

**TOWN OF NEW HARTFORD  
PLANNING BOARD MINUTES  
MONDAY, APRIL 11, 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, Brymer Humphreys, Bob Wood and Jerome Donovan. Also in attendance were Town Attorney Herbert Cully, Codes Enforcement Officer Joseph Booth, Lis DeGironimo, Town consultant/engineering, and Recording Secretary Dory Shaw.

Draft minutes of the February 14, 2011 and March 14, 2011 meeting were addressed. Motion was made by Board Member Peggy Rotton to approve the minutes of February 14, 2011; seconded by Board Member Brymer Humphreys (Board Members Jerome Donovan and Bob Wood abstained as they were not in attendance). All in favor. Motion was made by Board Member Peggy Rotton to approve the minutes of March 14, 2011; seconded by Board Member Ellen Rayhill. Clarification made on Page 5, 4<sup>th</sup> paragraph; correction made on last paragraph from Loch to Lochner. (Board Member Bob Wood abstained as he was not in attendance). All in favor.

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**Minor Two-lot Subdivision: LT Group, LLC for Hampton Inn, Woods Park Drive.**

Proposed subdivision of approximately 3.4 Acres. Tax Map #328.000-3-7.1; Zoning: Planned Development Park. Mr. Larry Adler appeared before the Board.

Codes Officer Booth stated that the Planning Board had already given final approval to the project for Hampton Inn and waived the frontage requirement. He stated Mr. Adler is now subdividing out the parcel.

This had been sent out for County 239 Planning review. Chairman DeLia asked Lis DeGironimo if she had any comments – she had no comment.

Attorney Cully reviewed the map as presented. Motion was made by Board Member Peggy Rotton to grant Final Approval to this minor two-lot subdivision, map dated March 30, 2011 by Bruce W. Snyder, Registered Land Surveyor; subject to deed description review by the Town Attorney; seconded by Board Member Bob Wood. All in favor.

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**Cazenovia Equipment, 8186 Seneca Turnpike, New Hartford, New York.** Amendment to Final; Final Site Plan Review/Approval; proposed approximate 10,000 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 of Cazenovia Equipment and Mr. Rob Ives of Napierala Consulting appeared before the Board.

This application was sent out for SEQR with responses received. Chairman DeLia asked Codes Officer Booth and Lis DeGironimo if they had any comments – both had no further input.

Motion was made by Board Member Peggy Rotton to close SEQR with a Negative Declaration; seconded by Board Member Brymer Humphreys. All in favor.

Motion was made by Board Member Peggy Rotton to **grant Final Approval** to this application with sketch plan map dated December 29, 2010; revision dates of January 5, 2011 and February 8, 2011; seconded by Board Member Brymer Humphreys. All in favor (except Board Member Donovan who was not in attendance at the February 14, 2011 meeting) but stated that he did review the application.

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**Presbyterian Home, 4290 Middle Settlement Road, New Hartford, New York.** Final Site Plan Review/Approval 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.

At approximately 6:00 P.M., Board Member Peggy Rotton excused herself and left the meeting.

Replies have been received from Involved Agencies for SEQR. Sewer credits have been addressed and they will be getting flow credits because of the net reduction in beds. Codes Officer Booth stated this is a phased development – first modular in Phase I, final build out in Phase II. The entire phases have been reviewed.

Lis DeGironimo referred to Mr. Steve Devan's letter of March 29, 2011 (Oneida County Department of Water Quality & Water Pollution Control) regarding I & I (infiltration and inflow) work to the sewer system. She stated Richard Sherman, Supt. of Highways, said that corrections needed to be made at the Meadows. Mr. Nelson isn't doing any upgrades to the sewer system at this time.

Town Attorney Cully wanted to know who owns the sewer system – the Presbyterian Home does. He stated this is a serious issue because we are being surcharged by the County. A question becomes if it is a Town or developer's responsibility - this is different because the developer owns the system. In speaking with Mr. Devan, this system has deficiencies and there are serious infiltration issues. Therefore, can this project be approved with a system already failing.

