

**PLANNING BOARD MINUTES**  
**MONDAY, APRIL 14, 2014**  
**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, Lis DeGironimo, G. Brymer Humphreys, William Morris II, Julius Fuks, Jr. and Heather Mowat. Also in attendance: Town Attorney Herbert Cully, Councilman David Reynolds, Highway Superintendent Richard Sherman and Recording Secretary Dory Shaw. Absent: Codes Officer Joseph Booth.

Draft minutes of the December 9, 2013 meeting were received by each Board Member. Motion was made by Board Member Bill Morris to approve these as written; seconded by Board Member Brymer Humphreys. All in favor except Board Member DeGironimo who abstained.

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Special Use Permit/Site Plan Review by Upstate Cellular Network dba **Verizon Wireless** for a proposed telecommunication facility and associated equipment on property at **511 Highby Road, New Hartford, New York** owned by Charles T. Sitrin Health Care, Inc. Tax Map #340.000-2-21.1; Total Lot Size: 121.98 Acres; Zoning: Planned Development Institutional. Scott Olson, Esq. appeared before the Board.

Town Attorney Cully gave a brief outline of where we are today with this application. We had asked the applicant to provide additional site views for a tower on the Sitrin property but not the location as initially proposed. They looked at three sites on the property, however, when they saw the variables they only looked at one of the locations. Also, the height of the tower they would need was discussed. They had mentioned 125', 145' and 165'.

Attorney Olson stated that they looked into these other sites on the Sitrin property even though Sitrin doesn't want to lease any of these parcels to them. They had their engineer look at the locations. At two locations, the tower would have to be 200', which would require a light on top. They looked at another site which would require a 195' tower. They provided some photosimilars. Even though 145' is the height they need, they have heard concerns and they will

revise the application to come down to 125'. They tried to take the photos from the exact same locations. This is in the packet given to the Board Members showing 125' vs. 195'.

Attorney Olson referred to the number of alternative sites they visited which did not work out.

Town Attorney Cully talked about the Town retaining a consultant to review the documentation provided to us to verify the accuracy as to the site, height and coverage of the tower. An independent review paid for by Verizon with a report back to us to confirm or disagree. Attorney Olson agreed to this independent source.

Board Member Humphreys felt we are putting this off again and there is a large area that needs cell service.

Board Member Fuks referred to RF readings and were any done. Attorney Olson stated they would probably have to rely on their data. They could do measure signals for existing service but not be able to replicate it.

Board Member Mowat wanted to know how quickly this could be done. Town Attorney Cully said probably a month. Board Member Mowat feels this is a good idea to hire an outside source.

Chairman DeLia complimented the Verizon representatives as they have had no resistance to their requests.

\*Motion was made by Board Member Heather Mowat to hire an outside consultant to look into this application for a cell tower and associated information with the expenses to be paid by Verizon; seconded by Bill Morris.

Discussion ensued. Attorney Olson's suggestion to lower the height of the tower is because of the concerns brought to their attention by this Board. They stand by the 145' as what they need but they are trying to be a good neighbor and they know it is important to the community.

Board Member DeGeronimo stated that there doesn't seem to be any propagation maps. Attorney Olson said the optimum they would like for a tower is 145'. There are many gaps along Higby Road. They would comply with our law and build the tower for co-location \*although co-location is not their priority).

Board Member Mowat asked if the consultant would look at the 145' height – it was stated yes. Attorney Olson said he could give the Town Attorney some names of independent consultants to contact.

\*Vote taken on motion:

Chairman Elis DeLia – yes                      Board Member Bill Morris – yes  
Board Member Peggy Rotton – yes      Board Member Heather Mowat – yes  
Board Member Julius Fuks – yes      Board Member Lis DeGironimo – abstained  
Board Member Brymer Humphreys – no

Motion passed by a vote of 5 – 2 (1 abstention and 1 negative).

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**Mr. Kevin Copeland and Mr. Richard Tehan, 8096 Seneca Turnpike, New Hartford, New York.** Site Plan Review of proposed tool sheds and sales. Zoning: Planned Highway Business; Tax Map #328.000-2-14; Total Acreage approximately 6 acres. Mr.            appeared before the Board.

Mr. Copeland explained that infrastructure is in at this site. He would like to use this property to offset the taxes he has spent through the years. He also addressed the topography of the property. Catskill Sheds approached him as they would like to sell and display sheds on this property – to be located at the inner area of the property. These are temporary structures.

Chairman DeLia asked if the sheds will just be on this property. Mr. Copeland said yes; they will be placed on the ground on blocks. People can come through the horse shaped driveway. One of them will probably be used for display materials. He isn't going to change any ingress or egress.

Chair DeLia to Town Attorney Cully – it is his recollection that Codes Officer Booth said this was a permitted use in this zone and he has no objection.

