

**MINUTES OF THE REGULAR MEETING  
TOWN OF NEW HARTFORD PLANNING BOARD  
MONDAY, JUNE 23, 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, Ellen Rayhill, Rodger Reynolds, Bob Wood, Peggy Rotton and Bob Imobersteg. Also in attendance were Councilman David Reynolds, Town Planner Kurt L. Schwenzfeier, AICP; and Dory Shaw, Secretary. Attending from peter j. smith consultants were Mrs. Eve Holberg, Ms. Carol Yamarino and Mr. Peter Smith.

Minutes of the May 27, 2008 meeting were reviewed by the Board Members. Motion was made by Board Member Peggy Rotton to approve these minutes as written; seconded by Board Member Rodger Reynolds. All in favor.

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Chairman Arnold said the sole purpose for this meeting is to review the GEIS in the southern area of the Town. Several public meetings regarding this plan have been held and we need to address concerns and changes. The Board Members directed their attention to items and issues that have been identified requiring clarification:

1. There needs to be at the outset a clear definition of the problems, and there should be a difference explained between existing and potential future problems. This should start with storm water but also include sprawl, traffic/road conditions, lack of trails/sidewalks, etc. Response: Carol Yamarino stated there are changes to the GEIS regarding this, which explains the issues New Hartford experienced in the past and what the GEIS is meant to do. She referred to PJS's comments which will be incorporated into the GEIS and articulated, and also track these changes within another document presented to them.

2. The DGEIS should be recast as a plan to control growth. Response: The data presented at the public meeting regarding new houses, number of cars, etc., inadvertently reflected to the public that we became proponents of growth to the Town and no one liked it. This isn't what this Board wanted to portray. Reference was made to the response from the consultants that this plan is to manage growth. Board Member Donovan felt whether controlled or managed, this document can't do either – it is the Zoning Law that would do this. Board Member Rayhill would like to have a build out on what we have been experiencing, i.e., check Building Permits and go by the trend that would help the Planning Board and public. Also, that this document is a tool available to us as a Town to make development a good thing – it has its own purpose. Affordable

housing was mentioned as part of a long range plan. Reference was made to Fees in Lieu of Mitigation (FILM). Eve Holberg stated that we should make it clear not to control growth but to limit growth and to revisit this plan every so many years (the GEIS and Comprehensive Plan). Peter Smith stated that this is a model for long term growth to address Ag preservation, build outs being based on densities, etc. Chairman Arnold feels you can't talk about that level of build out with existing problems to be addressed. He gave his opinion about what exists now and what it can lead to. We can look at wetlands, look at build outs based on population growth, to some remodeling of that – then show 5-10-20 years and give people an opportunity to address these items. Peter Smith stated this document doesn't show growth – it is only if things come to the Zoning we have now – if you change the zoning, you can get acceptable growth.

3. The goals [urban design principles] should be rewritten per the planning board's input- we arrived at consensus language which either you or PJS was going to write out and give back to us for review. Response: This topic was discussed in detail previously at the Planning Board meeting and the Town Planner documented it based on the Planning Board's consensus of the language. Carol Yamarino said that they addressed urban design principles now and what we are going to do with them. The Town Planner referred to the Planning Board minutes of March 2008 regarding this. Reference was made to see PJS's responses in the draft. When the Planning Board looked at the total build out, it was more extensive development than what they wanted to see. Carol Yamarino explained how they came up with their calculations and that it is open to modification. Chairman Arnold asked the Board Members if they agree that high density development was simply too large for a plan at this point – answer was yes. Peter Smith referred to total build out limits – it shouldn't be a number; he suggests to take a map and draw a line on development limit to make a good alternative and they can do a build out on this – make it reflective on what the zoning will be. He wouldn't like to see ourselves tied to a fixed line at this point. Board Member Wood agrees and with a narrow line you can always expand; and also how this effects developers. Chairman Arnold stated the formula has been started and asked if we are bound by the formula on the other two GEIS'. Carol Yamarino said we can always go to a supplemental document. Peter Smith said they made up a draft based on the other 2 GEIS'. The FILM gets looked at every five (5) years, then it gets revaluated or if costs change. The Zoning Map is the law. Board Member Rayhill asked, the schedule of fees, should we adopt the GEIS, when it is a guide plan – it is voluntary – it simply lays out the cost and suggests a way.

