

**TOWN OF NEW HARTFORD  
PLANNING BOARD MINUTES  
MONDAY, OCTOBER 15, 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, Ellen Rayhill, G. Brymer Humphreys, and Heather Mowat. Board Member absent: Julius Fuks, Jr. Also in attendance were Town Attorney Herbert Cully, Codes Officer Joseph Booth, Highway Superintendent Rick Sherman, Councilman David Reynolds, and Recording Secretary Dory Shaw.

Draft minutes of the August 13, 2012 meeting were received by each Board Member. Motion was made by Board Member Peggy Rotton to approve these minutes but to correct spelling of name from Brin to Bryn (Mowers Surveyors); seconded by Board Member Brymer Humphreys. All in favor.

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**Mr. Alex Forte for Plaza 5 LLC, Seneca Turnpike, New Hartford, New York. Special Use Permit:** remove existing sign (Valley Brook) on Seneca Turnpike from highway right-of-way and replace with new sign in accordance with current Zoning Regulations. Tax Map #328.011-1-12.1; Zoning: Retail Business 1. Mr. Alex Forte appeared before the Board.

Codes Officer Booth explained this LED sign has to come before the Planning Board as a Special Use Permit. The Zoning Board of Appeals had given approval for this sign previously. Mr. Forte addressed the Board. They are cleaning up the site, and will remove the existing sign for compliance, which is now in the NYSDOT right-of-way. This sign meets all requirements within that zoning district.

Board Member Donovan stated there has been many signage updates on that property – will this sign be consistent – Mr. Forte said yes.

NYSDOT stated a highway work permit is required for any work within the right-of-way – Mr. Forte is aware of this. County 239 Planning had no comment.

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

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**N & D Restaurants for Olive Garden Restaurant, Commercial Drive, New Hartford, New York.** Preliminary Site Plan Review for a proposed restaurant. Tax Map #328.008-1-12.2; Lot Size: approximately 3.03 Acres; Zoning: Retail Business 1. Mr. Neil Terwilliger of Darden Company, Orlando, Florida and Mr. Rob Osterhoudt of Bohler Engineering appeared before the Board.

Mr. Terwilliger represents Darden Company who has Olive Garden and Red Lobster Restaurants. This particular building is approximately 7,700 square feet. There will be 132 parking spaces. It is open seven (7) days a week from 11:00 AM – 11:00 P.M. Mr. Osterhoudt prepared the site plan.

Mr. Osterhoudt explained the location and surrounding area. There is some existing impervious and curb cut. The storm water is far off the property. They will use the existing curb cut or very close to it. They meet all site setback requirements, building height and green space. He explained the building setback and location of parking. Further, he explained the truck circulation, trash removal, etc. Service area is at the rear corner. Dumpsters will be enclosed also to the rear. Primary entrance is in the front. Pedestrian access was addressed. They have had conversations with NYSDOT (curb cut would be defined according to their standards), and also with NYSDEC. They have 52% green space and 50% is the minimum. Utilities are off Commercial Drive. There is an existing easement with a 36" culvert pipe.

Some larger plantings will be along the side of the site and lower for other locations. Storm water is being handled on site. Run off will be from the parking areas. The remainder of the water is being collected and moved toward the back of the site. For water quality they have a sand filter. Access is off Commercial Drive. Two shared access connections to the east. Access on the frontage side would be one way in and access on the other portion would be two-way. Shared access and access management go from one site to the other. Also, access to the traffic signal is for Olive Garden.

Mr. Osterhoudt said from a traffic perspective, they have submitted a traffic summary. The full traffic study shows the counts.

One of the concerns expressed is left hand movement, would that have an impact on left turning vehicles turning into K-Mart (which is located across from this property). Mr. Osterhoudt stated his traffic consultants looked into this – there are no concerns with queuing up during maximum hours.

Mr. Terwilliger stated this restaurant would have a curbside parking area for call in orders. Three (3) or four (4) parking spots will be for this use.

Chairman DeLia asked if they would consider restricting a left out of the driveway. Mr. Osterhoudt said based on the traffic analysis, he doesn't think we need it.

Attorney Herb Cully referred to the Chuck E Cheese Restaurant driveway. Mr. Osterhoudt feels there is a gap and sees no problem. There is probably about 150' between the two (2) curb cuts. However, they have access to the signal and that would help.

Codes Officer Booth referred to the shared one-way through Gentlemen's Wearhouse – do you have an agreement with that establishment. Mr. Terwilliger said they are in the final stages of this. Discussion ensued regarding this. Mr. Booth said this may be one way but there are other vehicles – will they be limited to one-way also. It was stated the one-way restriction would be on the Olive Garden site only.

Mr. Booth said the site is only three (3) acres and part of a larger parcel. He stated there will be a subdivision at a later date and we are only seeing a fraction of the parcel. Mr. Booth referred to the 50% coverage – actually, it is 33% impervious – they are well above the minimum.

Board Member Donovan asked where the additional land is located – it was stated to the west of the entryway. The parcel in back would contribute to Pyramid's green space and the other parcel has access on Commercial Drive. Board Member Donovan asked, if approved, could there be another application

behind it? Mr. Osterhoudt said it drops off to the back – NYSDEC wetlands in the rear. Board Member Donovan is concerned.

