

**PLANNING BOARD MINUTES
MONDAY, APRIL 8, 2013
BUTLER MEMORIAL HALL
48 GENESEE STREET, NEW HARTFORD, NY
RODGER REYNOLDS MEETING ROOM
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, G. Brymer Humphreys, Julius Fuks, Jr., William Morris II, and Heather Mowat. Absent: Board Member Ellen Rayhill. Also in attendance: Councilman David Reynolds, Councilman Richard Woodland, Town Attorney Herbert Cully, Codes Officer Joseph Booth, Highway Superintendent Rick Sherman, Mr. Chris Lawton of Barton & Loguidice (contract engineer), and Recording Secretary Dory Shaw.

Draft minutes of the March 11, 2013 meeting were received by each Board Member. Motion was made by Board Member Peggy Rotton to approve these minutes; seconded by Board Member Bill Morris. All in attendance in favor, vote 6 – 0.

Benderson Development Company, LLC/New Hartford Consumer Square, Commercial Drive, New Hartford, New York. Amendment to Final. Tax Map #317.013-3-23.61.

Proposed new traffic signal; proposed traffic signal improvements; 20,550 sf building addition and proposed restriction on 20,550 sf of existing space to permanent on-site storage. James Boglioli, Esq., representing Benderson Development, appeared before the Board.

Attorney Boglioli explained what is being proposed at this site with Wal-Mart, strip buildings, tenants and restaurant. He stated that the gas station at this site was removed.

Attorney Boglioli referred to five (5) items at the site:

- 1) They are working with the Town of New Hartford with ways to improve vehicular traffic. A new traffic signal will be installed in front of Panera's which will result in a left out. NYSDOT has approved the traffic signal – this will improve the circulation at main access;
- 2) Internal traffic signal: this was installed in 2001 – it is not synchronized at this time. There is a problem with backup. They worked with NYSDOT and the Town and removed the light, and put in a new light. NYSDOT will take control of this light – this will modify the timing especially at holiday time;
- 3) Propose to add a connection to Wal-Mart. Currently the only way to Wal-Mart is to go back by the main road or back behind the buildings. Propose adding a vehicular safety area, which will alleviate traffic at this point.
- 4) Wal-Mart took the gas station out. They will stripe it and there now will be 96 parking spaces d at this location.

- 5) Three out-parcels: they only built 525,662 square feet – they have areas in the center no longer used – it has no visibility. They are proposing to restrict the store space and never allow tenants in this space. 20,500 square feet is already approved. Tenants will be consistent with the town's zoning. This does not increase parking, only storage.

Attorney Cully asked if this is onsite storage only. Attorney Boglioli said no one outside of the facility will be using it. He said they have met with Codes Officer Booth and they counted it – as a result, they are 89 spaces deficient (or 3.3%) according to Code. Attorney Boglioli further explained Section 118-51d/e where the Planning Board can allow the parking (he feels the Planning Board should approve the 89 parking space deficiency as he does not feel anything will generate more parking at this site even with the changes). He stated that storage doesn't need parking calculations. Codes Officer Booth said that parking has always been determined with storage. He has no other issues.

Attorney Boglioli referred to traffic analysis, parking during peak times, holidays and regular hours and how it affects parking. A traffic analysis has been made a part of the file.

Attorney Boglioli referred to responses from OCDPW– no impact; OC Planning – recommended approval; NYSDOT – positive recommendation because of the traffic light but they had three comments, especially with regard to sidewalks. All letters have been made a part of the file. He referred to a map that demonstrated the existing sidewalk linkages on the site. NYSDOT would like a crosswalk but the developer doesn't agree. Also, NYSDOT would like some pavement to connect to the Rayhill Trail. He referred to the existing grade change and he doesn't feel it will work – the grade is too high. Also, NYSDOT would like bicycle racks – they will make these available.

Attorney Cully mentioned offsite SEQR and the GEIS. SEQR was done for this project in 1999. SEQR Findings in 2001. They paid a fee in lieu of mitigation. All interested agencies were involved with no issues. This is consistent with the Findings Statement approved previously for this project. This is an Amendment to Final. Offsite SEQR was done by GEIS and fees in lieu of mitigation. An issue was the traffic light but NYSDOT didn't want it. Since that time and after an analysis, NYSDOT wants a light. Some of these amendments will alleviate the traffic flow issue. There is no additional square footage – this is an amendment to swap the areas previously approved and now restrict onsite storage only. Even though the storage area requires parking spaces, they have done studies and are asking for the variance through the Planning Board on this.

Mr. Chris Lawton of Barton & Loguidice referred to the Wal-Mart drive through area off the corner section – the road behind that is one way – do you see any issues with more traffic through a service road. Attorney Boglioli doesn't see any issues as it is not well lit. This may warrant additional signage in this area and he will add signage, which should deter people. Mr. Lawton commented that storm water isn't an issue. Mr. Lawton would like additional and adequate signage to the one-way service road to avoid increased traffic and further contribute to the number of vehicles that travel the wrong way; include a sidewalk along the proposed Wal-Mart spur road; and coordinate all final utility plans with Highway Superintendent Richard Sherman to comment on storm water, sewer, and water connection.

Board Member Rotton referred to snow removal and where it is located on site. She is concerned about snow taking up parking spaces. Attorney Boglioli said snow can be trucked out if necessary and he would do so if a problem arises.

