

**TOWN OF NEW HARTFORD  
PLANNING BOARD MINUTES  
TUESDAY, OCTOBER 18, 2011  
BUTLER MEMORIAL HALL  
48 GENESEE STREET  
RODGER REYNOLDS MEETING ROOM**

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 Peggy Rotton, Brymer Humphreys, and Julius Fuks, Jr. Board Members absent: Jerome Donovan, Ellen Rayhill and Bob Wood. Also in attendance were Town Attorney Herbert Cully, Ms. Lis DeGironimo, Engineering Department Coordinator, Codes Officer Joseph Booth, and Recording Secretary Dory Shaw.

Draft minutes of the September 12, 2011 meeting were received by each Board Member. Motion was made by Board Member Brymer Humphreys to approve these minutes with addition of, relation to the runoff, on page 3, first paragraph, second sentence; seconded by Board Member Peggy Rotton. All in favor.

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**Mr. Donald Van Waes, - Amendment to Final;** addition of cul-de-sac on **Merrimac Street**. Tax Map #328.014-1-16; Zoning: Medium Density Residential; Planned Development Institutional. Mr. Van Waes appeared before the Board.

This is an Amendment to Final for the addition of a cul-de-sac on Merrimac Street. Codes Officer Booth explained that this was part of a larger development at one time. The development has been sold. The developer wishes to add a cul-de-sac at the end of Merrimac to use some lots and there is a slight modification to one lot. The developer is aware that one lot is zoned Planned Development Institutional and the Town would not permit a single family residential home on that one lot. The Town will gain access to some land they already have. One of the residential lots is zoned Planned Development Institutional. He also stated this meets all zoning requirements.

Ms. DeGironimo commented that this provides the Town with access. Town Attorney Cully said they are reducing a number of lots and eliminating one of the roadways. He just wanted this Board to see it because it is now going to be a cul-de-sac.

Motion was made by Board Member Peggy Rotton to **grant Preliminary and Final approval to the Amendment to Final**, map dated October 14, 2010, Revision date October 6, 2011; seconded by Board Member Julius Fuks. All in favor.

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**Mr. David Clements, 9820 Sessions Road, New Hartford:** Preliminary and Final Minor 2-lot Subdivision approval. Adding a section of property to square off his lot. Tax Map 350.000-2-15.1; 350.000-2-15.3; Zoning: Agricultural. Mr. Clements was out of town and could not attend.

Codes Officer Booth said Mr. Clements is looking to add to his property which would make both properties conform to the Zoning Ordinance. The taking won't create a problem.

Town Attorney Cully said this is a lot line adjustment. Ms. DeGironimo has no issues with this.

Motion was made by Board Member Peggy Rotton to **grant Preliminary and Final Minor Subdivision Approval** survey map done by William E. Parry, L.S. #50143; seconded by Board Member Brymer Humphreys. All in favor.

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**Mr. Brian Gaetano – Amendment to Final**; adding 9 parking spaces (**Smith Barney, 106 Business Park Drive, New Hartford, New York**) which is in conformance with original site plan. Tax Map #317.000-2-8.4; Zoning: RB3 Office Business. Mr. Brian Gaetano appeared before the Board.

Ms. DeGironimo explained that originally when the applicant received approval they had 79 parking spaces. They weren't constructed and now they are coming back for a slight addition to the parking surface and a reconfiguration of parking spaces - it would still be 79 spaces. She had some concerns on slopes, but the project engineer provided a grading plan. The only recommendation would be hydro seeding of soil stabilization along the slope. They are still within the setback of 10' for the parking spaces.

Board Member Fuks referred to the plan and location of outside storage. Mr. Gaetano said it is a dumpster enclosure only.

Motion to **grant approval of Amendment to Final** of map dated October 3, 2011 by Alan Swierczek, P.E., was made by Board Member Brymer Humphreys; seconded by Board Member Julius Fuks. All in favor.

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**Applewood Heights, Phase 1.** Final Site Plan Approval for 20 proposed mobile home sites to be located off the existing **Applewood Mobile Home development, Seneca Turnpike, Clinton, New York (Town of New Hartford)**. Tax Map #328.000-2-1; Lot Size Affected: 12.29. Acres; Zoning: Low Density Residential; Planned Development Mobile Home; Planned Highway Business. Mr. John Barkett appeared before the Board with his engineer, Mr. Donald Ehre..

Codes Officer Booth stated the proposed lots are acceptable size. Ms. DeGironimo said all comments were received regarding SEQR and the developer has worked with Town personnel. They reworked area to use existing traffic and entrance into Applewood. Sewer capacity was discussed and the Town may have to upgrade their facilities – it is a Town-owned system. It is not upon the developer because the capacity should have existed – the system was originally approved and designed for that number. Board Member Rotton asked Ms. DeGironimo if everything had been taken care of regarding the sewer hook ups, etc. – Ms. DeGironimo said yes.