Mr. Nelson explained this project will result in a net reduction in sewer flow because of the reduction in beds. He feels that anything related to this addition will be an improvement. Town Attorney Cully reminded him that this system is being connected to a failing system

Chairman DeLia asked, within this Consent Order, is the private property owner responsible – Town Attorney Cully said yes. He further stated that Mr. Devan indicated there was a proposal presented a few years ago that they were going to go in and do substantial remediation which result in the credits as needed. However, that stopped.

Chairman DeLia inquired about our option. Town Attorney Cully indicated we can take action or not, or get some indication whether or not they will go forward and make correction to the deficiencies in their existing system. Chairman DeLia asked if the Town has a mechanism to force this – is there some basis to tie this issue with this system. Town Attorney Cully felt it would take some time to establish rights, but reminded them about the failing system.

Board Member Wood commented that the first phase will have a six (6) bed reduction and that will carry on through because doubles are being converted to singles. The State is funding this only with the understanding there is a reduction in beds.

Board Member Donovan doesn't know of any mechanism and remediation to the Town Attorney's point about private system in the Town, but it doesn't seem like good public policy to have a major sewer system that is contributing to overflow that we are under a mandate to correct.

Mr. Nelson talked with Mr. Devan, he has the mandate agreement that was brought up to the County. He feels this credit system is intended to be designed so over time as you develop credits, it isn't setup to force an entity to fix the system – he said it is by attrition. Mr. Nelson feels this is a different approach as he understands it in talking with Mr. Devan.

Board Member Rayhill said for new development to happen, that is what the credit system is for.

Town Attorney Cully stated that Mr. Devan indicated they came forward with a proposal acceptable to everyone to do the I & I issue that came up and everything was put on hold.

Board Member Donovan asked if there is a way if an I & I was done on this project, could the private owner get additional credits to give back to the Town – Town Attorney Cully said he believed so. Board Member Rayhill asked what the Presbyterian Home would get. Attorney Cully will have to check on this.

Chairman DeLia referred to the PDI zone where this application is and the authority this Board has in a Planned Development zone. He would like this issue thoroughly investigated before closing SEQR or to grant Final Approval. He suggests the applicant get together with the Town Attorney, the Presbyterian Home counsel and Planning Board Chairman to move this along to try to get on the May 9<sup>th</sup> Planning Board agenda. Chairman DeLia asked if the Board Members had further comments – the Board agreed with the Chairman's comments.

Town Attorney Cully feels the agreement should be reviewed and go forward to satisfy the deficiencies.

Mr. Nelson appreciates the Board's input; he is worried about funding delays. He will try to expedite this and get back to us. It was recommended he contact Mr. Devan.

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**Faxton-St. Luke's Healthcare, Burrstone Road & Champlin Avenue, New Hartford, New York.** Preliminary/Final Site Plan Review for a proposed 25' x 19' vinyl fabric trash compactor

**canopy** at their facility. Tax Map #317.000-2-2.1; Zoning: Planned Development Institutional. Ms. Sharon Palmer of Faxton-St. Luke's appeared before the Board.

Ms. Palmer explained that this canopy would be placed over the existing trash compactor in the back of the building.

Codes Officer Booth said he addressed this with Mr. Alesia about what amounts to combustible construction to a non-combustible construction and of this date he has not heard from him. Ms. Palmer said the vinyl does meet NFPA701 requirements. Mr. Booth said he is not familiar with 701. Mr. Alesia said this is a fire proof vinyl fabric used all over the country.

Lis DeGironimo couldn't determine the dimensions on how tall this is. Ms. Palmer said she would get this clarified for her.

Board Member Donovan asked Staff whether we could proceed. Mr. Booth can't make a recommendation on this with the Code reference. Ms. Palmer said she could discuss this with Mr. Booth at the time of the Building Permit.

This had been sent out for County 239 Planning review.

