

MINUTES OF THE REGULAR MEETING
NOVEMBER 26, 2007

The meeting was called to order at 5:30 P.M. by Chairman Hans Arnold at which time the Pledge of Allegiance was recited. Board Members in attendance were Ellen Rayhill, Peggy Rotton, Rodger Reynolds, Bob Wood, Bob Imobersteg and Jerome Donovan. Also in attendance were Town Planner Kurt Schwenzfeier, Councilman David Reynolds, and Secretary Dory Shaw.

Minutes of the October 29, 2007 meeting were unavailable and will be reviewed at the December 10, 2007 meeting.

Ms. Helen Sarandrea PT & sports Care, 8200 Seneca Turnpike (formerly REC Pools). Preliminary/Final Site Plan Review/Approval. Tax Map #328.010-1-1; total Lot Size: 3.366 Acres; Zoning: Planned Highway business. Mr. Ned Walker, Architect, appeared before the Board.

Mr. Walker explained that they were fourteen (14) parking spaces. He added the detailed planting plan which includes nursery stock, ground cover, magnolia plants, street trees along the front line and large burning bushes, and a major window with exercise area. They submitted to the Town Planner NYSDOT's driveway permit.

All of the removals have been done regarding parking, some chain link fencing; asphalt is out and topsoil placed and graded off. NYSDOT has done their inspection.

Chairman Arnold questioned the portion towards the front of the property which is not topsoil and seed. Mr. Walker explained they did not place plantings there because it is part of a Seneca Turnpike right-of-way – it is all grass.

After a review of the plan submitted, the Town Planner and Board Members had no further input. The Town Planner is in the process of working with the applicant on the Pre-development Agreement.

Motion was made by Board Member Peggy Rotton to grant **Preliminary and Final Site Plan Approval**; and that a Building Permit needs to be obtained within one (1) year of approval date; seconded by Board Member Bob Imobersteg. Vote taken:

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

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

610 French Road Commons (formerly the Elks Club); Preliminary/Final Site Plan Review/Approval for proposed offices. Tax Map #317.000-2-7.1; Lot Size: 2.27 Acres; Zoning: RB3 Office Business. Messrs. Joseph Carucci and Phil Sbarra appeared before the Board.

Town Planner Kurt Schwenzfeier noted that the existing oil and stone area is now seeded, and they added some additional plants around a new sign which is located in the front of the property.

Mr. Sbarra said nothing has changed from the previous meeting other than those two (2) items.

Board Member Rotton expressed some concern regarding drainage. The Town Planner explained they don't require a storm water plan – Mr. Sbarra stated the drainage runs towards the back and drainage should improve due to the seeded area.

Board Member Imobersteg referred to the other side of the property which is oil and stone and how it was going to be maintained. Will the driveway be taken out and paved or seeded? (The adjacent property is owned by this applicant).

At this time, Mr. Carucci stated that at some point he would like to black top it and have a driveway, and he will show it on the final plan. Mr. Carucci asked if this had to be done right away? Chairman Arnold said no but we can have a condition of approval. Mr. Carucci said it would make sense to keep it as there is a door at ground level and it can be used as an emergency exit. You can still drive around the back but there are weeds at this time. They will clean it up and blacktop it. Half of the building is leased and once the other side is rented, he is sure they would want to have the driveway being that the door leads to it.

Town Planner Schwenzfeier recommends conditioning the final approval, and that they designate the drive around the building to be paved prior to the Planning Board Chairman's signature is on the plans. He is also working with the applicant regarding the Pre-development Agreement.

Motion was made by Board Member Bob Imobersteg to grant **Preliminary and Final Site Plan Approval** contingent upon the addition to the drawing of a driveway on the southeastern area shown as existing oil and stone so there is a loop around the building; and that a Building Permit be obtained within one (1) year of approval date; seconded by Board member Rodger Reynolds. Vote taken:

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

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

Picture Perfect {Pools, 8145 Seneca Turnpike (existing at this site presently is a closed convenience store). Conceptual Site Plan Review for a proposed pool store at the corner of Seneca Turnpike and Concord Boulevard. Tax Map #328.005-2-34; Lot Size: .448 Acres; Zoning: Planned Highway Business. Mr. Craig Pritchard appeared before the Board.

Town Planner Schwenzfeier stated that Mr. Pritchard is leasing the property. This property had a gas station and convenience store – the gas station no longer exists and NYSDEC will be done with their site inspection shortly. Mr. Pritchard is requesting to use the existing building to relocate the pool store with some outside display. The Codes Enforcement Officer had stated that an accessory structure cannot be placed in front of the main building so the pool will have to be moved to the back. He will check with the Codes Officer as to what is appropriate at this site. Store hours are M-F 10 – 6; Saturday 10 – 5; Sunday 10 - 2. In the winter, he is looking to operate from Wednesday to Saturday, 10 – 3.

It was stated that in the past we have required applicants to remove some of the paving in the right-of-way – would we be contacting the property owner –Town Planner said yes.

Mr. Pritchard said he doesn't anticipate much activity in the winter time. With regard to the existing sign, the fixtures are on the sign – he needs to have someone letter it.

Board Member Imobersteg mentioned having an entrance and exit shown on the plan – he feels NYSDOT would like this also. The Board Members reviewed the sketch and from the front property line to the building there is 62.2'. Chairman Arnold suggested that the applicant hire an engineer and outline ingress and egress on the plan for both the State Highway and Concord Boulevard, and to be aware of how parking should be shown so as not to have parking issues.

