

**TOWN OF NEW HARTFORD  
PLANNING BOARD MINUTES  
MONDAY, MARCH 12, 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, Councilmen David Reynolds, Richard Woodland, Don Backman and Paul Miscione; Highway Superintendent Richard Sherman; Mr. Chuck White, P.E. of Barton & Loguidice, and Recording Secretary Dory Shaw.

Draft minutes of the January 30, 2012 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. All in favor.

\*\*\*\*

**Mark Levitt, Esq.**, Preliminary and Final approval for a **minor two-lot subdivision** regarding his property on **Mallory Road, New Hartford**. Tax Map #350.000-2-15.1; Zoning: Agricultural. Mr. Levitt stated he acquired approximately five (5) acres to the rear of his property. Town Attorney Cully reviewed the subdivision map and the deed descriptions which met with his review/approval. There is no frontage issues with this application, just the acquisition of land in the rear of his property for privacy.

Motion was made by Board Member Julius Fuks, Jr. to **grant Preliminary and Final subdivision approval** of map dated January 12, 2012 by William E. Parry, L.S. #50143; seconded by Board Member Brymer Humphreys. All in favor.

\*\*\*\*

**Mr. George Karam, 627 French Road, New Hartford**. Final Site Plan Review for a change to the existing residential use to a professional office. Tax Map #317.000-2-20; Lot Size: .21 Acres; Zoning: RB3 (Office/Business). Mr. George Karam, Mr. Chuck Tomaselli and Mr. Zachary Comstock of Charles Tomaselli Architects appeared before the Board.

Codes Officer Joseph Booth said the Planning Board was Lead Agency and it was sent out for SEQR review. OC Planning had no issues; NYSDOT had a recommendation regarding handicap parking. Mr. Tomaselli submitted a drawing dated March 11, 2012 (page SP1A) showing the possible handicap parking (to the side) revision, which addressed NYSDOT's comment. Also noted on the drawing was the entrance as required by NYSDOT. Codes Office Booth asked for clarification as he had not seen the change.

Chairman DeLia asked Mr. Chuck White if he had any comments – he had none. Board Member Mowat asked if Mr. White was representing the Town from an engineering perspective – answer was yes. She also addressed her previous concern regarding lighting. Mr. Comstock looked at the existing and adjacent sites and felt the property is well lit. The spotlight is not hooded. Mr.

Karam owns both properties and all lights shine on each other – there are no neighbors. Behind this property is a business.

Motion was made by Board Member Jerome Donovan to close SEQR with a negative declaration; seconded by Board Member Brymer Humphreys. All in favor.

Motion was made by Board Member Jerome Donovan to **grant Final Approval** of map dated March 11, 2012; seconded by Board Member Ellen Rayhill. All in favor.\*

Codes Officer Booth was asked if he is satisfied. – yes. \***Note:** since this writing, it was decided to refer back to the original Site Plan submitted/dated January 12, 2012 as Codes Officer Booth spoke with the engineers again and it was decided that the revision would not be acceptable.

\*\*\*\*

**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. Send Planning Board recommendation to Town Board. Mr. Larry Adler appeared before the Board, along with Teresa Bakner, Esq. of Whiteman, Osterman & Hanna, LLP; Mr. Gordon Stansbury, P.E., P.T.O.E., of GTS Consulting (traffic engineer); Mr. Jim Emerick, Napierala Consulting (site Engineer, and some petitioners, appeared before the Bard.

Chairman DeLia asked Town Attorney Cully to address the process: at the January 11, 2012 Town Board meeting they accepted the application submitted by Mr. Larry Adler as well as numerous other property owners for a Zone Map Amendment. Mr. Adler had not submitted meets and bounds as he wasn't certain about property lines. Discussion ensued regarding the PHB zone and what should conform to the rear property lines located along Seneca Turnpike and some concern dividing two (2) different zoning classifications. It was accepted with the understanding Mr. Adler would supply the Town Board with an agreed meets and bounds. In addition, Mr. Adler did not pay the filing fee and one of the SEQR forms had not been completed. The Resolution on January 11, 2012 indicates that the Town Board directed the Town Clerk to send the Zone Map Amendment to the Planning Board and Oneida County Planning for written recommendations. Also, to all agencies for SEQR review with the stipulation that such referrals do not occur until Mr. Adler submits meets and bounds, required SEQR form and the fees, and maps be amended that the PHB district would run along rear property lines along Seneca Turnpike.

