning Board meeting is – the next scheduled meeting is September 11, 2006.

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

Mr. Ehre gave the Board an update on this application, and is requesting to schedule a Public Hearing. He said the plans have been sent out for SEQR and all the issues brought forward were addressed. Basically, everything remains the same other than extra hydrants. Sewer and storm drain concerns have been resolved. The lot on Higby Road is a building lot with 3+ acres. Lot 13 and Lot 24 are storm water quality basins.

Board Member Arnold advised Mr. Ehre to be able to address the storm water management and sewer system at the Public Hearing to represent to the neighbors that the storm water will work. Also, that the agreement with the adjacent property owner is verified. He also asked, does the Town end up owning two (2) basins? Mr. Ehre said he put them as out lots to be turned over to the Town and they would be creating a drainage district.

Chairman Yagey asked if there was a signed agreement with the adjacent property owner – Town Planner Schwenzfeier stated yes.

The Board Members discussed an outside engineering firm at the expense of the developer to review the storm water plans and this is not in any way directed towards the developer's engineer, but they felt we have an obligation to the neighbors and Town.

Town Planner Schwenzfeier was asked if this could be done by the time of the Public Hearing in September – he said yes, he would get in touch with Shumaker Engineering.

Dr. DeLaus said he would be in favor of an outside firm reviewing this. He also thanked the Board for their input on this project.

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**OTHER:**

Jewel Ridge Subdivision, Higby Road. Storm water update. Tax Map #340.000-2-1.1; Lot Size: 5.23 Acres; Zoning: Low Density Residential. Mr. Gregg Grates and Mr. Donald Ehre, P.E., appeared before the Board.

Town Planner Schwenzfeier updated the Board on storm water and the storm water basin, which, according to the response to a letter sent by the Town asking for clarification from the developer's engineer, will contain water most of the time - water will be in there at all times and it is disturbing to some of the neighbors because of the standing water. Water could be as much as 3' deep.

Board Member Reynolds asked if the Town was responsible for this. Chairman Yagey stated that this project was approved, but that we approved the subdivision with the understanding that the proposed storm water basin in the middle of the cul-de-sac would act more as a detention basin, rather than a retention basin that would almost always have some amount of standing water in it. Chairman Yagey stated that he doesn't know what can be done about it, given the fact that we have already granted approval. Board Member Arnold would like to hear from Mr. Ehre or Highway Superintendent Cleveland to explain to us how this could be controlled. Mr. Ehre stated that the design guidelines for this basin coincide with what the NYSDEC requires. He further stated that he had concerns with this practice and contacted the Health Department to address it.

The Board Members discussed the storm water quality and standing water issues and how to remedy this situation. Mr. Ehre was given some recommendations in the event the NYSDEC policy ever changes. They felt it is a health and safety issue.

Mr. Ehre said the developer is willing to do whatever staff wants. Reference was made to the maintenance of cul-de-sacs, low maintenance ground cover, etc. Mr. Ehre wants to work with this Board but storm water will still be an issue at this cul-de-sac location.

Highway Superintendent Cleveland said this subdivision is going to be placed in a drainage district. Given the fact the approval stands, if there are new rules or guidelines published by NYSDEC in the future, there will be a funding mechanism to modify or even eliminate this basin – similar to the storm water basins proposed for the DeLaus subdivision.

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Chairman Yagey brought the Board Members up-to-date on Longworth Acres. At this time, no Building Permits will be issued until violations cited by NYSDEC are corrected and the Town receives correspondence from NYSDEC to this effect. The developer is aware of this.

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There being no further business, the meeting adjourned at 6:00 P.M.

Respectfully submitted,

Dolores Shaw  
Secretary/Planning Board

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