

**MINUTES OF THE REGULAR PLANNING BOARD MEETING  
MONDAY, SEPTEMBER 13, 2010  
NEW HARTFORD PUBLIC LIBRARY  
#2 LIBRARY LANE NEW HARTFORD, NEW YORK**

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, Ellen Rayhill, Peggy Rotton, Brymer Humphreys, and Elisabetta DeGironimo. Also in attendance were Town Attorney Herbert Cully, Town Engineer John Meagher; Codes Officer Joseph Booth., and Secretary Dory Shaw.

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Board Members received a copy of the draft minutes of the regular meeting held on June 28, 2010. Motion was made by Board Member Peggy Rotton to approve these minutes with a minor change on Page 3 to read Section 118-39 and on Page 7 last paragraph 4<sup>th</sup> line to read concerned; seconded by Board Member Bob Wood All in favor.

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**Mr. John Rich, representing 360 Higby Road LLC.** 3-Lot Minor Subdivision that fronts on **Higby Road and Ironwood Road.** Granted Zoning Board variance for frontage on August 16, 2010. Tax Map #340.000-2-1.2; Lot Size: approximately 26.7 acres; Zoning: Low Density Residential. Mr. John Rich appeared before the Board.

Codes Officer Booth explained that this applicant appeared before the Zoning Board of Appeals for frontage Area Variances facing Ironwood Road and at that time there was a Public Hearing. There were some conditions placed from the Zoning Board. Staff is content with the design.

Town Attorney Cully explained what has transpired with this property. This subdivision has been referred to the Planning Board for a Minor Subdivision approval that is dealt with administratively. The reason for the deed restrictions is they wanted to make sure they are adhered to and that anyone buying the lots would be aware of them. If these are added as a condition of approval before the Zoning Board of Appeals, the Town can enforce them. An approval here would enforce those conditions and include them.

Chairman DeLia asked if any Board Members had questions – Board Member DeGironimo asked about the entry – it was stated that this is a private driveway. There are two (2) lots over ten (10) acres and one (1) lot that is 3 ½ acres. Town Engineer Meagher said he is satisfied with this submittal.

Motion was made by Board Member Peggy Rotton to grant Final Approval for the three-lot Minor Subdivision, map dated September 9, 2010 with the same conditions as listed by the Zoning Board of Appeals (see file); seconded by Board Member Brymer Humphreys. Vote taken:

Chairman Elis DeLia – yes	Board Member Peggy Rotton – yes
Board Member Brymer Humphreys – yes	Board Member Bob Wood – yes
Board Member Ellen Rayhill – yes	Board Member Jerome Donovan – yes
Board Member Elisabetta DeGironimo – yes	

Motion **approved** by a vote of 7 – 0.

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**Mr. Michael Bannigan/Virginia Roth, Cascade Drive, 2-Lot Minor Subdivision.** Granted Zoning Board variance for frontage on May 17, 2010. Tax Map #340.007-1-49; Lot Size: 220' x 260; Zoning: Low Density Residential. Mr. Michael Bannigan appeared before the Board.

Codes Officer Booth stated this two-lot Minor Subdivision received an Area Variance for frontage from the Zoning Board of Appeals. There was a Public Hearing held by the Zoning Board of Appeals and no conditions were placed. This subdivision has been referred to the Planning Board for a Minor Subdivision approval that is dealt with administratively.

There being no further input, motion was made by Board Member Jerome Donovan to grant Final Approval for this two-lot Minor Subdivision, map dated June 28, 2010; seconded by Board Member Peggy Rotton. Vote taken:

Chairman Elis DeLia – yes	Board Member Peggy Rotton – yes
Board Member Brymer Humphreys – yes	Board Member Bob Wood – yes
Board Member Ellen Rayhill – yes	Board Member Jerome Donovan – yes
Board Member Elisabetta DeGironimo – yes	

Motion **approved** by a vote of 7 – 0.

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**Mr. Larry Adler, Hampton Inn, Woods Highway.** Final Site Plan Review of a proposed hotel. Tax Map #328.000-3-7.1; Lot size: approximately 3.4 Acres; Zoning: Planned Development Park; Close SEQR. Mr. Larry Adler of Judd Road Development appeared before the Board.