Town Attorney Cully continued that Mr. Adler submitted those documents on January 17 or January 18, 2012 and thereafter it was determined since he was applying for two (2) different Zone Amendments, that he had to pay two (2) fees of \$500 each. The Town Clerk had stated he needed to pay a second fee. The first fee was paid on January 18, 2012 and the second paid February 7, 2012. He believes on the payment of the first fee it was sent out to Interested Agencies. Under our Ordinance as it relates to a Zone Map Amendment, the Town Board refers

it to the Planning Board for a report and recommendation, and he referred to Section 118-87 Report of Planning Board (criteria). This Board will address these criteria and send the recommendation to the Town Board.

Board Member Donovan referred to the time lines and Town Code wherein we have 45 days from the referral which was January 27, 2012. Town Attorney Cully said at that point the second fee wasn't paid yet. Board Member Donovan asked at what point will the Town Board expire for the 90 days. Town Attorney Cully said they will deal with this on Wednesday, March 14, 2012. At the close of the Public Hearing they have a right to take a vote on 1) the Planning Board recommendation; 2) depending on comments from the Public Hearing, they can move forward. Otherwise the 90 days would run from January 17, 2012. It could be another six (6) weeks the Town Board could take to complete the application.

Mr. Adler presented each Board Member with a Rezoning Petition Information packet (which has been made a part of the file). He also read a letter from Mr. Ron Casciano, VP, CFO & Treasurer of PAR Technology, supporting the applications. Mr. Adler explained the packet submission. All agencies have submitted their comments to the Town, and they have addressed these.

Terresa Bakner, Esq. stated OC Health had said the Business Park has the necessary infrastructure; water and sewer is provided in this area; fire flow testing provided and sufficient water to meet requirements; they are aware of full water main to qualify for water and they comply. Is there a 60' right-of-way to a Town road? – answer was yes; Soil & Water: SEQR report is based on existing space in the park – in connection for the soil survey to be done at a much greater level. The Park has an existing storm water pollution plan and consistent with NYSDEC SPDES permit.- the Town is an MS4 and the department has strong requirements regarding storm water. All runoff is to be treated on site. They are aware of SWPPP; Attorney Bakner further addressed responses to all other agencies which have been made a part of the file - OC Planning, OCDPW, NH Police, OC Health, NH Fire Dept., MVWA, and NYSDOT. They have an updated letter dated February 24, 2012 from GTS Consulting regarding traffic and trip generation. Attorney Bakner read this letter for the record.

Mr. Adler referred to the Clark Patterson report and GTR Consulting to complete a review of Middle Settlement Road, Route 840 and Seneca Turnpike. He also referred to square footages of the existing Lowe's and Hampton Inn projects, as well as The Hartford and trip generation. There are four detention basins throughout the property one near Hartford, the hotel, near Route 840 and at the south end of the site.

Mr. Adler referred to a letter sent to Planning Board Chairman Elis DeLia and Planning Board Members from Cameron Group LLC with reasons why they feel the criteria has been addressed. He feels both of these requests are existing zones in this Town and consistent (this letter is part of the file). Further, he addressed the Comprehensive Plan updated 2007. Manufacturing and Research & Development has not happened at this site. They are trying to make it more feasible to develop in the zone and give tax generation to the Town.

Codes Officer Booth asked Mr. Adler, the map being shown – does it include the area to the north and is this to remain PDP? Mr. Adler stated the line is Route 840 and above that are two (2) parcels, - to the left also taken by NYSDOT and that is the wetland area. The parcel to the right is the land donated to BOCES School District. Attorney Bakner said the school isn't subject to zoning and the NYSDOT took it for drainage. Essentially, there is a PDP zone being left unless the School District sells the property.

