

**MINUTES OF THE REGULAR MEETING**  
**FEBRUARY 11, 2008**

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 Rodger Reynolds, Peggy Rotton, Bob Wood and Ellen Rayhill. Board Members absent: Jerome Donovan and Bob Imobersteg. Also in attendance were Town Planner Kurt L. Schwenzfeier, AICP ; Councilman David Reynolds, and Dory Shaw, Secretary.

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Draft Minutes of the January 28, 2008 Planning Board meeting were distributed to members. Change: Page 7, 2<sup>nd</sup> paragraph, second sentence: across from to adjacent to); Motion was made by Board Member Peggy Rotton to approve as corrected seconded by Board Member Rodger Reynolds. All in favor (Board Members Reynolds and Wood were not present at the January 28<sup>th</sup> meeting).

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**Murphy Excavating, Preliminary/Final Site Plan Review** for an expansion to their offices at **9309 Chapman Road, New Hartford**. Tax Map #339.016-1-30; Zoning: Retail Business 2. Attorney Richard Compson and Mr. Donald E. Ehre, P.E., appeared before the Board representing Murphy Excavating.

The Board was advised that Murphy Excavating received a Use Variance at the Zoning Board of Appeals meeting on January 28, 2008 as this property is a legal non-conforming use which requires a Use Variance to expand. There is no other zone in the Town of New Hartford that allows for this type of business. Attorney Compson explained the purpose and need for the 1,020 square foot addition, that being additional office space and storage. There would be no change in traffic or level/type of use. He presented the type of large plans that need storage and which need to be kept for at least seven (7) years. Their business has grown, they would like to stay in New Hartford, and they have been a good neighbor. He also stated that there would be no truck repair with the addition.

Town Planner Schwenzfeier presented an image of the property and the location of the expansion for the Board's review. County 239 Planning review and County DPW responses were received with no impacts.

Mr. Donald D. Ehre, PE addressed the Board stating that the purpose of the expansion is for additional office space, a larger lunch area and storage to create a better working area.

Discussion ensued regarding the GEIS, proposed roundabouts and the affects this may have on this property. It was stated that this shouldn't be a problem due to their location.

Chairman Arnold stated that this is a Type II action under SEQR. Chairman Arnold noted that he would like Staff, while reviewing the revisions to the Zoning Law, to address uses that are currently in the Town but not in our existing Zoning Law.

Motion was made by Board Member Peggy Rotton to grant Preliminary and Final Site Plan Approval to Murphy Excavating; seconded by Board Member Bob Wood. Vote taken:

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

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

Motion **passed** by a vote of 5 – 0.

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**Applewood Mobile Home Park, Seneca Turnpike. Amendment to Final.** Expansion of existing office. Tax Map #315.000-4-7; Zoning: Planned Development Mobile Home. Mr. John Barkett, owner and Ms. Barbara Barkett, Office Manager, appeared before the Board.

Town Planner Schwenzfeier displayed an image of the existing site and the location – it is attached to the rear of the existing building and would be a one-story addition. He explained that as part of their original approval, the Planning Board wanted them to provide a Community Center for the tenants. The applicants need an expansion to the Community Center and office space.

Mr. Barkett stated that their tenants have increased (they have 304 occupied units), and they have added two (2) new employees. They are not expanding their parking, but would comply with the Town's Zoning Code. Functions for the Community Center building are usually held in the evening. Ms. Barkett said they need the additional office space and storage to accommodate their growing needs.

Discussion ensued regarding the occupancy numbers for the Community Center and what is allowed and how it affects parking (it was stated that approximately 180 people could occupy that room under the Building Code, but 180 parking spaces are not needed) - this will be verified with the Codes Department.

Board Member Bob Wood asked how much of the room would be used for office/storage and for the Community Room. Ms. Barkett said about half of the room would be for the community. Mr. Barkett said the entire building won't be just for meetings.

Chairman Arnold said this is a Type II action under SEQR for an Amendment to Final review.

Motion was made by Board Member Ellen Rayhill to approve the Amendment to Final for Applewood; seconded by Board Member Rodger Reynolds. Vote taken:

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

Motion **passed** by a vote of 5 – 0.