Therefore at this time, motion was made by Board Member Jerome Donovan to grant **Preliminary and Final Site Plan Approval** for this application; and that Ms. Palmer discuss this canopy fabric construction with Codes Officer Booth at the time of the Building Permit; seconded by Board Member Bob Wood. All in favor.

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**Faxton-St. Luke's Healthcare Facility, Inc., 1650 Champlin Avenue, New Hartford, New York.** Preliminary Site Plan Review of a proposed addition/renovation to St. Luke's Home. Tax Map #317.000-2-1.3; Zoning: Planned Development Institutional. Mr. Andy Alesia of Alesia & Crewell Architects and Mr. Donald Ehre of Boulder Consultants appeared before the Board.

Mr. Ehre stated this is a project as a result of a grant that the medical center got from the State of New York. A consolidation of services brought to St. Luke's Home. It is a total of 82 beds; 41 beds on the ground floor being decertified; administrative office relocation; physical therapy gym; renal dialysis unit; adult day care facility; long term care and nurses station.

Mr. Ehre said there are no new water mains; addressed relocation of hydrants, storm water drainage and how it affects parking, collection of storm water, grading, landscaping, etc. Mr. Ehre feels they will reduce water because of a net loss being taken up by roof leaders. Lawn will be tapered also to filter water – river stone will be used. Mr. Alesia said landscaping drawings are shown to give a sense of what the river bed approach would look like. No catch basins in this area – any water coming from St. Luke's Home will be existing and a swale will carry it out.

Further, St. Luke's Home would like to build a picnic shelter for outside summer activities (gazebo). It is proposed on the south front of the building.

Board Member Wood referred to the parking lot on the southwest corner where the pipe comes out. Mr. Ehre said it is rip rap and open. It discharges into a grass channel.

Board Member Humphreys addressed a 10 year and a 100 year storm – Mr. Ehre said if it reached a 100 year storm, it would reach the maximum height in this basin.

Mr. Alesia addressed lighting – the new lights will be directed inward – 20’ high cobra heads. Mr. Alesia also stated that are trying to match materials to the existing building.

Chairman DeLia mentioned that St. Luke’s has taken the initiative to meet with the public/residents nearby. Mr. Alesia stated that meeting was held on April 7, 2011 with about ten (10) people. They will replant some trees that have died. However, the only concern was with trash pickup and they relayed that message to the House of the Good Shepard.

Ms. Palmer said the neighbors are in support of the project.

Chairman DeLia also referred to a lot line adjustment/subdivision that had to be accomplished in conjunction to this application in order to facilitate this expansion. Codes Officer Booth feels we should look at the subdivision this evening, which had been submitted but not distributed to Staff at this time. Mr. Ehre said the hospital and Home would like the parking and facilities within a single parcel. The hospital would like to continue with that type of process to keep the entities as it is now – St. Luke’s Foundation and St. Luke’s Home.

Discussion ensued regarding the subdivision, and acreage involved and whether they would qualify for a Preliminary Approval even though that subdivision isn’t granted yet. Attorney Herb Cully is reviewing this.

Codes Officer Booth was asked if they meet parking requirements – Mr. Booth said yes.

Board Member Donovan addressed Mr. Alesia and parking for the entire campus, the community meeting room proposed and the moving of staff into this facility.

Lis DeGironimo stated Staff met with St. Luke’s and they addressed parking issues and setbacks. The storm water SWPP has been completed and sent to Soil & Water for review. One of the comments we had was the detention basins were steep. She wanted to point this out and asked them to add some guide rails - this has been done.

Mr. Alesia thanked Lis DeGironimo and Joseph Booth for their assistance.

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

Motion was made by Board Member Jerome Donovan to have the Planning Board be Lead Agency for SEQR; seconded by Board Member Bob Wood. All in favor.

Dory Shaw will send correspondence to Involved Agencies under SEQR on this project.

