

MINUTES OF THE REGULAR MEETING
JUNE 11, 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; and Secretary Dolores Shaw.

Draft minutes of the May 14, 2007 meeting were distributed and addressed, and motion was made by Board Member Peggy Rotton to approve these minutes as noted and discussed; seconded by Board Member Rodger Reynolds. All in favor.

GEIS/Southern Area – Resolution for a Positive Declaration. Town Planner Schwenzfeier said that peter j. smith (consultants) prepared a Positive Declaration which was reviewed and accepted by the Town Attorney. He addressed the series of meetings regarding the GEIS coming up with public participation, in particular, the meeting of June 18th at Hughes School. The Positive Declaration will start the actual process. Secretary Dory Shaw read this Positive Declaration for the Board Members. Board Member Donovan asked the Town Planner, we make this judgment on the presumption only with what the consultant has done – the Town Planner said yes.

Motion was made by Board Member Bob Imobersteg to approve the Positive Declaration for the GEIS/Southern Area as outlined by the map presented (copy of which has been made a part of the file) and as follows:

Town of New Hartford Southern Area GEIS
Planning Board Resolution
Positive Declaration
June 11, 2007

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 WHEREAS, the Town Board has begun study on the designated project area of the Town and wishes to continue the SEQRA process;

AND WHEREAS, the Planning Board has the authority to adopt the GEIS and wishes to pursue this possibility;

AND WHEREAS, the Planning Board has been designated lead agency in accordance with the State Environmental Quality Review Act, 6NYCRR Part 617.6;

IT IS HEREBY RESOLVED that the Town of New Hartford Planning Board will make a positive declaration in accordance with the State Environmental Quality Review Act, 6NYCRR Part 617.6, for the preparation and implementation of an Urban Design Plan for the Southern Area of Town;

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

seconded by Board Member Bob Wood. Vote taken:

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

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

Discussion ensued regarding any type of amendment that may occur, i.e. areas that border but not included in the GEIS – Town Planner Schwenzfeier explained the procedure for this in that if we wanted to have a GEIS for a particular project outside of the GEIS, that the cost would be borne by the developer, not the Town.

Secretary Dory Shaw will advise peter j. smith consultants regarding the Board's approval of the Positive Declaration.

Jewel Ridge Phase II Subdivision, Higby Road. Conceptual Review of a proposed eleven (11) lot subdivision for single-family homes adjacent to the recently approved Jewel Ridge Subdivision. Tax Map #340.000-1-6; Lot Size: 8.144 Acres; Zoning: Low Density Residential. Mr. Gregg Grates appeared before the Board.

The Town Planner presented the subdivision map for the Board's review. He indicated Phase I was previously approved and indicated where this was located in relation to this proposal. The actual project is for eleven (11) lots and a reconfiguration. They are looking for conceptual approval for the change, the extension of Jewel Ridge Road and to be sent out for SEQR. There is no fence proposed for this lot at this time.

Chairman Arnold referred to the storm water management plan or a pedestrian walkway to the school property. The Town Planner said this project has two (2) areas of storm water – the original will remain in Phase I, the quality basin will be deleted and provided for in a storm water easement for Lot 13. In addition, they provided a utility/access easement from the end of the cul-de-sac between Lots 13 and 14. Chairman Arnold also referred to the retention basin and why the boundary wasn't delineated. The Town Planner showed where it is on the map. He also suggested we extend the original engineering agreement with Shumaker to include an engineering review on Phase II. Chairman Arnold addressed lot sizes, storm water easement, subdivision regulations as it relates to this project, out lot, etc. Chairman Arnold asked the Town Engineer is there was anything unusual about this storm water management basin – Town Planner Schwenzfeier said not that he could tell – that would come from Shumaker Engineering.

There was a discussion regarding the depth of the actual storm water basin, which is about 2'. Maximum would be about 4'. Board Member Rotton referred to her discussions with NYSDEC regarding retention basin depth. She recommended that the contract engineer re-evaluate alternatives of storm water retention techniques. Board Member Donovan referred to the subdivision regulations and how storm water is addressed and to keep this in mind when reviewing them. Chairman Arnold asked if the Highway Superintendent or anyone else reviewed the acceptability of access to that basin for repair and maintenance – the Town Planner said not at this time. Chairman Arnold also referred to some drainage that we looked at before. This plan shows all the drainage from this development coming to a cross culvert on the western most end of Weston Road. If that is the case, we want to make sure of what is going on down stream. The entry of this whole plan is controlled release and no greater but we want the engineer to check this carefully. Also, discussion took place regarding the road that belongs to the school and ravine. The cul-de-sac stays with the project.

Board Member Reynolds asked if the school was contacted regarding their road, and he feels the proposed retention basin is too close to the school. He also stated that the school road has a lot of traffic which is uncontrolled. The Board Members talked about speed bumps, traffic signs, etc. to help with this issue. This needs to be more pedestrian friendly. The Town Planner talked to the school and they will be included under SEQR review. Chairman Arnold explained that he, the Town Planner and the developer met with the school to address open space, pedestrian connection to school property, and they

were receptive. Mr. Grates said there is an easement with the school and it is with the attorney now. The easement is grass, it is not for cars. The Town Planner doesn't know if sidewalks are planned. Board Member Donovan said a questions could be raised about creating a nuisance with walkways. This walkway issue will be explored further.

Chairman Arnold asked the Town Planner to talk to the school and explore the safety questions. (This could be addressed during SEQR review).

Board Member Rotton would like to include more Planning Board Members during meetings with different agencies. Chairman Arnold will keep this in mind when meetings occur and who could attend - he will notify the members by email.

