

**TOWN OF NEW HARTFORD  
PLANNING BOARD MINUTES  
MONDAY, FEBRUARY 14, 2011  
NEW HARTFORD PUBLIC LIBRARY – 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 Ellen Rayhill, Peggy Rotton, and Brymer Humphreys. Board Members absent: Jerome Donovan and Bob Wood. Also in attendance were Town Attorney Herbert Cully, Codes Enforcement Officer Joseph Booth, Lis DeGironimo, Town consultant/engineering, and Recording Secretary Dory Shaw.

Chairman DeLia stated for the record that there are four (4) members in attendance this evening. He explained that a total of four (4) votes would be needed for approval and it was up to the applicants whether to proceed or come back at another time with a full Board.

Motion was made by Board Member Peggy Rotton to approve the January 10, 2011 draft minutes; seconded by Board Member Brymer Humphreys. All in favor.

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**Cazenovia Equipment, 8186 Seneca Turnpike, Clinton, New York (Town of New Hartford).** Amendment to Final/Preliminary Site Plan Review; proposed 8,960 square foot addition to existing building. Tax Map #328.000-2-24; Total Lot Size: 8.58 Acres; Zoning: Planned Highway Business. Mr. Robert Frazee and Mr. Rob Ives of Napierala Consulting appeared before the Board (Chairman DeLia referred to the Board having four (4) members in attendance. The applicant wished to proceed).

Codes Officer Booth explained that the addition is to add to the existing retail use. This will be allocated for the storage of equipment and some parts storage. Mr. Frazee had been to the Zoning Board of Appeals on December 6, 2010 for an interpretation of use. This was given approval by the Zoning Board that the use is retail. They meet all required setbacks, lot coverage, and parking.

Mr. Frazee stated they aren't changing the use – it will still be agricultural, residential and commercial equipment sales and service.

Chairman DeLia asked Lis DeGironimo if she had any concerns – the response was no.

Motion was made by Board Member Peggy Rotton to grant Preliminary Approval of plans dated December 29, 2010 with revisions of January 5, 2011 and February 8, 2011; seconded by Board Member Brymer Humphreys. All in attendance in favor. (Motion **approved** by a vote of 4 – 0).

Motion was made by Board Member Peggy Rotton to declare the Planning Board as Lead Agency; seconded by Board Member Brymer Humphreys. All in attendance in favor. (Motion **approved** by a vote of 4 – 0).

Mrs. Shaw will send information out to all Involved Agencies.

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**Messrs. James & Harold Julian, property located at 4752-4756 Middle Settlement Road, New Hartford, New York.** Recommendation to Town Board for Zone Map Amendment from RB3 Office Business to PDMU Planned Development Mixed Use; Tax Map 316.016-6-64.1; 316.016-6-65; 316.020-1-3; Lot Size: 13.25 Acres. Attorney Andrew Kowalczyk appeared before the Board (Chairman DeLia referred to the Board having four (4) members in attendance. The applicant wished to proceed).

Codes Officer Booth stated this property abuts another PDMU zoning and there is no issue regarding spot zoning. This property abuts NYS Route 840 and near BOCES.

Chairman DeLia asked Lis DeGironimo if she had any concerns – the response was no. Chairman DeLia referred to Town Attorney Cully. Attorney Cully referred to the required items listed in Section 118-87 of the Town Code regarding Report of Planning Board to Town Board (these items have been made a part of the file). Town Attorney Cully felt this meets approval. Codes Officer Booth agrees as it gives the Planning Board more input with the Planned Development zone proposal.

Chairman DeLia explained that this is a recommendation from the Planning Board to the Town Board, with the Town Board scheduling the Public Hearing. It would then be referred back to the Planning Board under Site Plan Review.

Motion was made by Board Member Peggy Rotton that the Planning Board recommend to the Town Board approval of the Zone Map Amendment for Messrs. James & Harold Julian, 4752-4756 Middle Settlement Road, New Hartford, Tax Map #316.016-6-64.1; #316.016-6-65; #316.020-1-3 from RB3 Office Business to Planned Development Mixed Use; seconded by Board Member G. Brymer Humphreys. Vote taken of members in attendance:

Chairman Elis DeLia – yes	Board Member Peggy Rotton – yes
Board Member G. Brymer Humphreys – yes	Board Member Ellen Rayhill – yes

Motion **passed** by a vote of 4 – 0. Mrs. Shaw will notify the Town Clerk of this recommendation.

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**Ms. Jill Prichard, 9296 Mallory Road, New Hartford, New York.** Preliminary and Final Subdivision Review for a two-lot minor subdivision at 9302 Mallory Road.. Tax Map #339.020-1-26; Zoning: Residential/Agricultural 1. Mrs. Jill Prichard appeared before the Board. (Chairman DeLia referred to the Board having four (4) members in attendance. The applicant wished to proceed).

Mr. Booth explain this is a two-lot minor subdivision. The parent parcel was made smaller; however, that land will be added to the adjacent parcel to make that more conforming. He

explained that Mrs. Prichard appeared before the Zoning Board of Appeals on June 21, 2010 for an Area Variance of 8800 square feet on the parent parcel while remaining parcel is proposed to be joined with already existing parcel. A condition was placed on the variance that the property be transferred legally within one (1) year of approval date. This was approved at that meeting. Mr. Booth explained the layout of the property – the applicant is not creating an illegal lot. There will not be any building on the lot, just adding to the adjacent property to make that bigger.

Chairman DeLia asked Lis DeGironimo if she had any concerns – the response was no.

