

**MINUTES OF THE REGULAR MEETING
TOWN OF NEW HARTFORD PLANNING BOARD
SEPTEMBER 8, 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, and Peggy Rotton. Board Members absent were Bob Imobersteg and Bob Wood. Also in attendance were Town Planner Kurt L. Schwenzfeier, AICP; and Dory Shaw, Secretary.

After a brief discussion, minutes of the August 4, 2008 meeting were approved by Chairman Arnold; seconded by Board Member Jerome Donovan. All in favor.

Mr. Christopher Carfagno/Total Quality Service, 81 Clinton Road, New Hartford. Final Site Plan Review of proposed professional offices. Tax Map #328.016-1-1; Lot Size: 54 Acres; Zoning: RB4 Neighborhood Business. Mr. Carfagno appeared before the Board.

Mr. Carfagno presented a site plan to address drainage, traffic circulation, landscaping and parking issues. A letter was received from Mr. Al Swierczek, P.E., who addressed these concerns (this letter has been made a part of the file).

Town Planner Schwenzfeier stated this letter and sketch were received today. He said this is out of the GEIS area and no Pre-development Agreement is needed. They would require a Building Permit from Codes, and NYSDOT for paving in the right-of-way. He recommends granting Final Approval with the understanding of the permits required. Parking is down to 10 spaces with 1 handicap for a total of 11 parking spaces. He also said Mr. Swierczek saw no significant changes on the parcel with this development.

Board Member Donovan asked if the exit and entrance was resolved – Mr. Carfagno said yes and there is adequate turning radius as required by NYSDOT. Landscaping was discussed. Mr. Carfagno explained where the landscaping would be, the walkway path and that the rest of the property would be open. The blacktop extends into that area which NYSDOT wants to maintain as a shoulder – NYSDOT would like to connect both driveways. Parking area is entirely out of the right-of-way.

Motion was made by Board Member Peggy Rotton to grant **Final Approval** with the understanding 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 Peggy Rotton – yes
Board Member Rodger Reynolds – yes	Board Member Ellen Rayhill – yes
Board Member Jerome Donovan – yes	

Motion **approved** by a vote of 5 – 0.

GEIS Update. Chairman Arnold gave a brief explanation for those in attendance who may not be familiar with this project.

Town Planner Schwenzfeier presented the map of the proposed GEIS area which he and Board Member Jerome Donovan outlined to give this Board perspective and guidance. They outlined the way that peter j. smith drew this, the area bordered down Sauquoit Valley as defined as the prime area to encourage growth showing higher density and mixed use; the area between was outlined as an intermediate growth area, and the area outside the intermediate growth area to be designated a no growth area. He would like the Board to review this plan, understand what they are trying to achieve and agree that this be sent back to peter j. smith consultants to redraw the plan and to schedule another public meeting. If anyone is interested in the changes, they can contact Planning Board Secretary Dory Shaw for previous Planning Board minutes from March through August 2008. They met with representatives of the farm community on how to balance the use of the land, potential need to sell lots or desire to sell lots with the concept that the upper part of the hills to be a very low growth to no growth area.

Chairman Arnold stated that he and the Town Planner met with the Water Authority to try to find out their plans for future development; which include extensive expansion into New Hartford which would challenge this Board to limit growth when this water expansion would stimulate development.

Board Member Donovan said the lines drawn do take into consideration topography, existing subdivisions and related items. Board Member Rotton referred to the upper part of Higby Road and Sherman Drive and feels this area would meet more with the intermediate designation.– this could be addressed by the zoning designation.

The Town Planner will forward this outlined plan to peter j. smith with comments as a basis for peter j. smith to submit a revised plan to the Planning Board prior to the October meeting.

