

**TOWN OF NEW HARTFORD REGULAR PLANNING BOARD MEETING
MINUTES OF MONDAY, JUNE 8, 2009
NEW HARTFORD PUBLIC LIBRARY MEETING ROOM
#2 LIBRARY LANE, NEW HARTFORD, NEW YORK**

The Regular Meeting was called to order by Chairman Jerome Donovan at 5:30 P.M. at which time the Pledge of Allegiance was recited. Board Members present were Ellen Rayhill, Rodger Reynolds, Bob Wood, Peggy Rotton, Julius Fuks and Brymer Humphreys. Also in attendance was Town Planner Kurt L. Schwenzfeier, AICP; Councilman David Reynolds, and Dory Shaw, Secretary.

Board Members received a copy of the draft minutes of the May 11, 2009 meeting. Note: All in favor added to the end of the first paragraph on Page 5. Motion was made by Board Member Peggy Rotton to approve the minutes with the added sentence as shown above; seconded by Board Member Brymer Humphreys. All in favor.

Charles T. Sitrin Complex, Tilden Avenue, New Hartford. Sidewalk Alignment. Tax Map #340.000-2-21; Zoning: Planned Development Institutional. Mr. Richard Wilson appeared before the Board.

Town Planner Schwenzfeier explained the Sitrin Home complex off Tilden to Higby never had sidewalks shown on any of the plans (however, it was stated originally in their application). He is advising the Board to accept the proposed sidewalk locations as shown on the application highlighted in yellow, Page 1. On the conceptual plan submitted to the Board, mention was made of trails but never identified exact location. (These are all seasonal sidewalks).

Mr. Wilson identified the locations of the 5' walkway which would be concrete from Tilden Avenue along Kavod Road on to the new Town road, Sitrin Lane, up to the Skilled Nursing Facility, along the back side, and to Cedarbrook. Anything within the Town's right-of-way would need a permit from the New Hartford Highway Superintendent.

Board Member Wood asked if the sidewalks are connected within the complex – it is all in conformity and on private property (the sidewalks are all connected). This Board is looking at the private property only.

Chairman Donovan stated that the Town Planner will be requesting the applicant to provide the engineering office with an as-built of the entire facility so that we can identify locations of storm water and sewer. (Chairman Donovan noted for the record that the Town Planner will send the applicant a letter reminding him to provide an as-built of the sidewalks and all related infrastructure information).

It was the consensus of the Board Members that this did not require an Amendment to Final.

At this time, Chairman Donovan asked Mr. Wilson for a community update on the progress being made at his facility. Mr. Wilson addressed landscaping, which is about 98% completed. Assisted Living was opened February 1, 2009 and Skilled Nursing opened May 27, 2009. They have moved 110 patients and they are settling in well. He stated there will be some very positive results and it is all in New Hartford. Ribbon cutting of Sitrin's new long-term care houses and Cedarbrook housing complex will be June 29, 2009 at 1:00 P.M. and he invited everyone. Mr. Wilson also noted as information to the Board, Camp Sitrin (in Frankfort) and their interest; therapy/assistance for returning veterans, sports related programs, etc. The future sports complex and community building will be looked at closely.

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

Mr. Forte oriented the Board on what has transpired with this application. Mr. Cristiano is proposing to enclose an existing patio on the south side of the building, there is a 4' concrete block wall around it, that is used in the summer. He wants to include (in the rear of the building towards the west) a walkway for the service corridor. To accomplish this they had to meet the current Code standards. This building was constructed in the early 1990's and it complied with the zoning requirements. Subsequent to their original approval, the Codes have been updated, especially for parking requirements. Mr. Forte went through the packet and explained the parking situation. He further explained how he went to the Zoning Board of Appeals for a variance on parking, but a full Board was not present and they decided to re-evaluate the project and come back to the Planning Board for approval. It was decided to get cross easements on the property. The Town Planner referred to the Code, Section 118-51 Paragraph D & E – Alternative Off-street parking standards.

