

**TOWN OF NEW HARTFORD
PLANNING BOARD MINUTES
RODGER REYNOLDS MEETING ROOM
JUNE 8, 2015
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., Lis DeGironimo, William Morris, and Heather Mowat. Also in attendance: Town Attorney Herbert Cully, Codes Enforcement Officer Joseph Booth, Highway Superintendent Richard Sherman, Mr. Chris Lawton/Barton & Loguidice, and Recording Secretary Dory Shaw.

Draft minutes of the May 11, 2015 meeting were received by each Board Member. Motion was made by Board Member Peggy Rotton to approve these minutes with the correction of a typo; seconded by Board Member Brymer Humphreys. All in favor.

Minor 3-lot subdivision, **Mr. David Green, Chapman Road, New Hartford**. Tax Map #340.000-4-7.3; Lot size 51 Acre parent parcel to be divided into three (3) lots. Zoning: Residential/Agricultural 1. Mr. David Green was present.

Town Attorney Cully reviewed the descriptions for the three lots, which consist of approximately 43 acres for one lot; 6.4 acres for the second lot; and 1.1 acres for the third lot. Descriptions are in order and Town Attorney Cully is comfortable with this.

Codes Officer Booth explained that the lots being broken up are going to be melded into the existing parcels and the two signatures of the property owners are in the file. Once they are melded in, it meets Town Codes. They presented us with the agreements and are subject to the actual deeds.

Board Member DeGironimo referred to the subject parcels. She had reviewed the ImageMate/GIS site for the tax parcels and noticed some discrepancies. Also, there aren't any names shown on the tax map parcels of adjoining property owners. It was stated that this information may not be accurate, but Codes Officer Booth stated that the County GIS is accurate and the tax map she was looking at is not accurate – this is just a transfer of land to adjacent property owners. He showed her the survey map of the parcel. The last available survey is what we have to go by. Both subdivided parcels will be melded with adjoining parcels. This land has not been subdivided recently.

Reference was made to whether a Public Hearing is necessary – answer: not required for a Minor Subdivision. Also, how often can someone do a Minor Subdivision – five lots within five years

and an explanation was given. Board Member Mowat felt the tax map and subdivision map didn't match up.

Chairman DeLia asked if this meets Town Law – answer, yes. Board Member Fuks said this complies with SEQR, and they are complying with Realty Subdivision Law and Town of New Hartford Law.

There being no further discussion, motion was made by Board Member Bill Morris to approve this three-lot Minor Subdivision; map dated April 28, 2015 with a revision date of May 20, 2015; survey by William Parry #LS 50143; seconded by Board Member Julius Fuks, Jr. Vote taken:

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

Motion was **approved** by a vote of 5 – 2.

AutoZone, 4470 Commercial Drive, New Hartford. Final Site Plan Review/Approval. Tax Map #328.011-1-13; Lot Size: approximately 1.50 Acres. Zoning: C1 General Commercial. Mr. Dave Gagnon, Staff Engineer for Langan Engineering, appeared before the Board.

Mr. Gagnon referred to the site and what exists on the property. There is an access easement from Commercial Drive to the back. He referred to an issue where there might be an unsafe condition in the back and they have tried to address this. There are two independent curb cuts into the site and a cross access easement.

Codes Officer Booth asked why the cross access agreement isn't shown with some type of road or driveway. Mr. Gagnon said this is being worked on with the property owners. The road will be built and an easement in place. The width will be 24', curbed, sidewalk but not designed yet. They will seek an Amendment to Final at that point.

Mr. Chris Lawton, Town contract engineer, stated there is an existing road that comes up from the parking lot. It goes around the parking spaces. He felt this concept is much better getting from Plaza 5 to Commercial Drive. Discussion ensued about how this road doesn't get used much at this time, however, once paved it could be an issue. Attorney Cully asked why it isn't shown on the plan – Mr. Gagnon said it is not finalized. Attorney Cully asked, what if the parties involved don't agree. Mr. Gagnon explained there is a verbal agreement.

Chairman DeLia feels it is a better plan, but if approved tonight and then to come back for an Amendment to Final, is a concern. He asked Codes Officer Booth if they would definitely have to come back – Mr. Booth said yes.

Attorney Cully asked Codes Officer Booth if a Building Permit can be obtained without this being defined. Mr. Booth said the owners know that this road has to be put in before a Certificate of Occupancy is issued. Attorney Cully asked what happens if they start building and this isn't agreed to, we would be possibly approving a project where they don't have all the control of the land. Codes Officer Booth said it stops the dead end, parking and future access. Mr. Lawton stated it is up to the owners if this road happens. This is between the two property owners.

Mr. Gagnon said NYSDOT had some issues but they have signed off on the new curb cut.

Board Member Fuks addressed the 100-year flood plain and the flood contour across the center of the building. He is surprised to see the elevation. Mr. Booth said there is a 15' difference in elevation between the flood elevation and the building. The maps are not accurate. By Town law, you will have to look at flood proofing based on this map. It is substantially higher. There is a definite error. Board Member Fuks is not comfortable approving this project at this time without addressing this issue.

Mr. Lawton said he doesn't have a comment on this. He knows what the elevation is but the plans show a foot of water across that floor. Mr. Gagnon said there is not too much they can do to change it but raising the site somewhere.

