

MINUTES OF THE REGULAR MEETING
AUGUST 20, 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 Bob Imobersteg, Peggy Rotton, Rodger Reynolds, and Ellen Rayhill. Board Members absent: Jerome Donovan and Bob Wood. Also in attendance were Town Planner Kurt L. Schwenzfeier, AICP; Councilman David Reynolds; Police Chief Raymond Philo; Codes Enforcement Officer Joseph Booth and Secretary Dolores Shaw.

Draft minutes of the July 9, 2007 meeting were distributed, and motion was made by Board Member Bob Imobersteg to approve these minutes as received; seconded by Board Member Rodger Reynolds All in favor.

Update of the GEIS – Southern Area by peter j. smith & company. Mrs. Eve Holberg and Ms. Carol Yamarino appeared before the Board and brought them up-to-date on the Southern Area GEIS Growth Concept. Items discussed were preliminary impacts, sanitary sewers, storm water, transportation/mitigation measures. Ms. Yamarino presented the Board with an outline and map for discussion (these have been made a part of the file). Of particular interest was future planning for roadways, especially in the Chadwicks area, i.e., roundabouts, Route 8, off site impacts, etc.

The Board Members were advised that this is still a preliminary report and they will work with comments and concerns from the Board.

Ms. Yamarino will be at the next Planning Board meeting and she will address comments raised by the Board Members. She would also like to schedule another Public Hearing for public input. She will work with the Town Planner on this. Also, Board Members were advised to contact the Town Planner with any further comments regarding this GEIS.

Chairman Arnold addressed the Public Comment section of this meeting. He invited everyone from the public to address the Board with comments. It is not restricted by what is on the agenda, but relative to an agenda item.

-Mr. Nick Kattato, 9 Christopher Circle. He has concerns about the Jewel Ridge Subdivision as he lives nearby and wants to know the status of this project, i.e., are

they following the GEIS guidelines, infrastructure, etc. He has observed that they hit a lot of bedrock, and he wanted to know how this affects sewer lines and foundations.

Chairman Arnold explained that this item is on the agenda tonight and the engineer or developer could answer this question at that time. If they could not, the Town Planner would address it.

-Mr. John Kivela is a member of the Comprehensive Plan Committee. He is not familiar with the grown concept plan and how it affects the Comprehensive Plan. Mr. Kivela feels the GEIS review should be part of discussion for the comprehensive planning process, i.e., growth, development, etc. Mr. Kivela thought the build out plan was unfavorable.

Chairman Arnold stated that he regrets peter j. smith didn't hear about his concerns but he will relay them to them rough the Town Planner. He also explained that we had a comprehensive planning process and a part of that was public participation and survey. That Comprehensive Plan has to be translated into revisions to the Zoning Law and that is in progress. The Comprehensive Plan is an advisory tool but the Zoning Law dictates what is allowed.

-Mr. Donald D. Ehre, 154 Oxford Road. He is speaking as a resident of New Hartford. However, during his duties as Town Engineer, he studied sanitary sewers along Seneca Turnpike and Jordan Road. He gave this information to the Town Board and Town Engineer. He addressed the manholes and felt he had a way to address the sanitary sewer overflows by grouting the manholes (it is a pressure grouting system). He is hoping peter j. smith will study this further.

Chairman Arnold thanked everyone for their comments.

Sangertown Square Mall, Seneca Turnpike & Commercial Drive.

Conceptual/Preliminary Site Plan Review for a proposed retail use. Tax Map #328.008-1-12.1; Zoning: Retail Business 1. Ms. Donna Houseman and Mr. Randy Bebout of FRA Engineering appeared before the Board for a proposed Dick's Sporting Goods store.

The Town Planner explained that Sangertown will be demolishing 32,000 square feet of existing mall where the former Klein's All Sports area was and replace it with a 49,000 square foot clothing and retail store. They have reconfigured parking and reduced the number of parking spaces to 4020 at the 4.5 ratio. Total square footage of the mall with this proposal is 866,893. This application will require 239 County Planning review and SEQR. He feels the configuration works best with the truck movements and loading

docks and recommends Conceptual Site Plan Review approval and to declare the Planning Board Lead Agency (no vote was taken for Conceptual Approval at this time).

Ms. Houseman said demolition is necessary as their prospective lessee wants the mall entrance and structural changes.

Board Member Imobersteg asked if the number of parking spaces is the result of the actual stores not taking into consideration any corridors – Town Planner Schwenzfeier said yes.

Mr. Bebout said they are reducing parking and increasing green space and putting in some landscaped islands. A stop sign will be at the lower right hand newly proposed island. He further stated that they will be working with NYSDEC to see what they will be looking for from them

Chairman Arnold brought up Board Member Donovan's concern regarding parking ratios. It was determined that 5.0 was used at the conception of this mall, however, 4.5 is now used and it exceeds the Town's requirements. Discussion ensued regarding parking conditions at the mall around holiday time.