Town Attorney Cully stated the Town may have to make some improvements regarding sizing of pipes which will alleviate some existing problems. There had been no problems with the recent storms.

Board Member Fuks asked if all upgrades are the Town's responsibility. Town Attorney Cully said yes as the Town approved the design and the number of units designed including this proposal. Board Member Fuks also referred to the archeology study, which stated the grading hasn't shown anything. He asked if there is something to substantiate this for the record. Mr. Ehre is a Professional Engineer and said he will certify it as he did weekly inspections and nothing was revealed.

Chairman DeLia mentioned that those improvements Mr. Barkett did on their properties. They have worked hard to get this under control. This is a different configuration that what was first brought to us and they have cooperated with the Town.

At this time, 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 Applewood Heights, Phase 1**, plans by Boulder Consultants dated October 28, 2010, Revision date of June 29, 2011; seconded by Board Member Brymer Humphreys. All in favor.

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1) Affordable Senior Housing Opportunities of New York, Inc.- **Minor 3-Lot Subdivision Review at 47524756 Middle Settlement Road** (Julian Property), **New Hartford, New York**. Tax Map #316.016-6-65; 316.016-6-64.1; 316.016-1-3; Zoning: Planned Development Mixed Use. Mr. Christopher Trevisani appeared before the Board with Attorney Andrew Kowalczyk..

Codes Officer Booth explained this is a Planned Development Mixed Use zone which allows for some flexibility on the size of lots in accordance with Subdivision Regulations 104-12B of the Town Code.

Attorney Kowalczyk said there are lots A, B & C; lot A with frontage out to Middle Settlement Road; lot B has frontage of 20'. However, they asked to be granted an easement for access to the driveway at the existing Met Life building on site. This 20' of frontage would be used merely as a utility corridor. The 20' frontage takes care of water and utilities access (the water service has to go in this 20' strip of property – private service in). There will be two driveways total. Separate driveway for these units. The wetland area is in the back, and it is not in the flood zone.

Town Attorney Cully had talked with Attorney Kowalczyk and provided everything we need, including the easement. The easement is shown on the map.

Board Member Fuks asked if there is an issue with transmission line relative to this subdivision – Attorney Kowalczyk said no. Attorney Cully hasn't looked at the abstract.

Motion was made by Board Member Peggy Rotton to grant **Preliminary and Final 3-lot Subdivision Approval**; map dated August 11, 2011, however, received with updates on **October 4, 2011**; seconded by Board Member Julius Fuks, Jr. All in favor.

2) Preliminary Site Plan Review for a proposed 126 unit senior housing complex at 4752/4756 Middle Settlement Road, New Hartford, NY; Tax Map #316.016-6-64.1; 3165.016-20-1-3; 316.016-6-65; Zoning: Planned Development Mixed Use. Mr. Christopher Trevisani and Attorney Andrew Kowalczyk appeared before the Board.

Codes Officer Booth stated this is being looked at as a congregate residence, shared facilities, dining, and other amenities. It is a Permitted Use in this zone.

Mr. Trevisani said this is a proposed site plan based on the subdivision we reviewed. We are looking at developing the back parcel. Access will be through 100' of frontage on the lot. He met with Oneida County Department of Public Works and New York State Department of Transportation. Middle Settlement Road is a County road – Route 840 is under the jurisdiction of NYSDOT. Proposed access is to be outside of the existing striping from Middle Settlement Road. There is a private drive coming out. This is a three-story structure with 125 independent living units for seniors. These apartments are for rent. In addition, the dwelling units will have one ancillary structure for garages. All the other parking spaces are open lot spaces. They are proposing 131 parking spaces for 125 units.

Mr. Trevisani addressed 1) water service: it will be coming from Middle Settlement Road in that 100' of frontage along the access road. Service is domestic and one for fire protection. Given the length and style of the sewer service to a tie-in point (they need a private pumping station and then tie into Middle Settlement Road).

3) Storm water: they submitted a plan. Their engineers have looked at drainage and have come up with a system according to New York State qualifications. They have sent in their SWPPP.

4) In addition, they submitted a proposed lighting plan. They have put in as many as they could to be able to access their building. They did as low impact as possible, but still provide safety for their residents. There are no building mounted lights. Attorney Kowalczyk said the infiltration offsite is along the property line.

Ms. DeGironimo looked at building elevations. We would want to see a colored rendering from the neighborhoods. What is the color scheme? Mr. Trevisani said they use earth tones. They try to blend in with the surrounding area.(he submitted a colored rendering of the patterns and how it blends in with the natural landscape.