Correspondence:

School district property acquisition – Mr. Dan Gilligan, Superintendent of Schools had requested time on the agenda to talk to the Board regarding a proposed Higby Park, a joint developed school and town recreation facility. The proposed park may include baseball, softball, little league, soccer, football and lacrosse fields. He presented a packet for the Board’s review outlining the proposed budget, timeline, the Consulting Members and their Planning Board Members for this project. This is still in the planning stages and they are working to buy the property. They are interested in the Higby Road entrance and one entrance off Weston Road. If they owned that property, they would want to help the Town with storm water. He also knows of a resident who has additional acreage in this area. Mr. Gilligan stated he will try to work together to help the Town, i.e., an easement for the storm water.

Chairman Arnold said this has long been a location of a tremendous amount of activity as well as the sports complexes already there. He feels this should be sent to peter j. smith to incorporate in the ongoing GEIS – the Board Members agreed.

Board Member Rotton mentioned the New York Mills area – Mr. Gilligan said one of the fields identified is the property behind the NH Highway Garage but it is landlocked. He asked New York Mills to consider giving an easement to the Town for the purpose of developing part of a park that would also benefit them – this is being reviewed. He also said Mr. Mike Jeffery of the NH Parks Dept. will get a letter of intent drafted. Mr. Gilligan said if this goes forward, it would be very beneficial to the kids and also benefit the Town with green space and water retention.

Board Member Donovan has concerns as we are working with the GEIS in this area – he asked if the land has been surveyed – Mr. Gilligan said yes. He also had a landscape architect walk the site. SEQR is done through the School with a project of this nature. Board Member Donovan also hopes that the different schools and groups would work closely with the Town Parks Committee and provide advice to the Town Board.

Board Member Reynolds talked about current enrollment in the district, which Mr. Gilligan said is down, and also asked whether these fields are needed. Mr. Gilligan doesn’t see an impact as this is three (3) additional fields - youth group numbers haven’t changed.

Mr. Gilligan also referred to the proposed New Hartford Business Park and its relation to the school - he supports a break-in access on Route 840. Mr. Gilligan also stated that EDGE came to the school and without a break-in access he feels the Business Park cannot go forward.

At this time, with the developer of the New Hartford Business Park present (Mr. Larry Adler), discussion ensued in length regarding this project and Route 840. Chairman Arnold and Board Members questioned Mr. Adler and Mr. Gilligan regarding the plans for an intersection, decisions made, and whether the public was properly advised.

Board Member Rayhill advised Mr. Adler as to what her perspective is with the intent of Route 840 and how it has changed. She also addressed his comments regarding the Hartford Insurance Group. She noted that she felt this Route 840 is a regional infrastructure that supports surrounding areas not just one project.

Mr. Adler stated that this Board did not have to review this project. Chairman Arnold said he felt this Planning Board had to review and approve the Business Park and this Board made SEQR determinations on the Business Park.

(At this time, Board Member Rodger Reynolds left the meeting at 6:50 P.M.).

Mr. Adler referred to the traffic report submitted by the consultants and stated that this proposed traffic light by Route 840 was approved by NYSDOT.

Chairman Arnold referred to the COR development (Lowe's) and a proposed connector road to the business park. The developer paid for a study and evaluated in great detail traffic circulation with and without that road. They concluded that the road was a good idea and they would give complete access to the business park on Middle Settlement Road.

Board Member Donovan stated that based on the results of the various phased traffic models, the construction of the two (2) proposed developments will require the implementation of many roadway improvements to assure that the surrounding intersections continue to operate at an acceptable Level of Service. A two-page summary of roadway improvements was presented to the Board. This summary considered the following alternatives: a 2007 Null alternative; a 2007 Clinton Street Extension; a 2007 Clinton Street Extension with the Business Park; and a 2007 Clinton Street Extension with the Business Park and the Woods Highway 840 Connector Link. Once the two(2) large developments are constructed, the most appropriate mitigation measures to maintain an acceptable Level of Service would be the construction of the connector road between Middle Settlement Road and Woods Highway, an extension of Woods Highway to Route 840 and improvements at the Woods Highway/Route 5 and Clinton Street/Middle Settlement Road intersections. The recommended improvements will allow for these future developments by dispersing traffic through the study area, reducing traffic volumes on the smaller roadways that do not have the extra capacity, and promoting use of the primary route, Route 840, in this area of the Town of New Hartford.

