

MINUTES OF THE REGULAR MEETING
MARCH 26, 2007

The Regular Meeting was called to order by Chairman Hans Arnold at 4:30 P.M. at which time the Pledge of Allegiance was recited. Board Members present were Peggy Rotton, Rodger Reynolds, Jerome Donovan and Ellen Rayhill. Absent: Board Members Bob Imobersteg and Bob Wood. Also in attendance were Highway Superintendent Roger Cleveland; Councilman David Reynolds; Town Planner Kurt L. Schwenzfeier, AICP; Police Chief Raymond Philo; and Secretary Dolores Shaw.

Minutes of the draft February 12, 2007 meeting were distributed and motion was made by Board Member Peggy Rotton to approve these minutes as written; seconded by Board Member Rodger Reynolds (Board Member Donovan abstained as he was not in attendance). All others in attendance in favor.

Mr. Roger Cleveland, Supt. of Highways, to address **storm water management**. He explained the Town-wide storm water management plan based on detailed engineering information identifying a combination of centralized and on-site storm water management improvements. The plan would help mitigate the Town's storm water runoff problems and also provide the pre and post development runoff parameters that the Planning Board will require to be met by all future projects.

Such items discussed were short-term vs. long term issues; responsibility; problem solving; decision on installation; storm events; Town's involvement; public entities vs. private enterprise; infrastructure; policy setting; retention ponds; previously approved projects with continuous storm water issues; water tables; standing water/mosquito issues.

Board Member Donovan referred to the Sauquoit Creek overflow. Mr. Cleveland said the better control we have the better we can manage it.

Chairman Arnold asked if there were things we could do to encourage residents to help with the situation, i.e., French drains, paving, etc. Chairman Arnold also referred to the draft update of the Subdivision Regulations and whether we could increase the designation of pervious area. Mr. Cleveland would look into these suggestions.

The Board Members discussed the proposed southern area GEIS and how this is affected. Mr. Cleveland gave the Board an update on Longworth Acres also.

Eve Holberg, peter j. smith & company: regarding the proposed **GEIS/Southern area and the Comprehensive Plan**. Mrs. Holberg distributed some materials for the Board's review regarding the GEIS process. Also submitted was a draft resolution for the Declaration of Intent for the Planning Board to be Lead Agency. She recommended having the Town Attorney review this before any action is taken.

Also addressed was whether or not this Board wants to do Scoping as part of the SEQR process (Scoping was included in their review). They want as much information made possible to the public to get people to understand the issues. Mrs. Holberg explained the Scoping process explaining that it is like an open meeting and for anyone who would like to come, i.e., NYSDOT, Highway, companies, etc. Public Hearings are held later on. Scoping is an option. Chairman Arnold feels that Scoping adds credibility – the Board Members agreed. Mrs. Holberg felt Scoping should be done as soon as possible.

Town Planner Schwenzfeier stated that if anyone would like to come to his office to review a project, he can give them any background information.

At this time, Mrs. Holberg went through what has transpired with the Town Board regarding the GEIS. Discussion ensued regarding moratoriums (which are addressed by the Town Board), expansion of the GEIS boundaries (which could be done by the Planning Board). Mrs. Holberg stated that we could go ahead with SEQR with the existing boundary and if the Planning Board as Lead Agency feels it should change, they can do so. Mrs. Holberg stated that if the Town Board decides to declare a moratorium, there are very specific guidelines.

Chairman Arnold referred to what is transpiring with NYSDEC and that we don't know what project would affect us as far as the Sauquoit Creek issue is concerned.

Board Member Donovan referred to minor subdivisions – minor subdivisions are not affected by a moratorium.

Town Planner Schwenzfeier presented a detailed map for the Board’s review of the GEIS area and each Board Member will be given a copy.

Board Member Donovan feels that an opportunity would be lost if we didn’t include certain projects before this Board at this time. He also referred to the connection of sidewalks in the Town with proposed developments. It isn’t too far along in the process for us not to think about it. Board Member Donovan asked where the DeLaus subdivision was in their review process – Town Planner Schwenzfeier stated it is in the SEQR process.