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**The Other Guys, 4462 Commercial Drive, New Hartford, New York.** Preliminary Site Plan Review of a proposed rehabilitation of existing building to be used as a drive-in restaurant. Tax Map #328.011-1-13; Lot Size: 0.357 to 0.431 Acres; Zoning: Retail Business 1. Mr. Al Forte of Octagon Engineering and Mr. B.J. Evans, applicant, appeared before the Board.

Mr. Forte explained that Mr. Evans owns Tony's Pizza on Commercial Drive and would like to renovate the adjacent vacant building for a drive-in and dining restaurant with ice cream, burgers and fries – counter area, ice cream machines, ansul system, etc. About 22 people can sit inside the building with approximately 20 people seated outside. Because there is take-out, it requires Site Plan Review. Mr. Evans will operate both businesses. He is not expanding the interior. This building was formerly occupied by Dapper Dan Dry Cleaners. Mr. Forte resubmitted a revised set of plans dated April 6, 2011 showing the most current elevations, terrain, and they had a survey done. There is a planting list to be located around the parking lot. Mr. Forte referred to configuration of the property, parking and permeable space. Mr. Forte referred to the floor plan and improvements to the outside of the property. Distance to the fire hydrant is 250'.

Further, Mr. Forte said they want to add a 360 square foot patio with an awning to the rear of the building. To the front they will put in new decks – they are within the front setback line – nothing will be built beyond this. Proposed parking is 13 spaces, some handicap – some striping will be done. There will be an enclosed dumpster area and they will landscape at the edges of the perimeter of the parking lot. He said Mr. Evans also wants to put a temporary fence out front with some ornamental containers.

The building be will handicap accessible. The parking lot will be paved where necessary. Mr. Forte referred to drainage on site but they will add a French drain to catch the water. Any water will set in the berm for downward percolation. Water will not affect any adjacent property.

Mr. Forte outlined how the front of the building will change slightly. They will install bollards; they lowered the sign to comply with Code. The size of the sign won't change but the text may.

Codes Officer Booth commended Mr. Forte for his accommodation to add a berm around the parking lot so as not to cut through to the other lot. Also, the French drain doesn't go to the surface and he asked if this is a problem – Mr. Forte said no, but he will check the perk. He has added a guard rail in that berm.

Lis DeGironimo said they have met with the applicant several times and they agreed to put in a stockade fence around the dumpster. She said this is not a Type II action under SEQR. She explained the SEQR process and uncoordinated review vs. coordinated review. She also referred to the pavement being hard packed. This would probably improve the area, especially water runoff. She feels it is an improvement to the site.

Chairman DeLia referred back to the SEQR review process and asked the Town Attorney how it affects this approval. Attorney Cully felt we should do the coordinated review especially because of the proximity to Jay-K.

Mr. Forte asked what if he took out pavement and put in a gravel driveway. Whatever pavement they added they can take out.

Lis DeGironimo stated paved or unpaved, we are making an area by creating parking. Chairman DeLia felt that if impervious surface worked he doesn't know if it would work under the law. We can move forward with SEQR to get the process going. This is definitely an unlisted action.

Board Member Donovan asked if a property line goes through parking spaces – Mr. Forte said yes, there is an agreement.

Mr. Forte asked if a conditional Building Permit could be issued so they could get started. Codes Officer Booth said yes, the Certificate of Occupancy is going to control occupancy – it is up to the Planning Board. Discussion ensued regarding the authority of issuing this conditional permit. It was determined that Codes Officer Booth will do so as long as the Town Attorney approves the language – Town Attorney Cully will check into this.

Motion was made by Board Member Jerome Donovan to grant Preliminary Approval; seconded by Board Member Ellen Rayhill. All in favor.

Motion was made by Board Member Jerome Donovan to have the Planning Board be Lead Agency under SEQR; seconded by Board Member Brymer Humphreys. All in favor.

Dory Shaw will send correspondence to Involved Agencies under SEQR on this project.

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There being no further business, the meeting adjourned at 7:00 P.M.

Respectfully submitted,

Dolores Shaw  
Recording Secretary

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