Board Member DeGironimo asked if there was going to be an office on site. Mr. Copeland said there will be an office but it will not be setup with a bathroom, etc. She also addressed pedestrian access. Mr. Copeland said there will be no sidewalks. When people drive in they have to access from the car. Board Member DeGironimo said the application was checked for pedestrian access and needs to be corrected. She also stated that some of the check boxes on the SEQR form shouldn't be checked because there are no drawings to scale. Mr. Copeland said this is a landscaping map. She also asked about signage; and she also felt the application should show this as a Site Plan Review. Mr. Copeland said he will check with Codes Officer Booth regarding signage but as of this date, he took the sign down. .

Board Member Fuks asked if Codes Officer Booth established any setbacks. Mr. Copeland said there is no issue with this.

Board Member Mowat asked how far does the closest shed come from a side view. Mr. Copeland said quite a ways.

At this time, motion was made by Board Member Bill Morris to grant Preliminary and Final Site Plan Review to Mr. Copeland for this application; seconded by Board Member Brymer Humphreys. Vote taken:

Chairman Elis DeLia – yes	Board Member Bill Morris – yes
Board Member Peggy Rotton – yes	Board Member Heather Mowat – yes
Board Member Julius Fuks – yes	Board Member Lis DeGironimo – no
Board Member Brymer Humphreys – yes	

Motion passed by a vote of 6 – 1.

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**SAES Smart Materials, 4355 Middle Settlement Road, New Hartford, New York.**

Amendment to Final/Preliminary & Final Site Plan Review. Addition of a 400 sf extension onto their existing building. Zoning: Manufacturing. Tax Map #328.000-2-37; Total acreage of site: 14 Acres. Mr. James Shaver appeared before the Board.

Mr. Shaver explained that they would like to extend their building an additional 20' and 20' deep to accommodate a wastewater storage tank. This tank will have a significant cost savings to them. It needs to be enclosed. It is currently on impervious ground.

Chairman DeLia asked if there were any questions.

Motion was made by Board Member Bill Morris to approve this application for Amendment to Final; seconded by Board Member Julius Fuks, Jr. Vote taken:

Chairman Elis DeLia – yes	Board Member Bill Morris – yes
Board Member Peggy Rotton – yes	Board Member Heather Mowat – yes
Board Member Julius Fuks – yes	Board Member Lis DeGironimo – yes
Board Member Brymer Humphreys – yes	

Motion passed by a vote of 7 – 0.

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**Mr. Allen Miller, 83 Clinton Road, New Hartford, New York.** Preliminary & Final Site Plan Review for a proposed motorcycle repair shop at 83 Clinton Road. Property owned by Ms.

Nancy Jaquish. Zoning: RB4 Neighborhood Business; Tax Map #328.015-2-36; Lot Size: .13 Acres. Mr. Allen Miller appeared before the Board.

Mr. Miller will be operating a motorcycle and bicycle repair shop. This application had been sent to the Zoning Board of Appeals for an Interpretation as this zone allows automobile repair and Codes Officer Booth wanted the Board to review this to see if this application is consistent with the RB4 zone. The Board felt it was consistent. There will be no exterior changes to the property.

Board Member DeGironimo stated this application doesn't show a floor plan. Mr. Miller explained the dog grooming will remain the same. He won't be using the entire building.

Attorney Cully read from the NYSDOT response referring to parking and sidewalks. Mr. Miller is not changing any parking and there won't be any sidewalks – he also said no parking in the front. He also stated there will be no signage in the State right-of-way – just on the building. Mr. Miller thought he would put yellow lines on the property to show people where to walk in.

Chairman DeLia asked if the Board Members had any other comments. At this time, motion was made by Board Member Heather Mowat to approve this application with no parking in the front; discussion ensued.

Board Member Fuks referred to NYSDOT comments. He stated that this is a suggestion by them and are we saying this for the entire facility or just this applicant. NYSDOT is looking at the whole front parcel. Attorney Cully stated this is merely a recommendation from NYSDOT.

The Board Members referred back to the motion and Board Member Mowat changed the motion to read:

Motion made by Board Member Heather Mowat to approve this application as presented; seconded by Board Member Bill Morris. Vote taken:

Chairman Elis DeLia – yes	Board Member Bill Morris – yes
Board Member Peggy Rotton – yes	Board Member Heather Mowat – yes
Board Member Julius Fuks – yes	Board Member Lis DeGironimo – yes
Board Member Brymer Humphreys – yes	

Motion passed by a vote of 7 – 0.

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**Mr. Frank Cristiano, 3900 Oneida Street, New Hartford, New York.** Amendment to Final for a proposed physical therapy operation in the newly renovated building at 3900 Oneida Street. Zoning: Retail Business 2; Tax Map #339.016-1-48.1; Lot Size: 1.612 Acres. Mr. Al Forte of Octagon Engineering appeared before the Board.

