

MINUTES OF THE REGULAR MEETING
APRIL 9, 2007

The Regular Meeting was called to order by Chairman Hans Arnold at 5:30 P.M. at which time the Pledge of Allegiance was recited. Board Members present were Peggy Rotton, Bob Wood, Rodger Reynolds, Jerome Donovan and Ellen Rayhill. Absent: Board Member Bob Imobersteg. Also in attendance were Councilman David Reynolds; Town Planner Kurt L. Schwenzfeier, AICP; Town Engineer John Meagher; and Secretary Dolores Shaw.

Minutes of the draft March 26, 2007 meeting were distributed and motion was made by Board Member Peggy Rotton to approve these minutes as noted; seconded by Board Member Rodger Reynolds. All in favor.

DGEIS areas/Southern area. Chairman Arnold explained that Town Highway Superintendent Roger Cleveland was not in attendance this evening, however, the Town Planner would address the Board. Town Planner Schwenzfeier the suggestion made to possibly revise the boundary of the proposed GEIS, in particular to include the DeLaus subdivision. After conferring with Staff and consultant peter j. smith, it was recommended that doing so would take away from the larger GEIS study to focus on a single development. Also, to take resources allocated to be used for a Town purpose and use them to offset private development is a precedent that should not be set. It was stated that based on sanitary sewer, traffic, storm water, wetlands, and other known or suspected SEQR issues, the Planning Board can direct a site specific Environmental Impact Statement be performed for that development at the developer's cost. This would provide the Planning Board with all necessary information to move forward and not diminish any of the resources of the larger, area-wide GEIS statement.

Town Planner Schwenzfeier referred to the purpose of the GEIS, i.e., an urban design plan for the study area and to identify the infrastructure changes necessary to implement that plan.

Chairman Arnold reminded the Board that we have to make a SEQR determination on every project before this Board. Board Member Donovan felt this Board should move forward. The Board addressed other projects and roads within the Town and issues and concerns; larger projects vs. smaller projects within the GEIS.

Board Member Rayhill asked if this GEIS would help rid some of the existing problems – Town Planner Schwenzfeier said until we get further into the study, it's not known but concerns could be addressed through the SEQR process.

Resolution on DGEIS/Southern area. Chairman Arnold stated that the proposed Resolution is for the Planning Board to be Lead Agency and that the Resolution doesn't define what areas are in the GEIS. This has been reviewed by the Town Attorney. The next step for this Board is to declare itself Lead Agency and then issue a Positive Dec with a detailed area. The Positive Dec is a statement and it means you have to complete an Environmental Impact Statement.

Secretary Dory Shaw read the proposed Resolution to the Board Members:

Resolution Declaration of Intent to Be Lead Agency

WHEREAS, the Town of New Hartford Planning Board intends to develop a Generic Environmental Impact Statement (GEIS) for the Southern Area of the Town of New Hartford; and

AND WHEREAS, the Town Board has engaged a consultant to assist it with its GEIS and wishes to initiate the SEQRA process; and

AND WHEREAS, the Planning Board has the authority to adopt the GEIS for the Town of New Hartford and wishes to pursue this possibility;

IT IS HEREBY RESOLVED that the Planning Board of the Town of New Hartford hereby declares its intent to serve as Lead Agency in accordance with the State environmental Quality Review Act, 6 NYCRR Part 617.6;

AND BE IT FURTHER RESOLVED that the Planning Board will send a copy of this resolution to all involved agencies and interested parties;

AND BE IT FURTHER RESOLVED that the Planning Board will offer a 30-day comment period on this designation and Part 1 of the Long Form EAF (attached) for all involved and interested parties to object or agree to this designation.

Motion was made by Board Member Jerome Donovan to proceed with the Resolution as updated and written to Declare the Planning Board to be Lead Agency; seconded by Board Member Bob Wood. Vote taken:

Chairman Hans Arnold – yes Board Member Jerome Donovan – yes
Board Member Bob Wood – yes Board Member Ellen Rayhill – yes
Board Member Peggy Rotton – yes Board Member Rodger Reynolds – yes

Motion **approved** by a vote of 6 – 0. (This action will be sent to Involved and Interested Agencies by peter j. smith consultants).