Attorney Cully asked if there was some work being done back in that area for storm water. Highway Superintendent Rick Sherman said there is work being done for Mud Creek. This is the same area where work is being done nearby. Attorney Cully asked Mr. Osterhoudt if it is their intention to deal with all on site storm water by them – Mr. Osterhoudt said yes. They are extending part of their culvert, and NYSDEC asked to make some improvements – they are doing so.

Mr. Chuck White of Barton & Loguidice, Town contract engineers, stated he had no input at this point.

Board Member Mowat stated that the Mayor of New York Mills has asked about Mud Creek. She encourages them to contact him to work with the Town because residents of New York Mills are being affected by Mud Creek and hope that they take this into consideration. She also asked Olive Garden to work with the Town Engineers hired to do the study for Mud Creek – representatives said they would commit to do so. Discussion ensued regarding the traffic information – this will be sent to the Planning Board secretary to distribute to the members, as it was not available to the members. Board Member Mowat is concerned about traffic and also how the new Moe's restaurant affects the traffic counts.

Mr. Osterhoudt stated the NYSDEC pointed out some storm water concerns and they have worked closely with them. Board Member Mowat spoke to Mr. Chuck White regarding Mud Creek. Mr. White said they will have to keep their runoff and discharges below existing. It is relatively flat in the front and drops off in the back. The only thing they would like to avoid is if there is a larger study going on that would hold them back. SWPPP is required.

Board Member Mowat asked if there were any wetlands in the proposed subdivision – Mr. Osterhoudt said about 1500 sf of wetlands on the lower portions, and they are doing nothing there. The remainder of the NYSDEC wetland is on the adjoining property.

Board Member Rayhill referred to peak hour traffic, traffic analysis, etc. There is a traffic problem there especially at peak hours and coming from Sangertown Mall.

Board Member Donovan asked, any reason why you don't limit to the signal light in order to provide a better assurance of safety? This is a safety issue, and the agreement is not in place yet for us to review. Here is a preliminary plan without access approval – he is concerned. Mr. Terwilliger said we will have approval in place before this Board's approvals.

Discussion ensued on traffic issues, preliminary approval, easements, etc. Board Member Donovan stated we don't have the benefit of service roads. He is concerned about the westerly traffic. He would like to see a traffic study between November and December to see what the queuing is there.

Board Member Rotton feels it is a great restaurant and glad to see it come to the area pending they do what is required.

Board Member Humphreys asked how this restaurant compares to others in size – this is smaller than what we see in Albany. All the equipment is inside.

Chairman DeLia feels the only way to get to the concerns is to go through Preliminary Approval and send out to the Involved Agencies for their input, especially NYSDOT. Board Member Donovan again expressed his concerns. He prefers to see a traffic study and easements in place before moving forward, especially the control signal. Chairman DeLia explained that it is up to the developer to make sure all concerns are met before Final Approval. What we are looking at now is not an approval of the final plan.

Motion was made to grant Preliminary Approval by Board Member Peggy Rotton; seconded by Board Member Brymer Humphreys. Vote taken:

Chairman Elis DeLia – yes	Board Member Peggy Rotton – yes
Board Member Brymer Humphreys – yes	Board Member Ellen Rayhill – yes
Board Member Heather Mowat – yes	Board Member Jerome Donovan – no.

Motion was approved by a vote of 5 – 1.

Motion was made by Board Member Brymer Humphreys to grant Lead Agency status to the Planning Board for this project under SEQR; seconded by Board Member Peggy Rotton. Vote taken:

Chairman Elis DeLia – yes	Board Member Peggy Rotton – yes
Board Member Brymer Humphreys – yes	Board Member Ellen Rayhill – yes
Board Member Heather Mowat – yes	Board Member Jerome Donovan – no.

Motion was approved by a vote of 5 – 1.

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**Applewood Heights Subdivision, Seneca Turnpike, Clinton, New York (Town of New Hartford). Amendment to Final Site Plan-Phase I.** Relocation of road (Grace Place) and sewer easement. **Tax Map #328.000-2-1; Lot Size: approximately 12.29 Acres; Zoning: Low Density Residential;** Planned Development Mobile Home; Planned Highway Business. Mr. Donald Ehre, P.E. and Mr. John Barkett, owner, appeared before the Board.

Mr. Ehre presented the approved Applewood Heights plan. They are proposing to move Grace Place 72' to the north and relocating the sanitary sewer. During construction, it was found that some of the existing development didn't line up. Regarding storm water management – nothing has changed. He feels it makes sense to do this.

Board Member Mowat asked why this change? Mr. Ehre said there is an area on the existing Norma Drive that was open. They had to move the road to avoid those existing sites.

Chairman DeLia asked Highway Superintendent Rick Sherman if he approves of the sewer adjustment – Mr. Sherman said yes, there is significant room for the easement.

Board Member Humphreys asked if the road alignment is better – Mr. Sherman said yes. Also, the plan submitted shows the easement.

*Town of New Hartford*  
Planning Board Minutes  
October 15, 2012  
Page 5

There being no further input, motion was made to grant Amendment to Final for Applewood Heights, Phase I application by Board Member Humphreys; seconded by Board Member Heather Mowat. Vote taken:

Chairman Elis DeLia – yes  
Board Member Brymer Humphreys – yes  
Board Member Heather Mowat – yes

Board Member Peggy Rotton – yes  
Board Member Ellen Rayhill – yes  
Board Member Jerome Donovan – yes

Motion was **approved** by a vote of 6 – 0.

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

Respectfully submitted,

Dolores Shaw  
Secretary

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