

**MINUTES OF THE REGULAR MEETING
TOWN OF NEW HARTFORD PLANNING BOARD**

NOVEMBER 24, 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 Imobersteg, Peggy Rotton and Bob Wood. Also in attendance were Councilman David Reynolds, Town Planner Kurt L. Schwenzfeier, AICP; and Dory Shaw, Secretary.

Minutes of the October 20, 2008 Planning Board meeting were received by the Board Members. Motion was made by Board Member Bob Imobersteg to approve these minutes as written; seconded by Board Member Rodger Reynolds. All in favor. Minutes of the Special Meeting of November 5, 2008 were received by the Board Members. After a brief discussion and clarification by Board Member Jerome Donovan, motion to approve these minutes was made by Board Member Rodger Reynolds; seconded by Board Member Bob Wood. All in favor.

Chairman Arnold stated that the proposed subdivision plans for **DDR/Consumer Square** will be resubmitted.

Mr. Al Forte, Octagon Engineering for **Valentino's Banquet Hall**, 3899 Oneida Street, New Hartford, NY in Washington Mills. Conceptual/Preliminary Site Plan Review to **enclose an existing patio and interior renovations**. Tax Map #339.016-1-65.1; Zoning: Retail Business 2. Mr. Forte and Mr. Cristiano appeared before the Board.

Town Planner Schwenzfeier explained the process for this application, i.e., at this point it is being reviewed at a Conceptual/Preliminary Site Plan Review level - it is a review within this district to enclose an existing patio and for interior renovations at the site known as Valentino's Banquet Hall. SEQR is required for this project and County 239 Planning review. This application will require a variance from the Zoning Board of Appeals for a parking rear yard set back and possibly number of parking spaces.

Mr. Forte presented a sketch of the proposal, the existing property and the businesses on site at this time, and what transpired on these properties in the past. Mr. Cristiano is the sole owner of all the property (there are two (2) parcels on site). There is a right of access to Kellogg Road. Mr. Forte explained the need for the change at Valentino's as they would like to upgrade the property, and provide for another room. This would allow the

lessee (Valentino's) to hold smaller venues. They would like to enclose the patio and a walkway, which would be used as a corridor to the second room in case the main room was busy. The corridor will only be used as a corridor – not as a dining facility. Mr. Forte explained that the patio has been there for about twenty (20) years and it is functioning in the summer – reference was made to possible parking along the back edge.

Also, reference was made to maximum lot coverage and green space. The Town Planner stated that as long as they don't make this more non-conforming, they have to keep it with the existing site. The footprint is not changing. Discussion ensued regarding the building, whether it was non-conforming. Mr. Forte said the building was constructed in 1990.

The Board addressed parking. Town Planner Schwenzfeier explained that not every structure is occupied at the same time due to the nature of what structures/uses are there. He explained also that the adjacent buildings were built a long time ago and they had adequate parking under those Codes. They are now out of compliance because of the new parking regulations. Board Member Imobersteg asked how many parking spaces are required – 233 are required, and Mr. Forte said 49 parking spaces is what the Zoning Board will be looking at for a variance, as well as setback requirements. Board Member Donovan referred to parking spaces for the entire campus, overflow availability – his concern is if they can accommodate the number of vehicles for any given function on campus and not have the cars not come into the street.

Board Member Wood asked what was in the back of the two (2) buildings to the right – Mr. Forte said it is all open to Kellogg Road – it could be an option for people to park there. Mr. Forte addressed the flood plain and that is something they will have to address. They are not increasing any impervious surface. As far as storm water, it will flow to the green space. They aren't going to pave any more property - they are just formalizing the parking and the gravel works fine.

It was decided to send this application to the Zoning Board of Appeals for the required variances first and then, if approvals are granted, have the applicant appear before the Planning Board for Site Plan Review.

Recommendation to the Town Board for a proposed **Zone Text Amendment, 4401 Middle Settlement Road from RB3 to PDI**. Tax Map #328.000-2-38; Lot Size: 39.9 Acres. Mr. Bob Scholefield appeared before the Board representing St. Elizabeth Hospital.

Town Planner Schwenzfeier stated that this request is to permit St. Elizabeth's Medical Center to move into 4401 Middle Settlement Road (former Hartford Insurance Group building) and use part of the building for two (2) different uses. The PDI zone allows for physician's offices and health care related items. They will use the majority of the building, but will lease out approximately 25,000 square feet for private physician uses. There are no plans for any type of overnight use. Hours would be from 7AM to 9PM (9PM would allow for urgent care). The Town Planner felt this would be less of an impact to the area than the former Hartford by 300 employees. He also stated that any change in use would have to come back before the Planning Board. Further, the hours of operation is the purview of this Board based on any change in the use.