Mr. Adler said whatever NYSDOT required of them they did. The Board continued discussing the possibility of a light and can't image NYSDOT saying it is preferable.

Mr. Adler felt there is misinformation and expressed his concerns with discussion on this project. He said the Town Board is the Lead Agency for this project.

Cedarbrook project update. Mr. Rick Wilson and Mr. Larry Adler appeared before the Board.

Town Planner Schwenzfeier stated the developer is proposing Town dedicated roads as well as a subdivision to sell off the town homes. The issue tonight is whether or not the Planning Board would recommend to the Town Board whether to accept the reduced right-of-way to 50' (the Town standard is 60'). The decision is with the Town Board. The applicants can't go forward with the subdivision until this happens. The Town Planner stated he thought the Town Board would accept the recommendation of the Planning Board since they reviewed this previously. These are private drives in this development. Highway Superintendent Roger Cleveland submitted a letter recommending the 60' still be required for the right-of-way (this letter has been made a part of the file which also addresses storm water and grading).

Mr. Adler addressed the Board stating that the intent has always been to build and sell units. He also stated that Codes Officer Booth had reviewed the plan with duplexes and triplexes where there are zero lot lines. Mr. Adler also stated that the Codes Officer said the Planning Board deems what is appropriate for the setbacks. Mr. Adler said the layout hasn't changed. Two (2) buildings are being built and they are on hold at this time.

Board Member Donovan stated it is unclear whether these were going to be Town roads and felt 50' was inadequate. He also asked if the right-of-way infringed upon the buildings – answer is yes, if it went to 60'. The Town Planner stated we always looked at these as Town roads, but did not look at this with a subdivision and road width.

Three things to be reviewed tonight regarding this application:

- 1) Recommendation to the Town Board to allow lowering the right-of-way to 50' from 60'. After a discussion between Board Members, motion was made by Board Member Jerome Donovan to accept the recommendation of the Highway Superintendent and recommend the 60' right-of-way; seconded by Board Member Peggy Rotton: Vote taken:

Chairman Hans Arnold – yes Board Member Jerome Donovan - yes
Board Member Ellen Rayhill – yes Board Member Peggy Rotton – yes

Motion passed by a vote of 4 – 0. (Board Member Rodger Reynolds had left the meeting earlier).

- 2) Zero lot lines. Motion was made by Board Member Jerome Donovan to approve the zero lot lines; seconded by Board Member Peggy Rotton. Vote taken:

Chairman Hans Arnold – yes Board Member Jerome Donovan - yes
Board Member Ellen Rayhill – yes Board Member Peggy Rotton – yes

Motion passed by a vote of 4 – 0. (Board Member Rodger Reynolds had left the meeting earlier).

- 3) Front yard setbacks from the right-of-way and whether the Planning Board deems it should be zero or some other distance. The Board Members discussed parking spaces from the edge of pavement (which the Town Planner said would remain unchanged but would recommend at least a distance for parking between the house and right-of-way). Chairman Arnold stated this Board reviewed the interior roads as public. It seems to him if it is a public street, we want to see setbacks. He suggested the developer possibly change the plan. (No motion made on this issue at this time).

Mr. Wilson stated that from the beginning of this project it has always been stated that this project would be taxable. Chairman Arnold said that Mr. Wilson has been an honest representative of the Sitrin Home. This is a private enterprise but has benefits to the Town. However, he feels this is putting the Town in a difficult position and we have the Highway Superintendent's recommendation. Chairman Arnold asked the Board Members for their comments.

Board Member Donovan has concerns with driveways and that this Board spent months looking at these drawings. Board Members Rayhill and Rotton would like more information regarding setbacks.

