

**TOWN OF NEW HARTFORD  
PLANNING BOARD MINUTES  
RODGER REYNOLDS MEETING ROOM  
NOVEMBER 10, 2014  
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, Codes Officer Joseph Booth, Mr. Chris Lawton of Barton & Loguidice, contract engineer for the Town; Highway Superintendent Richard Sherman and Recording Secretary Dory Shaw.

Draft minutes of the October 14, 2014 meeting were received by each Board Member. Clarification made on Page 2. Motion was made by Board Member Lis DeGironimo to approve these minutes with the clarification; seconded by Board Member Brymer Humphreys. All in favor.

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**Mr. Robert Kessler**, Amendment to Final of project known as **Trailside Subdivision on Glendale Avenue**, Town of New Hartford. Applicant is proposing private road. Tax Map #316.000-2-1.0, Approximately 4.6 Acres; Zoning: Medium Density Residential. Mr. Kessler appeared before the Board.

Town Attorney Cully gave a brief description of what has transpired with this project. The Town Board has not accepted the road where this subdivision is located. An action was commenced in Oneida County Court and the Court said the Town Board couldn't be compelled to accept the dedication of the road. Mr. Kessler is now seeking a private road. Mr. Kessler has provided a deed of road restrictions; he would hold title to the road until the last lot is sold, maintain the road and do the final paving of the road. Once the last lot built on, he would convey the last portion to the adjoining property owners. Town Attorney Cully has a few issues regarding the document.

- 1) There should be an initial paragraph that Mr. Kessler is granting an easement to all people in the future to buy the lots for ingress and egress. You have to grant them access by and through that temporary easement. He would like Mr. Kessler to work on that language.
- 2) Grant an easement to the utility companies.

Town Attorney Cully feels we can change this without any difficulty. Also, what if people say no to these conditions. Mr. Kessler said he will have this in the deed and make sure everyone understands it.

Town Attorney Cully also noticed in Paragraph 4 where it indicates binder course. Mr. Kessler will change that to finished course.

Chairman DeLia asked the Board Members if they had any questions. There being no further discussion, motion as made by Board Member Bill Morris to approve the Amendment to Final for Trailside Subdivision/Mr. Rob Kessler, with the changes as noted by Town Attorney Cully; seconded by Board Member Brymer Humphreys. Vote taken:

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

Vote **passed** by a vote of 6 – 1 (1 abstention).

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Final Site Plan Review for a proposed 98-unit hotel, **Town Place Suites, Middle Settlement Road, New Hartford, New York**. Tax Map #316.016-6-64.2; Zoning: C1 General Commercial. Mr. Bob Ellison of Zangrilli Architects appeared before the Board.

Mr. Ellison displayed a sketch of the proposed project with landscaping, and which is located near the new senior housing complex.

Mr. Chris Lawton, contract engineer for the Town, said they reviewed the traffic study, which was addressed in his letter (and which has been made a part of the file), and he has minor comments, but would like them addressed. The intersection is at a level “C”. He addressed the SWPPP comments. He stated there is no response from NYS Parks & Historic Preservation, but feels that what was done with the Senior Housing project next door, things look okay but he would really like to hear from that agency. His other comments are general in nature.

Codes Officer Booth would like Mr. Lawton to elaborate more on storm water because of this development. Mr. Lawton feels the developer has addressed storm water, i.e., how to capture the water, store it and treat it. They are reducing theirs by 25%, which is a big plus with anyone downstream, and those on Liberty Avenue. He feels the problems in this are different than what they are related to on the site. Liberty Avenue will be better.

Board Member Mowat asked Mr. Lawton if he reviewed anything regarding the Rayhill Trail and sidewalks. Mr. Lawton said it is a question on whether you can put a sidewalk in on property you don’t own. The project we reviewed, Senior Housing, isn’t installing a sidewalk. This is not a requirement.

Mr. Ellison said his client has an easement agreement with Senior Housing to connect to the driveway and put in utilities. They don't own the property out to Middle Settlement Road where a sidewalk could go.

Board Member DeGironimo said NYSDOT owns that portion of the property and she feels it is feasible for a connection even from NYSDOT and provide it to their property line if the Town would connect to the Rayhill Trail. Mr. Ellison said there is a steep hill there. It is isolated and feels it is unsafe for a sidewalk. He also feels it would be confusing. Board Member DeGironimo feels signage would work. Mr. Ellis feels it is a lot of sidewalk for a hotel. From their standpoint, they see maintenance issues and ownership issues. Board Member DeGironimo said there is an abandoned roadway but it is not on their property.

Board Member Fuks addressed the revised traffic study. Did they adjust the ITE standards for their 98 unit hotel? Mr. Ellison said their traffic engineer was present, Mr. Ken Faulkner of Clough Harbour Associates. Mr. Faulkner said they did it for the 98 units. Board Member Fuks asked, and the level of service is still "C" – Mr. Faulkner said yes.