Mr. Scholefield addressed the Board and concurred with what the Town Planner had stated. He would hope to have some wound care service and waiting room availability. He referred to the 25,000 square foot leased space for private physician offices. He explained that St. Elizabeth is non-profit, however, the physician's offices would be taxable. Mr. Scholefield stated that there is a significant difference between emergency care and urgent care – urgent care is an extension of a physician's office – no surgery. There will be no nuclear medicine, but they will have lab equipment, a cat scan and lab work. Mr. Scholefield said the occupancies at 86 Genesee Street in the Village of New Hartford will move to the former Hartford building and 86 Genesee Street will be sold – those occupancies are taxable. Board Member Donovan clarified that this is not the case – it depends on the sale and use that will occupy the building.

Board Member Donovan referred to the 25,000 square feet of leased space and is it the intention to have this outside of the not for profit. He also asked if this remained empty, would it be taxable – it was stated no, not until it is rented or leased. Also, he felt it is an impact on police and fire services and the underwrite of those service, but he is glad to hear a portion of the campus will eventually be taxable. Board Member Donovan suggested consideration of a municipal services agreement with the Town to offset the cost of fire and police to this facility. He would like to encourage some type of discussion between the applicant and the Town Board to discuss this to see if there is some monetary contribution to offset those costs. Mr. Scholefield stated that he has been asked this before but he will bring it to the attention of Sister Rose.

Board Member Rayhill discussed the possibility of any change in use and how it would trigger coming back before this Board. Also, what if that building is ever sold. Board Member Rayhill also asked if there were going to be any changes to Middle Settlement Road – it was stated there are no changes in parking or driveways.

At this time, motion was made by Board Member Peggy Rotton to recommend to the Town Board that the Planning Board approves the request of the Zone Text Amendment

on the property at 4401 Middle Settlement Road from RB3 to PDI; seconded by Board Member Bob Imobersteg. Vote taken:

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

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

Also, motion was made by Board Member Jerome Donovan to recommend to the Town Board to investigate the feasibility of entering into a municipal services agreement with St. Elizabeth Hospital to offset the cost of police and fire services (some type of contribution to recognize those services) in the event that there is no taxable space in the building; seconded by Board Member Bob Imobersteg. Vote taken:

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

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

The Planning Board Members respect their non-tax status, but feels it is fair to ask for some minimal contribution (given the public services to be provided by the Town in the way of police and fire services and the loss of nearly \$10,000 in Town property tax should the property lose its taxable status).

Board Member Imobersteg left the meeting at 6:30 P.M.

GEIS – update. The Board Members received copies information which were prepared by peter j. smith. Chairman Arnold referred to what the Board discussed relating to the development plan that concentrates on the corridor and the uplands outside, but thinks this Agricultural Planning Grant will give us more specific ideas. He stated that he thought the quality of each of the options, the trend analysis and the actual number of projected units built are more clear. Town Planner Schwenzfeier felt the numbers didn't track to the number of Building Permits – this will be checked. The bridge language between this document and the Agricultural planning needs to be better articulated.

Board Member Donovan has concerns with the ten acre plus lots and he'd like to hear from the professionals on this.

Board Member Rotton referred to possible land locking and this is a concern of the farmers, i.e., placing houses on a lot and no access to back acreage. Board Member Rotton also referred to gas corporations buying up farmer's properties for mineral rights – this item hasn't been discussed but she has a concern on how this impacts planning. Town Planner Schwenzfeier said he would check into any future seminars on this issue as it could be an issue in the southern tier.

Chairman Arnold addressed the proposed interconnect – it is listed as being underground but is there other disruptions. Board Member Rayhill referred to NYRI and she would address this section with the consultant. The Town Planner will call Mrs. Eve Holberg at peter j. smith and advise her of this discussion.

Chairman Arnold asked for input from the Board Members on how to address the information given to us by peter j. smith as they won't be attending another Planning Board meeting, but will be at the public meeting on January 24, 2009. He suggested a conference call with them at the December 8, 2008 Planning Board meeting. Chairman Arnold also suggested that due to the level of detail and where Board Member Donovan grew up, that he be a part of the introduction and explain to the public that we haven't adopted anything yet, but that this is our plan.

Mention was made of having Town Engineer John Meagher attend the GEIS public meeting in January 2009 to address questions/concerns regarding storm water issues and how the Town will handle this in the future.

At this point, it was decided that the Town Planner will arrange to have a telephone conference call setup at the next Planning Board meeting. He will also be in touch with peter j. smith regarding the discussion held this evening and any other issues.

Update on 1) **DeLaus Subdivision** – the Town Planner stated that it was NYSDEC's recommendation that this Board close SEQR with a Negative Declaration - based on the lapse in time and there is no longer a project. He will ask for more information to submit to this Board in writing. 2) **Jewel Ridge Subdivision** – a meeting was held with some of the adjacent residents on November 20th and concerns were addressed. Mr. Gregg Grates (developer) is aware of the concerns.

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There being no further business, the meeting adjourned at 7:10 P.M.

Respectfully submitted,

Dolores Shaw, Secretary
Planning Board

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