

**TOWN OF NEW HARTFORD
PLANNING BOARD MINUTES
RODGER REYNOLDS MEETING ROOM
MAY 8, 2017
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 Julius V. Fuks, Jr., Lis DeGironimo, William Morris, G. Brymer Humphreys, Heather Mowat, and Peggy Rotton. Also in attendance: Town Attorney Herbert Cully, and Codes Officer Joseph Booth; Councilman David Reynolds and Dolores Shaw, Secretary.

Draft minutes of the April 10, 2017 Planning Board meeting were received by each Board Member. Motion was made by Board Member Peggy Rotton to approve these minutes as written; seconded by Board Member Brymer Humphreys. All in favor.

Dr. Richard Sleeper, Sleepy Hollow Road, New Hartford. 3-Lot Minor Subdivision. Tax Map #339.000-1-20.2; Zoning: Low Density Residential. Donald D. Ehre, P.E., was present for this application.

Town Attorney Cully reviewed the map and legal descriptions and spoke with Codes Officer Booth regarding the Town's Zoning Ordinance. Codes Officer Booth has no issues. Highway Superintendent Rick Sherman said there is no problem with the culvert location at this site. Sleepy Holly Road is a Town dedicated road. Chairman DeLia asked if there were any other questions by the Board Members.

Motion was made by Board Member Bill Morris to **approve** the minor subdivision of Dr. Richard Sleeper, map dated March 1, 2017, prepared by Boulder Consultants, Donald D. Ehre, P.E.; Tax Map #339.000-1-20.2; seconded by Board Member Julius Fuks. All in favor.

Mr. Michael Owens, M&D LLC, corner of Snowden and Oxford Roads, New Hartford. 4-Lot Minor Subdivision. Tax Map #339.000-2-21.1; Zoning: Low Density Residential. Donald D. Ehre, P.E., was present for this application.

Town Attorney Cully reviewed the map and legal descriptions and spoke with Codes Officer Booth regarding the Town's Zoning Ordinance. Codes Officer Booth has no issues.

Board Member Fuks asked about flagging on the site. Mr. Ehre said the surveyor placed numerous marks to describe the property. Chairman DeLia asked if there were any other questions by the Board Members.

Motion was made by Board Member Peggy Rotton to **approve** the minor subdivision of Mr. Michael Owens, M&D LLC, map dated March 8, 2017, prepared by Parker Land Surveying, P.C., submitted by Boulder Consultants; Tax Map #339.000-2-21.1; seconded by Board Member Bill Morris. All in favor.

The Meadows at Middle Settlement, Inc., 4310 Middle Settlement Road, New Hartford.

Amendment to final approval for modification of site plan approved by Planning Board in 2015. Tax Map #328.000-2-65; Zoning: Institutional. Mr. Jim Connors, P.E., of The Chazen Companies, appeared before the Board.

Mr. Connors presented a sketch of the overall project. He explained this project was approved in 2015. Since then the Building Code has changed that requires the buildings within the 100 year flood plain be set at an elevation 2' above that established flood elevation – prior to that it was 1'. Buildings E & F are partially in the flood plain. Building E has been shifted 3' to the west away from the parking lot. Stairs and ADA accessible walkways have been added to allow access to entrances of both Buildings E and F. Building E remains in compliance with the 20' required setback. They would like to retain Building 22/23 on lot 3 until they move into the next phase to be able to accommodate the shuffling of people. They looked at overall impervious areas. They are still reducing the impervious area. Building 22/23 effects the required parking for Phase I. It increases parking to provide/keep parking – they have enough parking on site. Parking between C & D will be landscaped until such time as the need arises for the residents. There is a lot of parking not used right now. Storm water still applies. We were granted a waiver previously to transport the 20 parking spaces for C & D until the need arises. They are looking for a 7.6% waiver for parking at this time. Building layout for storm water management is exactly the same except for the increase in the waiver.

