

MINUTES OF THE REGULAR MEETING
MAY 14, 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 Bob Imobersteg, Peggy Rotton, Bob Wood, Rodger Reynolds, Jerome Donovan and Ellen Rayhill. Also in attendance were Town Planner Kurt L. Schwenzfeier, AICP; Town Eng. John Meagher; Mr. Guy Sassaman, OC Planning Dept., and Secretary Dolores Shaw.

Draft minutes of the April 9, 2007 meeting were distributed and motion was made by Board Member Jerome Donovan to approve these minutes as noted and discussed; seconded by Board Member Peggy Rotton. All in favor.

Mr. Richard Wilson, CEO/Charles T. Sitrin Home, Tilden Avenue, New Hartford – Minor Subdivision. Tax Map #340.000-2-21; Zoning: Planned Development Institutional. Mr. Richard Wilson and Ms. Patti Hays appeared before the Board.

Mr. Wilson presented a subdivision map for the Board's review, which has been revised from the previous submission (the waiver was accomplished for the 15' setback). The entrance ways have been revised to show no cul-de-sac. Mr. Wilson explained that normally they don't need subdivision approval, but this is because there are separate corporations involved and the bank requires it. He also stated that Highway Superintendent Roger Cleveland has seen these changes and is satisfied.

Chairman Arnold addressed the Board Members regarding the procedures for the submission of a Minor Subdivision and what he would like to see amended (this will be addressed further with Staff and incorporated into the new Subdivision Regulations).

Chairman Arnold asked the Board Members if they had any questions. There being no further input, motion was made by Board Member Peggy Rotton to approve the three-lot minor subdivision as presented dated May 1, 2007; seconded by Board Member Rodger Reynolds; Vote taken:

Chairman Hans Arnold – yes	Board Member Peggy Rotton – yes
Board Member Rodger Reynolds – yes	Board Member Bob Wood – yes
Board Member Bob Imobersteg – yes	Board Member Jerome Donovan – yes
Board Member Ellen Rayhill was not in attendance at this time	

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

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

Recommendation to the Town Board for a **Zone Map Amendment from Medium Density Residential to Planned Development Institutional**. Tax Map #328.000-2-73; Lot Size: 100' x 250'. Mr. Ray Garrett, CEO/Presbyterian Home, appeared before the Board.

Chairman Arnold explained that this property was purchased by the Presbyterian Home. He spoke to the Town Attorney and the matter was referred to Special Council also. Chairman Arnold read into the record the letter received from Special Council which recommended proceeding to consider the application as presented as he felt it had no impact (this letter had been made a part of the file).

Town Planner Schwenzfeier stated that the only comments he saw was from NYSDOT regarding right-of-way; and that the Town Board is the Lead Agency – a Public Hearing will be held at the Town Board level.

Mr. Garrett explained that this structure would be used for Presbyterian Home and Services offices; the property is owned by PH&S Property Management, Inc. and wanted it noted for the record as such; nothing would be done to the exterior but the inside will have some renovation work done for offices; entrance if off Clinton Road – no other entrance; and there are no plans whatsoever to connect this property to Preswick Glen property.

Board Member Donovan asked Mr. Garrett if there is a separate facility for the management of Preswick Glen, a building for sales – Mr. Garrett said yes and it is within the Preswick Glen complex, which is not connected with this proposal at all.

Discussion ensued regarding the Zone Map Amendment process, in particular the scheduling of a Public Hearing. This procedure/process inquiry does not affect this project, but it will be looked into further in the future.

Motion was made by Board Member Bob Imobersteg to recommend to the Town Board the rezoning of PH&S Property Management, Inc. from Medium Density Residential to Planned Development Institutional. Vote taken:

Chairman Hans Arnold – yes
Board Member Rodger Reynolds – yes
Board Member Bob Imobersteg – yes

Board Member Peggy Rotton – yes
Board Member Bob Wood – yes
Board Member Jerome Donovan – yes

Board Member Ellen Rayhill was not in attendance at this time

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

OTHER:

Chairman Arnold addressed the Board Members stating that he was contacted by Terresa Bakner, Esq. of Whiteman, Osterman & Hanna (law firm representing Benderson Development), regarding the Permitted Uses for the strip mall behind Eckerd's Pharmacy (in particular, My Favorite Muffin & Bagel Shop). Benderson is the developer for this mall and also for Eckerd's. Chairman Arnold referred to the previous proposal for a restaurant at this location and the outcome (Moe's Grill); and the meetings held with New York Mills Planning Board and residents. He feels this bakery-type use would be a significant enough change to discuss the possibility of a Public Hearing on the newly proposed food service establishment, which is not the same type of food service as Moe's. He wanted the Planning Board's input because of what has transpired in the past.

In attendance is Mr. James Boglioli of Whiteman, Osterman & Hanna. He felt that this bakery is a Permitted Use and fits into the shopping center category (he referred to the Town's Code/Zoning and what he feels is their interpretation of it). He feels the Board could approve this use tonight and they could subsequently apply for a Building Permit as there has been no change to the Site Plan – all the parking requirements are met. He does not feel this is a high generated late night use.

