

**TOWN OF NEW HARTFORD
PLANNING BOARD MINUTES
RODGER REYNOLDS MEETING ROOM
MAY 14, 2018**

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 Fuks, Jr., Lis DeGironimo, William Morris, G. Brymer Humphreys, Heather Mowat, and Peggy Rotton. Also in attendance: Town Attorney Herbert Cully, Codes Officer Joseph Booth, Councilman David Reynolds, Darlene Abbatecola Assessor, and Dolores Shaw, Secretary. Absent: Highway Superintendent Richard Sherman.

Draft minutes of the April 9, 2018 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. All in favor

Benderson Development, Consumer Square, Commercial Drive, New Hartford, New York. Amendment to Final. Preliminary Site Plan Review of a proposed redevelopment of the former Wal Mart Gas Area for a retail restaurant building with associated drive-thru and patio seating. Tax Map #317.013-3-23.6A; Zoning: C1 General Commercial. Mr. Matt Oates, P.E., appeared before the Board.

Mr. Oates explained the proposed project, a 12,278 sf retail restaurant building to be adjacent to Applebee's Restaurant (there will be a sidewalk connection). This building will also have a coffee shop with a drive-thru. The amount of stacking exceeds what the Town Code requires. They met the front parking setback of 15' and added required landscaping area and a designated turnaround area. Also, a sign will be placed stating no parking. They are expecting a second restaurant with a patio. All utilities are connected to existing utilities tying into sanitary and storm water. There is less than an acre of disturbance. He explained the proposed look of the building.

Chairman DeLia asked Town Attorney Herbert Cully and Codes Officer Joseph Booth if they had any comments – they had none.

Board Member Mowat asked Codes Officer Booth to explain the parking requirements in this area. Board Member DeGironimo referred to traffic flow generation and light timing with increased traffic. Mr. Oates said they aren't looking to change the light timing. She also asked about a retaining wall. Codes Officer Booth explained that the light is controlled by NYSDOT. Mr. Oates said there will be no retaining wall.

Chairman DeLia stated the total area of disturbance is .95 acres, which is already impervious surface. He referred to the SEQR process.

Motion was made by Board Member Bill Morris to grant Preliminary Approval; seconded by Board Member Julius Fuks, Jr. All in favor.

Motion was made by Board Member Lis DeGironimo to have the Planning Board be Lead Agency under SEQR; seconded by Board Member Peggy Rotton. All in favor.

Two-lot minor subdivision, **Woods Hill Homestead LLC, 9755 Sessions Road, Sauquoit, New York.** Tax Map #350.000-2-67; Zoning: Agricultural. Mr. Andrew Bailey of LaFave, White & McGivern, L.S., P.C. appeared before the Board.

Town Attorney Herbert Cully explained that this is a six-acre parcel out of 85.9 acres. He reviewed the descriptions and also discussed this with Codes Officer Joseph Booth -it meets all Town requirements.

Motion was made by Board Member Brymer Humphreys to **grant Preliminary/Final Subdivision** approval; seconded by Board Member Peggy Rotton. All in favor.

Referral from Town Board to Planning Board for the rehab of an existing structure (interior rebuild only) at the former Gander Mountain Building, 8635 Clinton Street, New Hartford. Tax Map #316.020-1-11.1; Lot Size: approximately 4.3 Acres; Zoning: C1 General Commercial.

Town Attorney Herbert Cully addressed this referral. The Town Board is Lead Agency and the Planning Board is an interested agency. He doesn't believe this comes under SEQR because it is an interior renovation, however, the bonding company may want to know if it is in compliance with SEQR.

Board Member Fuks addressed self-policing and issuance of permits.

Motion was made by Board Member Peggy Rotton to recommend to the Town Board that the Planning Board had no concerns relating to this request, and with the Town Board being Lead Agency; seconded by Board Member Brymer Humphreys. Vote taken:

Chairman Elis DeLia – yes
Board Member Brymer Humphreys – yes
Board Member Lis DeGironimo – yes
Board Member Julius Fuks, Jr. – yes

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

Motion passed by a vote of 7 – 0.

Secretary Dory Shaw will notify the Town Board.

Coughlin-Giambrone, LLC, ½ Jordan Road, New Hartford, New York. Final Site Plan Review for interior renovations, building addition, new driveway, parking lot and site work. Tax Map #329.013-3-13; Zoning: C3 Commercial Professional Office. Mr. Dan Manning, PLLC, appeared before the Board.

At this time, Chairman Elis DeLia, Town Attorney Herbert Cully, and Board Member Bill Morris abstained from this application. Board Member Julius Fuks proceeded with this application.

Mr. Manning explained that this is a rehab of a single-family residence into an office for the Coughlin-Giambrone, LLC group. They were requested to submit further enlargement of the site civil drawings. They have met with NYSDOT who had no detrimental comments on grading. They hired GTA Civil Engineers for a complete drainage report. Runoff, pre and post, was addressed. They have submitted full grading plans and have received responses from most of the SEQR agencies.

Board Member Fuks asked Codes Officer Booth if he had any concerns – Mr. Booth said no. Board Member DeGironimo commented that she did not see final drawings showing the R.O.W. as was requested of the client because she is concerned as to whether the trees the Town planted during their sewer project will be removed. Mr. Manning showed the Planning Board the final drawing that shows that the trees are in the right-of-way and confirmed that they would not be removed. Board Member DeGironimo also asked Mr. Manning if there was a drawing corresponding to the storm water plan showing drainage areas L0 and L1. Mr. Manning produced the drawing showing the storm water areas and confirmed the storm water improvements.

Board Member Mowat addressed lighting – Mr. Manning said they are low level lights – very residential.

Discussion ensued regarding Type 2 action and coordinated review under SEQR. Board Member Fuks referred to whether it fit into the nature and character of the neighborhood – it is on the edge of a mixed type use which would trigger a coordinated review. Businesses nearby are an insurance agency, tailor shops, restaurant, etc.

Board Member Mowat again stated she feels before something gets on the agenda, all the necessary elements should be received beforehand. In the future, she is asking for consideration. She asked Codes Officer Booth why we didn't have an engineer review this for the Town – she isn't voting against it but she wants better communication. Discussion continued regarding review of submittals.

Board Member Fuks feels this applicant has done what this Board has asked. No other comments.

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

Motion was made by Board Member Heather Mowat to **grant final approval** of plans submitted by Daniel Manning Architect, PLLC for Coughlin-Giambrone, revised submission of April 16, 2018; seconded by Board Member Lis DeGironimo. All in favor.

Motion was made by Board Member Peggy Rotton to adjourn at approximately 6:10 P.M.; seconded by Board Member Brymer Humphreys. All in favor.

Board Member Mowat would like to continue discussion regarding submittals. Discussion did not continue at this time.

Respectfully submitted,

Dolores Shaw, Secretary/Planning Board