

**TOWN OF NEW HARTFORD
PLANNING BOARD MINUTES
RODGER REYNOLDS MEETING ROOM
NOVEMBER 13, 2017**

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, Contract Town Engineer Chris Lawton; and Dolores Shaw, Secretary.

Draft minutes of the August 14, 2017 Planning Board meeting were reviewed by each Board Member. Motion was made by Board Member Peggy Rotton to approve these minutes as written; seconded by Board Member Bill Morris. Board Member Lis DeGironimo wanted to clarify a sentence on Page 3, third paragraph. All in favor.

Mr. Dominick Crocilla (Carcuzzi, LLC), 9310 Chapman Road, New Hartford. Two-lot minor subdivision. Preliminary/Final Approval. Tax Map #340.000-4-7.1; Zoning: C2 Commercial Retail. Mr. Crocilla appeared before the Board.

Town Attorney Herbert Cully reviewed the submissions and had no concerns. Oneida County Planning, Oneida County DPW and NYSDOT had no concerns also. Codes Officer Joseph Booth had no comments on this application.

Board Member DeGironimo questioned a 6' fence. Mr. Crocilla said this is part of the larger lot because it is not large enough to utilize. He referred to the map. There was an easement and he took it over. It will all be melted into one.

Board Members Mowat and Rotton questioned flooding in this area. Mr. Crocilla is working on it with Highway Superintendent Rick Sherman and they are trying to do some grading. This will remain grass – no paving.

Motion was made by Board Member Heather Mowat; to **approve this subdivision**; seconded by Board Member Bill Morris. All in favor.

Mr. Dominick Crocilla (Carcuzzi, LLC), 9310 Chapman Road, New Hartford. Special Use Permit for a fence. Preliminary/Final Approval. Tax Map #340,000-4-7.1; Zoning: C2 Commercial Retail. Mr. Crocilla appeared before the Board.

Town Attorney Cully reviewed this application for a fence and had no concerns. Oneida County Planning and Oneida County DPW had no concerns also. Codes Officer Joseph Booth had no comments on this application other than a Special Use Permit is required for fencing in a commercial area.

Mr. Crocilla said the fence would be 6' vinyl. There is a fence there now and he will take that one down.

Motion was made by Board Member Bill Morris to **approve this Special Use Permit** for a fence; seconded by Board Member Lis DeGironimo. All in favor.

Mr. Ray Trotta/HollandTrotta Project, for Mr. Joseph Parisi, 4752 & 4754 Commercial Drive, New Hartford. Preliminary Site Plan Review/Approval for a proposed retail plaza. Tax Map #317.017-4-21.3 & 317.013-3-18.1; Zoning: C1 General Commercial. Mr. Trotta appeared before the Board.

Mr. Trotta displayed the site plan and spoke to where they started and where they are now with this project. Both existing buildings will be taken down and two new buildings will be constructed. One new building on the East side will be 6,700 sf± with two tenants (3,500 sf± dental office and 3,200 sf± urgent care. The second building on the West side will be a 2,220 sf± coffee shop. There will be new improvements to both sites, i.e., utility services, parking, and landscaping. Vehicle circulation will utilize the existing intersection. Mr. Trotta mentioned that the Zoning Board of Appeals granted them two variances at the August 21, 2017 Zoning Board meeting. The site plan has been revised and the variances are no longer needed.

Mr. Trotta mentioned an easement on the southwest property line – it didn't show up on the survey but he had documentation. He referred to the Hage property and what transpired with the NYSDOT. Town Attorney Cully mentioned to them to address this, thus, the revised plan. Now they have a 10' setback line within the Town Code and also the 9' easement in question on either side – 18' total to the State highway. Now they have met parking ratio. The plan presented is Code compliant and acknowledging a revised survey from the adjacent property owners to show and acknowledge that easement. He isn't 100% sure if it is an actual easement and they are still reviewing it. He further explained the compensation given to the adjacent property owner from NYSDOT and the landlocked property. This isn't their doing. It is between the NYSDOT and Hage property – we are still acknowledging the easement until it is confirmed. Their project does not impact anything on the adjacent property owner.

Further, Mr. Trotta said some things required by the adjacent property:

-acknowledge the easement; 2) to make sure the storm water and traffic has been analyzed. Their traffic engineer did both options, before and now. No significant increase. By revising it, they have more land area. They have an area to the south of the building for a catchment area; 3) the adjacent property owner requested cross access easement between the two properties – they are not willing to do this.