Mr. Forte said Parcel 2 has adequate parking; Parcel 1 is Valentino's and they are short 49 spaces. There is adequate parking if they get an agreement between property owners because of the hours of operation between the businesses. They could satisfy parking without increasing impervious or having to go to the Zoning Board. That is why they are seeking Conceptual/Preliminary Site Plan approval to move forward with this project. They have submitted the required paperwork with the agreement between property owners (property owners are all in the Cristiano family). This type of cross easement was also done on another property in New Hartford. Mr. Forte said he met with the Codes Officer, Town Engineer and Town Planner to make sure he came back with the proper agreement, wording and plan.

Chairman Donovan asked about hours of use between the adjacent properties, mainly 8 AM – 5 PM for Sentinel Security and 10 AM – 11 PM with Tony's Pizza; Valentino's times vary depending on parties. Chairman Donovan had concerns with the banquet facility being open during the day or changes in use on the property that would affect the normal hours of operation.

Mr. Forte said Valentino's is requesting the room to be able to hold smaller-type events – it makes Valentino's more marketable, i.e., inclement weather is a problem and this room could be used for wedding pictures, etc. This is important for them to have this room to be able to stay in this area. The room will be separate from the banquet facility. They are not enlarging the big room. This is still a gravel parking lot not affecting impervious area. The footprint of the building will remain the same.

Board Member Fuks asked when the last traffic study was done in this area, and potential level of service. Mr. Forte said the last time it was done was last year as part of the GEIS. Right now it is at a level D – no substantial change with this application. The Town Planner said he just got the counts from Oneida County, which have been made a part of the file.

Board Member Fuks referred to the yellow double line down the center of Oneida Street and how that prohibits left hand turns out of a facility – this will be looked into by Mr. Forte and the Town Planner. Since this writing, it was determined not to be illegal to make a left turn from a driveway over a double yellow line, and documentation of such has been placed in the file.

Further, Board Member Fuks addressed the flood plain. He has requested that the Town confirm files and records relative to the existing development in the existing area

according to the National Flood Insurance program. If he built below the existing flood elevation, insurance rates are substantially higher than if you build it above. Discussion ensued regarding when this developed area was constructed and how it exists today. It was noted the building exists in the flood plain but no development is occurring there. Mr. Forte said he provided flood plain information and has worked with NYSDEC to make sure they are in compliance. Codes Enforcement Officer Booth is the Flood Plain Administrator and he will be contacted also for his opinion.

Board Member Rayhill referred to parking requirements; Mr. Forte said existing parking is 120 spaces, but after re-stripping everything, they come up with approximately 239 parking spaces, which is still 49 parking spaces short. Discussion ensued about the number of parking spaces. Board Member Rayhill asked if we had to address the 49 spaces in particular, or could that number be reduced. The Code permits this Board to make an accommodation for parking. Mr. Forte also referred to the other driveway that leads out to Kellogg Road – it is contiguous. Mr. Cristiano has the right to use that easement – it is all owned by Mr. Cristiano. Mr. Forte will work with the Town Planner and Town Engineer on the parking concerns.

Chairman Donovan referred to the Town Engineer's comments which have been made a part of the file. Mr. Forte addressed those comments, which refer to parking on site and cross easements. Mr. Forte will meet with the Town Engineer if he has any further questions. Chairman Donovan asked the Town Planner, if there was a change in use at Sentinel, could the parking ratio change – Mr. Forte addressed this question stating that any change would have to come back before this Board for a Site Plan Review.

Board Member Rotton doesn't feel any parking overlap would be a problem.

At this time, Mr. Cristiano addressed the Board with concerns as to why he was not getting Final Approval – it was explained to him by his engineer and the Planning Board Chairman that this application is for Conceptual/Preliminary and the procedures this Board has to follow.

Two-lot Minor Subdivision, Sylvan Glen Road & Bogner Brae. Applicant/Owner: **Mary Hamlin.** Tax Map #330.020-1-1.1; Zoning: Low Density Residential. Mrs. Mary Hamlin appeared before the Board.

The Town Planner stated that this is a lot line adjustment with the transfer of one portion of property to another. It is a transfer of property to correct some encroachment of an existing resident on Sylvan Glen Road. (The property being transferred is owned by Mrs.