Board Member Fuks addressed storm water and also the soils that were referenced in the report. Were the soils well drained? Mr. Ellison said the storm water design took into account the types of soils. Board Member DeGironimo asked why it was incorrect originally. Board Member Fuks said he didn't look at numbers or percentages. Mr. Ellis said it was all done with the TR 55 uses based on the types of soils. Infiltration testing on the site was good.

Board Member Mowat asked Mr. Lawton about this. Mr. Lawton said he didn't see anything where the classification was wrong. Board Member Fuks said Oneida County Health addressed it. Mr. Ellison said calculations were done based on the soil types that were present on site.

Board Member Fuks also asked about site soil conditions and how they were evaluated. Mr. Ellison said it was infiltration in accordance with storm water.

Board Member Mowat – as it related to the Rayhill Trail – was the concept of the Rayhill Trail to include this – was this part of the initial concept?

Town Attorney Cully said an extension was going to the City of Utica but not New York Mills. The trail connects over Middle Settlement Road. Board Member DeGironimo feels it is a disappointment that a number of people won't have a pedestrian connection. There is a pedestrian crossing at the light at Rt. 840 but not Middle Settlement Road. Board Member DeGironimo asked Mr. Lawton if DPW classified vehicle trips - Mr. Lawton said they were classified.

Board Member DeGironimo also referred to the planting plan. We asked for this to take a look at what it would look like from the property. Do you feel there should be some different plantings? Mr. Ellison said he took what was on the plan and showed it on elevation.

Chairman DeLia referred to the other site and what was seen from that project. He doesn't understand why this hotel should be hidden from view. Board Member DeGironimo said it can be mitigated somewhat. She would like to see some taller plantings, i.e., evergreen bushes.

Chairman DeLia asked the Board Members if they had any other comments. There being none, motion was made by Board Member Peggy Rotton to close SEQR; seconded by Board Member Bill Morris. All in favor.

Motion was made by Board Member Lis DeGironimo to grant final approval to Town Place Suites with the change to have evergreen screening at least 6' high in place of lower shrubs on the east elevation between the property and Senior Housing; seconded by Board Member Peggy Rotton. No one voted on this motion.

Board Member Mowat's issue is with the Rayhill Trail as the Town is still building the Rayhill Trail. She said there is State and Federal money available. She still doesn't have a clear view of whether it should be included. There is no one to provide that information.

Chairman DeLia stated this developer isn't responsible for the Rayhill Trail. It is offsite SEQR related issues, which we cover in the GEIS.

The motion did not go forward.

Board Member Morris would like to make another motion eliminating the 6' shrubs. Motion was made by Board Member Bill Morris to grant Final Approval to Town Place Suites as presented; seconded by Board Member Brymer Humphreys. Vote taken:

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

Motion **passed** by a vote of 4 – 3.

Board Member Fuks added that when we ask to look at screening, the biggest thing is the overall make up. This is adjacent to a like-type facility. With the trail, it is a private trail.

Discussion continued regarding the concept of the Rayhill Trail and what the Planning Board can do to ask developers to go above and beyond.

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Preliminary Site Plan Review for **Mr. George Karam**, owner of **625 French Road, New Hartford, New York**. Mr. Karam would like to change his property at 625 French Road from residential to an office use, which requires Site Plan approval. Tax Map #317.000-2-19; Lot Size: 0.25 Acres; Zoning: C2 Commercial Retail. Mr. Zack Comstock of Tomaselli Architects and Mr. George Karam appeared before the Board.

Mr. Comstock stated that Mr. Karam would like to change the residential use of his property at 625 French Road to an office use. This is a fairly small parcel. There is also a garage on the site. Parking has been there in the back and they will restripe it – they have reconfigured setbacks for parking. Total parking will be 43 spaces. They will keep the existing driveway. Mr. Karam doesn't have a tenant at this time so there is no signage proposed yet. Signage will be handled by the Codes Department. It will be ADA accessible. He will be converting the garage – take out the door and put in a window. There are two (2) separate easements.

Town Attorney Cully asked if there were any exterior changes – no. They are not expanding on the original footprint. No additional impervious area. They aren't changing any of the grades so storm water isn't an issue. Everything drains the way it has been.

Board Member DeGironimo referred to the temporary easement and feels it should be a permanent easement. She also mentioned that the temporary easement mentions a plastic greenhouse – where is it on the site. Mr. Comstock said this needs to be corrected and will be removed. Board Member DeGironimo also referred to the one way area- there is no signage at the entrance (south end of it). There definitely needs signage – directional signage should be installed, i.e., do not enter – exit only, enter only, etc.

Mr. Chris Lawton addressed traffic flow and parking. He will have someone take a look at standards and make sure everything complies. This could happen between now and the next meeting. He will look at traffic flow and make sure signage is correct and if there are any other things needed. Chairman DeLia asked if this is an onsite SEQR issue – Mr. Lawton said yes.

Chairman DeLia asked the Board Members if there was any additional input. There being no further response, motion was made by Board Member Peggy Rotton to grant Preliminary approval with the comments mentioned regarding signage and review by the Town regarding traffic flow; seconded by Board Member Heather Mowat. All in favor.

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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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