Mr. Richard Wilson, CEO/**Charles T. Sitrin Home, Tilden Avenue, New Hartford.**
Clarification of **alignment of buildings, property lines**, etc. of Charles T. Sitrin Home and Cedarbrook development. Tax Map #340.000-2-21; Zoning: Planned Development Institutional. Mr. Richard Wilson appeared before the Board.

Town Planner Schwenzfeier stated that this road realignment came about when the Sitrin Home wanted to proceed with a three-lot subdivision and in some areas the buildings did not meet the setback requirements from the road. Therefore, he referred the two (2) options for the proposed public road to be constructed through the Sitrin property (and also referring to the letter submitted by Sitrin Home's engineer). He explained that the proposed road will connect the Cedar Brook Living Facility to the access road in the existing Sitrin Health Care Center on Tilden Avenue. The connection to Cedar Brook will provide a through road from Higby Road to Tilden Avenue, approximately 0.75 miles in length. The portion of the proposed road associated with the Phase I Facility is approximately 0.28 miles in length. The Phase I Patient Residence was originally designed with a single access point on the east side of the building envelope that connected to the existing Sitrin Facility access road. During design the Phase I Facility, it was not anticipated that a public road would be integrated with the Site circulation. For the record, the two feasible options for the construction of a public road adjacent to the Phase I development are as follows:

Option #1

This option provides for a 60 ft ROW and 28 ft wide road section that parallels the parking area of the Phase I Facility. A landscaped buffer of 30 feet is proposed between the proposed parking area and the ROW. The additional 16 feet of buffer from the ROW to the edge of roadway results in a 46 ft wide green space. The cul-de-sac on the south side of the Phase I Site would need to be reconfigured to accommodate the new road. The proposed road would need to be constructed close to the elevation of the Phase I parking area to allow alternative access points to the Site if desired. On the east side on the Site, the access road would be redesigned to align with the access to the existing parking lot. Construction of the public road to meet the above criteria will result in significant earth (and possibly rock) excavation.

Option #2

Under this option the public road is separated from the Phase I Facility by distance horizontally and by elevation (the road will follow the existing grade which is higher than the parking area). The required excavation for this option would be minimized, roughly following existing grade. The access drive on the east side of the development would be redesigned to align with the access road to the existing parking lot for the Sitrin Facility. This design option for the public road would preserve the internal circulation of the approved Phase I development.

Option Two is the preferred option because it allows for the minimum deviation from the Town Schedule of Uses for setback requirements and this provides the better amount of green space and structures. It is easier to keep the land the way it is. But it is up to the Planning Board to review these options or the original plan.

Oneida County Planning Dept. 239 was received with no comments.

Board Member Donovan asked about the minimum speed limit – it is 30 MPH. He also asked if this Board is addressing leeway or road option – leeway/setbacks.

Chairman Arnold asked the Town Planner if the Sitrin Home builds what is there now, are they in compliance with the setback requirements – the Town Planner said no. He referred the map which illustrated the road layout. Chairman Arnold asked if we granted a waiver, is it for the whole road – Town Planner Schwenzfeier said yes.

Mr. Wilson addressed the Board regarding the topography of the land, proposed building locations from the road, elimination of the traffic circle, ingress and egress, service road, driveway off of road, and their parent corporation is required to have certain setbacks. The only other issue is about the internal driveway and he would report back to this Board in May.

The Board discussed in detail the turning radius and alignment of the road relative to the interior driveways. Mr. Wilson stated that once they work with the grades, he would know more about the options. He needs the setback issue resolved as they are not in compliance. Mr. Wilson further stated he would work out the road issue with the Highway Superintendent.

Discussion ensued regarding just what is required this evening by this Board in conjunction with the applicant's request. The Town Planner is asking the Planning Board to waive the front yard parking setback requirement, which requires 15', to allow Sitrin to accommodate the 0' distance from the proposed Town dedicated road. The parcels need to be subdivided based on the needs of their corporation. Town Planner Schwenzfeier

referred to Section 118-40 of the Town Code, Planned Development Institutional District Standards and Guidelines.

Chairman Arnold again asked Mr. Wilson to work this road issue with the Highway Superintendent as there are some uncertainties about the roadway and this needs to be clarified.