Mrs. Holberg distributed a draft packet for everyone regarding zoning – it formats the future zoning. Chairman Arnold said Eve is talking about taking the Comprehensive Plan and translating it into the new Zoning Law – this will be discussed further.

Town Planner Schwenzfeier stated that the Subdivision updates have been reviewed and they will go to the Town Board – this will not hold up the process. This can be delivered to the Planning Board soon.

Chairman Arnold asked the Town Planner if any discussion was being held regarding moratoriums – the Town Planner said no.

Chairman Arnold also asked the Town Planner to distribute the preliminary Inventory & Analysis for the DGEIS to all Planning Board members.

Mr. Nick Cavalier, **New York Pizzeria & Deli, 85 Clinton Road, New Hartford:** Amendment to Final. Tax Map #328.015-2-37; Lot Size: .022; Zoning: Neighborhood Business (RB4). Mr. Cavalier appeared before the Board.

Town Planner Schwenzfeier stated that Mr. Cavalier removed one wall and expanded the seating area to 90 square feet. Because this is a Site Plan approved use, that change with the floor plan and the two (2) additional spaces had to come back to this Board. This is nothing that requires a Variance. It still meets the Code. He has taken over control of the entire facility, but just a small portion at this time. Town Planner Schwenzfeier stated that since Mr. Cavalier controls both sides of the building, he doesn’t see a problem.

Motion was made by Board Member Rotton to **approve the Amendment to Final** for New York Pizzeria & Deli to accommodate two (2) additional parking spaces necessitated by a minor renovation to the floor plan; seconded by Board Member Donovan. Vote taken:

Chairman Hans Arnold – yes
Board Member Jerome Donovan - yes
Board Member Ellen Rayhill – yes

Board Member Peggy Rotton – yes
Board Member Rodger Reynolds – yes

Mr. Jeff Peck for **22 Sycamore Drive, New Hartford.** Special Permit for an accessory apartment. Tax Map #340.000-2-1.2; Lot Size: 70’ x 267’; Zoning: Medium Density Residential. Mr. Peck appeared before the Board representing Mr. & Mrs. Frank Tirado who own this property.

Town Planner Schwenzfeier gave each Board Member the Special Permit information. This application requires a Public Hearing. He presented a map of the proposed project in that it is an accessory apartment behind a one-story structure. In-law apartments are not allowed but an accessory apartment is and he explained the differences. It meets all the setbacks, green space and parking. He went through the criteria for this zone.

Mr. Peck explained that this accessory apartment has an exterior access. He also said this is an apartment for Mrs. Tirado’s mother.

Discussion ensued regarding the definition of a family – and how it is enforced, i.e., use by a family member vs. other. Chairman Arnold will contact the Town Attorney and ask if the Planning Board has the authority to define family. Chairman Arnold also asked if this is for a Variance to the Zoning Board of Appeals – it was

stated no. Town Planner Schwenzfeier stated there is no side yard setback requirements per our Code for an accessory apartment.

Motion was made by Board Member Donovan to have a Public Hearing at the April 9, 2007 Planning Board meeting; seconded by Board Member Reynolds. Vote taken:

Chairman Hans Arnold – yes
Board Member Jerome Donovan - yes
Board Member Ellen Rayhill – yes

Board Member Peggy Rotton – yes
Board Member Rodger Reynolds – yes

Motion was **passed** by a vote of 5 – 0.

CORRESPONDENCE

Update: Dr. Frank DeLaus, proposed 33-lot subdivision on Higby Road. Tax Map #340.000-2-1.2; Lot Size: approximately 27 acres; Zoning: Low Density Residential (LDR). Mr. Donald Ehre, P.E., Boulder Consultants, appeared before the Board.