Chairman DeLia asked Mr. Chuck White of Barton & Loguidice (Town's consulting engineer) if he had any comments – Mr. White had none.

Board Member Fuks asked about format of recommendations to the Town. Attorney Cully stated what is usually done by a vote with motions to recommend approval or disapproval. No final report for every single item. We will vote on each one of those separately. Board Member Donovan stated the Code calls to make a report and recommendation but he is concerned about the 45-day review period and if it isn't acted on tonight. Attorney Cully said the notes in the minutes are our report

Board Member Donovan acknowledged the four (4) of the five (5) Town Board members here this evening.

Board Member Fuks addressed water testing, adequacy and fire protection. Test was done with the existing hydrant but was any additional engineering performed to verify adequate capacity. Mr. Adler stated that was all covered when the Town did an environmental statement. They are talking about now for the change in zoning – not the coverage. Mr. Adler said with the infrastructure, the water is now looped at Middle Settlement Road and Seneca Turnpike, which was a major request of the Water Board. Board Member Fuks asked if anyone looked at those numbers and the change in use because now we have a zone change and specific change in use. Mr. Adler doesn't feel we are changing the square footage. The Water Board has commented as an interested agency. They are looking to go beyond which was studied.

Attorney Bakner also said the Fire Department signed off on it as well. Mr. Adler said water didn't exist up Woods Highway and no loop but the Water Board wanted it – Middle Settlement Road and Woods Highway are now looped.

Board Member Fuks asked what would happen at a 20 psi at those locations not listed as we are looking at making a recommendation to the Town Board and the Town Board will have to say it is complete. Board Member Mowat feels he makes a relevant point. Board Member Fuks feels when we do this in lieu of a report, he wants to make sure the Town Board is aware of these minutes so they can address it. Mr. Adler said with the zoning and traffic in place, there was a coordinated review done. We are not looking to increase that – as development happens, the Water Board is an interested agency. Anything done under the proposed zoning will come before this Board. There are a lot of unknowns but the 12" loop gives a lot of capacity – he feels there is adequate water supply.

It was stated there are some inaccuracies in soil types. At what point will there be soil borings done throughout the park? Attorney Bakner said when a Site Plan is done it would be addressed further. So far the space in the park is consistent with the SEQR form showing 50/50. Site specific things would be done at the time.

Board Member Fuks asked, has anyone evaluated the moisture conditions and flood flows? Mr. Emerick, Site Engineer of Napierala Consulting, said they were involved in the entire road development having more direct knowledge of what exists compared to an overview. They made a determination of the 50/50 than 80/20 in regard to soil conditions. The ground water at that particular time was lower. In the SEQR form they are trying to provide more data than what was shown. Their testing was done about April through August – spring through fall.

Board Member Fuks stated, for the Town Board to consider storm water points and storm water plans, they would address 303D list and impaired water bodies. He also referred to the NYSDEC letter of February 16<sup>th</sup> regarding archeology. Has that study been done? Mr. Adler said that was done before The Hartford was approved. They gave a letter that it is not a historic area and it was part of the Business Park environmental impact study and again when The Hartford went in. Attorney Bakner stated that if it is a future year, they have to come with a proposal and check into it again.

Board Member Fuks addressed sewers and sewer capacity. Mr. Emerick of Napierala Consulting said with Clinton Street Extension, they provided a connection and that opened more availability. They are all gravity. Towards Route 5 and Clinton Street, it goes both ways now. Board Member Fuks referred to their comment that they didn't see a need for a pump station or maintenance agreement. Mr. Emerick feels we can address it now with no problem.

