

**TOWN OF NEW HARTFORD  
PLANNING BOARD MINUTES  
RODGER REYNOLDS MEETING ROOM  
SEPTEMBER 14, 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 G. Brymer Humphreys, William Morris, Peggy Rotton and Heather Mowat. Board Members absent: Julius Fuks, Jr. and Lis DeGironimo. Also in attendance: Town Attorney Herbert Cully, Councilman David Reynolds, and Assessor Darlene Abbatecola.

Draft minutes of the August 10, 2015 meeting were received by each Board Member. Motion was made by Board Member Bill Morris to approve these minutes; seconded by Board Member Peggy Rotton. All in favor.

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**Mrs. Cheryllyn Tallman, 6 Crawford Lane, New Hartford.** Minor two-lot subdivision on Crawford Lane. Tax Map #329.018-7-37; Lot Size: approximately 6.75 Acres; Zoning: Low Density Residential. Attorney Jerry Green, and Mr. & Mrs. Tallman were present.

Attorney Cully reviewed the paperwork submitted for this minor subdivision submitted by Attorney Green. This is a 6.75 acre parcel which will be split into two (2) residential lots, one being 3.08 acres and the other 3.67 acres. Attorney Green had submitted a detailed application for review. A deed showing ownership of the property was also a part of this submittal. Part of his review was to make sure it is not landlocked and it is not. Attorney Cully also stated that Mrs. Tallman received a 100' Area Variance for frontage as this is the minimum frontage required in a Low Density Residential zone. This was granted through the Zoning Board of Appeals on May 18, 2015. Attorney Cully feels the application is complete.

Chairman DeLia asked the Board Members and the Codes Officer if they had any questions or concerns. There being no further input, motion was made by Board Member Bill Morris to approve the minor two-lot subdivision of Mrs. Cheryllyn Tallman; seconded by Board Member Peggy Rotton. Vote taken:

Chairman Elis DeLia – yes  
Board Member Peggy Rotton – yes  
Board Member Brymer Humphreys – yes

Board Member Bill Morris – yes  
Board Member Heather Mowat – yes

Motion **approved** by a vote of 5 – 0.

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**The Meadows, 4310 Middle Settlement Road, New Hartford.** Minor three-lot subdivision. Tax Map #328.000-265; Zoning: Institutional. Mr. James Connors of Chazen Companies and attorney Mark Levitt appeared before the Board.

Attorney Cully stated that this refers to The Meadows Senior Housing Complex. Attorney Cully stated that the applicants had received Zoning Board of Appeals approval for two (2) 100' frontage Area Variances and two (2) rear yard setback Area Variances of 8' on July 20, 2015. The reason for the subdivision relates to funding of the project, rebuilding one of the portions of The Meadows. Attorney Cully feels this application meets all requirements.

Chairman DeLia asked if the Board Members or Codes Officer Booth had any comments – no comments. However, Attorney Mark Levitt stated that people will be moved out of the floodplain and into more modern housing. No buildings will be left in the floodplain area at all.

Motion was made by Board Member Heather Mowat to approve this minor three-lot subdivision of The Meadows; seconded by Board Member Bill Morris. Vote taken:

Chairman Elis DeLia – yes  
Board Member Peggy Rotton – yes  
Board Member Brymer Humphreys – yes

Board Member Bill Morris – yes  
Board Member Heather Mowat – yes

Motion **approved** by a vote of 5 – 0.

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**The Meadows, 4320 Middle Settlement Road, New Hartford.** Preliminary Site Plan Review for redevelopment of The Meadows at Middle Settlement Senior Apartment complex. Phase I will have three new buildings with 93 units – three-story. Phase II will have reconstruction with 56 apartments. Tax Map #328.000-2-65; Approximately 60 Acres; Zoning: Institutional. Mr. James Connors of the Chazen Companies and Attorney Mark Levitt appeared before the Board.

Mr. Connors presented an overview of the project, which identifies the lots. Phase I has the funding to facilitate construction of the four (4) buildings and removal of all other buildings on lots 2 and 3, with the exception of two of the buildings on lot 3. Ultimately, when the project is completed, we will have two buildings on lot 1 and four buildings on lot 2 – none on lot 3. The first building will be done on lot 2. They will remove three/four buildings currently and none will be located in the flood area. Tenants will be moved on site where necessary. As they tear down and finish a building, they will move tenants in. The financing is available on lot 2. They will be coming back before this Board once they get through construction. The project was funded through storm water recovery and the primary purpose is to get them out of the flood plain. This will facilitate building, community center and parking. They will be mitigating for that. They are excavating an area that will be done by removing one building and excavating when they are done with lot 2 development – there won't be any difference in the flood level. The rest will provide even more flood storage. The flood plain will be larger in the area to prevent flooding.