Codes Officer Booth asked how long can we expect the older buildings to stay. Mr. Connors explained once Lot 1 gets built out then they will take down the existing buildings. That is when all buildings on Lot 3 will be taken down. It could be a 3,4 or 5 year process. Their intent is to start building D they will tear down some buildings at this location. Once that is finished they will take the residents and move them around, etc.

Chairman DeLia asked Codes Officer Booth and Mr. Chris Lawton, P.E., Town contract engineer, if they had anything to add – answer is no.

Board Member Fuks asked about impervious surface – how does it relate to SWPPP – total area of disturbance. Mr. Connors explained how they calculated existing impervious on site and compared it to final impervious on site, including asphalt as permeable. Board Member Fuks asked about how they addressed actual runoff – Mr. Connors said they completed an analysis.

Motion was made by Board Member Lis DeGironimo to **approve the Amendment to Final** for The Meadows for plans submitted by The Chazen Companies dated April 17, 2017; seconded by Board Member Brymer Humphreys. All in favor.

Mr. Connors asked if we could include in the motion something about the waiver of parking requirements. The Planning Board has a right to do this and it was done the first time but now it is increased. Codes Officer Booth said there isn't a standard for our type of Code. Board Member Mowat

had questions as to what is increasing, and just what are they asking for. Also, is there something in the agreement that they may not have parking – Mr. Connors said no. Mr. Connors explained that the updated plans reflect an increase in required parking by 8 spaces. This increase in required parking and the waiver approved by the Planning Board (20 future parking spaces serving Buildings C & D) will still fall within the 10% allowed – 145 out of 157 required. Board Member DeGironimo asked what the average number of vehicles per unit now – Mr. Connors said less than one. Codes Officer Booth said the parking schedule in our Ordinance does not stipulate for this type of housing. Board Members Fuks and Morris addressed our Code. Codes Officer Booth said one space per unit was a good idea to follow – they are asking for slightly less. They want to make sure 20 future parking spaces can be built at the time if necessary.

Town Attorney Cully stated this is approved as shown as our Ordinance doesn't require it. Questions arose regarding two people in one unit who have cars. Again, Mr. Connors said we are asking to allow to defer 20 parking spaces when the time the residents may need it. Codes Officer Booth said no parking lot will be built at such a time when so many units are up – how is that? Mr. Connors stated the whole idea is to reduce impervious on site and minimize construction costs. Nothing has changed, they didn't take any parking away or add any. Board Member Fuks stated it is already in the application that we approved the site plan as it is with 7.6%. Discussion continued. No additional language in the current motion.

SEQR was already closed.

Hartford Luxury Apartments, 167 Clinton Road, New Hartford. Proposed 129 residential dwelling units. Recommendation to Town Board for SEQR/Approval; Tax Map #328.000-2-70 and 328.000-2-80; Lot Size: approximately 15 Acres; Zoning: PDMU. Mr. Alan Swierczek, P.E. and Mr. Steven Buck were present.

Town Attorney Cully explained this is a PD Overlay request, which is before the Town Board. They referred it to us for Site Plan approval and to make a recommendation whether or not to grant this district. The Planning Board would be recommending the Site Plan be approved based upon our review.

Mr. Chris Lawton, P.E., Barton & Loguidice (Town contract engineer), explained the last time Mr. Swierczek was before the Board they had gone through a separate design. They shifted things around to accommodate those wetlands. They had a number of responses from agencies which have been addressed and parking also has been addressed. At this point they are okay and have met requirements for comments he had. This was resent out for SEQR and did another coordinated review – all comments have been addressed and he is okay with revisions.

Chairman DeLia asked Codes Officer Booth if he had any comments – he had none.

Board Member Mowat mentioned discussion previously regarding economic income levels; also have the buildings changed and amount of units/type of units and who they will be marketed to; further, has the mix percentages changed. Mr. Swierczek said two buildings have been removed because of the wetlands – no change in income levels. He also stated the number of condo units have gone down and apartments gone up. Location of the units on the property was discussed.

