

**TOWN OF NEW HARTFORD  
REGULAR PLANNING BOARD MEETING MINUTES  
APRIL 12, 2010**

The Regular Meeting was called to order by Chairman Elis DeLia at 5:30 P.M. at which time the Pledge of Allegiance was recited. Board Members present were Jerome Donovan, Bob Wood, Brymer Humphreys, and Elisabetta DeGironimo. Board Members absent: Ellen Rayhill and Peggy Rotton. Also in attendance was Deputy Supervisor Matthew Bohn, Town Attorney Herb Cully, Town Engineer John Meagher; Codes Officer Joseph Booth. Highway Superintendent Rick Sherman, Councilman David Reynolds, and Secretary Dory Shaw.

Board Members received a copy of the draft minutes of the regular meeting held on January 11, 2010. Board Member Donovan asked to elaborate on the last sentence on Page 6 regarding the Public Hearing for Jewel Ridge and the reason why it did not take place: Reason being the necessary material was not submitted by the applicant. Motion was made by Board Member Brymer Humphreys to approve these minutes as written with the explanation regarding Jewel Ridge; seconded by Board Member Elisabetta DeGironimo. All in favor.

\*\*\*\*

**Cherrywood Community, Seneca Turnpike, New Hartford.** Amendment to Final – realignment of 36 lots. Tax Map #328.000-2-26; Zoning: Planned Development Mobile Home. Attorney Mark Levitt, Mr. Chris Jensen, owner of Jensen Communities and Mr. Patrick Hayward (project manager) appeared before the Board.

Attorney Levitt gave a brief history of Jensen properties. They would like a reconfiguration in Phase I to lower the number of lots and make existing lots larger. He mentioned 38 lots were involved.

Codes Officer Booth would like to see the actual dimensions on the map to make sure it meets the minimum requirements of the lot. Attorney Levitt agreed. Town Engineer Meagher reviewed the old map and everything is in Phase I. There were 48 lots and now he calculates 36 lots all within the approved Phase I, and he doesn't see a problem with granting this request..

Chairman DeLia asked if there were any comments from the Board Members.

Motion was made by Board Member Jerome Donovan to approve this Amendment to Final to 36 lots conditioned on the new map done to chart form (dimensions on each of the lots and square footage); seconded by Board Member Bob Wood. Vote taken:

Chairman Elis DeLia – yes  
Board Member Jerome Donovan – yes  
Board Member Elisabetta DeGironimo – yes

Board Member Bob Wood – yes  
Board Member Brymer Humphreys – yes

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

\*\*\*\*

**St. Elizabeth Hospital, 4401 Middle Settlement Road, New Hartford.** Amendment to Final. Request for signage: 1) 4 x 8 monument sign near the road; 2) 2 building mounted signs by the west side entrance and the other by the entrance lobby on the north side; 3) 2 exterior directional signs to be located in the center of the meridian and to the northwest side of the building . Tax Map #328.000-2-38; Zoning: Planned Development Institutional. Mr. Robert Scholfield of St. Elizabeth and Mr. Andy Alesia (Architect) appeared before the Board.

Codes Officer Booth stated this is a signage application for a free standing sign in the front and directional signs within the traffic area and two wall mounted signs. All signs have been verified for size and height in accordance with the Code. The Town Engineer had noticed a discrepancy which has been changed – the location of a directional sign to better facilitate the parking lot (the sign located before the turn on the right-hand side). Mr. Booth explained to the Board that buildings are limited to two wall signs and they are going with a bare minimum (signs A & B) on the wall signs (Mr. Scholfield stated these signs describe the entrance for patients). This application is before this Board as the applicant is directing traffic by use of signage and it is a site plan concern – also, this property is in a Planned Development zone (PDI).

Chairman DeLia asked if there were any comments from the Board Members.

Motion was made by Board Member Jerome Donovan to grant Amendment to Final for the requested signage as indicated by map dated/ revised April 7, 2010; seconded by Board Member Brymer Humphreys. Vote taken:

Chairman Elis DeLia – yes  
Board Member Jerome Donovan – yes  
Board Member Elisabetta DeGironimo – yes

Board Member Bob Wood – yes  
Board Member Brymer Humphreys – yes

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

\*\*\*\*

**Carol Benton, Roberts Road, Sauquoit.** Minor subdivision – 1 acre lot. Tax Map #350.000-1-34.1; Zoning: Agricultural. County 239 Planning review was received with no adverse comments; County 239K was received with comments (all have been made a part of the file).