Board Member Imobersteg asked the Town Planner if this could be sent out for SEQR without Preliminary Approval. The Town Planner said yes and he would like this to be done under Lead Agency and that includes having Shumaker look at it.

Discussion ensued how to proceed with this development at this time and the time frames involved, i.e., conceptual approval vs. preliminary, Lead Agency, SEQR review, set.. The NYSDEC communications regarding no new sewer hook ups was discussed also and how it affects this development, in particular. This is something the Planning Board isn't in control of and we need to address the developer regarding this issue.

Board Member Imobersteg asked the Town Planner, what if we declared ourselves Lead Agency and send everything out – the Town Planner is comfortable doing this but it starts the SEQR clock. Board Member Imobersteg motioned for the Planning Board to be Lead Agency – there was no second.

Further discussion, then motion was made by Board Member Jerome Donovan to grant Conceptual Approval and refer this for SEQR under Lead Agency; seconded by Board Member Bob Imobersteg. Chairman Arnold doesn't agree even though there is no time frames, he feels there are enough open questions on this and because of the sewer issue – he doesn't want the developer to have the wrong impression.

Vote taken:

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

Motion was **not passed** by a vote of 6 – 1..

At this time, motion was made by Board Member Bob Imobersteg for the Planning Board to become Lead Agency and authorized the Town Planner to proceed with SEQR; seconded by Board Member Bob Wood. Vote taken:

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

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

Chairman Arnold addressed the Planning Board Vice-chairmanship position. He would like to suggest Planning Board Member Robert Imobersteg for this position – he is the longest standing member with over twenty (20) years.

Motion was made by Board Member Peggy Rotton to appoint Board Member Robert Imobersteg as Vice-chairman; seconded by Board Member Jerome Donovan. Vote taken:

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

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

CORRESPONDENCE

Chairman Arnold explained the several meetings he has been involved with collaboratively between the Town and Village. These meetings focus on town, village and school topics. The Town Planner said there will be a plan presented to the community members, villages, school district and town regarding sidewalks, playing fields, and joint usage. Chairman Arnold said if other Board Members are interested in attending any upcoming focus group meetings, he will advise them accordingly.

Chairman Arnold reminded the Board Members of the upcoming Scoping Session for the GEIS to be held on June 18, 2007 at 6:00 PM at Hughes Elementary School, Higby Road.

Also, Chairman Arnold shared information he had regarding the sewer issue with the NYSDEC and what he knows. He explained what transpired with the latest development

approval, i.e., Twin Orchards/Lowe's, their subsequent review through the SEQR process, and how they are now impacted. NYSDEC had reviewed the plans through SEQR and didn't object to anything, and now we are faced with this sewer issue. It is a legal matter at this point. He also read the letter send by NYSDEC dated June 8, 2007 and which is a part of the file. Chairman Arnold asked the Town Planner if we got anything back from the NYSDEC during the SEQR process that indicated they had a concern – Town Planner Schwenzfeier said no as NYSDEC's comment regarding Lead Agency.

Board Member Rotton asked where NYSDEC fits in under EPA Regulations. Board Member Donovan referred to the section of state law that the Town Engineer used to issue the permit, and also related his feelings regarding the Planning Board process for this development. Board Member Donovan said they are enforcing a federal statute.

OTHER

Subdivision Regulations: Town Planner Schwenzfeier explained what has transpired since 2001. Issues have arisen with parkland, trails, etc. Staff has, for the last two (2) years, verified everything they wanted to see so we can hand this to a developer. At this point, it is being sent to the Planning Board since they are the people who see the implementation. Also, we clarified some Town policies that are now in the Subdivision regulations, i.e., minor subdivision procedures.

Chairman Arnold stated that he, the Town Planner, the Town Engineer, Highway Superintendent, Codes Enforcement Officers, Town Attorney and Councilman Reynolds has taken all the issues and developed these new regulations. This has been a major effort to make the regulations current. He feels Staff has done an excellent job with what has to be amended.

Town Planner Schwenzfeier said he would like to see the Planning Board review this document page by page, make notes and report back to him with comments. He would appreciate a list of items to be combined and to be discussed at another meeting. He stated that final approval is by the Town Board and the Planning Board makes a recommendation.

Chairman Arnold asked the Board Members if they would like to review these regulations this evening or address them after they'd had a chance to read them through.

Board Member Donovan asked about the status of the Town Zoning. The Town Planner said it has not started yet. He is working with the Town Board to start the process.

Board Member Peggy Rotton asked about who the Planning Board spokesperson is with regard to the media; she assumed it was Chairman Arnold that would be the designated speaker. Chairman Arnold said he has talked with the newspaper whenever they call him, but they haven't called him lately. Board Member Donovan has received a number of calls and he lets the Chairman know when this happens. Board Member Rotton wants to know, do we continue like this or is there a new process in place to follow.

Board Member Reynolds feels the Chairman should be the Planning Board representative and not have several people involved with possible misquotes.

Board Member Donovan gave his opinion of how he feels about this, whether newspaper or media, and how they perceive the Town of New Hartford when phone calls aren't returned. Chairman Arnold said this isn't the case, he doesn't get called. Discussion ensued regarding how the media was handled by previous administrations. Board Member Donovan said that former Planning Board Chairman Joseph Yagey never raised an issue with him talking to the Observer Dispatch. If the media calls him, he will respond. If he doesn't know the answer, he will refer them to the proper people. He understand the confidentiality factor, but if it something he can address to the public, he will.

Board Member Imobersteg felt the newspaper could call anyone they want, but he would like to see them channel their questions through the Chairman. Board Member Wood also stated that anything technical should go to Staff for questions.

There being no further discussion, the meeting adjourned at 4:30 P.M.

Respectfully submitted,

Dolores Shaw
Planning Board Secretary

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