Mr. Trotta feels they have addressed everything. Town Attorney Cully asked, in the 18' area are you putting any plantings or trees – Mr. Trotta said no. They have one tree that is far enough off, however, they don't mind getting rid of the tree if the Town Engineer wants them to, or place it somewhere else. They are not blocking the 9'. Town Attorney Cully mentioned that right now the adjoining owner claims they drive through to get to their property. Mr. Trotta feels this is an illegal access and Mr. Trotta will

send him something on this. It is currently a gravel area to access their property but it is his understanding with the Court that it was taken by the State.

Board Member Mowat addressed the easement. It was discussed further regarding the Court, Mr. Hage and NYSDOT. Chairman DeLia asked Town Attorney Cully to confirm this.

Mr. Trotta doesn't know if the documentation from the State ever made it to the abstract. Town Attorney Cully will check to see if the easement is still valid.

Town Contract Engineer Chris Lawton asked about the gravel driveway. This won't impact it – they can leave it gravel if the Town wishes. He said there is a 25% reduction in storm water, and right now he is okay with it.

Town Attorney Cully referred to Attorney Fusillo's letter (attorney for Mr. Hage). Mr. Cully referred to our Section 118-102.

Chairman Delia asked Codes Officer Booth if he had any comments. Mr. Booth said the site is up to Code.

Board Member DeGironimo stated that the bulk of parking seems to be on the left hand side and not serving the urgent care or dental office. The interior drive-thru is awkward. Mr. Trotta said they are left with a triangle effect. The NYSDOT has reviewed this and they want 100% stacking. Over stacking was discussed further and better circulation. Mr. Trotta showed how the traffic will flow and he doesn't see it as a conflict but he is open to alternatives. He referred to the bale out lane and how it operates. Board Member DeGironimo doesn't like the double stack lane and she doesn't think it is a good circulation area. Town Contract Engineer Chris Lawton will be looking at this.

Board Member DeGironimo addressed additional impervious area and percentage. It was stated it far exceeds Codes. There is a 100' buffer.

Chairman DeLia referred to the SEQR review and how these issues can be addressed, especially with the Town Attorney addressing the legal issues, and the Contract Town Engineer.

Motion was made by Board Member Peggy Rotton to grant Preliminary Approval; seconded by Board Member Julius Fuks, Jr. Approved by a vote of 6 – 1 Board Member Lis DeGironimo is opposed.

Motion was made by Board Member Peggy Rotton to declare the Planning Board Lead Agency and to send out for SEQR; seconded by Board Member Bill Morris. All in favor.

Mr. Hal Hofheins, Callaway Architecture. Preliminary Site Plan Review/Approval for a proposed **At Home project at the former K-Mart Plaza, 4631-4645 Commercial Drive, New Hartford.** Tax Map #328.008-1-3; Zoning: C1 General Commercial. Mr. Hofheins appeared before the Board.

Mr. Hofheins stated that they needed to add some square footage and alter the loading dock, which got them into a bigger building. They won't be increasing any impervious area. Parking is over what they need. All utilities are adequate. This is the same retail use. He feels this is a big improvement to the area.

Codes Officer Booth feels this is a straight-forward design. They will demo some parts and reconstruct. They aren't affecting parking, and everything meets Town Code.

Mr. Chris Lawton, Contract Engineer for the Town, stated this is an upgrade.

There were no further questions. Motion was made by Board Member Lis DeGironimo to **grant Preliminary Approval**; seconded by Board Member Bill Morris. All in favor.

Offsite SEQR is done. Mr. Hofheins asked if this could be approved for Final also at this time. Staff felt that this could be accomplished as there are no major changes to this site.

Motion was made by Board Member Bill Morris to **grant Final Approval**; seconded by Board Member Brymer Humphreys. All in favor.

McDonald's, Oneida Street, Washington Mills. Preliminary Site Plan Review/Approval to reconstruct the existing building with a new, modern building. Tax Map #339.016-1-4.5; Zoning: C2 Commercial Retail. Mr. Steve Wilson of Bohler Engineering appeared before the Board.

Mr. Wilson explained what they plan to do on this site, a complete renovation for remodeling and reconstructing. He displayed what it looks like now and what it would look like after completion. Also, much more sophisticated equipment. There will be a one way in and one way out onto Oneida Street. The biggest difference is side-by-side drive-thru – this reduces stacking at the drive-thru. Parking will be reduced by six spaces from 50 to 44. They will be reducing impervious area, increase green space – helps with storm water.

Codes Officer Booth said they received three variances from the Zoning Board of Appeals. This now complies with Town Code based on the variances.