They are looking for Site Plan approval for only Phase I construction of the buildings as indicated. The Site Plan also reduces total impervious area by 30%. Storm water will also be reduced. They will be replacing sanitary sewers and water systems, and providing handicap access. These are three-story buildings with elevators and common space within the buildings. Everything will be more modern and efficient. There won't be any difference in traffic because it is the same number of units.

Mr. Connors said they presented a storm water plan to Mr. Chris Lawton of Barton & Loguidice, contract engineers for the Town. They are increasing square footage of building by three levels. He addressed parking. The parking that they show on this plan doesn't meet the Code requirements – they have less than what is required. They would like the Planning Board to grant a waiver to provide what they have presently. Attorney Cully asked Codes Officer Booth what is required – the applicant is aware.

Board Member Humphreys asked which buildings were flooded previously. Mr. Connors referred to the map and provided the Board with the locations of the buildings that were flooded. Board Member Humphreys asked how high did the most recent floodwater get to – it was stated it did not exceed the 100-year line.

Mr. Connors stated that they are hoping to have a fall occupancy for next year – a three-year build out. They will be securing financing during this time. They want SEQR for the whole project as part of their project.

Mr. Connors also referred to tree removal. This is shown in their packet. Some trees will be replaced and it is shown on the landscaping plan. Also enclosed is a lighting plan. He does not feel the Army Corps of Engineers needs to be contacted. They will be getting a permit from NYSDEC for flood mitigation. They will be replacing a storm pipe that discharges into a stream. Also, they will not need NYSDOT permits. They have met with National Grid and they are putting in a new service. Each building will have its own generator and will be fully sprinklered.

Board Member Humphreys asked about lot 3 – the reason for removing buildings is to extend the flood plain – answer: yes. All the residents will be on the highway side.

Chairman DeLia asked Town Attorney Cully and Codes Officer Booth if they had any questions – no questions.

Chairman DeLia asked the Board Members if they had any other questions or concerns – no reply.

Motion was made by Board Member Peggy Rotton to grant Preliminary Approval for Phase I of The Meadows at Middle Settlement Senior Apartment Complex; seconded by Board Member Brymer Humphreys. Vote taken:

Chairman Elis DeLia – yes  
Board Member Peggy Rotton – yes

Board Member Bill Morris – yes  
Board Member Heather Mowat – yes

Board Member Brymer Humphreys – yes

Motion **approved** by a vote of 5 – 0.

Motion was made by Board Member Peggy Rotton to declare the Town Planning Board Lead Agency for a coordinated review under SEQR; seconded by Board Member Brymer Humphreys. Vote taken:

Chairman Elis DeLia – yes  
Board Member Bill Morris – yes  
Board Member Heather Mowat – yes

Board Member Peggy Rotton – yes  
Board Member Brymer Humphreys. – yes

Motion to approve was passed by a vote of 5 – 0.

Discussion ensued regarding the time frame for submittal for SEQR review and the next Planning Board meeting. Chairman DeLia explained the process.

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**Local Law Introductory “F” of 2015: Zoning Law Text Amendment – Definition of Building Area. Recommendation to the Town Board.**

Town Attorney Cully explained that the Town Board is trying to add one definition regarding building area to include the ground floor and entire square footage of a building. This is an additional definition to place in the Code. This is a generally accepted standard by the Building Code.

Motion was made by Board Member Brymer Humphreys to recommend to the Town Board approval of the proposed legislation for the Zoning Law Text Amendment/Definition of Building Area; seconded by Board Member Heather Mowat. Vote taken:

Chairman Elis DeLia – yes  
Board Member Heather Mowat – yes  
Board Member Peggy Rotton – yes

Board Member Brymer Humphreys – yes  
Board Member William Morris – yes

Motion approved by a vote of 5 – 0.

Planning Board secretary Dory Shaw will notify the Town Clerk of this Board’s recommendation.

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There being no further business, the meeting adjourned at 6:00 P.M.

Respectfully submitted,

Dolores Shaw, Secretary  
dbs