The Board Members referred to the Washington Mills/Chadwick areas. A growth limit should be drawn on the map. The Town Planner was asked if he could give this Board a draft of the redesigned growth boundary from his perspective. I.E., take each Planning Board Member's thoughts and gather them and put in a plan.

Peter Smith said outside the “snowman” there is no development – inside there is development – low density – moving to higher density towards the hamlets. They need to make this clear. He referred to three (3) steps of classification. Peter Smith again stated to draw the line and if there are some areas that you want high density, put it on the map and he’ll look at it.

The Town Planner will prepare maps .

Natural Heritage – needs to be defined more clearly. The Town Planner had contacted NYSDEC and they don’t give out the maps that identify specific plans or open space areas having natural features. Discussion ensued regarding the definition, to explain just what is meant under this category. Board Member Rotton referred to historic sites, unique species and endangered species. PJS will look into a clearer definition.

Eve Holberg will revise the mixed uses – separate them out; the figure “8” pattern will be addressed at the next Planning Board meeting.

Chairman Arnold referred to the storm water management facilities. The Planning Board Members received a copy of the Town Highway Superintendent’s comments. Potable water and sewer will be addressed further and included in the GEIS.

Significant Views – Board Member Donovan feels this is a beautiful area of Town and we should leave this section in the plan.

Peter Smith referred to the Zoning Ordinance and view shed protection – the principle is we want to maintain the view sheds in the community. It is included in the Comprehensive Plan through NYRII.

4. Remove the term "urban" where it is referring to New Hartford - it isn't accurate and undermines credibility. Response: This word “urban” will be removed.

5. The work of the storm water group needs to be included/referenced in the DGEIS. It should summarize the technical evaluation and include the conclusions and tentative action plans. The current language doesn't cut it. It should also describe the Town's longstanding policy and practice to require retention for every new development [so that the post development rate of runoff does not exceed the predevelopment rate of runoff], but noting that even with that policy and practice, due to many factors, including the relative timing of releases and the net increase in total runoff, it's not working and the Town has severe runoff problems. It should also include the concept hatched at the storm water group based on Curt Nichols' technical evaluation, that in order to avoid making

the problem worse we need to take specific planning actions, such as requiring large lot development on the undeveloped hills, and promoting reforestation.

Response: Chairman Arnold recognized the considerable amount of work of Highway Superintendent Roger Cleveland and Curt Nichols (Shumaker Engineering). One of the things we asked Mr. Nichols to do was evaluate the existing storm water conditions and he found deficiencies on culverts, drainage swales and all forms of storm water infrastructure and then development solutions to that, including changing culverts and improving the system. Also, Mr. Nichols was asked to evaluate if the upper area where we require 5-10 acre building lot sizes is helpful.

Mr. Nichols explained that a recent project undertaken by the New Hartford Storm water Advisory Board included a detailed evaluation of a typical watershed area in the town. Specifically, the watershed included a large agricultural area which ultimately drained through a residential and suburban area. These areas all have storm water runoff problems that result in frequent property damage and localized flooding.

Based on this detailed evaluation, various future development scenarios were modeled for the agricultural areas; 1.5 acre residential, 5 acre residential, and 10 acre residential lot development. The 1.5 acre (current zoning) scenario resulted in the highest amount of downstream runoff, however there was a drastic reduction in modeled runoff when the future lot zoning was changed to the 5 and 10 acre lot sizes. The reduction calculated runoff between the 5 acre and 10 acre development scenarios, however, is small. Based on this analysis, and assuming that it is typical for many areas in the Town, future flooding problems in suburban areas may be at least partially mitigated if agricultural land is developed in a large lot manner. This suggests that if re-zoning is undertaken as the result of the GEIS, future zoning regulations in agricultural zoned districts should have large lot sizes (5-10 acre minimum size lots) instead of the current 1.5 acre minimum residential lot size.

Discussion ensued regarding this larger lot development and potential restrictions that apply to landowners/developers. Peter Smith spoke of purchase of development rights, transfer of development rights, Ag Planned Unit Development, i.e., 100 acre farms where you allow for ten (10) units in a high density area where normally you might have one (1) unit per acre and then you can add five (5) units per acre, etc. - these are options. This is just a suggestion you have no obligation to zone it anything but Agricultural. Another mechanism might be to create a county designation which would hold the development rights. Peter Smith would like to incorporate the larger lots into the GEIS.

