

**TOWN OF NEW HARTFORD  
PLANNING BOARD MINUTES  
MAY 13, 2019  
TOWN OF NEW HARTFORD MUNICIPAL OFFICES  
8635 CLINTON STREET, NEW HARTFORD, NEW YORK**

The Regular Meeting was called to order by Chairwoman Heather Mowat at 5:30 P.M. at which time the Pledge of Allegiance was recited. In attendance were Board Members Wilmar Sifre (newly appointed), Lis DeGironimo, G. Brymer Humphreys, William Morris, and John Latini III. Board Member absent: Julius V. Fuks, Jr. Also in attendance: Town Attorney Herbert Cully; Councilmen David Reynolds and Richard Lenart; Highway Superintendent Richard Sherman; Assessor Darlene Abbatecola; Mr. Brian Madigan (contract engineer from GYMO Engineering); Code Enforcement Officer Joseph Booth; and Secretary Dory Shaw.

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Draft minutes of the April 8, 2019 Planning Board meeting were reviewed by each Board Member. Motion was made by Board Member Bill Morris to approve these minutes as written; seconded by Board Member Brymer Humphreys. All in favor.

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**Higby Hills Estates** – Minor two-lot subdivision. Pebble Creek Lane/Mohawk Street, New Hartford, New York. Tax Map #340.003-1-64.2; Zoning: Low Density Residential. Mr. Paul Mancuso of Octagon Engineering appeared before the Board.

Town Attorney Cully reviewed the submittal and explained that a property owner wanted to extend his property and decided to purchase this. It meets the requirements for a minor subdivision. It is a portion of the property they has never been used. Highway superintendent Richard Sherman and Code Officer Joseph Booth have no issues with this request.

Board Member DeGironimo questioned the history of this subdivision regarding storm water. She had a health department approved map that showed a parcel, Lot 47, to be deeded to the Town for storm water management, but it was built upon. She is concerned when additional lots in an existing subdivision are created and requested that the Planning Board get a full history of a subdivision. Mr. Madigan explained that he doesn't review minor subdivisions. Mr. Mancuso said that Lot 47 was converted and approved by the Town – they placed pipes to back the water up. She also questioned a few missed checkboxes on the EAF and mentioned that the stream on the parcel is permitted. Mr. Mancuso said he ran the EAF Mapper, but must have missed it on the EAF form.

Chairwoman Mowat to Highway Superintendent Richard Sherman, do you have an issue with the stream – he said he hasn't had a problem or any issues. He believes this person is leaving it as green space. Mr. Mancuso stated nothing can be built there until they have a permit.

Oneida County Planning 239 and Oneida County DPW had no adverse comments.

At this time, motion was made by Board Member Bill Morris to approve this subdivision as presented; seconded by Board Member John Latini III. All in favor.

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**Mr. Frank Mastrovito, Sessions Road, New Hartford, New York.** Minor two-lot subdivision. Tax Map #350.000-2-16.3; Zoning: Agricultural. Mr. & Mrs. Mastrovito appeared before the Board.

Town Attorney Cully stated this is a 29 ½ acre parcel. 1 ½ acres is being cut out of this where the house is located. There has been a series of repurchases at this location; however, it is outside the time limit for minor subdivision review. There are two houses on the existing parcels. They want to break it off – one house will be on the 1 ½ acre parcel.

Highway Superintendent Richard Sherman and Code Officer Joseph Booth have no concerns.

Board Member Lis DeGironimo referred to the water line and the history involved regarding the water district and when it was pretapped for the house in front. There is water to the new house. It appears it goes thru the front parcel where the existing house is. Is there any easement to that pipe –Mr. Mastrovito said it is his lot and he owns it. She explained that the pretap is for the existing house. If it is subdivided, they have no rights to the water unless there is an easement. Discussion ensued regarding how an easement is obtained. Town Attorney Cully advised Mr. Mastrovito to have his attorney contact him to discuss this. There was further discussion regarding an easement in the event he sells the parcel. Mr. Mastrovito is trying to move into his house and can't without a Certificate of Occupancy (one cannot be issued as in the Code you cannot have two houses on one lot, thus, the subdivision). He needs a legal description conveying the easement to the water line and driveway.