Board Member Fuks is saying the plans are wrong. The plans are showing a flood contour across the finished floor. He suggested ways to address this. Based on the information there is a foot of water across a finished floor. Mr. Gagnon stated the FEMA maps may not be up-to-date, but he will look into this further.

Attorney Cully feels they need to come back to address 1) the easement agreement – this being a private easement between the two owners and 2) the flood issue.

Chairman DeLia would like more information on the road and what is going to happen there. Chairman DeLia asked Mr. Lawton if he knows what they need – Mr. Lawton said yes. Mr. Gagnon will supply the Board with additional information and work with Mr. Lawton on this.

629 French Road LLC (Clifford Fuel), 629 French Road, New Hartford, New York. Preliminary/Final Site Plan Review/Approval; Demolition of one existing commercial building and rebuilding of parking area in coordination with Nice N Easy store. Tax Map #317.000-2-21; Lot Size: approximately .58 Acres; Zoning: C2 Commercial Retail. Mr. Jim Clifford and Mr. Jim Hagan of J.S. Hagan Architect appeared before the Board.

Mr. Hagan referred to the site and what exists on it. Clifford Fuel operates a Nice N Easy on French & Burrstone Roads; they have a lease with Bushinger's (Mr. Clifford owns the building but not the land). They recently purchased the adjoining property (Campus Plaza) on French Road. They want to demolish one existing commercial building, rebuild the parking area in coordination with the adjacent Nice N Easy, and the 1 ½ story existing building at the rear will remain (dog groomers). In doing this they will remove the existing curb line on the south edge of the store and pave the area of the Campus Plaza. This would provide more parking at the Nice N Easy and for better circulation.

Currently, there are two drives from 629 French Road LLC onto French Road. It exits on the north and the other drive is in the center of the building and very wide. Parking spaces are perpendicular to the building and people have to back out onto French Road. They will fix this. In doing so it will provide an open flow for both customers and delivery trucks.

In reconfiguring, they will create a 15' landscape strip. Right now, the Campus Plaza building is close to the south property line. The building next to it is used as an office. They want to install a new curb line and create a 10' landscape strip on the south edge. Ten parking spaces are along that south edge. Also, Nice N Easy has a dumpster enclosure. They have a 6' wooden fence around it. They want to take that dumpster and move it around and angle it so it gets out from in front of the building. It allows them to pick up three additional parking spaces. Their current plan shows 27 parking spaces – an increase of three parking spaces. The dog grooming building remains and they require five parking spaces and one handicap. They will keep four parking spaces between the dog groomers and Nice N Easy and one handicap on the south property line. There is a driveway along the east side of the dog grooming building and it will be left as it is.

Also being addressed are revisions to impermeable surface area. By removing a section of the gravel area at the south end, they will meet the 65% impermeable surface area. There are no physical changes at this point.

Mr. Hagan addressed storm water. The system connects into the State drainage system at Burrstone & French Roads. He addressed the storm water in front of the Campus Plaza out to French Road. There are no drainage facilities (catch basins) in this area of French Road. The structures located on Burrstone and French roads are piped to the south but run into the road. They talked with the State and it was suggested they might be able to tie into the Nice N Easy system. They will be installing a catch basin that will correct all of the storm drainage between

Nice N Easy and the dog groomers – the water will go into two underground storage tanks. It is piped into the existing structure on Nice N Easy property that ties into the State. The State said they agreed with this concept for drainage. He has talked with Mr. Chris Lawton about this. Currently it drains into the road but they will be improving the situation.

Driveway configuration: Mr. Hagan addressed the ingress and egress situation at the site. There is one owner for Nice N Easy and Clifford Fuel. The gasoline tanks are located on the east side of the pump islands. The fuel tanker comes in from French Road and he can unload and continue. If they were to close that driveway onto French Road it would require the tanker to back up – not a good idea. After discussing this with the State, they asked to sign the driveway to show “No Exit”. We agreed to do so. They know they need a Highway Work Permit.

Plantings: They want to keep the cedar trees and supplement them with shade trees and a flowering crab. They will plant grass also.

Lighting: they have pole lights and those will remain in place. One pole exists where the curb will be taken out – that pole will be removed. Two new poles and one light will be placed by the dumpster. Light heads are LED fixtures and directed down in compliance with dark sky standards.

Both property owners have agreed to have cross access and parking easements. They are being prepared at this time and will be submitted and finalized. Also, an easement for catch basin – private system but they would need an easement from 629 French Road LLC into the system on the Nice N Easy side.

Attorney Cully said he talked to Attorney Mark Levitt who is the attorney for Clifford Fuel and he said all of this will be resolved with a cross easement agreement.

Chairman DeLia asked Codes Officer Booth and Mr. Chris Lawton if they had any comments – they did not. It was stated that everything they asked for was met. Mr. Lawton feels the storm water plan will help this area.

Board Member Mowat asked Mr. Hagan to show her how the fuel trucks would be entering the site.

Board Member Fuks referred to rim elevation for the new manhole which should be 564.2 not 546.

There being no further discussion, motion was made by Board Member Heather Mowat to grant Preliminary and Final Site Plan Review for this project to include cross parcel easements; map

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submitted by J.S. Hagan Architect P.C. dated April 24, 2015 with revisions ending with the date of June 5, 2015; seconded by Board Member Peggy Rotton. Vote taken:

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

Motion **approved** by a vote of 7 – 0.

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

Respectfully submitted,

Dolores Shaw
Secretary/Planning Board

dbS