Board Member Mowat addressed the GTS report on traffic and the Clark Patterson report. Mr. Gordon Stansbury, Traffic Engineer of GTS Consulting, addressed the Board and he is very familiar with this size development. Mr. Stansbury referred to the connector study and traffic projections. The key is total traffic generation numbers. The original review should apply. Board Member Mowat asked if they did any new testing. Mr. Stansbury reiterated what the original approval stated – the traffic added onto the roadway in the study in 2007 and improvements. In traffic engineering they go beyond ten years – it wouldn't benefit the Town to do counts now – wait until development occurs. He talked to NYSDOT as well. The only thing they would want is a trip generation letter

Board Member Mowat stated that in the actual summary and conclusions, it appears most of the work was done. No colored signals put in yet. Do you anticipate much more infrastructure there – Mr. Adler said no. Any review would be a coordinated review.

Board Member Donovan referred to trip generation – if uses were different, would trip generations change, i.e., 200,000 sf of mercantile – would it generate more traffic -.Mr. Stansbury said yes - you have to review each one individually. Mr. Adler said a new traffic study would be needed. Board Member Donovan asked - the owner of the land would have to do it at that time?

Answer is yes. Attorney Bakner stated they have done a lot of projects throughout the state – most traffic projections are very conservative. They have had three (3) years and there has been little activity. Mr. Stansbury said when they did this assessment, they assumed 175,000 sf of retail use then office and manufacturing.

Board Member Rotton stated, all of your recommendations are based on possibilities and projections of increase and decrease – Mr. Stansbury said yes.

Highway Superintendent Rick Sherman did a study counting cars leaving The Hartford. They don't get out at the same time. He feels Clinton Street extension and Route 840 are working - about 1/3 go out to each.

Board Member Mowat addressed storm water expansion – what would be the impact? It was stated when they do a project they would have to mitigate that project on site. They would have to meet new requirements by site and mitigation for 100 year storms. It was explained about runoff, new regulations, take impervious surfaces and reduce runoff. They are trying to take care of that pollutant road before running into rivers and streams. They have to deal with flooding events and reduce peak runoffs. You have an open field and it becomes development – we have to make sure runoff is reduced from that new development. Two performances – water quantity and quality.

Town Attorney Cully said this is a GEIS area and mitigation has to be paid.

Board Member Donovan asked who pays for mitigation on a State highway, i.e., traffic – Mr. Adler said the developer pays.

Board Member Rayhill asked Mr. Adler what he gets out of a PDMU zone that he doesn't get from a PDP zone. Mr. Adler said flexibility. We are trying to attract people and the current zone is very limited. He said we are losing a lot of potential applicants. He further stated the only two projects there don't comply with current zoning.

Board Member Humphreys said offices are listed under both. He feels the problem is because they went beyond the boundaries of the zone. Mr. Adler addressed that comment.

Board Member Rayhill asked if somebody came in with a greater than 50,000 sf Manufacturing use, the site was prepared for a swift review – the answer is yes. Attorney Bakner said the Town Planner and Town Staff reviewed the use and determined if it met the requirements, but you still have technical requirements. From a procedural standpoint, they want to see a defined process.

Chairman DeLia said the Planning Board has discretion and he doesn't want to discuss those two (2) buildings, they certainly comply with State and Town law. With the proposed Zone Change the Planning Board has a lot of flexibility of what can go in and not.

Board Member Rayhill asked what is different with PDP vs. PHB – why do you want PDMU – why not make it all PDMU? Mr. Adler said to make it consistent with the Comprehensive Plan. It is consistent with the zoning around it.

Chairman DeLia said when they came in and spoke to us and when we looked at the GEIS, it was what it was intended to be in the first place.

Board Member Rayhill asked about requirements in the PHB and PDMU zone. Mr. Adler said the Business Park Review Panel had approval rights and they wanted guidelines to go by. No other zone has anything like this.

Board Member Rayhill asked about fees in lieu mitigation and if they are still in place. Town Attorney Cully referred to a resident on Seneca Turnpike who had 48 acres and have started selling the property since 2008.

Board Member Rayhill she would have liked more time to review this.

Mr. Chuck White said he hasn't reviewed every document. He has no specific comments.

Mr. Adler asked Codes Officer Booth if he had any input of completing projects in the PDP zone. Mr. Booth said this zone was defined for a "shovel-ready" park.

Board Member Rotton commented about a denial from this Board on Seneca Turnpike for a gas station. A gas station and convenience store is not permitted, and won't be permitted with what we are looking at also.

