

**MINUTES OF THE REGULAR PLANNING BOARD MEETING
MONDAY, NOVEMBER 8, 2010
NEW HARTFORD PUBLIC LIBRARY
#2 LIBRARY LANE NEW HARTFORD, NEW YORK**

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. Board Members present were Jerome Donovan, Bob Wood, Ellen Rayhill, Peggy Rotton, and Elisabetta DeGironimo. Board Member absent: Brymer Humphreys. Also in attendance were Town Attorney Herbert Cully, Codes Enforcement Officer Joseph Booth, Town Engineer John Meagher; and Secretary Dory Shaw.

Board Members received a copy of the draft minutes of the regular meeting held on October 12, 2010. Motion was made by Board Member Peggy Rotton to approve these minutes with a correction to a misspelled word; seconded by Board Member Lis DeGironimo. All in favor except Board Member Donovan abstained as he was not present at that meeting..

Dunkin Donuts, 8471 Seneca Turnpike, New Hartford, New York. Preliminary/Final Site Plan Review/Approval of a proposed new Dunkin Donuts at the former Hook, Line & Sinker Restaurant site. Tax Map #328.011-1-16; Lot Size: 1.4 Acres; Zoning: Retail Business 1. Mr. Brian Bouchard of CHA appeared before the Board.

Chairman DeLia explained this was sent out for SEQR. Codes Officer Booth stated comments came back and Mr. Bouchard addressed them in a letter to the Planning Board. The NYSDOT is looking for a sidewalk in front of the property and to make sure the entrances are defined in a safe manner. Permits are needed from NYSDOT. Sewer credit offsets they are fine with – credit coming back. The issue with the Water Board is to make sure water is turned off for the sprinklers before work commences. This is prior to the Building Permit process.

Town Engineer Meagher said concerns have all been addressed. Sewer issue will be taken care of with the application.

Board Member DeGironimo referred to the pedestrian circulation between the parking lot on the right and the door. She feels pedestrian accessibility could be better, and would like to see the sidewalk extended. Perhaps cut into some green space for ease of access and bring the sidewalk down. Reference was made to the rear also. She also referred to curb stops, i.e., putting a curb stop near the door. – Mr. Bouchard said it is something he can review.

Chairman DeLia stated the Board would need to decide on whether they would like to move forward with this in lieu of the discussion with the sidewalk. (The plans being reviewed are dated October 25, 2010).

Mr. Bouchard mentioned the only change from this plan with the previous one was the addition of the sidewalk and the recommendation of the architect to extend the building 5’.

Board Member Rayhill referred to the Jay-K intersection and if any improvements are planned. She also referred to the drive-thru and if it increases patrons. Mr. Bouchard said this does increase patronage. Utilities are underground for the kiosk (there will be a small sink).

Attorney Cully referred to discussion at the last Zoning Board meeting where a representative from NYSDOT was present for an application and he mentioned that Route 840 had helped ease the traffic. He doesn't know of any plans for this intersection.

Chairman DeLia stated that offsite traffic accumulation is addressed in the GEIS for this area.

Codes Officer Booth referred to parking for employees – will they use the rear parking lot. Mr. Bouchard said most likely.

At this point Chairman DeLia asked the Board Members if they wanted to continue the review.

Motion was made by Board Member Peggy Rotton to approve this application and map dated October 25, 2010 and that the sidewalk be extended. No second at this time.

Discussion ensued regarding the taking of green space. It was suggested to bring the sidewalk out to an angle towards the Route 5 side of the building and follow the sidewalk right out to the curb.

Motion was made by Board Member Peggy Rotton to grant Final Approval with the condition that the landscaped island be squared off to enlarge the 3' sidewalk. Also, a curb stop with the five (5) parking spots (retail space); seconded by Board Member Bob Wood. Vote taken:

Chairman Elis DeLia – yes	Board Member Peggy Rotton – yes
Board Member Bob Wood – yes	Board Member Ellen Rayhill – yes
Board Member Jerome Donovan – yes	Board Member Lis DeGironimo – yes

Motion **approved** by a vote of 6 – 0.

Carbone Auto Group: pre-owned vehicles display area at the former **Kids 'R Us building at 4515 Commercial Drive, New Hartford, New York.** Mr. Joseph Carbone and Mr. Wayne Moakler appeared before the Board.

Codes Officer Booth explained that the former Kids 'R us building is vacant and our Zoning requires that auto sales need a Site Plan Review. This if all indoor sales, nothing on the exterior is affected, except for a sign.. Parking will remain the same. All cars sold are within the building.

At this time, Mr. Carbone presented a sketch of some outside parking for display. They usually hold this for three (3) months (January, February & March). Mr. Carbone explained that they were going to have an outdoor sale earlier this year, but it didn't take place. Codes Officer Booth was not aware of this new request, which makes the application different.

Town Attorney Cully referred to their previous application at Sangertown Mall in that if someone wanted to buy a car they went back to a facility to complete the transaction Mr. Carbone said any sale or delivery is at the address where the license is held.

Codes Officer Booth asked where the proposed patrons would park.

Chairman DeLia stated that Codes Officer Booth and he looked at this application strictly within the building – 20,000 square feet. There would be no impact on parking, and that is what is on the agenda. This new presentation changes things.

Chairman DeLia addressed the applicant in that we can treat this at the preliminary level, declare Lead Agency and sent this out for review. We have to make sure about parking spaces and also to meet Town Law. This outside request changes things considerable and may be addressed further in January.

Mr. Carbone asked if this Board could act on the inside request only and approach the Board with the outdoor request at another time. Chairman DeLia said this could be acted on this evening for indoor use only and after that it would be an Amendment to Final. Addressing the inside use would not guarantee anything for an outside use. Mr. Carbone would like to proceed with the indoor use only. Mr. Carbone will advise Codes Officer Booth if they want to proceed with the outdoor use and apply accordingly.

Codes Officer Booth mentioned that the only difference for approval from Sangertown was limiting between months of January to March. If he elects to come back next year with the same application, does he have to go through this process again at the same location? Chairman DeLia did not think so if for inside use and at this building only.

Motion was made by Board Member Jerome Donovan to grant Preliminary and Final Approval for the inside only for car sales use at the Kids ‘R Us building; seconded by Board Member Peggy Rotton. Vote taken:

Chairman Elis DeLia – yes	Board Member Peggy Rotton – yes
Board Member Bob Wood – yes	Board Member Ellen Rayhill – yes
Board Member Jerome Donovan – yes	Board Member Lis DeGironimo – yes

Motion **approved** by a vote of 6 – 0.

There being no further business, the meeting adjourned at 6:00 P.M.

Respectfully submitted,

Dolores Shaw, Secretary
Planning Board

dbS