At this time, Board Member Peggy Rotton motioned to grant Conceptual Site Plan Approval and have the Planning Board be Lead Agency and send out for SEQR; seconded by Board Member Bob Imobersteg. Vote taken:

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

Board Member Peggy Rotton – yes
Board Member Ellen Rayhill – yes

Motion was approved by a vote of 5 – 0.

Mr. Gregg Grates, 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. SEQR update. Mr. Donald D. Ehre, P.E. and Mr. Gregg Grates appeared before the Board.

Town Planner Schwenzfeier gave a power point presentation for the Board. He referred to SEQR being open on this project but not granting approval because of the access of the cul-de-sac and liability of whom would maintain ownership. The liability would fall on the easement and the ownership would be the property owners by a deed restriction. The

water comes through the proposed development and along the school road (which also includes additional fire hydrant). This proposal negates the cul-de-sac in Phase I. The developer is now going with the sewer and water as planned previously. Responses have been received from NYSDEC, Water Board, OC Health, Sewer & Water, OCDPW and OC Planning. He addressed some issues raised by the agencies (copies of all letters are a part of the file). Pedestrian access is best used as a private grass strip, an easement through the residential lots for public access, not vehicular traffic. This would be maintained by the adjacent property owners, not the Town. The Town Planner recommends granting Conceptual Site Plan Review approval knowing that this project is still going through the process.

Chairman Arnold raised a question regarding OC Environmental Health that this development has to demonstrate the offsets - the Town Planner said this will have to wait until Water Quality and Control responds.

Board Member Imobersteg questioned why this Board spent a lot of time with this project last month with their request for an Amendment to Final because of bedrock issues and cost and now the developer is reverting back to the original approval – what has changed?

Mr. Ehre explained that they received word from the Water Board that they couldn't do it because it was a deed issue – the Water Board turned them down and this happened after the Planning Board meeting. Mr. Ehre further explained the bedrock issue. Mr. Grates referred to rock depth ranges.

Chairman Arnold explained that this Board works hard with developers and their engineers not to create delays, but he feels it is important for them to have everything resolved before them come before this Board.

Board Member Reynolds still had concerns regarding the path by the school. He would like to have the school see this plan and address safety. The Town Planner said this was referred to the school, but he will check on it again.

Motion was made by Board Member Bob Imobersteg to grant Conceptual Site Plan Review approval; seconded by Board Member Ellen Rayhill. Vote taken:

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

Board Member Peggy Rotton – yes
Board Member Ellen Rayhill – yes

Motion was approved by a vote of 5 – 0.

Mr. Grates said the school was in favor of the path because children could walk through the development to go to school and that is why Mr. Ehre incorporated it into their plan. Mr. Ehre said there will be a deed restriction where the homeowners would maintain the path, there would be no building, i.e., sheds, trees, etc. The storm water system hasn't been designed yet, but the calculations are still there and he will be checking into this.

Chairman Arnold referred to sending this out to a contractor – the Town Planner said Shumaker Engineering will be looking at this. Chairman Arnold also wanted to make sure all questions from the resident on Christopher Circle have been answered.

LOWE'S, Middle Settlement Road – update. Tax Map #316.000-2-41.1 & 42; Lot Size: approximately 21 Acres; Zoning: Planned Development Mixed Use. Town Planner Schwenzfeier stated that Mr. Gerardi could not be in attendance tonight and asked that this be tabled until the September Planning Board agenda – the Board Members agreed.

Ms. Karen Bradley, applicant for a proposed **Montessori School on Chapman Road**. Property is owned by Mr. David Green. Conceptual Site Plan Review; Tax Map #340.000-4-7; Lot Size to be used: approximately ½ acre with three (3) parking spaces; Zoning: Residential/Agricultural 1. Mr. Donald D. Ehre, P.E., and Ms. Karen Bradley appeared before the Board.

Town Planner Schwenzfeier stated that there is an existing building on the property serviced by sewer and water. The school would run from 9:00 AM to 3:00 PM. Currently enrollment would be about ten (10) preschool children and they hope to increase enrollment to eighteen (18) in a couple of years. The existing driveway on Chapman Road has been rebuilt. The speed limit in this area is 35 MPH. They need two (2) parking spaces and ten (10) spaces have been provided. The Town Planner recommends granting Conceptual Site Plan Review approval and that the Planning Board declare themselves Lead Agency for SEQR. He also referred to the allowed uses in this zone, and a school is allowed under Site Plan Review. A small church had been at this location previously. It was stated that this church was open on Saturdays and Sundays only.

Ms. Bradley explained the Montessori teaching concept to the Board Members and gave them some background information of her qualifications. It will be registered with the State Department of Education and they have specific guidelines that they have to meet. She will be addressing what is being required by the State. Currently, she has her school on Utica Street in Clinton but she will have to leave that site shortly and she is actively seeking another location to place her students by the fall.

