

**TOWN OF NEW HARTFORD
PLANNING BOARD MINUTES
MONDAY, JANUARY 10, 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, Jerome Donovan, Bob Wood and newly appointed Julius Fuks, Jr. Also in attendance were Town Attorney Herbert Cully, Codes Enforcement Officer Joseph Booth, Lis DeGironimo, Town consultant/engineering, and recording secretary Dory Shaw.

Motion was made by Board Member Rotton to approve the November 30, 2010 draft minutes with a correction on Page 2, second paragraph, line 4 to read and; seconded by Board Member Humphreys. Board Member Donovan would like the minutes of November 30, 2010 to show what time the meeting started and when it ended: start time: 5:30 P.M., ended 6:23 P.M. With those comments so noted, the minutes were approved as revised, except Board Member Fuks abstained as he was not in attendance at that meeting.

New Hartford Veterans Memorial Park, Evalon Road & Merritt Place, New Hartford, New York. Tax Map #329.013-1-100; Lot Size: 3.37 Acres – lot affected .47 Acres; Zoning: Medium Density Residential. Preliminary Site Plan Review of a proposed parking lot at this site. The Town of New Hartford is the owner of the land to be developed. Mr. Michael Jeffery, Parks & Recreation was present.

Codes Officer Booth explained the proposed parking at this existing park would have fourteen (14) spaces, two (2) and one(1) is a double handicap space, i.e., for a van. Parking setbacks are sufficient.

Mr. Jeffery stated that this parking is not intended as an event parking.

Mrs. DeGironimo has some minor recommendations: to move construction notes 10 through 13 from Sheet L2 to Sheet L3; and to show the transition point from storm water management trench to SMT with concrete gutter, and to label the transition location on Sheet L3. Also, the handicap stall width isn't labeled. Further, she talked with Highway Superintendent Rick Sherman and storm water capacity is adequate, but install a rain garden is her recommendation to eliminate some runoff. Mr. Jeffery will show the handicap size in the detail.

Chairman DeLia asked if Mr. Sherman is going to take care of the storm water management – Mr. Sherman addressed the Board and said yes.

Chairman DeLia asked Mrs. DeGironimo if the application was ready to be sent out for SEQR – she said yes. He also mentioned that this money is contained in the Veteran's Memorial fund.

Board Member Humphreys asked if there was a request for this. Mr. Jeffery stated this is generated by use of the site. This park is used as a destination for folks to park and visit, feed the ducks or enjoy the scenery/pond – this site has many beautification features. A sidewalk exists from Merritt Place to Evalon Road.

Board Member Fuks asked if the handicap parking is adequate. Answer: yes.

Board Member Donovan expressed concern as now it is green space. He asked if we should entertain a Public Hearing as this abuts residences. Mr. Jeffery explained he had a call from an adjoining resident, shared the plans, and they seemed satisfied. Mr. Jeffery noted this is a large park and wants to provide public parking. Board Member Donovan asked whether parking could be accommodated by the road. Mr. Jeffery stated that former Police Chief Ray Philo was opposed to a pull off from a safety standpoint. Current Police Chief Mike Inserra will be notified of this application through SEQR for his comments.

Board Member Rotton asked about trees – there will be about fifteen (15) trees planted – an evergreen buffer between the park and residents.

Motion was made by Board Member Rotton to accept the plans and grant Preliminary Approval; seconded by Board Member Rayhill. All in favor.

Motion was made by Board Member Humphreys to have the Planning Board Lead Agency for SEQR; motion seconded by Board Member Wood. All in favor.

Chairman DeLia asked if the Board Members wanted a Public Hearing, which is optional. Motion was made by Board Member Donovan to schedule a Public Hearing for this application; seconded by Board Member Rotton. Board Members in favor, except for Chairman DeLia who is opposed. The Public Hearing will be held at a date to be announced.

Upstate Cerebral Palsy, 3390 Brooks Lane, Chadwicks, New York. Tax Map #349.020-1-30; Zoning: Institutional; Lot Size: approximately 20 Acres. Preliminary Site Plan Review of a proposed 2880 square foot building with associated grading and landscaping improvements at Brooks Lane & Hamilton Street. Mr. Ed Keplinger of Keplinger Associates was present as well as a representative from Upstate Cerebral Palsy.