Town Attorney Cully doesn't have a problem with drafting an easement for water and a driveway. Discussion ensued regarding being able to issue a conditional C/O and whether the bank would accept it.

Board Member DeGironimo's concern is for the Planning Board. She mentioned that the excavator stated the house was being torn down and that is when they came in for the tap application. Town Attorney Cully has no problem with the condition approval based on a satisfactory document creating an easement for the driveway and water line. The front house is on a well.

Motion was made by Board Member John Latini III to approve this application with the condition to grant conditional subdivision approval for the two-lot subdivision. The condition is that the applicant will provide the Town with a recordable easement document granting an easement for the water line and driveway across the 1.5 acre parcel to the larger 28 acre parcel. Also, that the easement meets the requirements of the Water Authority according to rules and regulations, and he maintain frontage that is on the side, and that the parcel shall maintain 20' of frontage – he cannot cut himself off. He has to get the easement but if they ever further cut that parcel out, they need to have frontage. (The easement provides access for him to get the water and for any repairs. In order to have water service you have to have frontage on the main. They would need the lots to change to have the water service in the lot to maintain the frontage that way. The easement runs from the frontage all the way back). If they ever cut that off, they don't have frontage. They need to maintain 20' of road frontage. The easement wouldn't be

enough. Motion seconded by Board Member Brymer Humphreys. Approved, but Board Member Bill Morris abstained from voting. (Mr. Morris had left the Planning Board meeting at approximately 6:00 P.M.). (This can be placed on the June 10, 2019 Planning Board agenda).

NOTE: since this meeting, it was determined that an easement cannot be accepted/implemented for this project.

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**Mudcreek Family Limited Partnership for Aldi's, Seneca Turnpike, New Hartford, New York.** Proposed 1,842± building expansion and parking modifications. Tax Map #328.011-1-20.3; Zoning: C1 General Commercial. Ms. Stephanie Albright, P.E. of APD Engineering & Architecture, appeared before the Board.

Aldi's would like to expand on the front side of the parcel into an area shown on the map. They are relocating the light pole and tie in the sanitary. They are reworking the storm sewer. Underground detention won't be touched. Total impervious changed by a few hundred square feet. They have 85 parking spaces. There is a written agreement with 20 spaces to the Jay-K. they lost three parking spaces but are one over the parking requirements. She referred to the variance for parking granted by the Zoning Board of Appeals on April 15, 2019 (County Planning 239 review and NYSDOT had no adverse comments for the Zoning Board review). Lighting will also be upgraded to LED. Signage will be replaced with a new panel.

Town Attorney Cully referred to the driveway change. It is coming closer to Route 5 by about 15'-16', It comes closer to the drive aisles. There is still a good stacking distance. There is no drive-thru now, Aldi's wants to expand their products. There is no outdoor seating or restaurant.

Code Officer Joseph Booth and Highway Superintendent Richard Sherman have no concerns with this project. There are no storm water issues.

Mr. Brian Madigan, contract engineer for the Town, stated for clarification that there is a portion of the new space for restaurant. It is not all retail space. The only concern he had was the storm water – he spoke to them to make sure everything balanced out and it was addressed.

Board Member DeGironimo asked how much of the slope has to be cut back as she is concerned about the stability of the slope. They aren't going near the slope just a couple of feet. Nothing will be disturbed.

Ms. Albright is asking for Preliminary and Final Site Plan approval as this is a Type 2 action. Town Attorney Cully stated this is an Amendment to Final and all off site SEQR was done. This still needs County Planning 239 review as well as NYSDOT.

Reference was made to what is considered a failing intersection – this is a State highway.

Motion was made by Board Member Lis DeGironimo to grant Preliminary and Final Site Plan Review conditioned upon receipt of County 239 review and any comments as it relates to the NYSDOT approvals

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so long as said comments do not affect a favorable approval and pending receipt of the above, this can be placed on the June 10, 2019 Planning Board agenda; seconded by Board Member Brymer Humphreys.

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Discussion ensued regarding updating the Planning Board on projects that had been reviewed and approved especially regarding storm water, just to name a few.

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There being no further business, the meeting was adjourned by motion of Board Member John Latini; seconded by Board Member Brymer Humphreys at approximately 6:20 P.M. All in favor.

Respectfully submitted,

Dolores Shaw, Secretary  
Planning Board

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