Board Member Imobersteg explained the process in that there are cycles and it could take a couple of months to review this application.

Discussion ensued regarding the students' safety, school buses in the area and the times they would be in this area, traffic, visibility, etc. The Board Members questioned the condition of the building and the necessary inspections/Code requirements. Ms. Bradley advised the Board Members of the times the children would be dropped off in the morning, probably around 8:45 until 9:15 AM, and they would be leaving the site about 2:45 to 3:00 PM. Students would be dropped off and would leave by parents' vehicles, not buses.

Chairman Arnold asked Codes Enforcement Officer Booth to elaborate on the building inspections as it is his thought that the Town of New Hartford will be responsible for making sure this structure is safe. Mr. Booth stated that this is a private school, the local municipality is the only authority for fire safety and compliance. State education does not get involved with inspections. The Codes Department would make specific inspections before a Certificate of Occupancy is issued.

Mr. Ehre said he is going to look towards his office to do a certification and inspection of the building and the Board could review those findings.

Chairman Arnold expressed his concern regarding the safety of the children and the traffic on Chapman Road and would like to see the replies from the involved agencies.

Board Member Rotton feels we need more information on this application and defer Conceptual Site Plan Review approval. Board Member Rayhill explained to Ms. Bradley what this Board is going to be looking for and that safety is a major concern and if she understands this. Ms. Bradley said yes.

Motion was made by Board Member Bob Imobersteg that the Planning Board be Lead Agency for SEQR; seconded by Board Member Peggy Rotton. Vote taken:

Chairman Hans Arnold – no
Board Member Bob Imobersteg – yes
Board Member Rodger Reynolds – yes

Board Member Peggy Rotton – yes
Board Member Ellen Rayhill – yes

Motion was approved by a vote of 4 – 1.

The Board Members advised Ms. Bradley of areas in the Town where she may continue to look to place her school, for example, churches. The Town Planner was asked to highlight districts where schools are permitted.

Town Board referral for a **Zone Text Amendment, Planned Highway Business (former Feketa site on Seneca Turnpike)**. Planning Board review and recommendation. Town Board is requesting Planning Board to declare itself Lead Agency for this application. Mr. Donald D. Ehre, P.E., appeared before the Board.

Town Planner Schwenzfeier stated that this amendment would include any Planned Highway Business district throughout the Town – it is not just for this property. Most of the Planned Highway Business zones are located on Seneca Turnpike, Burrstone Road, French Road and Clinton Road. This amendment would allow for convenience stores within this zone. According to the Town’s Zoning Code, convenience stores would also include gas stations which isn’t currently allowed in the Planned Highway Business zone.

The Town Planner was asked if convenience stores are in that district now – the answer is no. Board Member Imobersteg referred to a previous application for a gas station and storage units in that same area which was turned down. He sees a problem with this request as it affects the whole zone, not just this property and he referred to a Byrne Dairy store/gas station up the street from there. He further stated that gas stations were purposely omitted from this zone and Public Hearings were held when this zone was created.

The Town Planner was asked to read the allowed uses in this zone, which there were a large number of uses for this property. The Town Planner stated that a convenience store is different than a grocery store because of the gas station. He also stated that County 239 was already done on this and they recommended approval.

Chairman Arnold referred to memorandums from the Codes Office where they referred to the Comprehensive Plan of 1995 which took into account all feasible uses and gas stations were not considered suitable for this zone. The intent of this zone was to use the guidelines for a Professional Office zone and they also referred to an application previously at the Town Board meeting of May 7, 2003 where a similar but not identical use was suggested and defeated (these memorandums are a part of the file).

Chairman Arnold feels this Board needs to look at every piece of property zoned Planned Highway Business, not just one property. He further stated that the Town Board has asked the Planning Board to be Lead Agency on this.

Town Planner Schwenzfeier stated that SEQR Agencies are Oneida County Planning, Oneida County DPW, NYSDOT, Herkimer-Oneida Solid Waste Authority, NYSDEC, Oneida County Health, City of Utica and Town of Kirkland.

After further discussion, motion was made by Board Member Peggy Rotton to declare the Planning Board Lead Agency for SEQR for this Zone Text Amendment application; seconded by Board Member Ellen Rayhill. Vote taken:

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

Motion was approved by a vote of 5 – 0.

Secretary Dory Shaw will notify the Town Clerk as to the action taken tonight on this application.

CORRESPONDENCE

OTHER

-Subdivision Update – Town Planner Schwenzfeier updated the Board as to the status of the revised Subdivision Regulations. The Town Planner said the Subdivision Regulations are ready to refer to the Town Board.

Motion was made by Board Member Bob Imobersteg to send the newly proposed Subdivision Regulations to the Town Board; seconded by Board Member Rodger Reynolds. Vote taken:

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

Motion was approved by a vote of 5 – 0.

There being no further business, the meeting adjourned at 8:30 P.M.

Respectfully submitted,

Dolores Shaw
Secretary/Planning Board

dbS