Codes Officer Booth stated that Staff recommends Final Approval based on the Planning Board accepting the SEQR comments and accepting the deviations from the prescriptive Code requirements of the PDP zone. Mr. Adler had submitted all the responses to the Involved Agencies. With respect to the Water Board, there was a minor adjustment to the volume of sewer calculations required. The Town Engineer is satisfied with everything.

Board Member DeGironimo asked about the building construction materials and whether it is wood or metal structure. Mr. Adler stated that it was a non-combustible, Class 5.(fire rated wood).

Board Member Donovan asked about elevations and how this related to the Hartford building. Codes Officer Booth referred to the map showing the elevation.

Discussion ensued regarding frontage and a PD zone. Chairman DeLia doesn't see where frontage or height is an issue. He does not have a problem with what is being built on this particular site.

Board Member Rotton discussed lot coverage and green space. Mr. Adler said they exceed lot coverage. Codes Officer Booth said the lot coverage is a maximum of 66% and this is 47%. Frontage and parking were also discussed along Woods Park Drive. Reference was also made of the previously mentioned medical building. Board Member Donovan, for the record, stated that Mr. Adler may want to refute what is in the minutes of June 28, 2010 regarding parking in front of Woods Park Drive.

Chairman DeLia stated this developer is well aware of the authority this Board has in this Business Park. Mr. Adler stated that the only thing before this Board right now is the Hampton Inn – there are 100 acres to develop and he isn't aware of any building for future layout - there are no other projects at this time before us.

Lighting design standards were addressed and Mr. Adler referred to when the Business Park was first introduced, manufacturing was a topic; however, now the park is more commercially oriented. He feels the lighting standards need to be revisited.

Chairman DeLia said we granted Preliminary Approval based on the plans. If we grant Final Approval, it is accepting these plans as presented in this business district. Board Member Rotton referred to affects of night lighting; aesthetics, etc. She feels if there are specific guidelines maybe we should look at them. Board Member Wood asked if .5 lighting is low or high. Codes Officer Booth said by Code it is very low, but he not an engineer but that is his recollection. Codes Officer Booth said there is a lighting plan in the file for this and he didn't feel there was a problem with it.

Board Member Donovan referred to 1) monument sign as it exceeds the Codes and if it would be reduced. Mr. Adler said the sign would comply with Code; 2) National Grid buffer: Mr. Adler said this was addressed when discussing manufacturing that might require additional buffering and lights. However, that has changed. Mr. Adler was asked, no buffering on private property – Mr. Adler said no.

Motion was made by Board Member Jerome Donovan to close SEQR with a Negative Declaration; seconded by Board Member Brymer Humphreys. Vote taken:

Chairman Elis DeLia – yes	Board Member Peggy Rotton – yes
Board Member Brymer Humphreys – yes	Board Member Bob Wood – yes
Board Member Ellen Rayhill – yes	Board Member Jerome Donovan – yes
Board Member Elisabetta DeGironimo – yes	

Motion **approved** by a vote of 7 – 0.

At this time, motion was made by Board Member Ellen Rayhill to grant Final Approval for the Hampton Inn, map dated June 25, 2010; seconded by Board Member Elisabetta DeGironimo.  
Vote taken

Chairman Elis DeLia – yes	Board Member Peggy Rotton – yes
Board Member Brymer Humphreys – yes	Board Member Bob Wood – yes
Board Member Ellen Rayhill – yes	Board Member Jerome Donovan – yes
Board Member Elisabetta DeGironimo – yes	

Motion **approved** by a vote of 7 – 0.

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**Mr. Steve Pacheco, Irvin Avenue.** Preliminary review of **5-Lot Major Subdivision of Mobile Home Park.** Tax Map #349.008-2-24; Lot Size: .74 Acres; Zoning: Planned Development Mobile Home. Close SEQR; Schedule Public Hearing. Messrs. Paul Mancuso and Alex Forte of Octagon Engineering appeared before the Board.

Codes Officer Booth explained this is a reduction from eleven (11) lots to five (5) lots in a mobile home park located on Irvin Avenue. Plans were reviewed and accepted at the preliminary level, it was sent out for SEQR, and a Public Hearing needs to be scheduled. Responses to the Involved Agencies were addressed by the applicant. Codes Officer Booth noted that this project is in the FGEIS. This is not in a Floodplain zone.

The Public Hearing will be scheduled for October 18, 2010. **NOTE:** since this meeting, the Public Hearing has been scheduled for **Tuesday, October 12, 2010** as there was a change in the Planning Board meeting date.