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**Mr. Dong Min Chen, Preliminary Site Plan Review** for a proposed restaurant at **The Avenue/K Mart Plaza, 4631-4645 Commercial Drive, New Hartford** in the **former Blockbuster Video** building. Property is owned by Goodrich New Hartford, LLC, Englewood Cliffs, New Jersey. Mr. Dominick Pavia, Realtor, and Mr. Chen appeared before the Board.

Town Planner Schwenzfeier displayed an image of the proposed project. He explained that this applicant will be renovating 6,000 square feet of the former Blockbuster Video store converting it into a Sumo/Japanese Restaurant. This application requires an Area Variance for 83 parking spaces to be addressed at the Zoning Board of Appeals meeting on February 25, 2008. He explained the parking space ratio in relation to the number of seats for a restaurant. He said the overall parking layout that we have in that entire facility doesn't accommodate the requirements. The last restaurant was Chuck E Cheese, which added parking spaces.

Chairman Arnold stated that this is a change in use but not a change in the Site Plan.

Mr. Pavia addressed the Board and presented a sketch of the entire parking lot of K-Mart. He had highlighted 101 parking spaces immediately around the restaurant, and also in front of K-Mart – he used this to show the abundance of parking. The restaurant will have 115 seats. Mr. Pavia explained that the plaza parking is never full. He said that there is 3500 square feet to the rear of Chuck E Cheese that will never be rented and he'd like the Board to consider this. Mr. Pavia said employees would park away from the restaurant. He further discussed what he feels is available parking because this project is

in the K-Mart Plaza. He understands the Codes for parking, but assured the Planning Board that parking is available. Mr. Pavia is aware that this project will be before the Zoning Board of Appeals.

Board Member Rayhill commented on the development across from this project on Clinton Street. She is concerned about cars cutting thru to get to the light at K-Mart Plaza. She is wondering if there is some way to discourage this type of activity, i.e., stop sign, speed bump. Mr. Pavia understands the issue, but said that K-Mart has total control on this property. Anything that is suggested has to be approved by K-Mart and there could be a time issue involved. He is not opposed to this suggestion, but he would have to check with Police Chief Philo to see if he could enforce it. The Town Planner will look further into this request. Mr. Pavia said he would do the same.

Town Planner Schwenzfeier stated that the Town contacted K-Mart to get a Town dedicated street through the parking lot to get to the Commercial Drive signal. They were met with resistance the first time, but now there has been no further communication to date.

Board Member Wood asked if there was a possibility of expanding the parking lot. Mr. Pavia said then it would reduce green space.

Discussion ensued again regarding peak hours of operation, actual square footage of the interior of the proposed restaurant, and parking. Chairman Arnold asked if there was a crosswalk over to The Orchard – the answer is no but further up at the entrance to the back of Hannaford there is one. The sidewalk is on the K-Mart side.

Chairman Arnold felt this is a good way of approaching the reuse of an existing structure. This application needs County 239 Planning review.

At this time, motion was made by Board Member Ellen Rayhill to grant Preliminary Approval and to recommend that the applicant have the Town look at a stop sign and possibly a designated crosswalk between the corner of K-Mark building and the former Blockbuster Video building; and to send out for Oneida County 239 Review; seconded by Board Member Peggy Rotton. Vote taken:

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

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

Motion **passed** by a vote of 5 – 0.

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**SAES Smart Materials** for a proposed expansion at **Special Metals, 4355 Middle Settlement Road, New Hartford**. Tax Map #328.000-2-37; Lot Size: Total Acreage of Site: 13.77; Zoning: Manufacturing. Mr. Peter Nelson of Nelson Associates and Mr. Georgio Vergani appeared before the Board representing SAES Smart Materials.

Town Planner Schwenzfeier displayed an image of the proposed addition. Mr. Nelson stated that all the zoning requirements are met, but he hasn't addressed parking yet. Agencies involved would be NYSDOT, NYSDEC, Oneida County Water Quality & Pollution; Oneida County Planning 239; Oneida County Soil & Water; New Hartford Police and New Hartford Fire Department. The Town Planner also stated that this will be fenced off from Special Metals with a gated access - a separate piece of property.