Board Members Rotton and Humphreys asked Codes Officer Booth about Manufacturing zones in the Town and where they were located. She also asked if someone wanted to bring in a Manufacturing zone, would it need a Zone Change or Variance – Mr. Booth said yes.

At this time, Town Attorney Cully addressed the first portion of the amended petition to change from **Planned Development Park** to **Planned Development Mixed Use**. It is suggested to go through each of the criteria as set forth in the Statute. The Planning Board members will discuss each item as it relates to both requests.

- 1) Whether such change is consistent with the purposes embodied in the chapter as applied to the particular districts concerned.

Discussion: Board Member Donovan referred to his prepared statement.

Board Member Mowat referred to the Findings in the GEIS Statement with regard to Land Use Plans. This has been studied at length and it appears a large portion is actually embodied in this report. It recognizes all things that are happening.

Board Member Donovan referred to Board Member Mowat's comments in that Route 840 break in access potential prepared by Peter J. Smith Consultants on behalf of the Town refers to break in access for the Business Park for 20 years. Attorney Bakner said the break in access study was the study that set forth the various components for square footage uses covered. Uses and amounts they are proposing to comply with in the PDMU zone. She also referred to the letter from PAR supporting their application.

Vote taken: Chairman DeLia – yes; Board Member Mowat – yes; Board Member Fuks – yes; Board Member Rayhill – yes; Board Member Humphreys – no; Board Member Rotton – no; Board Member Donovan – no. Vote was 4 – 3 that it is consistent with the purposes embodied.

- 2) Whether adequate public services and other support facilities exist or can be started to serve the needs of any additional development that may occur as a result of such change.

Discussion: Board Member Donovan read from his prepared statement. Board Member Fuks feels this shouldn't be a yes or no. He is suggesting making a recommendation to the Town Board to review those items that encompass into our decision. Town Attorney Cully said our vote is based on the information received. He still feels a yes or no answer is acceptable.

Board Member Mowat felt you can add a fire vehicle, police car, or pump station with each project coming before this Board in that those items would be addressed if needed. Board Member Rayhill felt it would put the Town at a disadvantage to put in money, i.e. police cars – mitigation is a one-time deal. Attorney Bakner said police and fire gave their comments.

Chairman DeLia said with more buildings you need more police and fire. Board Member Humphreys said police requirements on retail are expensive.

Board Member Donovan commented on Permitted Uses. There will be impacts on public safety that won't be carried over for fees in lieu of mitigation. If extensive retail is developed, you could be looking at additional police and fire personnel.

Chairman DeLia said under Planned Development Permitted Uses, they are absolute – under Site Plan Review they are permitted.

Vote taken: Chairman DeLia – yes; Board Member Rotton – yes; Board Member Rayhill – yes; Board Member Mowat – yes; Board Member Fuks – yes; Board Member Humphreys – yes; Board Member Donovan –no. Vote was 6 – 1 that there are adequate public services or they can be created.

- 3) The indirect implications of such change in its effect on other regulations.

Discussion: Board Member Donovan read from his prepared statement. Mr. Adler stated that indirect implications are the existing park. The hotel wasn't an allowed use, then they got the approval. He would love to bring in Manufacturing and Research & Development but it is not happening. You have to adapt to what is happening in the area. Attorney Bakner said all of the



regulations that apply will still be able to meet sewer and water, storm water and NYSDOT. Changing the zone will not have an effect – they have picked zones adjacent to zones to make it more consistent.

At this time, Board Member Donovan referred to the process as being a joke. Town Attorney Cully took offense with Board Member Donovan's comments. He felt it was inappropriate. Board Member Donovan also referred to Town Attorney Cully as not being a Planning Board member. Town Attorney Cully said he is here to represent the Town in the Town's best interests. The Planning Board members and the applicant and their representatives have been reviewing this project for sometime this evening.

Board Member Rotton asked what would the indirect implications be? Town Attorney Cully said it is up to this Board to decide.