Mr. Pritchard stated he would place the aboveground pool to the side of the property and it will be filled with water (the Town Planner said the accessory structure has to be 5' from the side property line but has to maintain 50' from the front). The pool will be fenced, and Mr. Pritchard explained that he would like to fence all around the property with a sliding gate and with parking in the front. Mr. Pritchard stated that you would not have to go through the store to the pool. The Town Planner stated that Mr. Pritchard would need an Area Variance from the Zoning Board of Appeals if he wanted to have a 6' fence. Chairman Arnold would like the Planning Board informed if an Area Variance is requested.

The property abutting the site has a residential home which is owned by the same person. The owner uses the house for storage and it is zoned the same. The house has been empty for a long time. Board Member Donovan has concerns in the event the home is used for residential purposes later on. The Town Planner will contact the owner as to what his plans are for the house.

Chairman Arnold asked Mr. Pritchard what would be stored inside the fence area – Mr. Pritchard said he has supplies and liquid chlorine. Chairman Arnold referred back to the two (2) designated ingress/egress areas and whether Mr. Pritchard would have room for both fencing and parking – Mr. Pritchard said he would check into this.

Motion was made by Board Member Bob Imobersteg to grant **Conceptual Approval** for this business at this location; and that Mr. Pritchard come back to the Board with additional information as requested; seconded by Board Member Peggy Rotton. Vote taken:

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

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

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

Mr. Pritchard asked if the right-of-way had to be done, could this wait until spring – yes. He also said he needs to get his supplies in at the site as soon as possible. Board Member Donovan asked if a Public Hearing was required – this is optional. Chairman Arnold stated that Mr. Pritchard knows what this Board is seeking and to contact an engineer to address the issues on this site and the State's requirements.

Town Planner Schwenzfeier stated that **Mr. Frank Day's** application on **French Road** would not be on the agenda this evening as he is in the hospital. This will be brought before the Board at another time.

Chairman Arnold addressed the Board Members with the following:

- All Planning Board Meetings from December 2007 through May 2008 will be at the New Hartford Public Library in their meeting room – entrance in the rear of the building commencing at 5:30 P.M.

- Notification was made to the OD regarding contacts for inquiries on Planning Board projects. The Town Planner is the first contact; then Highway Superintendent; Planning Board Chairman and Planning Board Vice-chairman, in that order.

- A meeting will be held on Thursday, November 29th at 10:00 AM at the Highway Building regarding the Consumer Square traffic signal with Benderson, DDR representatives and Town Staff. It is the consensus that the traffic doesn't work well with the internal system. Hopefully, this meeting will address what improvements could be done by either Benderson or new owners, DDR, and the Town is holding a \$100,000 bond until this issue is resolved.

- peter j smith has scheduled a public meeting for December 1, 2007 at the Charles T. Sitrin Health Care Center at 1:00 P.M. to address the GEIS for the southern area of the Town. The consultants feel, from past experience, that meeting on a weekend would be more beneficial and people would be more apt to attend. The meeting time was to try to encourage as much public participation as possible. Secretary Dory Shaw was asked to notify WKTU; send a press release to the OD; notify Town Staff; Town Clerk; and the New Hartford Public Library to name a few. Board Member Donovan expressed concerns regarding the consultant's timing of this meeting, location, their notification of agencies, departments, and the public.

Board Member Imobersteg asked the Town Planner when this GEIS would be presented to the Town Board – he said in February. Board Member Imobersteg asked if it would make a difference to be presented in March – the Town Planner said no. Board Member Rotton felt the consultant should hold another public meeting with the kind of

public advertisement needed. Chairman Arnold asked the Town Planner to produce an outline for a public participation plan for the Planning Board members and send it to them for review before the December 10th Planning Board meeting. Also, for him to talk with Board Member Donovan to review his concerns. Further, Chairman Arnold asked the Town Planner to schedule peter j smith on the December 10th Planning Board agenda. The Town Planner will notify them.

•Planning Board appointments/vacancies. There was a Resolution passed by the Town Board that when vacancies came up, the process would be that the Planning Board solicit letters of interest, review those and make a recommendation for appointment. The Town Attorney has reevaluated that procedure. It is now proposed that the Town Board do the process of soliciting statements of interest and for them to make the decision themselves on whom to appoint. Chairman Arnold wanted the Board to be aware of this. Also being discussed is term limits for Planning Board appointments. Chairman Arnold will put together an outline of this discussion and circulate it to everyone and get their comments as he would like his members' feedback. Then, use it to come to the Public Hearing by the Town Board. (Chairman Arnold has prepared a memorandum regarding this discussion and will circulate it to everyone, including the Town Board and Town Attorney – this memorandum has been made a part of the file).

•Discussion regarding consecutively missed meetings. Town Planner Schwenzfeier said there is nothing in our Town Code addressing the removal of a member due to consecutively missed meetings. Chairman Arnold felt there was a statement in New York State Planning Law that addressed this issue.

Councilman David Reynolds addressed the Board. He stated that the Town Board has complete confidence in this Planning Board. He explained what he thought was the geographical representation. He would like Chairman Arnold to articulate some of the discussion tonight with the Town Board and tell the rationale behind it. He feels the Town Board needs to be informed on how the Planning Board members feel. (This has been addressed in Chairman Arnold's memorandum).

Reference was made to an upcoming class in Tug Hill (2008) – notify Secretary Dory Shaw if there is an interest in attending.

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There being no further discussion, the meeting adjourned at 7:18 P.M.

Respectfully submitted,

Dolores Shaw
Planning Board Secretary

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