Mr. Forte explained that Mr. Cristiano was before this Board in October 2013 regarding this building and this application is for the same building. This is in the remaining portion of the building, and no exterior changes will be made on the property. Mr. Forte explained that this was going to be used for offices but Mr. Cristiano was unable to rent it as such. Now there is a tenant who is a physical therapist and fitness center also. Mr. Forte explained the parking ratio for offices and the existing martial arts business already open at this site. There is a total of 69 spaces and this fully utilizes the entire area.

Attorney Cully stated there is no change to the exterior, everything remains the same. There will be no paving involved. Any questions on the stream on site?

Board Member Rotton asked about the bulldozing going on at this location. Mr. Forte stated Mr. Cristiano bought this property and he will not be extending the parking area – this is a separate piece of property.

Mr. Forte also stated that when the new zoning takes effect, this application wouldn't need to be before the Board. It meets current Town law

Board Member Mowat referred back to the number of parking spaces – total of 69. She inquired about the type of fitness at this site. Mr. Forte said it is not a gym.

Chairman DeLia asked if there were any other comments from the Board Members.

Motion was made by Board Member Bill Morris to approve this Amendment to Final; seconded by Board Member Heather Mowat. Vote taken:

Chairman Elis DeLia – yes	Board Member Bill Morris – yes
Board Member Peggy Rotton – yes	Board Member Heather Mowat – yes
Board Member Julius Fuks – yes	Board Member Lis DeGironimo – abstained
Board Member Brymer Humphreys – yes	

Motion passed by a vote of 6 – 1.

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**Mr. George Koury, 31 Clinton Road, New Hartford, New York.** Recommendation to Town Board to rezone his property from Medium Density Residential to High Density Residential.

Proposed use is for 4 apartment complexes each comprising of 6 units. Tax Map #328.016-4-62; Lot Size: 6.5 Acres. (Mr. Koury lives out of state).

Town Attorney Cully stated this is a recommendation to the Town Board for a Zone Ma Amendment from Medium Density Residential (MDR) to High Density Residential (HDR). He read from the criteria for the report of the Planning Board in relation to this request:

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

Discussion: we would look at what is there now as well as how the current Zoning Ordinance is written. Chairman DeLia feels it is inconsistent with what is in the area now. Board Member Humphreys feels residential is there now.

- 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: storm water systems in place, sewer, water – Board Member DeGironimo said yes. If they develop the site correctly, they can do what is needed. Highway Superintendent Rick Sherman said he has no issues with storm water in this area. Also, this property is located on a State road. Board Member Mowat hasn't seen anything submitted from the County regarding sewers and hook ups, especially with the addition of 24 units or any additional development. Can our interceptors accept this. Mr. Sherman said it is the Town's sewers and he has no problems in this area.

Town Attorney Cully asked if roads were put in, would that create a problem on Route 12B – answer Mr. Sherman said yes.

- 3) The indirect implications of such change in its effect on other regulations.
- 4) Whether such proposed amendment is consistent with the underlying objectives of the Town comprehensive Plan.

Discussion: This comprehensive Plan is being revised. Does this give anticipated rezoning – no - current zoning only. MDR is part of the current Comprehensive Plan. If this is changed, it would allow high density residential, which is inconsistent with the existing nature and character of the MDR zone. Chairman DeLia feels would mean spot zoning – others agreed.

- 5) Whether such proposed amendment is consistent with the character of the community.  
Discussion: Board Member Fuks stated the entire area is typically single-family homes.

Board Member DeGironimo has questions regarding this in reviewing SEQR with reference to soil drainage – this is incorrect - she looked at the soil maps; slopes are incorrect – she has issues with this; acres of vegetation to be removed from site is less than what the proposed - to develop approximately 90% of the site is vegetation. The only part not is Merritt Place; number of existing off-street parking spaces is 56, which is not correct – concerned with storm water.

Motion was made by Board Member Peggy Rotton to recommend to the Town Board that the Planning Board does not accept this application submitted by Mr. George Koury at the present time based, in particular, to the comments made by Board Member Lis DeGironimo; in particular the slopes and drainage;

Discussion: Chairman DeLia feels this application is spot zoning. Board Member Humphreys felt there are too many discrepancies and the application is inadequate.

Motion seconded by Board Member Bill Morris. Vote taken:

Chairman Elis DeLia – yes	Board Member Bill Morris – yes
Board Member Peggy Rotton – yes	Board Member Heather Mowat – yes
Board Member Julius Fuks – yes	Board Member Lis DeGironimo – yes
Board Member Brymer Humphreys – yes	

Motion to recommend to the Town Board that the Planning Board does not accept this application was passed by a vote of 7 – 0.

Secretary Dory Shaw will notify the Town Board.

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There being no further business, the meeting adjourned at 6:30 P.M.

Respectfully Submitted,

Dolores Shaw  
Secretary/Planning Board

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