Mr. Ehre stated that he has revised the plans and addressed the comments/concerns raised at the Public Hearing and with Shumaker Engineering (Shumaker is the Town's agent). He addressed the issues and how they were answered. He has added some additional details for that area and it is on the plans. Mr. Ehre also addressed the entrance to Higby Road. He then addressed the driveway issue and location and that they hired a wetland consultant to delineate it. They have to have the Army Corp to verify the boundaries.

Town Planner Schwenzfeier and John Meagher/Town Engineer, met with representatives of the Department of Public Works and the results were they could apply for a temporary access but they couldn't get a permanent one. Their response was the same for a temporary and permanent driveway. The engineer would need a traffic study to prove the need for access either temporary or permanent.

Chairman Arnold felt that there were several issues in the design of this project, i.e., one access into the development; the possibility of a future connection to the west into a prior development by Mr. Carucci – not a driveway but a public road out to Higby Road. If both of those are seen as what the Planning Board wants implemented on this project, that is going to change the design and layout before us. He doesn't know if we have enough information at this time because we have to wait for the Army Corp for the delineation of the wetland. The issue of storm water is also important. He is not sure whether these calculations should go to Shumaker because the design may change. That is not to mention other issues, i.e., drinking water, pressure, buffer areas, traffic, sidewalks, etc. He asked for the Board's input. Board Member Donovan agreed.

Mr. Ehre felt he is only asking to forward his updated calculations to Shumaker Engineering and he is not asking for action tonight. Most of what Shumaker asked were fundamental and he would like them to know what is going on. Town Planner Schwenzfeier stated that SEQR was started but stopped until the issues are resolved.

Board Member Donovan referred to the Higby Road issue and runoff. He felt they would have to have a storm water management feature for that road. Chairman Arnold again expressed his concerns as mentioned previously, and especially open space. Discussion whether to forward to Shumaker took place.

Motion was made by Board Member Rotton to forward Mr. Ehre's comments to Shumaker Engineering; seconded by Board Member Reynolds. Vote taken:

Chairman Hans Arnold – no
Board Member Jerome Donovan - yes
Board Member Ellen Rayhill – yes

Board Member Peggy Rotton – yes
Board Member Rodger Reynolds – yes

Motion was **passed** by a vote of 4 – 1.

Town Planner Schwenzfeier said he would forward this to Shumaker.

OTHER

Chairman Arnold wanted the Board to know that the Town Attorney and Town Planner held a series of meetings, which he also attended, to update the Subdivision Regulations and a draft will be available for this Board's review soon.

Chairman Arnold attended a meeting with NYSDOT to address the failure of the internal circulation system within the Consumer Square project. It was a clear consensus with the engineers that it is a failing traffic situation with the development. Discussion took place regarding options of how this was going to be addressed/ fixed

Further, Chairman Arnold attended a meeting between NYSDEC and the developer/ engineer of Longworth Acres. There was a miscommunication regarding this project and they are in compliance. The Town Planner will confirm this in writing with NYSDEC.

Chairman Arnold also commented on the NYSDEC's stand regarding the Sauquoit Creek drainage system and future development. He explained that he has asked NYSDEC to come to a Planning Board meeting, but have declined. Town Planner Schwenzfeier explained the analysis done on sanitary water.

At this time, Chairman Arnold introduced Mr. Ken Bart who lives adjacent to the Eckerd's Pharmacy on Commercial Drive and Henderson Street. Mr. Bart explained what has not been accomplished by Benderson in relation to the resident's issues/concerns. He feels they have been non-responsive and he wanted the Board to know this. Chairman Arnold feels the Town Planner should get a report done and update the Planning Board members at the next meeting. Chairman Arnold would also like a compliance report from Benderson – the Town Planner will contact them. Board Member Donovan suggested getting specific conditions during a Site Plan Review approval with any project.

Chairman Arnold would like to address the vice-chairmanship at the next meeting.

There being no further business, the meeting adjourned at 7:00 P.M.

Respectfully submitted,

Dolores Shaw
Secretary/Planning Board
dbs