Codes Officer Booth stated this minor subdivision is in an RA2 zone and meets the minimum requirements of frontage and lot size.

Town Attorney Cully addressed SEQR stating this is in the GEIS area. He explained that there is a Positive Declaration in place as it relates to the finalization of the GEIS under SEQR. He further explained the types of SEQR and the process followed for each type. He also referred to NYS Rules & Regulations 6NYCRR Section 616.(c) in determining significance as it relates to environmental impacts. This application is an Unlisted Action and this Board has to make a determination of significance.

Town Engineer Meagher reviewed environmental issues. We are taking one acre from a 107 acre lot. It is a very insignificant impact. Nothing is being conducted at this point – the subdivision is vacant land. Town Attorney Cully spoke with Eve Holberg of peter j. smith consultants, who was involved in the preparation of the GEIS and she indicated this would not affect the study in any way – it wouldn't impede a one or two lot subdivision - that these minor subdivisions have always been dealt with as an Unlisted Action. The study is in limbo right now and the next step would be the Town Board to consider adopting changes as it relates to the design plan. Attorney Cully asked Codes Officer Booth if the previous GEIS dealt with residential at all – Mr. Booth replied not to his knowledge.

Attorney Cully was asked if this would set a precedent – he said no and he confirmed this with Ms. Holberg. A major subdivision would be a different issue.

Board Member DeGironimo is concerned about piecemealing property and if so, has concerns with storm water issues. This property cannot be piecemealed. Attorney Cully referred to Chapter 104 of the Code Subdivision of Land, Section 8 (14) Piecemeal approval prohibited. Board Member DeGironimo referred to the County 239K remarks and how these are addressed. Town Engineer Meagher said these remarks are addressed when they come in for a Building Permit, and a Driveway Permit on this property is issued by the County.

At this time, motion was made by Board Member Jerome Donovan or the Planning Board to be Lead Agency on this application; seconded by Board Member Bob Wood. Vote taken:

Chairman Elis DeLia – yes	Board Member Bob Wood – yes
Board Member Jerome Donovan – yes	Board Member Brymer Humphreys – yes
Board Member Elisabetta DeGironimo – yes	

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

Attorney Cully submitted a Resolution for the Board's review. Resolution as follows:

WHEREAS, the New Hartford Town Planning Board has previously prepared a Positive Declaration and a Final Generic Environmental Impact Statement under the New York State Environmental Quality Review Act (SEQRA) and

WHEREAS, no further action has been taken, and

WHEREAS, Carol Benton has applied for a two-lot minor subdivision within the study area and submitted a short form EAF, and

WHEREAS, the New Hartford Town Planning Board has determined this to be an Unlisted Action, and considered the criteria for determining significance under 6NYCRR617.7©.

IT IS HEREBY RESOLVED that the Town of New Hartford does make a Negative Declaration with regard to said application, and

Town of New Hartford  
Planning Board Minutes  
April 12, 2010  
Page 4

IT BE FURTHER RESOLVED that the application of Carol Benton for a minor subdivision is APPROVED.

Dated: April 12, 2010

Motion was made by Board Member Brymer Humphreys to accept the above Resolution as written; seconded by Board Member Bob Wood. Vote taken:

Chairman Elis DeLia – yes	Board Member Bob Wood – yes
Board Member Jerome Donovan – yes	Board Member Brymer Humphreys – yes
Board Member Elisabetta DeGironimo – yes	

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

\*\*\*\*

Board Member Donovan asked if there had been any discussion of work on Staff's part regarding the DGEIS and Statement of Findings. Chairman DeLia explained there have been conversations with the Town Attorney and Town Staff regarding this and there is a fee dispute, i.e., final bills. Town Attorney Cully stated that the Town Supervisor has spoken with Mr. Peter Smith of peter j. smith consultants to try to meet but to no avail. Chairman DeLia stated as far as the Findings document, this dispute has to be settled.

There being no further business, motion was made by Board Member Bob Wood to adjourn the meeting at 5:50 P.M.; seconded by Board Member Brymer Humphreys. All in favor.

Respectfully submitted,

Dolores Shaw  
Secretary/Planning Board

dbS