Hamlin – it is being transferred to Mr. Chiffy). This does not require County 239 Review. The applicant is looking for subdivision approval for the transfer of the property. We have descriptions of the parent parcel and piece going to be exchanged. The only correspondence missing is the complete description of the new parcel on Sylvan Glen. This has to be verified by the Town Engineer. The Town Planner felt the Planning Board can act on this with this Board's approval.

It was stated that Chairman Donovan can sign off on this once that description is given to Staff to review, and which would be a condition of approval.

Motion was made by Board Member Peggy Rotton to approve the minor two-lot subdivision for Mrs. Hamlin pending receipt of a description of the new parcel; the Planning Board Chairman signing off on this application; and all the pertinent paperwork submitted; seconded by Board Member Rodger Reynolds. All in favor.

Town Planner Schwenzfeier explained that in the past, lot line adjustments weren't reviewed by this Board. Since lot line adjustments for Staff review is not identified in the current Subdivision Regulations, the Planning Board needs to review them.

GEIS Update: the Town Planner contacted peter j. smith for a date when we would get a clean copy of the GEIS – this will be submitted to us by July 6, 2009. The Board would have approximately one week before the next Planning Board meeting, which is July 13th to re-review this.

Chairman Donovan would like to address adoption of the final GEIS to get the clock started on the Public Hearing. Secretary Dory Shaw will look into dates and location for a Public Hearing.

Board Member Rotton brought up the five-acre recommendation (one (1) acre clustering), Alternative #4, compared to other recommendations made, i.e., three (3) acres.

Board Member Fuks referred to the GEIS as a planning document and referred to the 1 ¼ acres lot size, that would identify to us as a community the infrastructure needed to build out – would that present an additional burden to the Town to establish that infrastructure? Five acres (clustering) vs. 1 ¼ acres – if you go down to 1 ¼ acres, you will see the infrastructure deficiencies – that would almost stifle development.

The Town Planner explained that we are looking at density calculations under twenty (20) years – five (5) acres is planning, not zoning.

Concerns were expressed about storm water and erosion, and getting the people to understand the concept. Board Member Wood stated that the five (5) acres (clustering) is ideal for solving storm water, not to say anything about traffic, but storm water is the concern.

It was stated that the Town invited people to come to the meetings because this impacted them, and this Board needs to move forward. The original presentation was for three (3) acres and then it was decided on five (5) acres. The change in decision was after the outcry of the Public Hearings because of storm water issues.

Chairman Donovan stated that the consultants aren't here tonight to report to us on this. Board Member Fuks asked what happens if a person has to sell their land? Chairman Donovan stated there is nothing stopping anyone from subdividing their land under the current Code.

Sewer Credits: the Town Planner referred to the Consent Order and how the Town is getting close to have a policy on how to deal with offset credits. Mr. Roger Cleveland has been retained to address this. We are hoping to get a list from the County of all sewer issues – the Town of New Hartford has over 3000 manholes. The Town has 88 offset credits in its own sewer bank. The only issue is transferring those credits to private developers. That is where the legal research is being done.

Reference was made to Mr. Gregg Grates and his project, Jewel Ridge, Phase II – this is on hold – without these credits he can't build.

Chairman Donovan asked the Town Planner to put together an additional fact sheet for us to review.

Business Park: Chairman Donovan addressed the Board and referred to what transpired in the past regarding the Business Park and the Town's proposed participation/ownership of this park, which did not occur. A developer has now been working with Town Staff for this Park, which is privately owned. Under the Code, there is no public notice of meetings, no official meeting minutes or opportunities for public input. He feels it is time to look at the Code, as it relates to Site Plan Reviews for this park, and make any recommendations to either the Town Board or Zoning Advisory Committee pertaining to amending Section 118-41.3 of the Town Code to require Business Park District site plan reviews to fall under the purview of the Planning Board or requiring modifications to design standards to come before the Planning Board.

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Chairman Donovan has comprised a committee of several Board Members (see memorandum in file) to meet with Staff to review the current Code and report back to this Board with any recommendations at the earliest possible date.

The Town Planner stated that at this time as long as a person meets all the criteria, a Building Permit is all that is needed because it doesn't fall under the criteria listed in the zoning section of our Code.

There being no further business, the meeting adjourned at 7:20 P.M.

Respectfully submitted,

Dolores Shaw, Secretary
Planning Board

dbS