

**TOWN OF NEW HARTFORD  
PLANNING BOARD MINUTES  
RODGER REYNOLDS MEETING ROOM  
JANUARY 11, 2016  
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, Julius V. Fuks, Jr., Lis DeGironimo, William Morris, Peggy Rotton and Heather Mowat. Also in attendance: Town Attorney Herbert Cully, Codes Officer Joseph Booth, Highway Superintendent Richard Sherman, Mr. Chris Lawton, Town contract engineer/Barton & Loguidice; Assessor Darlene Abbatecola; and Dory Shaw, Secretary.

Draft minutes of the December 14, 2015 meeting were received by each Board Member. Motion was made by Board Member Bill Morris to accept these minutes as written; seconded by Board Member Julius Fuks. All in favor.

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**Stewart's Shops Corporation, 4156 Middle Settlement Road, New Hartford, NY.** Tax Map #316.016-6-65; Lot Size: approximately 2.438 Acres; Zoning: C1 General Commercial. Final Review/Approval for a proposed 3,975 sf Stewart's Shop with self-service gasoline fueling stations. Mr. Chuck Marshall of Stewarts Shops Corp. and Mr. Tim Faulkner, Design Engineer, appeared before the Board.

Mr. Marshall stated one of the concerns raised is access. They have made several attempts for cross easements and the other property owners have denied their request for shared access.

Mr. Chris Lawton, the Town's contract engineer, stated most of the questions came from Oneida County DPW and NYSDOT. They were working together. The traffic accident analysis is satisfied. In addition, a concern was taper length with possibly someone trying to turn in and a possible cause for accidents. They worked it out and it is not an issue. As far as all questions raised, Mr. Marshall said they have satisfied everything at this point.

Codes Officer Booth was asked about the photometric plan – Mr. Booth said the height is 15'.

Town Attorney Cully raised concerns about how to prevent people from going out the one-way entrance. Mr. Marshall said there is curbing shown and it is approved by NYSDOT. They will place signage stating "Do Not Enter". There are bushes there also.

Chairman DeLia stated it is designed to NYDOT'S standards.

Board Member DeGironimo asked how high the retaining wall is and is it an obstruction to the southern end of the sidewalk – Mr. Marshall said it is existing. There will be a detail with the open cut permit. Ms. DeGironimo said she does not see it in the packet – Mr. Marshall stated it is because they are using the existing connection that serves the building on site. There won't be a new connection to a water service. Mr. Marshall said it is his understanding that was resolved with the Water Board that their wasn't going to be a new service. Ms. DeGironimo feels they will comply. Mr. Marshall said if it changes, he would send a letter to the Planning Board Chairman.

Board Member Fuks asked if there was adequate fire protection – Mr. Marshall said yes. In addition, have any improvements been made to Middle Settlement Road and the medical building – Mr. Marshall said no, just building. He stated luminaires extend beyond limits of the property and he referred to the plan. The extent of the property is “zeros”.

Board Member DeGironimo asked if there was any attempt for pedestrian connection to the parcels behind Stewarts. Mr. Marshall said the hotel said no, even for a walkway. The hotel and senior living center won't allow cross easements. Ms. DeGironimo stated her opinion on why she feels pedestrian access should be promoted - especially for the residents in the Town living at the senior apartments with no access. Mr. Marshall said there is a pedestrian crossing coming off the walking trail, but it is difficult to force landowners to do something they don't want. Town Attorney Cully explained we don't have any control with landowners.

Board Member Mowat has a concern with people trying to make a left hand turn at the one-way entrance. Mr. Marshall said that it is approved by NYSDOT. Ms. Mowat understands this but has a concern. Town Attorney Cully recommended extending it instead of curving. Mr. Marshall said the material in that median island is landscaped with trees. There is curving around the whole island. There is a concrete curve there also. This should discourage people from going in there.

Chairman DeLia to Town Attorney Cully: do we have authority to change the design of this ingress or egress. Mr. Cully explained what happened at another site in the Town, which ended up in a lawsuit. He said we don't have the authority to change it.

Board Member Fuks said the engineer gave an explanation on the specific entrance and design of the island. There is a reason why that prohibits a turn.

Mr. Faulkner stated from NYSDOT's standpoint, they have one approved design driveway. They have spent many hours on this design and this is what is presented. There will be some signage that says no left turn and Do Not Enter. That is the only thing to discourage the other drivers. They have worked with

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Mr. Ken Andela, NYSDOT, on this. To make this more severe you narrow it up but then it affects the southern part of the stacking line. Their goal is to provide the safest permitted access for their customers. This is what the NYSDOT permitted.

Board Member DeGironimo asked if this driveway is necessary – yes. Then all in traffic would be forced into another driveway and degrade that driveway another level of service. Mr. Marshall was asked if there is something in writing from Mr. Andella that this is the design they wanted. Mr. Marshall said this is their standard detail. They have to get a Highway Work Permit. Mr. Chris Lawton said his last email from Mr. Andella said they are good to go. All questions have been addressed.

Town Attorney Cully wants to cover this with the best representation possible.

Board Member Humphreys asked if the centerline marking on the road (stripe) prohibit people from making a left turn. Mr. Marshall said it was a driveway and centerline markings do not relate to driveways.

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

At this time, motion was made by Board Member Mowat to close SEQR with a negative declaration; seconded by Board Member Brymer Humphreys. All in favor.

Motion was made by Board Member Peggy Rotton to **grant final approval** the application of **Stewarts, 4756 Middle Settlement Road, New Hartford, New York**; plans dated February 2, 2015 with revision dates ending July 30, 2015 submitted by Scott Edwin Kitchner, PE; seconded by Board Member Bill Morris. All in favor.

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There being no further business, the meeting adjourned at 5:55 P.M.

Respectfully submitted,

Dolores Shaw  
Secretary/Planning Board

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