

**TOWN OF NEW HARTFORD  
PLANNING BOARD MINUTES  
MONDAY, JANUARY 30, 2012  
NEW HARTFORD PUBLIC LIBRARY**

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 Peggy Rotton, Julius Fuks, Jr., Brymer Humphreys, Ellen Rayhill, Jerome Donovan, and Heather Mowat. Also in attendance were Town Attorney Herbert Cully, Codes Officer Joseph Booth, Councilman Paul Miscione, Mr. Chuck White, P.E. of Barton & Loguidice, and Recording Secretary Dory Shaw.

Chairman DeLia welcomed new Board Member Heather Mowat and congratulated Board Member Peggy Rotton on her reappointment.

Draft minutes of the November 14, 2011 meeting were received by each Board Member. Motion was made by Board Member Peggy Rotton to approve these minutes as written; seconded by Board Member Brymer Humphreys. Board Member Heather Mowat abstained as she was not a member of this Board at that time.

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**Amendment to Final approval for Cherrywood Community, Seneca Turnpike, Clinton, New York (Town of New Hartford)** realignment of lots – reducing 84 lots to 49 lots. Tax Map #328.000-2-26 and 317.002-1-29; Zoning: Planned Development Mobile Home. Attorney Mark Levitt, Mr. Kristian Jensen, park owner, and Mr. Patrick Hayward, project manager, appeared before the Board.

Attorney Levitt explained their request to make the lots larger. In March 2010 he presented a map also increasing lot sizes, which was approved by this Board. They feel larger lots are more conducive to a nicer development. This plan is the final for Phase I. There are no other changes.

Codes Officer Booth mentioned that this is a nice development. Town Attorney Cully had no comments. Chairman DeLia asked the Board Members for any comments. Board Member Donovan felt this provided more permeable soils.

There being no further comments, motion was made by Board Member Peggy Rotton to **approve the Amendment to Final for Cherrywood Community** with plans dated May 24, 2010; seconded by Board Member Brymer Humphreys. All in favor.

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**Mr. George Karam, 627 French Road, New Hartford, New York.** Preliminary Site Plan Review for a change to the existing residential use to a retail use (professional office). Tax Map #317.000-2-20; Lot Size: .21 Acres; Zoning: Retail Business 2. Mr. Zachary Comstock of Charles Tomaselli Architects and Mr. George Karam, property owner, appeared before the Board.

Mr. Comstock stated that Mr. Karam would like to change the existing home at 627 French Road to a professional office. It was used as an office previously. He presented a sketch for the Board Members to review. Handicap parking by the garage and a ramp have been provided. They need six parking spaces (one handicap and five parking spots). They want to rework the gravel area on the property.

Mr. Comstock also addressed signage. He displayed the front view of the home. Further, he addressed lighting – there are existing lanterns in the front and on the garage. In the back there are a few lights and a flood light.

Chairman DeLia asked Codes Officer Booth if he had any comments. Mr. Booth said the parking lot is currently gravel and it would be up to this Board to make sure they pave the parking lot and fix the striping. He also referred to the exterior lighting for the parking lot. If the flood light provides efficient lighting, then he is satisfied. There are no lighting details submitted.

Mr. Comstock said he feels there is enough light and there is lighting coming from other adjacent properties also.

Chairman DeLia asked Mr. Chuck White if he had comments – he had no comments as this was not reviewed by him.

Board Member Humphreys asked what existed at that location previously – Mr. Karam said when he bought the property, it was being used as a business. Board Member Donovan referred to hours of operation – Mr. Comstock said hours are usually 9 – 5. He also asked if signage was present directing people out back – Mr. Comstock said yes. Board Member Mowat addressed lighting – she wanted to make sure there is enough lighting in the parking lot and for the six parking spaces. Board Member Fuks referred to grading on site. Mr. Comstock said there is a pole they need to fill in and that is the only disturbance. Mr. Comstock said there is no disturbance in the front.

Codes Officer Booth addressed Chairman DeLia. The applicant didn't have time to get another proposal on the agenda this evening. They are proposing to use the building next door for an office and it will probably be on next month's agenda. They aren't piece-mealing – they are separate parcels. It is something very similar to this and all are permitted uses.

Board Member Donovan referred to 625 French Road and if that driveway is paved. Mr. Comstock said no – the driveway stops at the garage. The next parcel coming in is between the Phoenician Restaurant and this application at 627 French Road. Board Member Mowat referred to lighting - where are the lights coming from. Mr. Comstock said there are lights on that adjacent house but they probably will add more. Also, there are lights from the gas station that shine on the property.

There being no further input, motion was made by Board Member Brymer Humphreys to **grant Preliminary Site Plan Approval** to this application with maps dated January 12, 2012; seconded by Board Member Julius Fuks, Jr. All in favor.

This will be sent out for County Planning 239 review.

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Zone Text Amendment Request, Mr. Larry Adler. **Recommendation to Town Board.**  
**Amend Zoning Map to re-designate** approximately 216 acres of the Planned Development Park to Planned Development Mixed Use; to amend the Zoning Map to re-designate approximately 30.5 acres of the Planned Development Park as Planned Highway Business Location: Woods Highway and Seneca Turnpike.

Chairman DeLia stated that this project will not be reviewed this evening. Board Members need more time to review the documents submitted and need additional information.

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Town Attorney Herbert Cully referred to an application for Amendment to Final regarding **Aspen Dental Plaza, 4630 Commercial Drive, New Hartford, New York** (this is a correspondence item). The amendment is for a 2900 sf free standing building on the site. They have been made aware that their initial Site Plan approval had a sunset clause and they needed a Building Permit within one year of approval – that has been lost, it has been over a year. We have the right to rescind the prior approval, and also the right to have them come back for a new application. This building is bigger than initially approved. The original building also had a drive-thru and this does not.

Chairman DeLia to Codes Officer Booth – what is going into this site? Mr. Booth said a restaurant. The Board Members addressed the exact location of this application. The proposed development will have one driveway on site.

Board Member Donovan feels this should be treated as a new application and other Board Members agreed. Town Attorney Cully would like approval from this Board to notify the applicant.

Motion was made by Board Member Peggy Rotton to have this treated as a new application as the prior approval has expired; seconded by Board Member Jerome Donovan. All in favor.

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

Respectfully submitted,

Dolores Shaw  
Recording Secretary

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