Mr. Wilson said this is not in the flood plain. They are close, but they will address this. Mr. Chris Lawton asked if they are raising the site at all – Mr. Wilson said no. Are you pushing water onto others – Mr. Wilson said no. Mr. Lawton is comfortable with this application.

Board Members Mowat and Rotton referred to flooding, especially where the cars come around. It was stated that water will go into the catch basins. Green space is increased to address this. They still have concerns. Board Member Rotton would like to see adjacent property owners address this. Mr. Wilson stated the benefits of the reconstruction would give them a look at the parking lot and what may come up.

Motion to grant Preliminary Approval was made by Board Member Lis DeGironimo; seconded by Board Member Brymer Humphreys. All in favor.

Motion was made by Board Member Lis DeGironimo to send out for SEQR with the Planning Board as Lead Agency; seconded by Board Member Bill Morris. All in favor.

Home Depot, 545 French Road, New Hartford. Amendment to Final of a proposed solid oxide fuel cell facility project. Tax Map #317.000-2-8.6. Mr. Justin Adams of Bloom Energy appeared before the Board.

Mr. Adams explained what a fuel cell is and how it is fired by natural gas. This also has a battery system. Attached to these minutes is an explanation of how this fuel cell works, hardware, software and operator safety. This really isn't any different than a generator. They have a 20-year contract and at the end Home Depot can purchase it or ask to remove it, or sign a new contract.

Mr. Adams was asked what if Home Depot went out of business, could you sell the power back to the grid – Mr. Adams said perhaps but they probably won't do it. It is an expensive piece of equipment. Have any caught fire – Mr. Adams said no.

Town Contract Engineer Chris Lawton mentioned they will potentially sell power to the grid but it is not finalized yet. They provide training to the Fire Department to get them familiar with this project. Town Attorney Cully asked Mr. Lawton if he knows of any history of problems with this – answer: no.

Board Member Fuks asked about the life of this equipment – Mr. Adams said about five. They can shut it down if necessary. The switches are monitored inside and some outside. They addressed vandalism – it is a locked cabinet. Board Member Fuks asked if there is a potential to the environment from solid oxide to pose a danger – Mr. Adams said no. Once it is charged, it recycles water. The water is separate and doesn't become polluted. Board Member Fuks asked if there is a way a local store or Fire Department to monitor it through a different system and a shut down from another system. Mr. Adams said the only remote shut down is in California. Mr. Fuks asked if someone can do it without contacting California? Mr. Adams said there is a shut down and the other option is you can shut down the gas too. Further, Board Member Fuks asked if there is a transfer switch in case power goes down – is it a smart inverter? .

Board Member Fuks discussed potential training to the Fire Department.

At this time, motion was made by Board Member Peggy Rotton to **grant Amendment to Final Approval** to this **Home Depot** project, with the stipulation that training be provided to the Fire Department; seconded by Board Member Bill Morris. All in favor.

Town Board Zoning Text Amendment, Local Law Introductory "I" of 2017 **Solar Energy Systems**. Recommendation to the Town Board from the Planning Board.

Codes Officer Joseph Booth explained the Purpose, Definitions, Applicability, Permitting, and Additional Accessory Use to the Board Members. The Town is entertaining to expand from 10 KW to 25 KW. Of particular interest to some Board Members is the 1.5 acres requirement for freestanding or ground

mounted systems. Technology is changing all the time. Some people actually have solars, but there are many people who are against solar – we try to reach a happy medium. This will go to a Public Hearing at the next Town Board meeting – the Town Board will decide.

Board Member DeGironimo referred to smaller lots that have proper screening. How was this decision reached for the 1.5 acre requirement. She feels the 1.5 acres is excessive.

The intent is to not encroach on the neighbors.

Board Member Mowat asked how the specs were reached for the 25 KW.

Councilman David Reynolds has been working on trying to address this matter for a long time.

Board Member Fuks said without the setback requirement you don't have checks and balances. People in the neighborhoods would have to put up with them. When you have offset distances, it seems like a very good attempt to address a need for changing times and also maintaining character of the neighborhoods.

Motion was made by Board Member Peggy Rotton to recommend to the Town Board the Zone Text Amendment as presented for Solar Energy Systems; seconded by Board Member Julius Fuks, Jr. Vote taken: 6 – 1. Motion **approved** by a vote of 6 – 1. Board Member Lis DeGironimo is opposed.

Secretary Dory Shaw will notify the Town Board of the Planning Board's decision.

There being no further business, the meeting adjourned at approximately 6:50 P.M.

Respectfully submitted,

Dolores Shaw
Secretary/Planning Board

dbS