Chairman Arnold felt that Mr. Boglioli is saying he doesn't need Planning Board approval – Mr. Boglioli agreed. Chairman Arnold explained what Mr. Boglioli needs to do to secure a Building Permit.

Further, Chairman Arnold reiterated about the many discussions/meetings held with the residents and would like the neighborhood to be aware of what is being proposed again as it affects their properties.

Town Planner Schwenzfeier stated that the retail plaza was reviewed for small boutique shops. The Town Planner was asked whether a restaurant use was addressed during the review process – Town Planner Schwenzfeier said he would have to check the records for a letter from Benderson regarding no restaurant use or discussion that a restaurant was not being proposed.

Board Member Donovan asked the Town Planner if this site meets parking or any other information he could supply to us. Town Planner Schwenzfeier said he has not seen any submittal to verify what is being discussed.

Board Member Donovan went to the site earlier and recognizes the work and dollars Benderson has put into this site. Discussion continued regarding the type of use proposed, the requirements necessary, and what was discussed at the prior meetings for the record. Until the files are reviewed, the question of whether a restaurant use was ever brought up in discussion cannot be determined at this time.

Board Member Reynolds feels the people of New York Mills should be aware of what may take place at this site

At this time, Board Member Ellen Rayhill joined the meeting.

Chairman Arnold stated to the Board Members for their information that he walked the properties to the rear of this site, to Consumer Square, Walgreens and Eckerd's/Plaza with the Highway Superintendent and his assistant to check the storm water basins at the developments in that area. He found their storm water management systems are in conformance with the plans. There may be something happening upstream and Highway Superintendent Roger Cleveland said this is correct and he may have a way to help mitigate this.

Chairman Arnold said that if the Board did not want to act on this tonight, it can be tabled.

At this time, motion was made by Board Member Bob Imobersteg to approve the use of the muffin shop at this location (in the retail plaza behind Eckerd's); seconded by Board Member Jerome Donovan.

Discussion . . . Board Member Rayhill had questions regarding Permitted Uses at this site, what was approved, restaurant vs. bakery, parking, etc. and Chairman Arnold brought her up-to-date on what was discussed.

Board Member Donovan felt that the minutes on the retail plaza were important. He felt what the Town Planner stated previously about the possibility of Benderson submitting a letter regarding no restaurant, or discussion of such, is necessary for further review. He feels things are subject to change and developers shouldn't be held constant as long as they meet the Code and as long as it is a Permitted Use.

Mr. Boglioli felt this bakery is a Permitted Use and it complies with all the requirements, especially parking. Mr. Boglioli felt that parking wasn't in our jurisdiction. Chairman Arnold disagrees with this last statement.

Board Member Donovan wanted to amend the motion to address the Town Planner's concern regarding the granting of final approval after reviewing parking ratios. No further discussion followed on this amendment.

Board Member Rotton asked the Town Planner to recite the Permitted Uses in this zone.

Vote taken on Board Member Imobersteg's motion:

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

Motion **not approved** by a vote of 5 – 2. Chairman Arnold informed Mr. Boglioli that if he provided plans and the parking ratios, that it could be considered for an amendment at the next Planning Board meeting if it meets all requirements.

The Board Members discussed the preparation and distribution of Planning Board agendas.

Town Planner Schwenzfeier brought the Board Members up-to-date on the revised Subdivision Regulations, and he will submit copies for the Board's review.

Chairman Arnold brought the Board Members up-to-date on the Consumer Square bond/retainer issue; internal traffic flow, and the NYSDOT's comments regarding the traffic signal.

Eve Holberg, peter j. smith & company appeared before the Board regarding an update for the proposed GEIS/Southern Area. She distributed a map of the area involved, a list of the Involved and Interested Agencies, a revised project schedule, and a list of the organizations and the contact people for the focus groups. She also referred to the response for intent for Lead Agency.

The Board Members mentioned additional contacts, i.e., Library, developers, Little League, OC Farm Land Protection Board, and possibly a representative from the Sitrin Home as their property is involved in the GEIS area. Eve will also look into the involvement by the Villages.

Town Planner Schwenzfeier referred to the Resolution for Lead Agency. He stated that the Town Attorney has agreed with this Resolution.

Motion was made by Board Member Peggy Rotton to approve the Resolution for Declaration of Lead Agency to the Planning Board; seconded by Board Member Bob Imobersteg. Vote taken:

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

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

Eve will forward the final draft for the Positive Declaration for our records. She is proposing to have a Scoping Session on June 18th or 25th, and is asking for the Board to review the material before the Positive Declaration. This gives her the idea about direction and collection of information. The Positive Declaration is the basis for this whole project. Discussion ensued regarding the time frame for the review. She is hoping to have the final GEIS done by the end of this year and accepted.

Eve will inform us regularly to see what we will be doing during the Scoping meetings.

Board Member Rayhill asked how the public gets notified about the Scoping sessions – the Town website, through the local newspaper, articles in the Town Crier, and fliers/notification at various sites.

There being no further business, the meeting adjourned at 6:45 P.M.

Respectfully submitted,

Dolores Shaw
Secretary/Planning Board

dbbs