Board Member Fuks referred to a new standard for lighting intensity (LEED – Leadership in Energy and Environmental Design). Codes Officer Booth said it is not in the Building Code.

Ms. DeGironimo has no comments about the lighting plan.

Further discussion: there will be lighting out to the road; distance between light poles is approximately 350'; lights pointed downward; parking lot will be lit. Codes Officer Booth asked if there is a note on the plan for coverage – Mr. Trevisani said yes. Board Member Rotton had a concern regarding the distance between light poles. Ms. DeGironimo said this is not a dark site. Light is filtered from adjacent businesses.

Board Member DeLia advised that there is an outside engineering firm reviewing these plans as well, Barton & Loguidice.

Codes Officer Booth addressed parking: with 125 units the required is 250 spaces. Also, the coverage rate is to be no more than 33%. He feels they are shy on parking. Mr. Trevisani said they try to minimize impervious area – they would rather put as minimal number spaces as possible. Ms. DeGironimo feels comfortable with this number of parking spaces because they don't want to over pave and they have built at least ten other developments like this. It was stated there will be visitors parking close to the front entrance. There are no covered spaces within the building. Only 12 garage spaces. 119 spaces will be open for a total of 131.

Codes Officer Booth asked about the number of employees. Mr. Trevisani said on site probably two at a time, but they hire maintenance and third party service providers - minimal every day employees.

Board Member Fuks wanted to know how many cars are going to be parked there staying at the facility as you are saying .8 per unit. This is designed 1 to 1 which gives excess spaces for people to visit - Mr. Trevisani said yes.

Mr. Trevisani said Impervious is 39% of coverage. Codes Officer Booth said this is acceptable and well under the Code.

Chairman DeLia referred to the parking issue and the experience of the developer. The consultant engineer said she is comfortable with this. The outside engineer will look at this also. He doesn't see this as an issue.

Landscaping: Mr. Trevisani said their approach to landscaping was to reduce the impacts on the surrounding neighborhood. They are below grade along Route 840 They will collect runoff there will be some storm water basins – no trees or shrubs here. They have large trees in between parking area and detention area. Outside of the property is where the National Grid lines are and the State railroad bed. There is a significant amount of mature vegetation. They put in ornamental trees.

Codes Officer Booth asked if there was any type of guard rail by the steep slope – Mr. Trevisani said he doesn't believe so because this is correcting runoff – it also facilitates snow removal. Mr. Booth stated any plan to guard the steep slope or the building is an asset. Mr. Trevisani said there is a raised curb – Mr. Booth said there is nothing backing out. Ms. DeGironimo said they could probably put in something.

Board Member Fuks asked about the curbed drawings. It was stated on the storm water

management for the entire site, Oneida County Soil & Water and Barton & Loguidice will be reviewing this. It was further stated they will be responsible for all on-site storm water facilities.

He also asked about the depth of the pond and safety issues associated with it, and overall volume and capacity.

Mr. Trevisani said there is an opportunity to shallow the basin and they will look into it.

Motion was made by Board Member Peggy Rotton to **grant Preliminary Approval** of this site plan; seconded by Board Member Brymer Humphreys. .

Board Member Fuks asked the developer to take a look at the lamp posts for requirements for lighting and Green Building Council (Green Building Council has a standard about light intensity, etc.), and also decrease overall intensity of lights. Also, the color of the post to fit into the character of the area. Also, to provide a color rendering of materials for roof and siding. Further, to show sanitary facilities – connection to pump station should a power failure occur. Chairman DeLia asked if one of the concerned agencies would be reviewing it – Mr. Trevisani said Barton & Loguidice will look into it.

(Mr. Trevisani did not have an answer to back up power or luminaries to comply with Green Building Council or LEED certification).

All in favor on motion for Preliminary Approval.

Motion was made by Board Member Peggy Rotton to have the Planning Board be Lead Agency for SEQR; seconded by Board Member Julius Fuks. All in favor.

Attorney Cully said the developer has been made aware that the Town has the right to bring Barton & Loguidice as a consulting engineer – usually through an escrow account. He wants to make sure there is no problem – Mr. Trevisani said there is no problem.

Discussion ensued regarding a Public Hearing – there have been two Public Hearings previously. Chairman DeLia stated this is a Permitted Use. It was the consensus of the Board Members not to pursue a Public Hearing

Ms. DeGironimo said the current set of site plans do not reflect the approved subdivision lot lines for the first two parcels. Mr. Trevisani said he would show them on the site plans.

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

Respectfully submitted,

Dolores Shaw  
Recording Secretary

