

**TOWN OF NEW HARTFORD  
PLANNING BOARD MINUTES  
MONDAY, SEPTEMBER 12, 2011  
NEW HARTFORD PUBLIC LIBRARY – 5:30 P.M.**

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. In attendance were Board Members Ellen Rayhill, Peggy Rotton, Brymer Humphreys and Jerome Donovan. Board Members absent: Julius Fuks, Jr. and Bob Wood. Also in attendance were Town Attorney Herbert Cully, Codes Enforcement Officer Joseph Booth, and Recording Secretary Dory Shaw.

Draft minutes of the July 25, 2011 meeting were received by each Board Member. Motion was made by Board Member Peggy Rotton to approve these minutes; seconded by Board Member Brymer Humphreys. All in favor.

\*\*\*\*\*

**Mr. Peter Cragnolin, 204 Valley View Road, New Hartford, NY.** Preliminary & Final Subdivision Review/Approval of a minor two-lot subdivision on Valley View Road. Tax Map #330.019-1-27; Lot size: 2.5 Acres; Zoning: Low Density Residential. Mr. Cragnolin appeared before the Board. (Mr. Cragnolin was not present).

Town Attorney Herb Cully looked at the map submitted and descriptions, parcel being A .62 acres and parcel being B 1.49 acres. Both correspond to the map presented. Lot B is on Valley View Road and lot A is off Valley View Road. Codes Officer Booth stated there is an agreement between the homeowner in front of A to purchase that land. He is adding on to his property – increasing the density of his lot and combining it. This is not a building lot.

There being no further discussion, motion was made by Board Member Peggy Rotton to **grant Preliminary and Final approval** of this minor two-lot subdivision; plans dated August 19, 2011; seconded by Board Member Jerome Donovan. All in favor.

\*\*\*\*\*

**Mr. Richard Lennon/Mr. Dominic Pavia: Amendment to Final; Dunkin Donuts, 8471 Seneca Turnpike, New Hartford, NY for Roly Poly** sub shop. Tax Map #328.011-1-16; Lot Size: total 1.4 Acres; Zoning: Retail Business 1. Messrs. Dominic Pavia and Richard Lennon appeared before the Board.

Codes Officer Booth stated that Dunkin Donuts received their original approval. More than ½ the building is Dunkin Donuts. There are nine (9) parking spaces left. Dunkin Donuts had more than enough parking. Mr. Lennon wants to use another drive-thru restaurant to have seating for 18 people which by our Code requires six (6) parking spaces. In addition, he plans on having three (3) employees which also necessitates three (3) parking spaces, making up all nine (9) spaces. The Planning Board did specify an office use based on limited parking in anticipating very limited seating occupancy. It is clear in the Preliminary review minutes but not

Final minutes. The plans had marked this as office. This applicant has accommodated seating and a proper amount of already approved and established parking spaces.

Mr. Pavia said this establishment opens for lunch and dinner. The use falls within the current zoning. There is no more space after this. They are asking for a modification of a Final plan and the only reason they are here is it was designated as office but now it is a restaurant.

Board Member Rayhill asked if the drawing given to us previously is different than what is before this Board tonight – answer is yes. Mr. Pavia said the first one has too much seating.

There is no outside seating except what is already there – there is no room to expand.

There being no further discussion, motion was made by Board Member Peggy Rotton to **approve** this **Amendment to Final** for Roly Poly on plans dated 9/29/10; seconded by Board Member Jerome Donovan. All in favor.

\*\*\*\*

**The Other Guys, 4462 Commercial Drive, New Hartford, NY.** Amendment to Final; Tax Map #328.011-1-13; Lot Size 0.357 to 0.431 Acres; Zoning: Retail Business 1. Mr. Alex Forte and Mr. B.J. Evans appeared before the Board.

Mr. Forte referred to the last page of the submittal referring to the parking lot. There were a couple of reasons why they needed to change the plan. National Grid wanted \$12,000 to move a power pole and it would take three (3) months to do it. They came up with a different type of design which kept the pole without coming back to the Planning Board. The building is ready to open and they are seeking an Amendment to Final approval for their plan. They have increased the parking spaces from 23 to 28, Green space remains the same or it could be increased. The planting has changed a bit from spring plants to what is more available and it is shown on the plans. They didn't reduce the plantings. They increased the number of trees and Mr. Forte referred to that plan. Whatever NYSDOT required, they did – they believe they have a better plan. They are waiting for Oneida County Health approval and a Certificate of Occupancy from the Codes Officer.

Chairman DeLia asked Lis DeGironimo if she had any questions – she reviewed this and had no adverse comments.

Board Member Donovan asked that the minutes reflect his comments: He asked Mr. Forte when he changed the plans. Mr. Forte said he may have talked to the Codes Officer about the situation of the pole, but he didn't follow through and that is why he is here tonight. Board Member Donovan felt that when a developer makes changes without the Planning Board knowing, it shouldn't happen.

Chairman DeLia addressed those comments stating there is no guarantee that they get approval. It is before this Board tonight. There are no issues according to our Code.

Board Member Rotton stated that the site looks nice, the plantings are extensive and the only question she has is how far down the bank do they own – relation to the runoff. Mr. Forte said that is why they built the curb out front. They have tried to isolate this site. Mr. Forte said the whole parcel is owned by Mr. Peter Bolos. Board Member Rotton referred to the creek, Jay-K and area by Bikes & Boards. Mr. Forte said it is not even on this parcel or Mr. Bolos' parcel.

Motion was made by Board Member Brymer Humphreys to **approve** this **Amendment to Final** on revised plans dated September 6, 2011; seconded by Board Member Peggy Rotton. All in favor.

\*\*\*\*

The scheduled Planning Board meeting for October 10, 2011 will not be held due to the holiday. Another date will be selected.

\*\*\*\*

There being no further business, the meeting adjourned at 5:55 P.M.

Respectfully submitted,

Dolores Shaw  
Recording Secretary

dbS