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**Plantation 22, LLC, 4396 Middle Settlement Road.** Preliminary review of a proposed **dentist office.** Tax Map #328.000-2-55.2; Lot Size: 1.66 Acres; Zoning: RB3. **Change in plan from previous submittal of October 19, 2009.** Planning Board declared Lead Agency at that time and conceptual review granted and sent out to Involved Agencies. Close SEQR. Mr. Andy Alesia of Alesia & Crewell Architects appeared before the Board.

Mr. Alesia referred to the previous submittal in October 2009. Since that time some minor changes occurred regarding building orientation. We increased the size of the footprint of the building by a few thousand feet. They have a detailed site plan designed by a Civil Engineer which includes storm water management, detailed landscaping plan as well as other details.

Chairman DeLia asked the Town Engineer if they met all requirements for Preliminary Review – Mr. Meagher said yes. However, they have to start from the beginning for review.

Codes Officer Booth questioned the lot coverage shown on the map. Mr. Alesia said it is a misprint and should be 38.6% not 8%. Mr. Booth said this is good. This includes the existing

house and all proposed hard surface, and the elimination of the barn. Mr. Booth also felt the proposed sign seems closer than 5'. It will be reviewed at the time a Building Permit is obtained.

Board Member Donovan referred to screening on the right side shown but not on the other side – answer; they own the house and there is existing screening; fire hydrant – answer: one is located on the St. Elizabeth property. The only concern he has is with hoses going across the road in a heavy traffic area.

Chairman DeLia said this project is going out again for SEQR as a different plan and new comments received.

Board Member DeGironimo stated that the Water Authority's plan is to augment the hydrants in this area – it will be in their capitol plan. There is no time frame yet.

Mr. Alesia said if acceptable for the time being, the applicant would enter an agreement with St. Elizabeth for the use of the hydrant (St. Elizabeth owns the hydrant). Nothing is drawn up yet, this is a thought.

Chairman DeLia referred to this possible agreement, and thought it would be in the best interest having this letter of agreement that both parties could sign, and any adjacent neighbors also.

Motion was made by Board Member Jerome Donovan to grant the Planning Board Lead Agency; seconded by Board Member Brymer Humphreys. Vote taken:

Chairman Elis DeLia – yes	Board Member Peggy Rotton – yes
Board Member Brymer Humphreys – yes	Board Member Bob Wood – yes
Board Member Ellen Rayhill – yes	Board Member Jerome Donovan – yes
Board Member Elisabetta DeGironimo – yes	

Motion **approved** by a vote of 7 – 0. This will be sent to Involved Agencies.

Motion was made to grant Preliminary Approval by Board Member Peggy Rotton; seconded by Board Member Bob Wood. Vote taken:

Chairman Elis DeLia – yes	Board Member Peggy Rotton – yes
Board Member Brymer Humphreys – yes	Board Member Bob Wood – yes
Board Member Ellen Rayhill – yes	Board Member Jerome Donovan – yes
Board Member Elisabetta DeGironimo – yes	

Motion **approved** by a vote of 7 – 0.

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**Dunkin Donuts, 8471 Seneca Turnpike, New Hartford, New York.** Conceptual Site Plan Review of a proposed new Dunkin Donuts. Tax Map #328.011-1-16; Lot Size: 1.4 Acres; Zoning: Retail Business 1. Mr. Brian Bouchard appeared before the Board.

Codes Officer Booth explained that this is a Preliminary Site Plan Review for a proposed Dunkin Donuts at what is currently the Hook, Line & Sinker Restaurant which is planned to be demolished. There will be 3000 square feet of retail space being put in its place. There will be 1300 square feet of attached retail space and a 10' x 20' kiosk to the rear of the parking lot.

Mr. Bouchard said they will preserve curb cuts and traffic circulation – one way on the side off Route 5 and parking to the front side and rear. There will be a drive thru lane as an express lane for beverages. Improvements to the site will be green space - 40%. The landscaping plan is part of the file (trees and plantings). The applicant is working with Staff for adequate parking. Parking required by use of Dunkin Donuts is 31 spaces, which they provided. They will preserve the same drainage on site now with some improvements. Parking and setbacks from property lines are all good.

Mr. Bouchard said their plan is not to encroach on the NYSDOT right-of-way but if there are improvements and if they want curb cuts, they will work with NYSDOT.