Motion was made by Board Member Jerome Donovan to modify the setback between the paring space and the property line so it is 0' for parking setback from the front property line (less than required under the Code) and that the applicant will be back to the Planning Board for modifications to the road alignment at the May 2007 meeting; seconded by Board Member Peggy Rotton. Vote taken:

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| Chairman Hans Arnold – yes | Board Member Jerome Donovan – yes |
| Board Member Bob Wood – yes | Board Member Ellen Rayhill – yes |
| Board Member Peggy Rotton – yes | Board Member Rodger Reynolds – yes |

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

Board Member Donovan, for the record, asked Mr. Wilson if the Cedarbrook Assisted Living project and Skilled Nursing is taxable – Mr. Wilson said these are non-taxable – they are exempt because of the medical nature. The Cedarbrook cottages are a taxable status.

PH&S Property Management, Inc., 180 Clinton Road, New Hartford.

Recommendation to the Town Board for a Zone Map Amendment for property purchased by the Presbyterian Home from MDR to PDI. Tax Map #328.000-2-73; Lot Size: 100' x 250'.

Chairman Arnold stated that this correspondence was referred to the Town Attorney for review and research hasn't been completed yet. He would like to table this.

Motion was made by Board Member Jerome Donovan to table the review of the recommendation to the Town Board for a Zone Map Amendment for PH&S Property Management, Inc.; seconded by Board Member Rodger Reynolds. Vote taken:

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| Chairman Hans Arnold – yes | Board Member Jerome Donovan – yes |
| Board Member Bob Wood – yes | Board Member Ellen Rayhill – yes |
| Board Member Peggy Rotton – yes | Board Member Rodger Reynolds – yes |

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

Mr. Larry Adler, **The Orchards, Middle Settlement Road - Amendment to Final**. Tax Map #316.020-1-11.2; Lot Size: 29 Acres; Zoning: Planned Development Mixed Use. Mr. Larry Adler appeared before the Board.

Town Planner Schwenzfeier stated that the changes are located near the Kohl's location. They are proposing a 21,700 sf building adjacent to Kohl's; a 6,500 sf building to the southeast corner of the parking lot; and a 6,000 sf building in the northeast corner of the parking lot. These changes reduce the parking by twelve (12) spaces, however, the project has adequate parking. He referred to these locations on the map.

Oneida County Planning Dept. 239 Review as received with no comments.

Mr. Adler stated that they would be taking the parking spaces and putting the buildings there. Pedestrian access is the same, and across the road from the existing Pizzeria Uno's are sidewalks. He explained where the parking would be with the construction of the new buildings.

Mr. Adler was asked to check into turning radius, especially near the cinema to improve it – Mr. Adler said he would do so.

Chairman Arnold asked what was the nature of the buildings – Mr. Adler said general retail. He also stated that there shouldn't be any further changes, but there is still an approximate 15,000 square feet proposed building adjacent to Gander Mountain that may be developed and it would only require a Building Permit.

Motion was made by Board Member Jerome Donovan to grant approval of the Amendment to Final for The Orchards for the buildings and parking; seconded by Board Member Rodger Reynolds. Vote taken:

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| Chairman Hans Arnold – yes | Board Member Jerome Donovan – yes |
| Board Member Bob Wood – yes | Board Member Ellen Rayhill – yes |
| Board Member Peggy Rotton – yes | Board Member Rodger Reynolds – yes |

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

Chairman Arnold said he would like to postpone the discussion of the Vice-chairmanship until the May meeting.

Chairman Arnold introduced Mr. & Mrs. George Hubbard, Royal Brook Lane, New York Mills, to the Board. They presented pictures of the flooding that has occurred in their backyard. They are particularly concerned because of the new development occurring on Commercial Drive near the new Eckerd's Pharmacy and beyond. Their home is located more towards Hartford Queen Diner. They heard that this property, along with others, has been sold and they are concerned with additional flooding problems.

Chairman Arnold referred to the storm water detention basins, Mudd Creek, and water runoff. Chairman Arnold said he and Highway Superintendent Roger Cleveland would be contacting them to meet at the site to try to determine what can be done to help control storm water.