Peter Smith stated that in our build out we can easily do scenarios for 5-10-20 acre lots.

Discussion ensued regarding the preservation of Agricultural lots – how much of this is the Town’s responsibility. Economic conditions don’t support farmers. Board Member Donovan talked about open space vs. preserving Agricultural and what the Town wants to do to handle it. Large lots are good but he would like a number of tools provided to the farmer. Town Ag land trust was also discussed. Board Member Donovan asked if it was really to preserve Ag land or preserve open space.

Board Member Rayhill referred to Mr. Nichols’ study – high density vs. low density, can that be included i.e., fire protection, sidewalks – everything. She referred to the cost of improvement and facilities, large lots vs. cluster development and which one is most cost effective for community services. She will look at the build out for 5-10-20 acres and incorporate recommendations on cluster development and funding sources.

6. The build-out for Alt 3 is either unrealistic or represents an extraordinarily long time frame [like 100 years]. In either case, it diminishes our credibility. The Planning Board would like to review with peter j. smith the data in all build-out scenarios. The build -out scenarios drive high traffic projections that are unrealistic. Response: change the zoning and you can preserve green space if it came to that – the plan is just saying that it is the sustainability. Full build out is not saying it is going to happen. It is saying this is what the land would support if full build out occurs under our existing zoning. We have to keep the numbers within the existing zoning – it is comparative analysis. An illustration will be produced to show this. They will look at the trend for the last ten years.

7. Consider establishing a planning timeframe and more realistic growth projections. (5, 10, 15, 20 years base on x% of commercial potential and z% of residential potential based on existing trends). Response: This was addressed earlier.

8. The snowman has to go. The limits of high-density development should be smaller and closer to the center of the valley--more like an hourglass. Response: PJS will do the maps for this and revise it.

9. There is an inconsistency between the development projections and the population projections. Response: This was addressed earlier. The southern area of Town has limited new residential growth.

10. Wherever there is data in the report that doesn't link to a specific problem or recommendation, it should be made an appendix. Response: Cross reference the documents.

11. Remove proposed new collector road on the east hills, unless it can be justified and shown to be feasible. Response: PJS agrees to this. Discussion ensued what triggers a

collector road, it is much harder to build a collector road once it is developed but they want to put it in the picture so it is considered in the long term. PJS is setting up a no build boundary. It is shown on the plan, but it will be a concept – not the final plan and not in the presentation.

12. Remove traffic circle at Oneida St and Chapman/Kellogg -- it's still referenced. (Provide alternative mitigation recommendations other than the traffic circle). Response: the Power Point was displayed which shows Kellogg Road, Oneida Street and Chapman Road. In a 20-year time frame, they don't see significant traffic issues. The question of the round about was addressed, 1) take up more right of way; and 2) this is for pedestrians to negotiate. A demonstration showed another layout for a roundabout and what exists now and proposed circulation of traffic pattern. The Board Members discussed the traffic at certain times of days in particular school buses. Chairman Arnold asked if they looked at alternatives to a traffic circle – Mr. Jeffrey Lebsack, Traffic and Engineering for Hatch Mott MacDonald, stated no. The purpose of the round about is when there is a lot of activity. Chairman Arnold asked if pedestrian movements can be initiated by a line – the answer is no. Chairman Arnold asked how we want to deal with this intersection in the plan. Mr. Lebsack mentioned pedestrian signals. But he doesn't see a problem for at least 20-30 years. Board Member Donovan doesn't have a problem if the information is substantiated. Do we need this level of detail to collect the money from developers – Mr. Lebsack said that particular corridor needs to be improved with, i.e., turn lanes. Chairman Arnold asked if this is one possible solution we are dealing with and possibly another. We can deem what is the best solution. Board Member Rotton referred to the two major developments in the southern area of the Town and the congestion on Higby and Tilden. She also feels there are environmental issues. Peter Smith said that is why he showed this design on the plan because as growth occurs you need to coordinate traffic signals, etc. For right now the corridor needs to be improved.

13. Describe land use plans for neighboring communities. Response: the Town Planner said he wanted to see maps for Kirkland, Frankfort, Utica and Paris. PJS will photocopy and give an analysis. Chairman Arnold wants to know what is occurring with adjacent communities and how it may affect our plan.