Codes Officer Booth referred to drive-thru traffic flow as he sees two (2) drive-thru lanes. Mr. Bouchard said being one way there won't be any customers waiting in line. One lane is for exit lane only. The drive-thru lane will be for stacking of vehicles and along the back is an express lane. There are stop bars to control traffic. The kiosk will be operated with an employee or two.

The Board Members referred to stacking of vehicles. They are concerned that this does not occur at this site. Mr. Bouchard said this site has more stacking allowed than a normal Dunkin Donuts.

Board Member Wood asked about the retail use. Mr. Bouchard said maybe an office or small box store. Nothing to generate too much parking.

Chairman DeLia asked the Town Engineer if he had any issues with this application. Mr. Meagher feels there will be some comments from agencies, but the applicant has met requirements for Preliminary review.

There being no further input, motion was made by Board Member Peggy Rotton to grant Lead Agency to the Planning Board; seconded by Board Member Brymer Humphreys. Vote taken:

Chairman Elis DeLia – yes	Board Member Peggy Rotton – yes
Board Member Brymer Humphreys – yes	Board Member Bob Wood – yes
Board Member Ellen Rayhill – yes	Board Member Jerome Donovan – yes
Board Member Elisabetta DeGironimo – yes	

Motion **approved** by a vote of 7 – 0. This will be sent to Involved Agencies.

Motion was made by Board Member Jerome Donovan to grant Preliminary Approval; seconded by Board Member Elisabetta DeGironimo. Vote taken:

Chairman Elis DeLia – yes	Board Member Peggy Rotton – yes
Board Member Brymer Humphreys – yes	Board Member Bob Wood – yes

Board Member Ellen Rayhill – yes                      Board Member Jerome Donovan – yes  
Board Member Elisabetta DeGironimo – yes

Motion **approved** by a vote of 7 – 0.

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FGEIS: Findings Statement. Chairman DeLia referred to Town Attorney Cully. Attorney Cully stated the findings substantially reflected the final GEIS and the only way to be changed or altered would be through a supplemental SEQR document. On December 14, 2009, this Board adopted the Final Environmental Impact Statement as complete under SEQR and a Notice of Completion was mailed out and signed appropriately and nothing done after this. The Findings Statement has not been adopted. Until the Findings are adopted, you have the proposed Findings circulated. There were some comments which were responded to. Now we can move f to adopt the Findings and forward to the Town Board and take whatever action is appropriate. If seen fit, they could adopt a mitigation fee schedule. Attorney Cully presented a Resolution to forward to the Town Board if approved by the Planning Board.

Chairman DeLia said once the Findings are adopted by this Board, it can be sent to the Town Board which ends this at the Planning Board level. The Resolution prepared by Town Attorney Cully is as follows:

WHEREAS, the Planning Board of the Town of New Hartford, acting as Lead Agency, determined that development in the Southern Area of the Town could have a significant impact on the environment under the State Environmental Quality Review Act; and

WHEREAS, the Design Plan for the Southern Area provides recommendation to minimize such impacts; and

WHEREAS, the New Hartford Town Planning Board accepted the Final Environmental Impact Statement as complete in accordance with the State Environmental Quality Review Act 6 NYCRR Part 617 by Resolution dated December 14, 2009; and

WHEREAS, a Notice of Completion has been duly filed and served.

NOW, THEREFORE, be it hereby

RESOLVED, that the New Hartford Town Planning Board does hereby and herewith adopt the written Statement of Findings, a copy of which is attached hereto and does refer this matter for finalization and adoption of Findings to the Town Board of the Town of New Hartford.

Motion was made by Board Member Jerome Donovan to accept the Resolution as submitted by Town Attorney Herbert Cully; seconded by Board Member Peggy Rotton. Vote taken:

Chairman Elis DeLia – yes                      Board Member Jerome Donovan – yes  
Board Member Bob Wood – yes              Board Member Peggy Rotton – yes  
Board Member Ellen Rayhill – yes          Board Member Elisabetta DeGironimo – yes

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Board Member Brymer Humphreys – yes

Motion **approved** by a vote of 7 – 0. Secretary Dory Shaw will forward to the Town Clerk and Town Board.

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There being no further business, the meeting adjourned at 6:30 P.M.

Respectfully submitted,

Dolores Shaw, Secretary  
Planning Board

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