

**TOWN OF NEW HARTFORD
PLANNING BOARD MINUTES
MONDAY, APRIL 9, 2012
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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, and Heather Mowat. Board Member absent: Jerome Donovan. Also in attendance were Town Attorney Herbert Cully, Councilman Paul Miscione; Highway Superintendent Richard Sherman; Mr. Chuck White, P.E. of Barton & Loguidice, and Recording Secretary Dory Shaw.

Draft minutes of the March 12, 2012 meeting were received by each Board Member. Motion was made by Board Member Peggy Rotton to approve these minutes with minor corrections/typos as discussed and with Board Member Mowat's clarification; seconded by Board Member Brymer Humphreys. All in favor.

McDonald's USA, LLC, 8522 Seneca Turnpike, New Hartford. Preliminary Site Plan review of the demolition of the existing restaurant and construction of a new 4,317 sf restaurant building with associated site improvements consisting of new dumpster enclosure/shed, asphalt parking utilities, landscaping, lighting, and signage. Tax Map #328.012-1-57; Lot Size: 180' x 190'; Zoning: Retail Business 1. Mr. Randy Bebout of Tylin International Engineers and Mr. Al Dohn, Director of Operations for the local McDonald's appeared before the Board.

Mr. Bebout explained what McDonald's is proposing at this site as it is a nation-wide update of all McDonald's. He referred to the number of Area Variances received by the Town of New Hartford Zoning Board of Appeals. They had previously discussed an access to Oakdale Avenue, but they removed this to acquire more parking spaces. The dumpster will be at the southwest corner; new white vinyl fencing along the rear that will be 6' high, and some landscaping along the rear of the property. Some trees will need to be removed but there will be an improved buffer. Between Carmella's Restaurant and McDonald's there is some asphalt and parking. He displayed an overlay – they are providing a curb with buffering along the McDonald's side to avoid a cut-through. They will show striping on the Carmella's and McDonald's side. He feels there is adequate drive between that and the building.

Mr. Bebout explained the size of the new building compared to the existing – the freezer/cooler and storage building are located outside now but will be brought in – the actual square footage of the building on the site will be increased 231 square feet with the changes. They have worked with NYSDOT and are aware of the implementation of sidewalks which will be continuous across the driveways. They do not connect on either side. Water and sewer will be from Seneca Turnpike. The building will be sprinklered. The sewer system is with the State. There are two basins with adequate sized pipes, and Highway Superintendent Rick Sherman went to this site and the pipe goes southeast and north to the catch basin with the State.

Mr. Bebout stated the owner/operator will choose from some options for the façade (stone, etc.) but the main building is terra cotta in color. This isn't a standard McDonald's building because of the size of the

lot. He addressed signage, and also order speakers. The speakers have automatic volume control and he referred to decibels at the site. They are sensitive to the adjacent neighbors but these speakers are much improved. Also, lighting – they are working on resolving this – they will shine down. They will add some external glare shields especially in the rear of the property.

Chairman DeLia asked Mr. Chuck White if he had any input. Mr. White said one of his concerns was the drainage but that has been cleared up. He asked, however, if they could determine if the site would have a decrease or increase in runoff. Mr. Bebout said a slight increase and they would get the documentation to him to review. Mr. Bebout referred to the existing size pipe on site and they prefer to make it larger to reduce the rate and connect to the system.

Town Attorney Cully has no questions on this application.

The applicant would like to get started on this project as soon as possible once all approvals are in. Reference was made to signage – Mr. Bebout said the arches will be removed; the existing road sign is being removed and replaced. Board Member Mowat stated there is no rendering on the plans, what is size and where? Mr. Bebout referred to the sketch of the new pole sign. The road sign is located near the existing driveway – further to the east to maximize the setback. Board Member Mowat also referred to runoff increase, additional seating and bypass lane – has any studies been done to address this as the Zoning Board had concerns about the lane with people coming in the wrong way; also, fencing and lighting. Mr. Bebout said the increase in runoff is equivalent to a residential driveway; the seating proposed is 66 seats – 70% of the business is drive-thru; Mr. Bebout further stated that there is a natural yield on site - sometimes they put a yield on the pavement and they can make the curb to keep people in line. They don't see any issues. As far as fencing, the fence will be new and it would be from the southeast corner all the way along the property line and behind the gas station and end there. The lights are a shoe box factor that shines down with a glass shield. They can put another shield to reduce the lighting if they have to. They could move the lights forward if needed.

Board Member Fuks addressed the decibel level – is his figure addressing the speaker or the fence line – Mr. Bebout said actually it is 12 decibels for what hits a house.

Chairman DeLia stated that Codes Officer Booth said this application meets the requirements for Preliminary approval and referral.

Motion was made by Board Member Peggy Rotton to grant Preliminary Approval; seconded by Board Member Brymer Humphreys. All in favor.

Motion was made by Board Member Heather Mowat to have the Planning Board be Lead Agency under SEQR and to send this out to the Involved Agencies for comments; seconded by Board Member Julius Fuks. All in favor.

