

MINUTES OF THE SPECIAL MEETING

MARCH 18, 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 Jerome Donovan, Rodger Reynolds, Peggy Rotton, Bob Wood, Jerome Donovan, Ellen Rayhill and Dory Shaw, Secretary. Board Member absent: Bob Imobersteg.

Mr. Dong Min Chen, Preliminary/Final Site Plan Review for a proposed restaurant known as **SUMO** at The Avenue/K Mart Plaza, 4631-4645 Commercial Drive, New Hartford. Mr. Dominick Pavia, Realtor, and Mr. Tony Chen appeared before the Board.

Chairman Arnold explained that this Special Meeting is being held to address the parking situation/issues in the K-Mart Plaza and have the comments from the Police Chief, which we have. The sole purpose is to try to resolve the Site Plan Review for the proposed restaurant at the former Blockbuster Video building.

Mr. Pavia said he met with the Police Chief Philo and Lieutenant O'Neill a couple of times and they have come to a conclusion which would help with slowing traffic, four (4) stop signs, and creating a roadway, striping, yellow lines and two (2) crosswalks directing pedestrians who park in the overflow section. He feels they have accomplished and addressed what their biggest problem is, at a substantial amount of investment by the landowner. We have conceptually agreed to this. Mr. Pavia said the Police Chief and Lieutenant O'Neill will have the final say about striping and design. If there is any type of modification, the Town Offices will have final say about it.

Board Member Reynolds still has concerns regarding the implement of signs and enforcement on private property, although the paperwork submitted indicates that the Police can do it and should do it. Board Member Rotton stated if we have satisfied the problem with the Police Department and they have created a pathway that is not hazardous to pedestrians, then she is fine with it. Board Member Wood feels this issue has been addressed. Board Member Donovan referred to previous discussions of this nature with other developments. He wants to be sure the Police Chief has enforcement of this and communication with the landowner since it is private property. He referred to the Police Chief's comments about local law and enforcement.

Mr. Pavia stated that he represents the owner of the plaza and the owner is good with this plan. He feels they have gone above and beyond as a landowner to accomplish this.

Board Member Rayhill stated that she went to the site with the developer, Town Planner,

Police Chief and Lieutenant O'Neill and referred to the sketch of the site with the recommended four (4) stop signs and two (2) islands. It would be difficult for them to either move and/or remove any parking spaces because of K-Mart. She stated that the Police Chief mentioned it was not unusual to make an agreement to enforce stop signs on private property. She further said it would be at the request of the landowner, the Police Chief and then go on the site. Board Member Rayhill was told this enforcement is done on other pieces of property. She wanted the Board to know that any placement of stop signs, etc. has got to be done to their traffic guides, which is the Manual for Uniform Traffic Control Devices. She stated that the Police Chief won't agree and enforce stop signs that just go up unless it conforms. Further, she stated the reason they are interested in the islands is there is no way around it and that is the reason for the raised curbs – all these things are in accordance with that Code.

Mr. Pavia said he would cooperate with the Town, and they will sign an agreement with the Town. Chairman Arnold felt the Police Chief had addressed the issues, however, it is up to this Board if they want to place a condition requesting a local law be adopted.

Motion was made by Board Member Peggy Rotton to give Preliminary/Final approval of the project with the requirement that the traffic islands and pedestrian walkways, including stop signs outlined in the memorandum submitted by Chief Philo (attached), be constructed.

Member Jerome Donovan stated he would ask for an amendment to the motion requiring as a condition of approval, the developer request of the Town Board, in the form of a letter, the enactment of a Local Law providing for enforcement of the stop signs called for in the traffic plan.

Board Member Rotton withdrew her motion and made a new motion incorporating the amendment made by Board Member Donovan.

Motion seconded by Board Member Bob Wood. Vote taken:

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

Motion **passed** by a vote of 6 – 0.

Chairman Arnold encourages this kind of input/review by the Board and referred to other existing shopping centers with traffic pattern problems. (Chief Philo's memorandum has been made a part of the file).

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Chairman Arnold referred to the upcoming GEIS work sessions and note taking/minutes procedures.

There being no further input, the meeting adjourned at 5:50 P.M.

Respectfully submitted,

Dolores Shaw
Planning Board Secretary

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