

**TOWN OF NEW HARTFORD REGULAR PLANNING BOARD MEETING  
MINUTES OF MONDAY, JULY 13, 2009  
NEW HARTFORD PUBLIC LIBRARY MEETING ROOM  
#2 LIBRARY LANE, NEW HARTFORD, NEW YORK**

The Regular Meeting was called to order by Chairman Jerome Donovan at 5:30 P.M. at which time the Pledge of Allegiance was recited. Board Members present were Rodger Reynolds, Bob Wood, Julius Fuks and Brymer Humphreys. Absent were Board Members Ellen Rayhill and Peggy Rotton. Also in attendance was Town Planner Kurt L. Schwenzfeier, AICP; Councilman David Reynolds, Police Chief Raymond Philo, and Dory Shaw, Secretary.

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Board Members received a copy of the draft minutes of the June 8, 2009 meeting. Motion was made by Board Member Bob Wood to approve the as written; seconded by Board Member Brymer Humphreys. All in favor.

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**Valentino's Banquet Hall, 3899 Oneida Street, New Hartford.** Tax Map #339.016-1-65.1; Zoning: Retail Business 2. Final Site Plan Review to enclose an existing patio and interior renovations. Mr. Al Forte, P.E. and Mr. Antonio Cristiano appeared before the Board.

Town Planner Schwenzfeier stated he met with Mr. Forte to address concerns on this project:

- 100 year Flood Plain
- handicap parking shown and bollards place in back of the building
- 2 parking spaces removed from southerly parking area
- additional door and change in swing of the door for fire access
- hours of operation, number of employees, and number of parking for each facility
- upper floors above Tony's Pizza not be used because of the lack of parking and other Codes issues.

Chairman Donovan stated all issues raised last month and additional items had been addressed and shown on the Site Plan – they have met our concerns.

Motion was made to grant Final Site Plan Approval by Rodger Reynolds with the following:

- any changes in use on either parcel will require the applicant to come back to the Planning Board to confirm compliance with cross easement for parking; that the applicant be aware he has to come back to indicate its use;
- bollards and handicap parking be in place before any Certificate of Occupancy is issued by the Codes Officer;
- The cross easement for parking will be filed with the County and copy provided to the Codes Enforcement Officer before a Building Permit is issued;
- All required parking and striping be done before a Certificate of Occupancy is issued;
- Final approval is based on the Site Plan map dated 9/14/07 and revised map dated 6/26/09.

motion seconded by Board Member Brymer Humphreys. Vote taken:

Chairman Jerome Donovan – yes	Board Member Bob Wood – yes
Board Member Rodger Reynolds – yes	Board Member Julius Fuks – yes
Board Member Brymer Humphreys – yes	

Motion **approved** by a vote of 5 – 0.

Mr. Forte thanked the Planning Board and Staff for their work on this project.

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**Cherrywood Annexation.** The members were sent information by the Planning Board Secretary with information by the Town Clerk from the Town Board on this annexation along the Kirkland town line. We were asked to make a recommendation on this. Chairman Donovan said his recommendation to defer this. He explained General Municipal Law, Article 17, Sec. 700 procedures to the Board - he feels the Planning Board has no statutory jurisdiction on this. He has been advised by the Town Planner that if the land was annexed, the existing zoning would continue, which is PDMH. If there is no objection from the Board Members, he will advise the Town Board accordingly. All Board Members in attendance agreed. He will work with the Planning Board secretary and draft a letter.

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**GEIS Southern Area.** The Board Members received a Resolution for a Notice of Completion of the draft Generic Environmental Impact Statement for the southern area of the Town. He noted that the draft before us tonight for our consideration is the third draft developed over 28 months, and he feels this Board has done their job with the number of meetings, workshops, etc. This Resolution was reviewed by the Board – it is a statement saying we have received the draft, reviewed it and accepted it as a completed document. Chairman Donovan explained the procedures involved to move forward with the Public Hearing and what procedures will be followed thereafter. The Public Hearing will be held on Monday, August 10, 2009 at Perry Jr. High School on Weston Road, New Hartford and the notice of Public Hearing will be done. All substantive comments from the Public Hearing will be responded to by this Board in the FGEIS wand will also be made available for public review.

Motion to accept the draft Generic Environmental Impact Study Statement and to issue a Notice of Completion made by Board Member Bob Wood; seconded by Board Member Rodger Reynolds. Vote taken:

Chairman Jerome Donovan – yes	Board Member Bob Wood – yes
Board Member Rodger Reynolds – yes	Board Member Julius Fuks – yes
Board Member Brymer Humphreys – yes	

Motion **approved** by a vote of 5 – 0.

Chairman Donovan noted for the record that he discussed this with the two Board Members absent tonight and they have told him they support the Notice of Completion.

Further, Chairman Donovan stated that this draft GEIS document will be available to the public through the Town website, the New Hartford Public Library, the Town Planner's office and the Town Clerk's office. He stated there are no substantive changes compared to the last draft – just grammatical and more readable. If any individuals want a hard copy, we will make arrangement through a private printer at private expense.

He also referred to the updated Frequently Asked Questions prepared to give residents a snapshot of the study. This is also available on the Town website.

At this time, Dr. Albert Shaheen wanted to ask a question regarding this document. Chairman Donovan explained that tonight's meeting isn't a Public Hearing and that he addressed the Board previously on this. He reiterated when the Public Hearing is going to be held on this document.

Chairman Donovan recognized the work of former Planning Board Chairman Hans Arnold who was a big part of this GEIS study process. He did a great job through a score of meetings, etc; and also recognized the work of former Board Member Bob Imobersteg who was also a major part of this Board and who contributed greatly to this study.

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**Business Park Subcommittee – update.** Board Member Bob Wood addressed what transpired at a subcommittee meeting that was held recently and what their goals are to address this project. Town Planner Schwenzfeier said he is working on submitting the history of what has transpired from the beginning of the Business Park from 1995 to 2008. Another future meeting is to be scheduled.

Chairman Donovan asked if they plan to meet with anyone, i.e., developers or Town Officials to get their input. Board Member Bob Wood said he called Councilman Woodland and also former Councilman George Herthum for their input.

Board Member Fuks said they are awaiting response from the Department of State for their comments.

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At this time, Chairman Donovan again explained the procedure for the GEIS Public Hearing. He explained how the Planning Board addresses agenda items submitted by applicants and that tonight's meeting is not a Public Hearing. He further explained that this Board has elected to have a Public Hearing for the GEIS, although it is not required.

**Chairman's Report:** Chairman Donovan said he received the resignation of Rodger Reynolds who will be leaving this Board effective July 15, 2009. He wants to personally extend his thanks to Rodger and also noted his prior services to the Village. He wished him well.

Also, under Town Code, this Board makes a recommendation to the Town Board for his replacement. He drafted an application procedure and wanted this Board's approval to use it. Board Member Fuks said he felt it would be helpful for everyone who wanted to add additional information also. A Press Release will be sent to the OD announcing Rodger's resignation and applications will be available from the Planning Board secretary. He also noted that under Town Law, Rodger's replacement would have to reside in the Village of New Hartford and he explained the procedure regarding the

Town of New Hartford  
Planning Board Minutes  
July 13, 2009  
Page 5

appointment of a Village resident.

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There being no further business, the meeting adjourned at 6:00 P.M.

Respectfully submitted,

Dolores Shaw  
Secretary/Planning Board

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