It was asked, as a result of this vote, would we foresee any chance of any proposal for us to discuss that would force us to change our definition in laws or zoning? If that was the case, we would be changing that law now instead of changing the use. Board Member Fuks said he doesn't expect to see a change to any legal definition or any of our zoning uses in the Town Law as a result of this change.

Vote taken: Chairman DeLia – yes; Board Member Fuks – yes; Board Member Mowat – yes; Board Member Rotton – yes; Board Member Rayhill – yes; Board Member Humphreys – yes; Board Member Donovan – no. Vote was 6 – 1 there are no indirect implications of such change which would effect other regulations.

- 4) Whether such proposed amendment is consistent with the underlying objectives of the Town Comprehensive Plan.

Discussion: Board Member Donovan read from his prepared statement. Board Member Rayhill feels from a planning perspective this deserves a consideration beyond just this district. We should take a larger look and not just leap into something. Board Member Donovan said since 1999 there have been ten (10) Zone Map Amendments and others on the way. At what point is the map worth anything.

Board Member Humphreys noted that the Town's plan has to be amended rather than zoning.

Vote taken: Chairman DeLia – yes; Board Member Fuks – no; Board Member Rotton – no; Board Member Humphreys – no; Board Member Mowat – no; Board Member Rayhill – no; Board Member Donovan – no. Vote was 6 – 1 it is not consistent with underlying objectives.

- 5) Whether such proposed amendment is consistent with the character of the community.

Discussion: Board Member Donovan read from his prepared statement. Board Member Fuks said consideration has to be taken with regard to the Comprehensive Plan. It is maintaining

consistency with development and growth. Board Member Mowat felt the majority of members suggested it is not consistent in that the Comprehensive Plan needed work to make it more clear.

Vote taken: Chairman DeLia – yes; Board Member Fuks – yes; Board Member Mowat – yes; Board Member Rotton – yes; Board Member Humphreys – yes; Board Member Rayhill – yes; Board Member Donovan –no. Vote is 6 – 1 that it is consistent with character of the community..

Town Attorney Cully referred to Article 14, Section 118-87 of the Ordinance. We have dealt with the five (5) criteria as it relates to the first request- Planned Development Park to Planned Development Mixed Use.

Motion was made by Board Member Brymer Humphreys to give an unfavorable recommendation to the Town Board based on the criteria to satisfy all five (5) criteria; seconded by Board Member Jerome Donovan.

Vote taken: Chairman DeLia – no; Board Member Fuks – no; Board Member Humphreys – yes; Board Member Donovan – yes; Board Member Rayhill – yes; Board Member Rotton – no; Board Member Mowat – no. Motion failed by a vote of 3 –4 (3 in favor of motion, 4 against the motion).

Board Member Fuks stated we should be crafting a recommendation to the Town Board placed upon what everyone discussed and highlight those items we found as being consistent and not consistent. We are strong on the one item. Perhaps additional work is to be done. Board Member Rayhill is agreeable to changes.

Board Member Donovan referred to the 216 acres, and to show the vote tally for each criteria. They should be the motion and the vote so the Town Board will know there is a difference of opinion.

It was stated that #4 is the most significant criteria. Board Member Mowat stated we have a Comprehensive Plan that didn't take into consideration the GEIS and PAR. When we look at the study there is some conflict.

Town Attorney Cully said these are the factors we have to consider. It is not a legal requirement to pass on every instance. The Planning Board should provide recommendation and it lists all five (5) of them.

Board Member Fuks wanted to entertain a motion to include consideration of the Comprehensive Plan – discussion was held on this.

Thereafter, a motion was made by Board Member Fuks that the Planning Board submit to the Town Board **favorable** findings for the Zone Text Amendment from **Planned Development Park to Planned Development Mixed Use** by roll call vote that four (4) of the five (5) items

listed under Article 14, Section 118-87 were voted favorably upon; seconded by Board Member Heather Mowat.

