

MINUTES OF THE REGULAR MEETING
JULY 9, 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 (Ellen arrived at 4:50 P.M.). Also in attendance were Highway Superintendent Roger Cleveland; Town Planner Kurt L. Schwenzfeier, AICP; Councilman David Reynolds; Codes Enforcement Officer Joseph Booth ; New Hartford Superintendent of Schools Dan Gilligan; Mr. Tom Kasky of Leadership Mohawk Valley; and Secretary Dolores Shaw.

Draft minutes of the June 11, 2007 meeting were distributed, and motion was made by Board Member Bob Imobersteg to approve these minutes as received; seconded by Board Member Bob Wood. All in favor.

COR, Middle Settlement Road: Amendment to Final. Tax Map #316.000-2-41.1 & 42; Lot Size: approximately 21 Acres; Zoning: Planned Development Mixed Use. Town Planner Schwenzfeier presented a map of the Lowe's project, which was approved by the Planning Board on September 11, 2006. Since then, there has been a number of adjustments to the plan and he wanted to make sure the Planning Board was updated. The last revision was #3 and we are up to #10. The latest proposed change is with the sanitary sewer lateral; it provides the developer with options to draw on depending on the final, agreed to conditions of the DEC/ Oneida County Consent Order. What was approved originally was a public sewer main under the entrance road with building laterals connected to this main. Now, each of the proposed building pads will have their own sewer lateral connecting to the existing main on Middle Settlement Rd. The only difference is, under the plan we approved, the developer automatically dedicates the sewer extension to the Town. However, under the latest proposed change, and because the sewer lateral diameter remains the same as in the original design, the developer is still willing to dedicate the portion of the lateral under the entrance road, even though it is considered a lateral and not a sewer extension. If the County doesn't sign the Consent Order, the developer will do the lateral route. If they do, he would like to do what was originally approved and move forward.

Town Planner Schwenzfeier said the other major change has been in the storm water. During construction a cut was made through a 15" concrete storm water pipe - they had an option to put it in the basin or pipe it into the existing swale, which was the original intent. It will be directed into a road side ditch.

Further, Town Planner Schwenzfeier said that the applicant is requesting an Amendment to Final and clarification of the sewers and changes in the storm water. He also stated that these are minor changes but usually any change is brought back to the Planning Board.

Superintendent of Highways Roger Cleveland said the Town has the legal ability to issue sewer connection permits, however NYSDEC states it has final review authority. On our sewer permit form, we now have a disclaimer stating that “because the Town issued a Permit, it does not relieve the holder of the Permit from complying with the rules and regulations of other county, state or federal agencies”, so whatever DEC’s regulations are, COR, will still need to comply. He also stated that he and the Town Planner have reviewed the sewer alternatives and either is acceptable to the Town. The Town also understands that if the sewer connection/ extension issues are not resolved soon, that the developer is willing to install a dry sewer (unconnected to any existing sewer main) until the matter is resolved.

Concerns were raised regarding addressing this issue without knowing the results of the July 11th meeting - possibly deferring Planning Board action; whether NYSDEC was at the site; and the number of changes made.

Board Member Donovan asked the Town Planner about the other minor amendments, do they require Planning Board approval - Town Planner Schwenzfeier said no and that if we don’t take action tonight, it won’t hold the developer up.

Chairman Arnold asked the Town Planner about this - Town Planner Schwenzfeier said he would like to see the Planning Board authorize an Amendment to Final for the changes to date with the understanding that if the Consent Order is signed, the developer will be putting in the sewer extension, and that they have also done some minor changes to storm water, which falls within the appropriate scheme.

At this time, motion was made by Board Member Peggy Rotton to delay this until the August meeting when we are better informed, and at that time the Town Planner could bring forth all the amendments so we have everything taken care of; seconded by Board Member Jerome Donovan. Vote taken:

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

Motion **passed** by a vote of 6 - 0. (Board Member Ellen Rayhill was not present for this vote).

Mr. Gregg Grates, Jewel Ridge Subdivision, Phase I - Amendment to Final; Tax Map #340.000-2-1.1; Lot Size: 5.23 Acres; Zoning: Low Density Residential. Mr. Donald D. Ehre, P.E. and Mr. Gregg Grates, appeared before the Board.

Town Planner Schwenzfeier stated that this is an Amendment to Final for Phase I for a proposed relocation of the sewer line. The applicant stated that during construction they found bedrock when putting in the sanitary extension so they need to relocate the sanitary to the east side of the property behind the proposed lots. It was originally to be within the road right-of-way. The Town would be requiring a 20' easement (10' on each side) with stone base covered with 1" of topsoil (macadam or crushed stone). It would be a permanent easement with the Town - no trees could be planted, sheds or fences installed, and the owners and future owners are to be made aware that this is an active sewer easement - there may have to be a deed restriction.

Highway Superintendent Cleveland said he feels in the winter time we would want to put delineators and a 12' wide road and a proposed design from developer for thickness and make up of the road. Mr. Cleveland proposes a driveway entrance off of Higby Road and take the sewer truck in the back of the lots with a wide enough radius for the sewer truck to come back out to the main road. Is that an extension beyond what is shown on the map to extend the right-of-way to Higby Road? The answer is yes. Mr. Cleveland said it may need more than a 20' wide radius.

Board Member Bob Wood asked if it meant eliminating Lot 7 - the answer is no.