Motion was made by Board Member Ellen Rayhill to grant Preliminary and Final approval for the two-lot minor subdivision of Mrs. Prichard, survey plan by Edward W. Parry, Licensed Land Surveyor #39835, dated December 1, 2010 with the condition that proof of transfer be shown to the adjoining property within one (1) year of approval date, and this not be a building lot; seconded by Board Member Brymer Humphreys. All in attendance in favor. (Motion **approved** by a vote of 4 – 0).

Mrs. Prichard was advised to submit additional paper copies and one (1) mylar stamped by the surveyor for signature by the Planning Board Chairman.

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**Mr. Garrett Loughlin, regarding 9888 Roberts Road, Sauquoit, New York.** Preliminary and Final Subdivision Review for a two-lot minor subdivision at 9888 Roberts Road. Tax Map #350.000-3-27; Lot Size: approximately three (3) acres; Zoning: Agricultural. Mr. Loughlin appeared before the Board. (Chairman DeLia referred to the Board having four (4) members in attendance. The applicant wished to proceed).

Codes Officer Booth stated this property is in two (2) townships, Paris and New Hartford. The land is being split from the parent parcel and joined to the parcel known as Burth. The new lot being created would provide enough land for more than one lot, however at this point in time it is to be blended into one lot. This is a conforming lot with more than enough road frontage. Mr. Loughlin has provided a full map, and Town Attorney Cully has reviewed it. It was stated that the remaining land surrounding the newly formed Burth parcel will continue to be used for agricultural purposes. Mr. Booth explained about the existing barn on the site and how the transfer of this property will rectify a property line encroachment issue.

There were no comments from Lis DeGironimo, consultant/engineering.

Motion was made by Board Member Peggy Rotton to grant Preliminary and Final approval for this two-lot minor subdivision, map dated December 9, 2010/January 9, 2011 by Land Surveyor Jeffrey Stephen Duda, License #050568 with the condition that proof of transfer be shown to the adjoining property within one (1) year of approval date; seconded by Board Member Ellen Rayhill. All in attendance in favor. (Motion **approved** by a vote of 4 – 0).

Mr. Loughlin was advised to submit additional paper copies and one (1) mylar stamped by the surveyor for signature by the Planning Board Chairman.

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**Presbyterian Home, 4290 Middle Settlement Road, New Hartford, New York.** Preliminary Site Plan review of a proposed 7,500 square foot building for a new Parkinson's Unit. Tax Map #328.000-2-67.1 Lot Size affected: .25; Zoning: Planned Development Institutional. Mr. Peter Nelson of Nelson Associates appeared before the Board. (Chairman DeLia referred to the Board having four (4) members in attendance).

Codes Officer Booth explained this is a phased project. Phase I would add 2250 square feet to Parkinson's rehabilitation. Parking lot is non-conforming now. Eventually once they go on to develop the whole project, it will be 7500 square feet of a similar use and change the parking lot around, which would meet setbacks and zoning law. The maximum permissible lot coverage is 50%. As the building sets now, it is 56%. Once this project is done, it will be up to 58%. 60% coverage is allowed in the zone with the addition of twelve (12) trees per parking space – this is addressed by the Planning Board.

Mr. Booth said the number of parking spaces is decreasing - they are reducing bed counts – however, still within the Code for parking.

Mr. Nelson said they have 196 spaces now and it will be reduced to 189. There has never been an issue with parking.

Chairman DeLia asked Codes Officer Booth to explain the number of parking spaces. Mr. Booth explained the Ordinance is written for brand new construction (referring to the 12 trees). It doesn't take into account an existing facility with a small addition.

Town Attorney Cully stated they were conforming in 1999. This has been a PDI zone since 1999 and Attorney Cully asked, when they were approved in 1999, they didn't have the necessary trees? Response was yes, they didn't have the necessary trees. Town Attorney Cully will look at this further as they may be grandfathered in.

Mr. Booth stated they are looking for a blanket approval on the project but there are two (2) phases. Under SEQR this has to go out for both. Mr. Nelson explained the first part will start, then secure funding for the remainder of the project a short time later. Before this, they are over the 50% lot coverage, for this will put them to 58% and when they were at 56%, the trees weren't addressed.

Lis DeGironimo said she asked them for building elevations for this Board to review. Mr. Nelson displayed the elevations – reducing beds, adding more space for improving living conditions, etc. The first phase will be renovations to some of the interior from doubles to singles and renovating the rest to all single beds. They need to agree to reduce their beds per State mandate.

Mrs. DeGironimo also referred to the roof lines in that they create valleys. She asked for additional information regarding runoff calculations.

Mr. Nelson stated it wouldn't increase any runoff.

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At this time, motion was made by Board Member Ellen Rayhill to grant Preliminary Approval for the Presbyterian Home proposed addition - plans by Nelson Associates, Site Plan dated February 7, 2011; seconded by Board Member Peggy Rotton. All in attendance in favor. (Motion **approved** by a vote of 4 – 0).

Board Member Rayhill asked about the parking issue. Chairman DeLia stated this will be sent out for SEQR and the concerned agencies will address that issue, storm water, etc.. The Town Attorney will address the legal issue/parking/trees.

Motion was made by Board Member Peggy Rotton that the Planning Board be Lead Agency for this project; seconded by Board Member Ellen Rayhill. All in attendance in favor. (Motion **approved** by a vote of 4 – 0).

Mrs. Shaw will send information out to all Involved Agencies.

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There being no further business, the meeting adjourned at 6:18 P.M.

Respectfully submitted,

Dolores Shaw  
Recording Secretary

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