Councilman David Reynolds felt this was the proper way for the Hubbard's to reinforce this with the Planning Board regarding existing and future development in their area.

Board Member Donovan asked if New York Mills could help with this as both Planning Boards had participated with the review of the Benderson project adjacent to their property. Town Engineer John Meagher stated that the line splits between New York Mills and New Hartford.

Mrs. Goddard also asked if the current widening of Commercial Drive would affect the storm drains.

PUBLIC HEARING – 7:00 P.M.

Mr. & Mrs. Frank Tirado/Mr. Jeff Peck, 22 Sycamore Drive, New Hartford, New Hartford. Special Permit for an accessory apartment. Tax Map #328.015-3-43; Lot Size: 70' x 267'; Zoning: Medium Density Residential (MDR). Mr. Tirado and Mr. Peck appeared before the Board. Legal Notice was published in the Observer Dispatch on March 30, 2007 and residents within 500' were notified.

Town Planner Schwenzfeier stated that this is for a Special Permit as required by the Town Code. This is for a 24' x 32' accessory apartment with kitchen, bathroom, laundry room, living room and bedroom onto an existing one-family home. There is one (1) parking space for the apartment and two (2) for the home. There is an existing garage. This apartment will have a side and rear entrance and a sidewalk is located by the side entrance. Both of these entrances will be lit. Because of the installation of a kitchen, this changed the proposal from an addition to an accessory apartment. This will be used as an in-law apartment. If they eliminated the kitchen, they would be conforming all ways.

Mr. Peck addressed the Board and stated that if the Planning Board denied this request, they would still move forward and not put in a kitchen. He stated that the difference is in the side-yard setback with this kitchen/accessory apartment.

Chairman Arnold referred to the criteria for a Special Permit. Because of the size of the proposed structure, this may need an Area Variance from the Zoning Board of Appeals (this is to be determined by the Codes Enforcement Officer).

There being no further questions for the Town Planner and applicant, Chairman Arnold opened discussion to the public (he explained the procedures for participation):

-Mr. Ron Mineo, 18 Arbor Drive. He is not against this request, however, in his area there have been many in-law apartments being built. How is this controlled if family members move out or the home is sold.

Chairman Arnold said he spoke to the Town Attorney regarding this issue of how the land is used and by whom. This will be looked into further as a possible revision to the Zoning Law where apartments are allowed.

Town Planner Schwenzfeier explained that the Codes Department requires the owner of the property with an in-law apartment to acquire a Certificate of Occupancy every year.

Mr. Mineo said he wants to make sure the property is kept up in the event it is sold (he was told to contact the Codes Department in the event a situation arises).

There was no further input, and the Public Hearing was closed at 7:20 P.M.

The Board Members discussed the adjacent property; apartments in a residential neighborhood (the Town Planner explained this two-family homes are allowed in this zone but would have to meet the requirements of the Zoning Law); and enforcement of who could occupy the apartment.

Discussion ensued regarding water runoff. Mr. Peck said there will be a storm drain installed and the property is flat. It does not appear there would be any drainage problems. Mr. Peck said he would make sure there this addition would not create a water runoff problem.

Motion was made by Board Member Peggy Rotton to grant the Special Permit for this structure and that a defined access to the building, i.e., sidewalk, be installed from the driveway to the entrance to the east side of the structure; seconded by Board Member Rodger Reynolds. Vote taken:

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| Chairman Hans Arnold – yes | Board Member Jerome Donovan – yes |
| Board Member Bob Wood – yes | Board Member Ellen Rayhill – yes |
| Board Member Peggy Rotton – yes | Board Member Rodger Reynolds – yes |

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

CORRESPONDENCE

OTHER

Board Member Bob Wood asked if the Sangertown detention basin could be checked to make sure it is acting property.

Board Member Rodger Reynolds referred back to the Hubbard's situation and how to avoid situations like this in the future. There are many reasons, i.e., malfunction of basins, over development of property, etc. This issue will continue to be addressed.

Chairman Arnold updated the Board Members concerning the NYSDEC issues and future development in the Town.

There being no further business, the meeting adjourned at 8:00 P.M.

Respectfully submitted,

Dolores Shaw, Secretary
Planning Board

dbS