At this time, Board Member Ellen Rayhill joined the meeting (4:50 P.M.).

Chairman Arnold asked if this changes the character of what we were looking at because no longer is it a residential back yard to residential back yard - now there is a service road in between.

Town Planner Schwenzfeier said what is there now is a hedge line and the sewer easement will go right up to the developer's property line. Board Member Donovan mentioned a wooded buffer area adjacent to the properties in the rear. Board Member Rotton asked about the depths of the lots.

Discussion ensued regarding still installing the sewer line in the original location. Highway Superintendent Cleveland said it is feasible but probably very expensive, but the developer did not approach he or the Town Planner regarding the cost of using the original plan.

Mr. Donald Ehre appeared before the Board explaining the problems the developer encountered with bedrock. He said he could give this Board an estimate, but he knows it would be costly. The driveway with crushed stone and fabric they have agreed to, they would provide the location and size of the turnaround for egress points, and agreed to a 10'-20' buffer.

Board Member Donovan feels this is a substantial enough change and that a Public Hearing was held previously with a number of residents in attendance. He feels another Public Hearing is necessary, especially for the people on Christopher Circle. - the other Board Members agree. He would like to see a written estimate from the developer regarding the cost of changing this. Also, any alternatives the Town Engineer or Project Engineer may have regarding this.

Motion was made by Board Member Bob Imobersteg to hold a Public Hearing for this Amendment to Final for Phase I of Jewel Ridge Subdivision; seconded by Board Member Peggy Rotton. Vote taken:

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

Motion passed by a vote of 7 - 0. *This Public Hearing will be held on Monday, August 20, 2007 at 5:30 P.M., Community Center Building, Kellogg Road, New Hartford.

Chairman Arnold addressed the neighbors in attendance this evening and although it is not a Public Hearing, he asked if they had any brief comments.

-Mr. Gregg Grates, developer, addressed the Board and referred to the test borings that were done. He explained the bedrock that exists and the problems he has occurred. He said this service road is not a paved road, it is a grassed area with no change in vegetation - he wanted this made clear to the Board Members. He explained that no work would be done on anyone else's property - just theirs.

-Mr. Lenny Grucza, 18 Christopher Circle. He feels this is a substantial change. He presented pictures of his property and what he considers to be a road behind him. He is concerned about drainage.

-Unidentified female: asked about the number of lots and the proposed service road.

-Mr. Greg DeBernardis, 358 Higby Road. He feels his water quality has diminished. He is concerned about how the bedrock will be bored and removed. He is not concerned about moving the sewer line, but is concerned about how this affects his water line/quality.

-Mr. Pat Thompson, 8 Christopher Circle. The sewer line would be closer to Christopher Circle - would this change anything with the storm water sewer - Mr. Ehre said no. They are still investigating the utilities placement.

Chairman Arnold thanked everyone for this input regarding this issue.

5:30 P.M.

Power Point presentation by Mr. Tom Kasky of Leadership Mohawk Valley: regarding town-village-school collaboration priorities. Also in attendance was Superintendent of Schools Dan Gilligan.

Mr. Gilligan stated that the school district has always looked at opportunities to work with the Town and Villages to improve quality of life in the community and how to be more efficient. They have met with Mr. Kasky and Leadership Mohawk Valley for assistance to help them work together and prioritize.

Mr. Kasky addressed the Board Members and explained the collaboration with project stakeholders, participants, and referred to an agenda of items/ideas. This joint effort benefits the lives of residents and students and enhances the experience of living in the community and surrounding area - to find ways to work together to be more efficient.

His power point presentation is on file with the Planning Board Secretary for review.

Chairman Arnold thanked Superintendent Gilligan and Mr. Kasky for a very informative presentation.

GEIS/Southern Area - Update. Mr. Peter J. Smith and Ms. Carol Yamarino of peter j. smith & company (consultants) addressed the Board Members and brought them up-to-date on the Southern Area GEIS - Growth Concept. This area includes the southern area of the Town, and hamlets of Chadwicks and Washington Mills. There was a variety of items discussed, proposed parkway concepts, cafes, parking, landscaping, intersections, etc.. Related information was prepared in a booklet and presented to all Planning

Board members. Concepts, impacts, and ideas were shared and recommendations made.

Chairman Arnold would like the consultant to look into the concerns expressed and report back to Board.

The booklet is available through the Planning Board Secretary for review.

Mr. Smith and Ms. Yamarino will work on the recommendations made to them and proceed accordingly. They will appear at the next Planning Board meeting with updates.

CORRESPONDENCE

- 1) Chairman Arnold stated that the Town will be proceeding to update the two (2) previous GEIS'.
- 2) Comprehensive Plan is complete, and the Zoning Law needs to be updated. Proposed time frame is November 2007 through 2008.
- 3) Subdivision Regulations - the Town Planner is ready to present this to the Town Board. If any Planning Board members have comments, get them to the Town Planner as soon as possible.
- 4) Chairman Arnold would like to have a public comment period on upcoming agendas.
- 5) Planning Board meeting times - 5:30 P.M. is now the set time for meetings.

There being no further business, the meeting adjourned at 7:40 P.M.

Respectfully submitted,

Dolores Shaw
Planning Board Secretary

DbS

*Since this writing, the applicant for Jewel Ridge Subdivision, Phase I, has withdrawn his application for Amendment to Final. The developer will proceed with the original plan as approved by the Planning Board.