Mr. Keplinger displayed the site and gave an overview of the proposed project. It is a six-unit, one-story residential facility with four (4) parking spaces. Some drainage improvements will be done in the back of the property; they will clean up the swale line also. A garage is located with a sidewalk up to the front door. They would like to put in a concrete sidewalk from Hamilton Street to the walk-out basement. Also, they are adding a fence on the southwest portion of the site towards Route 8 – either wood or vinyl.

Chairman DeLia asked Mrs. DeGironimo regarding the labeling of building heights. These plans meet preliminary requirements.

Codes Officer Booth said the property is an eleemosynary use and this application requires Site Plan Review. They meet all bulk requirements in this zone, which is Institutional. The only thing from a zoning perspective is the quantity of parking, which is subject to Planning Board approval or determination.

Board Member Donovan asked about staffing, site location and clients. It was stated six (6) people would be living in the residence and they staff 24 hours a day, which could result from three (3) to six (6) or seven (7) people. There is plenty of parking at this facility. Mr. Keplinger stated this location was chosen due to the proximity of their existing facility. This facility will house developmental disability clients between the ages of 18 to 21-25. It affords them an opportunity to make a transition from a school into a community setting.

Board Member Fuks asked if they checked whether this project was in the flood plain. Mr. Keplinger said it is not, and it does not infringe.

Attorney Cully stated initially there was some concern whether or not this was an eleemosynary use. Attorney Dan Cohen was very helpful with information regarding this. Attorney Cohen spoke to him at the start of the meeting regarding proper notification to the Town Board on this proposal.

Attorney Cohen addressed the Board regarding Section 41-34 of the Mental Health Law. It requires notice to the Town Board once a site is selected. This letter was given to then Town Supervisor Earle Reed on July 13, 2009 and on August 26, 2009 there had been no response.

At this time, motion was made by Board Member Rayhill to grant Preliminary Approval; seconded by Board Member Humphreys. All in favor.

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

Board Member Donovan noted that in light of the fact there was no previous response from the Town Board regarding Section 41-34, he feels a Public Hearing should be held.

Chairman DeLia asked if the Board Members wanted a Public Hearing, which is optional. Motion was made by Board Member Rotton to schedule a Public Hearing; seconded by Board Member Donovan. Board Members in favor, except for Chairman DeLia who is opposed. The Public Hearing will be held at a date to be announced.

Attorney Cully advised Attorney Cohen that the Planning Board has an option for a Public Hearing under the Site Plan Review process.

Zone Map Amendment Request from Manufacturing to Retail Business/Recommendation to the Town Board for the application of C. Sloan, 8438-8440 Seneca Turnpike, New Hartford, New York. Tax Map #328.011-1-20.1; Lot Size: approximately 4.52 Acres. Current

Zoning: Manufacturing. Mr. Ned Walker of Walker Planning & Design appeared before the Board.

Mr. Walker said he represents the Jay-K rezoning applicants. He is here now to answer any questions regarding the follow-up petition that Mr. Sloan has to rezone his property from Manufacturing to Retail Business 1 to make it similar to the Jay-K request. He stated that a Public Hearing is scheduled at the Town Board for January 26, 2011 on both projects. He presented maps that illustrate the areas involved.

Attorney Cully stated that the last approval in the minutes of November 30, 2010 relating to Jay-K was contingent upon the Sloan property coming forward. Attorney Cully also provided at that time the criterion set forth in our Ordinance. When this Board recommended approval to the Town Board, it was based on that criterion as well.

At this time, motion was made by Board Member Rotton to recommend to the Town Board the approval of the Zone Map Amendment for the Sloan property at 8438-8440 Seneca Turnpike; seconded by Board Member Wood.

Board Member Donovan stated that he is against this application because he feels we need a full traffic study for the total build-out now for the 26 acres as the traffic concerns would be exacerbated further, and he feels there is no information before us to address this. He further stated under Item 3 of the criterion, he feels he doesn't have sufficient information.

Chairman DeLia reiterated that the GEIS in place deals with all off-site issues. Vote was taken on motion mentioned above:

Chairman DeLia – yes	Board Member Rotton – yes
Board Member Wood – yes	Board Member Humphreys – yes
Board Member Rayhill – yes	Board Member Donovan – no
Board Member Fuks – abstained as he was not present for the previous review at the Planning Board for the Zone Map Amendment request for Jay-K.	

Motion **approved** by a majority vote of five (5) with one (1) vote not in favor and one (1) abstention.

There being no further business, the meeting adjourned at 6:20 P.M.

Respectfully submitted,

Dolores Shaw
Recording Secretary

db

