

**TOWN OF NEW HARTFORD  
PLANNING BOARD MINUTES  
MONDAY, AUGUST 13, 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 Jerome Donovan, Peggy Rotton, Julius Fuks, Jr., G. Brymer Humphreys, and Heather Mowat. Board Member absent: Ellen Rayhill. Also in attendance were Town Attorney Herbert Cully, Codes Officer Joseph Booth, and Recording Secretary Dory Shaw.

Draft minutes of the June 11, 2012 meeting were received by each Board Member. Correction on Page 4, Swift to SWPP. Motion was made by Board Member Peggy Rotton to approve these minutes; seconded by Board Member Heather Mowat. All in favor.

\*\*\*\*

Minor Subdivision: Preliminary/Final review/approval of **#2 Ellinwood LLC on property at #2 Ellinwood Drive, New Hartford, New York**. Tax Map #316.020-1-6; 7; 8. Zoning: Retail Business 1. Mr. Michael Sheridan of Sheridan Engineering and Richard Compson, Esq., appeared before the Board.

Town Attorney Cully stated this meets all Town Law and he referred in detail to the descriptions, which conform to the map. Codes Officer Booth stated this subdivision received an Area Variance from the Zoning Board of Appeals for physical access on frontage, which was granted on June 18, 2012. This meets all other requirements.

Chairman DeLia asked if there were any additional comments – there were none.

Motion was made by Board Member Peggy Rotton to grant Preliminary and Final approval for this two-lot minor subdivision, map dated April 12, 2011 with revision dates of April 23, 2012 and June 28, 2012; seconded by Board Member Julius Fuks. All in favor.

\*\*\*\*

Minor Subdivision: Preliminary/Final review/approval of **William & Adella Roberts on property at 9541 Elm Street, Chadwicks, New York**. Tax Map #350.000-3-44.1 & 43. Zoning: Medium Density Residential. Ms. Bryn Davis of D. L. Mowers, Land Surveyors, appeared before the Board.

Town Attorney Cully reviewed this application and descriptions. Codes Officer Booth stated all lots meet size and setback requirements.

Chairman DeLia asked if there were any additional comments. Board Member Donovan asked about the zoning, which is Medium density Residential. Codes Officer Booth stated this zone stays with the property but there is a grandfathered use on the property for a farm.

Motion was made by Board Member Brymer Humphreys to grant Preliminary and Final approval for this two-lot minor subdivision, map dated July 16, 2012; seconded by Board Member Julius Fuks. All in favor.

Minor Subdivision: Preliminary/Final review/approval of **Mr. Calvin Kilbourn et al on property at 3303 Mohawk Street, Chadwicks, New York**. Tax Map #350.000-3-40. Zoning: Medium Density Residential. Ms. Bryn Davis of D.L. Mowers, Land Surveyors, appeared before the Board. Town Attorney Cully reviewed the file and descriptions. Codes Officer Booth stated the applicant left enough room for frontage and setbacks on the principle structure.

Chairman DeLia asked if there were any additional comments. Board Member Donovan asked if this will wrap around the lot on the left side – Mr. Booth said yes.

Motion was made by Board Member Heather Mowat to grant Preliminary/Final approval of this three-lot subdivision on map dated June 29, 2012; seconded by Board Member Brymer Humphreys. All in favor.

\*\*\*\*

Major Subdivision Preliminary review of **Mr. Robert Kessler for proposed 9-lots at the end of Glendale Avenue, Whitesboro, New York (Town of New Hartford), known as Trail Side**. Tax Map #316.000-2-34. Zoning: Medium Density Residential. Mr. Jeremy Fennell of Delta Engineering, and Mr. Robert Kessler, appeared before the Board.

Codes Officer Booth stated Mr. Kessler made some adjustments on a corner lot, which made it larger. He spoke with Highway Superintendent Richard Sherman and he is satisfied with the proposed paving width of 20' vs. 24'. This allows the new pavement to meet up with the pavement in the older subdivision as long as they have a 60' right-of-way. This property abuts the Rayhill Trail. There is an access to it and it is shown on the map – this was moved due to the drainage easement.

Chairman DeLia stated Mr. Chuck White of B & L Engineering (contract engineers for the Town of New Hartford), reviewed the plans and from his engineering perspective, he gave his clearance at this stage. He is also happy with the access to the Rayhill Trail.

Board Member Rotton asked how close it is to the wetlands. Mr. Fennell displayed a sketch of the proposed subdivision and indicated the wetlands (this subdivision was never finished and they would like to complete it). He is working on wetlands that is part of a drainage ditch from the upper development. Discussion ensued regarding the wetlands. Mr. Fennell indicated where the power lines are on the map, and they are outside of the property.

Board Member Fuks asked that someone look at the flood maps in case there is an issue on Whitford Road. It may not show on the New Hartford map, but someone from Whitestown should look into it also to make sure they have a map with the 100 year flood plain. There are two (2) municipalities involved. He would like an overlay of the maps to make sure there isn't an error from New Hartford to Whitestown.