Board Member Fuks asked if Barton & Loguidice reviewed the traffic analysis – Mr. Lawton said yes. Board Member Fuks asked if the Town will have any conversations confirming signals, delay times, etc. He feels this needs to be addressed, and proper signage. Attorney Cully said the town is working with Lochner Engineering on this – the Town is installing the traffic signal. This amendment will now allow for legal left turn out of the complex. NYSDOT will do the review on the site. NYSDOT has reviewed this and they feel it will improve the site – they reviewed the same plans this Board is reviewing.

Board Member Fuks asked if they have agreed to address all sit work issues – Attorney Boglioli said no because of the grade concern. He doesn't feel NYSDOT understands where the sidewalks would go. He again referred to the existing sidewalk areas on site.

Board Member Mowat asked Mr. Lawton if he reviewed the GEIS – Mr. Lawton said no. He reviewed the original findings and checked with Mr. Chuck White of Barton & Loguidice. Board Member Mowat asked Mr. Lawton if it followed what is in place – Mr. Lawton said yes. Mr. Lawton doesn't feel the changes go against what they originally tried to do. This doesn't change the SEQR comments. Board Member Mowat asked why we need a light inside or outside. Mr. Lawton said the initial plan wasn't working.

Board Member Mowat commented about the new parking spaces at the former gas station. She doesn't feel people would cross in front – she feels it could be a hazard and explained why she made this comment. Attorney Boglioli doesn't feel a crosswalk is necessary. They haven't had a problem – he doesn't think sidewalks draw people – people want to park in front of buildings. Attorney Cully mentioned that because of close proximity, this might be an incentive for people to park.

Board Member Mowat referred to the little driveway between Wal-Mart and the back. Did they do any kind of traffic could as to who would be using this. Also, some site work was done near Pier 1 and now the route coming behind Wal-Mart. Do you think it could be a problem. Attorney Boglioli said the main issue is the backup and they are trying to resolve this – they have to draw people off the main thoroughfare. Mr. Lawton feels no one uses that end of the parking lot.

Board Member Mowat stated she didn't find out about this project until last Thursday. She wanted to check further into this, i.e., what was done previously and now. She feels this is a good project but feels we need smart growth and doesn't feel she has the information she needs to vote for this. She is concerned about parking and public safety. She asked if anyone has discussed this with Police Chief Michael Inserra.

Chairman DeLia commented on offsite SEQR and the GEIS. That is done regardless of what is at this site – offsite is done – that doesn't change. The onsite SEQR was done when the plan was initially approved. Is there some significance with the proposed changes. Attorney Cully read from the types of uses that that would create an issue. It was stated, is this amendment changing the location of some of these buildings and the storage created an environmental impact – Attorney Boglioli doesn't think so. There is no significant change. They are below the square footage approved. The new buildings go on

impervious surface. The Town Board is on board with the light. Offsite SEQR was settled a long time ago. Cumulative impacts were taken into account with offsite SEQR.

At this time, motion was made by Board Member Bill Morris to approve the Amendment to Final for Consumer Square as requested and presented; map dated February 2013; seconded by Board Member Brymer Humphreys. Vote taken:

Chairman Elis DeLia – yes	Board Member Bill Morris – yes
Board Member Brymer Humphreys – yes	Board Member Heather Mowat – no
Board Member Julius Fuks, Jr. – yes	Board Member Peggy Rotton – yes

Motion was **approved** by a vote of 5 – 1.

Minor 3-lot subdivision for **Mr. Brymer Humphreys – Maple Grove Farm, Tibbitts Road, New Hartford, New York**. Board Member Brymer Humphreys abstained from this application.

Attorney Cully reviewed the descriptions and it appears that one of the lot lines on Lot #2 cuts through a proposed new lot being created. Other than that, he had no issues. The applicant is aware of this and will dissolve that lot line. Chairman DeLia asked Codes Officer Booth and Mr. Lawton if they had any questions – answer: no. Motion was made by Board Member Peggy Rotton to approve this 3-lot Minor Subdivision for Maple Grove Farms; map dated April 18, 2012 by Rhinevault Surveyors, P.C.; seconded by Board Member Julius Fuks, Jr. Vote taken:

Chairman Elis DeLia – yes	Board Member Peggy Rotton – yes
Board Member Julius Fuks, Jr. – yes	Board Member Bill Morris – yes
Board Member Heather Mowat – yes	

Motion approved by a vote of 5 – 0. Board Member Brymer Humphreys abstained.

Minor 4-lot subdivision for **Mr. Brymer Humphreys et al – Humphreys Farm, Inc., Tibbitts Road, New Hartford**. Lot #2 is actually being created from tax map #338.000-3-23 and 339.000-2-1.1. Board Member Humphreys abstained from this application. Attorney Cully reviewed the descriptions and has no issues. Chairman DeLia asked Codes Officer Booth and Mr. Lawton if they had any questions – answer: no. Motion was made by Board Member Peggy Rotton to approve this 3-lot Minor Subdivision for Maple Grove Farms; map dated March 18, 2010 by Rhinevault Surveyors, P.C.; seconded by Board Member Julius F, Jr. Vote taken:

Chairman Elis DeLia – yes	Board Member Peggy Rotton – yes
Board Member Julius Fuks, Jr. – yes	Board Member Bill Morris – yes
Board Member Heather Mowat – yes	

Motion approved by a vote of 5 – 0. Board Member Brymer Humphreys abstained.

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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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