

**TOWN OF NEW HARTFORD
PLANNING BOARD MINUTES
TUESDAY, NOVEMBER 30, 2010
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 Members DeGironimo, Rayhill, Rotton, Humphreys, Donovan and Wood. Also in attendance was Town Attorney Herbert Cully and Codes Officer Joseph Booth.

A motion was made by Member Rotton to approve the November 8, 2010 draft minutes; seconded by Member Donovan. All voted in favor.

The next matter was **Pacheco application** for approval of a five (5) lot major subdivision at the Irvin Avenue Mobile Home Park. The matter had previously been sent out for SEQRA comments. Motion by Member Rotton to **close SEQRA**, seconded by Member DeGironimo. All voted in favor and the Resolution passed.

Thereafter, a motion was made by Member Rotton to **grant Final Approval**, seconded by Member Wood. Discussion ensued as to whether this project, in fact, involved a reduction from eleven (11) lots to five (5) lots. Subsequently, a vote was taken, and all voted in favor of the Motion granting Final Approval.

The **National Grid** application was then discussed. It was indicated that all comments had been received in connection with the SEQRA review. Motion made by Member Humphreys to **close SEQRA**, seconded by Member Donovan. All voted in favor.

Thereafter, a Motion was made by Member Donovan, and seconded by Member DeGironimo to **grant Final Approval**. Member Rotton inquired about the length of the canvas roof, and was advised that it would be strong enough to hold up from collapse, and that it met all requirements of the New York State Building Code. A vote was taken and the application was unanimously approved.

The next matter to come before the Board was the **Zone Change Amendment** submitted by **Seneca Turnpike, New Jay-K Lumber, 8448 Hartford**, seeking an Amendment from Manufacturing to Retail Business 1. Town Attorney Cully enumerated the five (5) criterion for consideration in the Report of the Planning Board as set forth in the Town Code. Chairman DeLia indicated that the GEIS previously performed by the Town of New Hartford dealt with all off-site environmental issues, and that discussions should center around this specific parcel of property. Mr. Walker, on behalf of the owner, presented the application to the Town Board. He indicated that the application contained detailed information dealing with each of the five (5)

criterion set forth in our Statute, and that this parcel abuts an RB1 parcel. He indicated that Jay-K Lumber has occupied this parcel since the early 1940's, and their use was conforming until the Zoning Ordinance was changed. He also advised that he represents the Sloan's who are going to, as well, submit an application to rezone their land which is adjacent to the Jay-K property. Member Donovan indicated that he would want to see the entire application which Mr. Walker indicated had already been provided to each Member of the Board. Member DeGironimo inquired about the number of employees at the site, and Member Donovan asked if the traffic study, which was performed, considered further build-out. Mr. Walker indicated it did not. Member Donovan had indicated that he is concerned about increased demands relating to traffic if the property is retail compared to manufacturing. He believes that retail uses require more concerns relating to traffic, and that the intersection has already been classified as a "high accident" intersection. He believes we need a more comprehensive analysis relating to accidents and traffic, especially if the Sloan property is included.

Chairman DeLia stated that the GEIS dealt with off-site impacts, and the only impacts that could be dealt with before the Board would be on-site impacts. Member DeGironimo indicated that often times retail uses involve less impact on traffic as their peak periods are during the middle of the day. She further referenced stacking space and raised concern regarding the ortho photos. Member Donovan indicated that he believes that the traffic study only dealt with all these being used at the property and not full build-out. Chairman DeLia, once again, indicated that the GEIS dealt with the off-site issues and all that can be dealt with on the Site Plan Review would be on-site issues. Member DeGironimo indicated that she felt that the application is consistent with each of the criterion, except as related in a prior NYSDOT letter regarding re-use.

Member Humphreys moved that the Board **recommend to the Town Board**, after consideration of each of the criterion set forth in the Town Code, that the **Zone Amendment be approved** by the Town Board on the condition that an application relating to the Sloan property is also made and approved by the Town Board so that a spot zone is not created, seconded by Member Rotton. All in favor, except Member Donovan who indicated that he is voting against the application because he believes that the applicant needs to provide a full traffic study considering future build-out.

There being no further input, the meeting adjourned at 6:23 P.M.

Herbert Cully, Esq.
Town Attorney

Note: the captioned minutes of the November 30, 2010 Planning Board meeting were taken by Town Attorney Herbert Cully.