14. Identify and evaluate the plans of the Upper Mohawk Regional Water Authority, including but not limited to tanks, mains, pumps and other infrastructure that will or could be a stimulus for growth. Response: Town Planner Schwenzfeier stated that Mr. Donald Weimer of the Mohawk Valley Water Authority will be at the next meeting.

15. Evaluate the implications of the NYRI proposal (If it is to proceed as planned or if it takes a different form, how is the Town to deal with and what action is recommended for the Town to under take). Response: this has been addressed in their comments. Carol

Yamarino said they are not showing the line as underground. Town Planner Schwenzfeier said their application has been withdrawn from the PSC because it is incomplete as they are asking for additional information. Board Member Rayhill said we can also note that New Hartford is opposed to this. Chairman Arnold wants to see a comment for a public policy in this plan.

16. Describe the impacts of peter j. smith's proposal to eliminate 2 mobile home parks (How does that Town overcome the potential elitist Persephone that the Town does not allow this type of development). Response: There are a number of mobile home parks in New Hartford. Concern is about the ones being phased out. Peter Smith said these are already obsolete in many ways. We can rezone, not remove them but prefer newer homes going in. Storm water management is an issue, especially because of the location of the particular parks in question. Flood Plain zones were also discussed and Mr. Curt Nichols said he feels this would fall right in with the overlay. Board Member Donovan referred to a possible relocation plan or acquisition of land. Discussion ensued regarding the taking of the parks and that this would be a public policy of the Town Board to initiate it. One of the parks is in question with the NYSDEC, and some homes were built illegally. Peter Smith is looking at it as a more detailed storm water plan. We are going to put together some type of storm water projects for this and pick one that makes the most sense. Funding is an issue – that is one of the things we are going to look at with the implementation of the plan.

The Board Members are comfortable leaving the language in regarding the mobile home parks as this is all conceptual. Board Member Rotton asked if anything was addressed about where to place these residents. The Town Planner said he can find out how many units are in these parks.

17. Address the proposal for a forestry or conservation [no development] designation for certain areas. Purchase of Development Rights, Transfer of development rights, Conservation or forestry easements, deed restrictions, forever-wild designation. A Town conservation area and others. Response: done.

18. Explain the integration of the fees in lieu of mitigation and let us know when we'll see a draft. (How are the fees determined and what would be considered acceptable offsite mitigation?). Response: discussion was done on this.

\*19. Identify potential mitigation project that the Town should undertake either by requiring it as off-site mitigation in areas of development or by requiring FILM.

\*20. Propose identifiable goal that the Town should reach as development occurs as part of the GEIS. (Example if 200 homes have been developed on Chapman Road, road

widening would be required with additional pedestrian facilities, the need to adjust and interconnect the traffic signals along Chapman Road, additional storm water facilities consisting of A, B, C). These recommendations may be something the Town wishes to do even if no development occurs, but could be identified as potential offsite mitigation.

\*21. Identify the constraints of and the possible techniques to encourage the increased density in the Hamlets and most people who move to New Hartford are moving to a plot of land with a signal family house. There has to be some incentive or vision of what amenities are needed for that type of mixed use to work. Are there examples that can be provided to the Planning Board?

\*22. Funding sources for recommended improvements to be undertaken by the Town.

\*PJS has responses for these:

- 1) Peter Smith had some scenarios of mitigation projects
- 2) What has been the growth trend in the Town and given the growth as we've seen it
- 3) This is the implementation – we are enhancing the character of the Town of New Hartford by creating these hamlet centers. How badly do you want to live in New Hartford – it is still the residential area of choice in the Mohawk Valley, This is the plan that helps to preserve this.
- 4) Funding credit in the Comprehensive Plan and will put new funding sources they find as appropriate and put in the document. Item #21 is the one that would generate the most discussion. We have the opportunity to help plan for the preservation of the character of the Town.

Chairman Arnold felt this was a productive meeting and thanked everyone for their input.

Eve Holberg recommended another public meeting, possibly in the fall, but not until the whole document and changes are in place and what the Town Board may want to do. The Town Board may want to have a Public Hearing on the fees but not the plan. Peter Smith said they will try to pick all three GEIS' for the updating of fees.

Discussion was held regarding the next Planning Board meeting date. PJS will be notified when the next meeting will be held, and the Town Planner will notify any others who are to be in attendance.

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There being no further business, the meeting adjourned at 8:50 P.M.

Respectfully submitted,

Dolores Shaw, Secretary/ Planning Board