Proposed Housing:

Section 1	Buildings 1,2	66 apartments	Luxury
Section 2	Building 3	6 condominiums	Luxury
	Building 4	18 apartments	Moderate
Section 3	Building 5	18 apartments	Moderate
	Building 6-9	21 condominiums	Luxury
Total of 129 units			

262 parking spaces.

The upper level will be built first. Discussion ensued regarding (entry) - it will not be widened. The roads will not be dedicated – they are private but will be built to Town standards.

Motion was made by Board Member Brymer Humphreys to recommend to the Town Board to accept the Site Plan as presented for Hartford Luxury Apartments prepared by Alan M. Swierczek, P.E., dated October 28, 2016 and reissued for review April 25, 2017 as well as to close SEQR as there were no Findings of significance from a coordinated review (which was sent out twice); also recommend approval of the Planned Development Overlay District; seconded by Board Member Bill Morris:

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

Motion **passed** by a vote of 7 – 0.

Oneida County Emergency Communications project, 623 Higby Road, New Hartford.

Communication tower (195') and accessory equipment. Tax Map #340.000-3-26; Zoning: Residential/Agricultural. Amanda Cortese, Esq., Oneida County and Mr. Robert Duclos, P.E. of C & S Companies, appeared before the Board.

This is for a proposed communication tower to be located at 623 Higby Road. SEQR was completed on this previously by the County. Also, the County was Lead Agency. They applied for a Building Permit and was told by Codes Officer Booth that they needed to appear before the Planning Board for Site Plan Review as it is in our Code for a public entity.

Mr. Duclos stated the County started an improvement to the 911 system. They received some funds from New York State – their existing system is antiquated. They are doing nine communication site in the County. This is totally for public safety – it is not a cell tower. This is for all emergency response agencies – they will be tied in together. This Higby Road property is one of the sites as it is very important so they are all connected. He explained how this system would work. The tower will be 195' tall, freestanding steel with no guide wires, a 50' x 50' fenced area, a 12' x 20' equipment shelter, a diesel-powered emergency generator and a 15' wide access road from Higby to the fenced area – no light on the tower. There will be no paving, no employees, no normal traffic. All operations are monitored at the 911 center. They have been working on this for about a year.

Board Members Mowat and DeGironimo asked if part of the SEQR process, did they have a sketch of what it would look like and any examples of how it can be seen from neighboring properties. Board Member Humphreys asked if they contacted neighboring properties.

Mr. Duclos said neighboring properties could be provided. He also stated that the County projects don't normally go before Planning Boards, but they can address any questions we have.

Chairman DeLia asked what the law is on this. Are they here for a formal Site Plan Review? He asked who signed off for the Town on SEQR. Mr. Duclos said the letter went to Town Supervisor in July 2016 and the County didn't receive a response. The County didn't send it to the Planning Board. This is a countywide project and SEQR needed to be taken care of. The County was the Lead Agency.

Chairman DeLia mentioned the cell tower that was just approved on Higby Road and why couldn't they position something on this existing tower. Mr. Duclos said this is a public safety tower, not a commercial tower, but no cell carrier expressed an interest in this.

Board Member Humphreys mentioned when a public utility wants to build a tower, we have a stringent process. Board Members Mowat and Rotton expressed concern and for the residents along Higby Road.

Attorney Cortese explained how this project got started and how they identified particular areas to locate towers. This will create a system that will cover the entire County and allow all responders to communicate with each other – this doesn't exist on the current system. They started to communicate with a property owner on this site, Dr. Rao.

Board Member Fuks asked what we are here to approve – Schedule A requires a public entity to go for a Site Plan approval. Board Member DeGironimo stated they need to submit an application and list property owner, etc. – there is a process. Mr. Duclos has done this for years and stated public safety done by counties are exempt from agencies.