Vote taken: Chairman DeLia – yes; Board Member Fuks – yes; Board Member Mowat – yes; Board Member Rotton – yes; Board Member Humphreys – no; Board Member Rayhill – no; Board Member Donovan – no. **Vote was 4 – 3 in favor of the motion.**

The Planning Board then addressed the criteria for the Zone Text Amendment request from **Planned Development Park to Planned Highway Business:**

- 1) Whether such change is consistent with the purposes embodied in this chapter as applied to the particular districts concerned.

Discussion: Board Member Donovan read from his prepared statement. Board Member Donovan does not want to see big box stores in this area. Board Member Humphreys feels the PHB zone is consistent with the purposes embodied.

Vote taken: Chairman DeLia – yes; Board Member Fuks – yes; Board Member Mowat – yes; Board Member Humphreys – yes; Board Member Rayhill – yes; Board Member Rotton – yes; Board Member Donovan – no. Vote was 6 – 1 that it is consistent with the purposes embodied.

- 2) Whether adequate public services and other support facilities exist or can be created to serve the needs of any additional development that may occur as a result of such change.

Discussion: Board Member Donovan read from his prepared statement.

Vote taken: Chairman DeLia – yes; Board Member Fuks – yes; Board Member Mowat – yes; Board Member Humphreys – yes; Board Member Rotton- yes; Board Member Rayhill – yes; Board Member Donovan – no. Vote was 6 – 1 that there are adequate public services or they can be created.

- 3) The indirect implications of such change in the effect on other regulations.

Discussion: Board Member Donovan read from his prepared statement. Board Member Mowat referred to the Comprehensive Plan where it states uniform development.

Vote taken: Chairman DeLia – yes; Board Member Fuks – yes; Board Member Mowat – yes; Board Member Rotton – yes; Board Member Humphreys – yes; Board Member Rayhill – yes; Board Member Donovan – no. Vote was 6 – 1 that there are no indirect implications of such change which would effect other regulations.

- 4) Whether such proposed amendment is consistent with the underlying objectives of the Town Comprehensive Plan.

Discussion: Board Member Donovan read from his prepared statement

Vote taken: Chairman DeLia – yes; Board Member Fuks – yes; Board Member Mowat – yes; Board Member Rotton – yes; Board Member Humphreys – yes; Board Member Rayhill – no; Board Member Donovan – no. Vote was 5 – 2 that it is consistent with underlying objectives.

Board Members Donovan and Rayhill said their vote was based on the map inconsistencies.

- 5) Whether such proposed amendment is consistent with the character of the community.

Discussion: there being no further discussion, vote was taken: Chairman DeLia – yes; Board Member Fuks – yes; Board Member Mowat – yes; Board Member Rotton – yes; Board Member Humphreys – yes; Board Member Rayhill – yes; Board Member Donovan – yes. Vote was 7 – 0 that it is consistent with character of the community.

Motion was made by Board Member Julius Fuks that the Planning Board submit to the Town Board **favorable** findings for the Zone Text Amendment from **Planned Development Park** to **Planned Highway Business** by roll call vote that the five (5) criteria listed under Article 14, Section 118-87 were voted favorably upon; seconded by Board Member Heather Mowat. Vote taken: Chairman DeLia – yes; Board Member Fuks – yes; Board Member Mowat – yes; Board Member Rotton – yes; Board Member Humphreys – yes; Board Member Rayhill – no; Board Member Donovan – no. **Vote was 5 – 2 in favor of the motion.**

Planning Board secretary Dory Shaw will notify the Town Board of the Planning Board's recommendations.

Board Member Donovan's prepared statement will be made a part of the minutes.

\*\*\*\*

**Longeretta Law Firm – Amendment to Final for Antonio Cristiano** major three-lot subdivision on **Lindale Avenue, New Hartford**. Review of hammerhead turnaround. Tax Map #340.000-1-36.0; Zoning: Residential/Agricultural 1.

Chairman DeLia advised the Board Members that a request was received from Longeretta Law Firm to withdraw this application. It is no noted.

\*\*\*\*

There being no further business, the meeting adjourned at approximately 8:20 P.M.

Respectfully submitted,

Dolores Shaw  
Recording Secretary