Board Member Donovan referred to the 20' width of the road and why the Highway Superintendent doesn't use the current standard. It was indicated that perhaps he wanted to stay consistent with the width now – better continuity. Town Attorney Cully made reference to how a problem could arise with two (2) different road widths – this could cause a liability problem.

Chairman DeLia indicated that Mr. Sherman was at the preliminary meeting and this was his input, he was satisfied with the 20' width. Codes Officer Booth will advise Mr. Sherman that this was raised as an issue.

Chairman DeLia mentioned all comments will be addressed through SEQR. He asked Codes Officer Booth if this application meets all requirements for Preliminary approval – Mr. Booth said yes.

Motion was made to grant Preliminary approval by Board Member Heather Mowat; seconded by Board Member Brymer Humphreys.

Chairman DeLia asked if there were any comments. Board Member Mowat asked when SEQR comes back, is there anything else besides the bat documentation that they may want to see? Mr. Fennell said no. It was further stated that the road was in place but not the houses as the developer didn't go through with the entire development – he doesn't know why.

Board Members Donovan and Rotton have issues with the 20' width.

Chairman DeLia referred to the motion on the table. Vote taken:

Chairman Elis DeLia – yes	Board Member Heather Mowat – yes
Board Member Brymer Humphreys – yes	Board Member Julius Fuks – yes
Board Member Jerome Donovan – no	Board Member Peggy Rotton – no

Vote to grant Preliminary approval was 4 – 2.

Motion was made by Board Member Brymer Humphreys for the Planning Board to be Lead Agency under SEQR; seconded by Board Member Peggy Rotton. All in favor.

\*\*\*\*

There being no further business, the meeting adjourned at 5:50 P.M.

Respectfully submitted,

Dolores Shaw  
Secretary/Planning Board

dbS

**TOWN OF NEW HARTFORD  
PLANNING BOARD MINUTES  
DECEMBER 10, 2012  
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 Peggy Rotton, Ellen Rayhill, G. Brymer Humphreys, Julius Fuks, Jr., and Heather Mowat. Board Member absent: Jerome Donovan. Also in attendance were Town Attorney Herbert Cully, Codes Officer Joseph Booth, Highway Superintendent Rick Sherman, and Recording Secretary Dory Shaw.

Draft minutes of the November 14, 2012 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.

Chairman DeLia stated there is one (1) item on tonight's agenda.

\*\*\*\*

Final Review/Approval of 9-lot Major Subdivision for Mr. Robert Kessler at the end of Glendale Avenue, (known as **Trail Side Subdivision**), Whitesboro, New York (Town of New Hartford), Tax Map #316.000-2-34. Zoning: Medium Density Residential. Mr. Robert Kessler and Mr. Jeremy Fennell of Delta Engineering appeared before the Board. (Board Member Julius Fuks, Jr. abstained from this project).

Mr. Fennell stated comments regarding SEQR were addressed, also the flood plain issue. He demonstrated a composite of the flood plain as Whitestown wanted to make sure it didn't overlap. The only thing changed was a small part of the grading. The offset grade will discharge into the wetlands – this will address the swales. After talking with the Mohawk Valley Water Authority, they changed the location of the fire hydrants. Also, they received approval from Oneida County Water Pollution Control.

Chairman DeLia asked Codes Officer Booth if he had any comments. Mr. Booth said this development meets all Town codes.

Chairman DeLia asked Mr. Chuck White if he had any comments also. Mr. White stated one change, to accommodate the storm water basin – add easement to Lot 3.

Board Member Rotton addressed the road situation as previously discussed. Mr. Fennell said Highway Superintendent Richard Sherman wants to see the size of the road stay the same as what exists in that location. Board Member Rotton also asked about wetlands. Mr. Fennell said the wetlands are much further off this property.

Motion was made by Board Member Heather Mowat to close SEQR with a negative declaration; seconded by Board Member Brymer Humphreys. Vote taken:

Town of New Hartford  
Planning Board Minutes  
December 10, 2012  
Page 2

Chairman Elis DeLia – yes	Board Member Heather Mowat – yes
Board Member Brymer Humphreys – yes	Board Member Peggy Rotton – yes
Board Member Ellen Rayhill – yes	

Motion was **approved** by a vote of 5 – 0 (Board Member Julius Fuks, Jr. abstained).

Motion to grant **Final Approval** to the Trail Side Subdivision was made by Board Member Heather Mowat - plans of November 30, 2012, submitted by Delta Engineering; seconded by Board Member Ellen Rayhill. Vote taken:

Chairman Elis DeLia – yes	Board Member Heather Mowat – yes
Board Member Brymer Humphreys – yes	Board Member Peggy Rotton – yes
Board Member Ellen Rayhill – yes	

Motion was **approved** by a vote of 5 – 0 (Board Member Julius Fuks, Jr. abstained).

\*\*\*\*\*

There being no further business, the meeting adjourned at 5:40 P.M.

Respectfully submitted,

Dolores Shaw  
Secretary/Planning Board

dbS