The drawing shows the setbacks of the current property which is zoned Manufacturing. They aren't changing the use. The nature of the use includes furnaces/relocation of equipment, office addition in the front – the bulk will be expanding current operations. This is not a subsidiary of Special Metals. Part of the project includes expansion of parking. They intend to maintain the existing drainage and adding storm water retention.

Mr. Nelson said this is for a proposed 18,000 – 20,000 ± square foot addition to their existing facility. They have submitted the Site Plan application as well as the Environmental Assessment Form. Mr. Nelson said there are no environmental issues – nothing was found in the ground, testing of soils was done and he will send us a copy of the Phase II Environmental Report for our file.

Mr. Nelson said there may be seven (7) employees hired, but most of it is relocation of equipment. Mr. Nelson said they try not to do wet ponds. Right now all storm water is on the existing Special Metals site.

Mr. Nelson said depending on how the operations grow, they wanted to present the future parking lot expansion. The storage retention would be designed to accommodate it as the area gets paved. They are planning now to make sure run off will be taken care of and to meet NYSDEC requirements.

Chairman Arnold recommends to actually show and lay it out now rather than having to come back before the Town in the future to expand the parking. You will need to assess the impacts of that so it is better to do it now.

Chairman Arnold asked the Town Planner if this would run into any problems with waste water disposal. The Town Planner said he didn't think so, but that is why under SEQR the Town is sending it to OC Soil & Water for review.

At this time, motion was made by Board Member Peggy Rotton to declare the Planning Board Lead Agency and send out for SEQR; seconded by Board Member Ellen Rayhill. Vote taken:

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

Motion **passed** by a vote of 5 – 0.

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**GEIS Southern Territory/peter j. smith** – update. Town Planner Schwenzfeier brought the Board up-to-date regarding another public meeting to be held at the Willowvale Fire Company in Chadwicks, and the advertisement of this meeting.

Town Planner Schwenzfeier advised the Board Members that the article as shown on the display image, including graphics, will be placed in the Town Crier in time for the public meeting on March 8, 2008 at the Willowvale Fire Company. peter j. smith also provided an announcement flier for additional public notification to the media. A question came up regarding the post card mailing and the cost. peter j. smith feels it wasn't part of the original contract and they don't feel it is something that needs to be done based on their experience. He needs to contact peter j. smith and advise them of our decision. If the Planning Board still wants to do the mailing, there may be available monies elsewhere, but he is not sure. The dollar amount for the mailing is about \$1,000. If we want this, peter j. smith will physically have to do the mailing.

The Town Planner was asked to work with peter j. smith for a positive resolution. The Town Planner will also consult with Board Member Jerome Donovan who could not be at tonight's meeting.

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The Town Planner advised the Board that Lowe's is still working on the signal poles to be used. As part of the Planning Board approval of the site plan they were suppose to be moved – it is being worked on at this time.

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Board Member Rayhill has questions for the consultant regarding the GEIS and since the Planning Board will not be meeting with them before the March 8<sup>th</sup> meeting, she will email them to the Town Planner.

Chairman Arnold referred to the water tank proposal in Kirkland; location of water lines, New Hartford water system and how it affects the GEIS plan; changing the figure “8” concept in the GEIS report. He would like to address these concerns with the consultant when we meet with final comments.

Chairman Arnold asked the Town Planner to contact Highway Superintendent Roger Cleveland to attend the next Planning Board meeting for an update on bringing water up on Snowden Hill Road and how it affects Kirkland. The Town Planner will notify any municipality who may want to attend this March 8, 2008 meeting on the GEIS.

Chairman Arnold also asked the Town Planner, should that long range plan (Transportation Improvement Projects- TIP) be an appendix to see if projects are in New Hartford? The Town Planner said yes. There are projects in New Hartford: Burrstone Road, Jay-K intersection and Route 8 for paving. The County is looking at doing work on Kellogg and Higby Roads also.

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Chairman Arnold wanted the Board Members to be aware of new things happening, i.e., windmills, solar panels, generators to produce electricity or oil as they may affect Planning Board reviews. The Town Planner said he is working on these issues and doing research. Chairman Arnold asked if there was anything written on a resolution scale – the Town Planner said it is in the Agricultural District – anything else would be a Use Variance.

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There being no further discussion, the meeting adjourned at 7:15 P.M.

Respectfully submitted,

Dolores Shaw  
Secretary/Planning Board

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