The Town Planner had contacted the Fire Chief for his comments. He further stated that setbacks are measured from the right-of-way and if we widen it too much, it would ruin the original intent.

Chairman Arnold stated we are being asked for a recommendation. Perhaps we should suggest that the developer, Town Planner and Town Engineer review the layout and plans

to address this further. The Town Planner said he would have to review the Subdivision Regulations regarding private roads.

Chairman Arnold said he would send a letter to the Town Board regarding the vote on the first two (2) items stating there still is inadequate information regarding the setbacks. The Board Members agreed.

Mr. Wilson asked to address the Board on landscaping at Cedarbrook Living apartments and it is fine as far as time frames – probably done in December 2008. However, Skilled Nursing landscaping won't be done until February. He is asking this Board to direct Staff to give them a Certificate of Occupancy as they can't complete things until spring. He needs a full Certificate of Occupancy based on funding requirements. Chairman Arnold asked the Town Planner if there would be any problems with NYSDEC – Mr. Schwenzfeier said no. The Town Planner said he would write a letter to the Codes Officer regarding this.

Mr. Wilson also presented a map that was approved a while ago and addressed lighting. Chairman Arnold referred to lighting fixtures that wouldn't spill onto other areas. Mr. Wilson wants to put lights around two (2) buildings and they want to keep lighting down to a minimum. The Town Planner said he and the Highway Superintendent will work with the developer on this and that it meets Codes – these lights will be on private property and maintained by the developer. If they are put on the Town right-of-way, it would need a lighting district. (The lights referred to will be at the Skilled Nursing two (2) buildings and Assisted Living apartments).

New Hartford Business Park update. The Board Members discussed this in detail, referring to the Route 840, Woods Highway. NYSDOT, funds, PILOT/TIF program. Mr. Adler said the developer will fund any shortfall.

Board Member Donovan asked what the developer is doing to mitigate offsite impacts – Mr. Adler said they have about \$2.5 to \$3 million dollars into this project, i.e., storm water, water and sewer improvements. He referred to the Clark Patterson traffic report. He feels this project has a lot of public benefit. Mr. Adler referred to the Hartford Group and their commitment to stay in the area.

Board Member Rayhill wants to see what was promised – and noted, how can the Town take a road that was built with money for an original road and alter it? She stated when NYSDOT put in Route 840 it was not only to connect but to promote economic

development. Discussion ensued regarding the proposed light on Route 840 and how that would be addressed at the Town Board level.

Chairman Arnold referred to various conflicting statements regarding how the Business Park would access Route 840. He can't recall a discussion on a four-way intersection for this project. It was stated by someone that an on/off ramp was going to be adequate on Route 840.

Discussion then took place regarding Lowe's/Middle Settlement Road and Woods Highway connection. Reference was made to a bridge and the developer's position on this. Mr. Adler said he felt it is not possible for a developer to fund a bridge and try to put a project together. He also felt the purpose of Route 840 was not only to accommodate traffic but promote economic development and he referenced again the traffic report. He said the traffic light works on an acceptable level of service.

Board Member Rayhill said nowhere does the report say a light is a good idea and felt we aren't being given an opportunity to be heard.

The Board Members discussed what they felt they had reviewed and approved for this project, i.e., a connector road and a road between Lowe's and the Business Park, and that they had required the developer of Lowe's to build 1100' of that road.

Mr. Adler agreed that a bridge would be better than an intersection. He also stated that in 2007 when the decision by the Hartford was made, it was a requirement that access to Route 840 be granted. At the time, the only thing being discussed was a traffic light. The Hartford is 45 days from moving in.

Chairman Arnold referred to inconsistencies. It was his opinion that the Planning Board, at any time, never thought there would be a stop light at Route 840.

There being no further discussion, the meeting adjourned at 9:00 P.M.

Respectfully submitted,

Dolores Shaw, Secretary
Planning Board

dbS