Chairman DeLia referred to Codes Enforcement Officer Booth regarding what is required. Mr. Booth reiterated under our Code a public utility requires Site Plan Review. Chairman DeLia feels we need a formal application to be submitted. He is concerned with the number of towers in this area. It is clear the Code says it is Site Plan Review.

Town Attorney Cully referred to conversations with the NH Police Chief and talking about this type of service. He felt it was a vital service that would definitely assist him. Discussion ensued regarding whether the County is exempt, process, etc.

Chairman DeLia feels Town Attorney Cully should research this and get back to us. Town Attorney Cully will review it and render an opinion.

Board Member Fuks asked if the applicant had sent a letter registered/receipt to the Town as this is an emergency type action. We have to be shown it is as much of an emergency as needed. Chairman DeLia explained the letter was sent to the Town Supervisor under SEQR and no response is taken as no issue.

Board Member DeGironimo suggested they do some public outreach.

This application is tabled.

Recommendation to Town Board regarding Introductory Local Laws.

Town Attorney Cully explained that at the April 12, 2017 Town Board meeting, five Local Laws Introductory were submitted which refer to Zoning Text Amendments. He referred to firework sales. The County had approved some sales of fireworks on a limited basis from June to July. A question arose as to whether we will start seeing vendors selling fireworks. Codes Officer Booth stated as long as we become involved in updating our Ordinance, there were other areas to review.

- 1) “B” of 2017 to amend Chapter 118-22F of the Code of the Town of New Hartford entitled “Permitted Uses”. Codes Officer Booth said this is a modification of the number of houses on a lot. Currently in certain zones we allow two structures on a lot. That hasn’t changed but each home should have the required frontage. The lot should be twice as big in an Agricultural zone. Other zones have been allowed to have the multiple dwellings. He just added that they have minimum frontage. It was determined that the Planning Board needed further information.
- 2) “C” of 2017 to amend Chapter 118-69A of the Code of the Town of New Hartford entitled “Raising of Livestock”. Codes Officer Booth has added in A or RA zones. He stated it is hard to enforce and most of the large plots of land is zoned A and RA. Town Attorney Cully stated there were committees that dealt with this. Discussion ensued. Motion to recommend disapproval by Board Member Brymer Humphreys; seconded by Board Member Peggy Rotton. Board Members Heather Mowat and Lis DeGironimo voted in favor of motion; Chairman Elis DeLia, Board Members Julius Fuks and Bill Morris voted against motion. Motion to **disapprove** “C” of 2017 by a vote of 4 – 3.
- 3) “D” of 2017 to amend Chapter 118 Attachment 3.3 of the Code of the Town of New Hartford entitled Schedule A Permitted Uses. The schedule in the portion entitled, “Accessory use, customary structure or use” shall not include the letter “P” in the PR column. Motion to **recommend approval** by Board Member Lis DeGironimo; seconded by Board Member Bill Morris. All in favor.
- 4) “E” of 2017 to amend Chapter 118-52 Schedule D of the Code of the Town of New Hartford entitled Off-Street Parking Aisle Stall Dimensions. Codes Officer Booth stated this is for all future projects. 10’ width is a much more comfortable design – cars are longer today. By increasing the size of the parking space we will be able to control some of the problems that exist at shopping centers. Shopping centers are covers by different rules. This is an increase of 1’. Motion to **recommend approval** by Board Member Lis DeGironimo; seconded by Board Member Peggy Rotton. All in favor.
- 5) “F” of 2017 to amend Code of the Town of New Hartford, Chapter 118 entitled Zoning Section 118-54, Section 118-63, Section 118-70, Section 118-75 prohibiting the sale of any type of fireworks therein: taken off the table, no further discussion.

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There being no further business, the meeting adjourned at approximately 7:20 P.M.

Respectfully submitted,

Dolores Shaw, Secretary
Planning Board

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