Aspen Dental Plaza, 4630 Commercial Drive, New Hartford. Preliminary Site Plan review

for a proposed 2900 sf free standing building on the site. Tax Map #38.008-1-8.1; Lot Size: 1.35 Acres; Zoning: Retail Business 1. Mr. Jim Emerick of Napierala Consulting, appeared before the Board as well as Mr. Michael Cuniff of Judd Road Development.

Mr. Emerick referred to the sketches presented which displayed Aspen Dental and other businesses. The is under one (1) acre. A 2900 square foot restaurant is proposed. When this was first presented, it had a drive-thru; however, the drive-thru has been removed. They have been in touch with NYSDOT and he said they had no issues. Storm water will be increased slightly from the pre-existing site according to their calculations. They have discussed this with Mr. Chuck White and perhaps they can decrease asphalt so as not to increase storm water.

Chairman DeLia asked Mr. White if he had any comments. Mr. White said they are looking by design to reduce runoff to stay below the pre-developed conditions.

Town Attorney Cully mentioned that the initial site plan had a sunset clause, which required a Building Permit within one (1) year of approval, and it has been over a year, thus the resubmittal. It is now a new application.

Board Member Mowat wasn't a Board Member when the original project was approved. Lights and traffic routing she doesn't see in the application. Mr. Emerick said the lights there now will remain – no additional poles will be set. She also asked about the type of building and aesthetics.

Board Member Rayhill asked how many seats – Mr. Emerick said about 100 but he wasn't sure at this time. Board Member Rayhill is concerned about traffic and how far back from Sangertown the traffic light is. Turning left could be complicated. Mr. Emerick said the curb is already there and they aren't changing it. NYSDOT has accepted that curb cut.

Board Member Rotton asked about green space. Mr. Emerick said the back area maximum lot coverage is 67% and it is 63% here. They are within the Code. He said in the front there will be green but the rest would remain natural for whatever is there. Board Member Rotton would like to see some kind of ground covering. Mr. Emerick will look into this – something to hold the soil.

Chairman DeLia said Codes Officer Booth mentioned this application meets all requirements for a Preliminary application.

At this time, motion was made by Board Member Peggy Rotton to grant Preliminary Approval; seconded by Board Member Ellen Rayhill. All in favor.

Motion was made by Board Member Brymer Humphreys for the Planning Board to be Lead Agency under SEQR and to send this out to the Involved Agencies for comments; seconded by Board Member Peggy Rotton. All in favor.

Special Metals, 4317 Middle Settlement Road, New Hartford. Preliminary Site Plan review of a proposed building addition 55' 8" x 24' and cooling tower construction. Tax Map #328.000-2-25; Total Lot Size: 119.68 Acres. Mr. Mark Chambers of C & S Engineers and Mr. John Schoonmaker of Special Metals were in attendance.

Mr. Chambers said this is part of a \$10 million dollar capital expansion. The cooling system is for the melting furnaces. This is a predecessor to add another three (3) furnaces and part of the cooling system for the next phase.

Mr. Chambers said the 1320 square foot addition will be at the northeast part of the facility. He presented a sketch. The cooling tower will be located near the access road to the north of the perimeter road. The total area disturbance is 1/10 of an acre. Asphalt and concrete are there now – there will be no additional runoff. The proposed building will be a block structure with a roofing system as well.

At the backside of the building they have two (2) pump houses and two (2) cooling towers. It was stated that there is water to water heat exchange and the system was explained to the Board Members.

Chairman DeLia asked Mr. Chuck White and Town Attorney Cully if they had any questions – they had none.

Board Member Humphreys asked about the height of the building – it was stated about 11' 4". Mr. Chambers said it is on concrete piers and elevated up to probably 12'-13'.

Board Member Fuks asked if they treat the water. It was stated that they use an algaecide. He also asked if they needed additional outside storage – Mr. Schoonmaker said perhaps a little. Mr. Schoonmaker said their business is expanding and they are anxious to build. Time frame for this would be as soon as possible. They are at capacity and they need to increase their volume. They are also creating jobs.

Chairman DeLia stated that Codes Officer Booth said this application was ready for Preliminary application. At this time, motion was made by Board Member Heather Mowat to grant Preliminary Approval; seconded by Board Member Peggy Rotton. All in favor.

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Motion was made by Board Member Peggy Rotton to have the Planning Board be Lead Agency under SEQR and to be sent out to the Involved Agencies for comments; seconded by Board Member Brymer Humphreys. All in favor.

Mr. Chambers asked the Planning Board if they could get started with this project, at their own risk, as they wanted to be able to get this project initiated during the 30-day reply time.

Town Attorney Cully said this has been done in the past with an indemnification classification. He would talk with Codes Officer Booth next week to see to what extent this could happen to go forward.

Mr. Chambers offered to write a letter to the agencies. It was stated that Mr. Booth would require to inspect it through the process.

Town Attorney Cully again stated he needs to talk with Mr. Booth about this to see if he feels comfortable with some type of agreement because it is at their own risk.

There being no further business, the meeting adjourned at 6:20 P.M.

Respectfully submitted,

Dolores Shaw
Secretary/Planning Board

dbb