

MINUTES OF THE REGULAR MEETING

MARCH 10, 2008

The Regular Meeting was called to order by Chairman Hans Arnold at 5:30 P.M. at which time the Pledge of Allegiance was recited. Board Members present were Rodger Reynolds, Peggy Rotton, Bob Wood and Ellen Rayhill. Board Members absent: Jerome Donovan and Bob Imobersteg. Also in attendance were Town Planner Kurt L. Schwenzfeier, AICP; Codes Enforcement Officer Joseph Booth; Councilman David Reynolds, and Dory Shaw, Secretary.

Draft Minutes of the February 11, 2008 Planning Board meeting were distributed to all members. Motion was made by Board Member Peggy Rotton to approve; seconded by Board Member Rodger Reynolds. All in favor.

Chairman Arnold stated that a request was received by Mr. Steve Devan, Commissioner of Oneida County Water Quality & Water Pollution Control to update this Board regarding a Consent Order by the NYSDEC. He will be addressing the Board later this evening.

Board Member Rayhill addressed the Board regarding procedure for submittal and review of SEQR forms.

Charles T. Sitrin Skilled Nursing Facility, Tax Map #340.000-2-21: Confirmation of revisions previously approved by the Planning Board. Drawings were not received for this application, therefore, it is not being reviewed tonight.

Picture Perfect Pools, 8145 Seneca Turnpike, Clinton, NY (Town of New Hartford). Preliminary/Final Site Plan Review for a proposed pool store at the corner of Seneca Turnpike and Concord Boulevard. Close SEQR. Tax Map #328.005-2-34; Lot Size: .448 Acres; Zoning: Planned Highway Business. Request for a 2' height Area Variance for a fence was reviewed at the Zoning Board meeting of February 25, 2008 resulting in approval. Mr. Craig Pritchard appeared before the Board.

Town Planner Schwenzfeier stated since the last meeting some parking spaces were removed to create green space, ZBA approval was granted on the fence height, and the fence will be placed 15' from the edge of right-of-way from Concord Boulevard. Review was made by NYSDOT; Town Highway Superintendent reviewed access to Concord

Boulevard with no issues. The Town Planner referred there is no designated ingress and egress existing currently at this site, but felt this development and submitted plans was an improvement by designing controls of ingress and egress points.

At this time, motion was made by Board Member Peggy Rotton to close SEQR with a Negative Declaration and that this Board evaluated the SEQR application submitted; seconded by Board Member Bob Wood. Vote taken:

Chairman Hans Arnold – yes	Board Member Peggy Rotton – yes
Board Member Bob Wood – yes	Board Member Ellen Rayhill - yes
Board Member Rodger Reynolds – yes	

Motion was passed by a vote of 5 – 0.

Motion was made by Board Member Peggy Rotton to approve **Preliminary and Final Site Plan Approval**; and that a Building Permit be obtained within one (1) year or approval date; seconded by Board Member Bob Wood. Vote taken:

Chairman Hans Arnold – yes	Board Member Peggy Rotton – yes
Board Member Bob Wood – yes	Board Member Ellen Rayhill - yes
Board Member Rodger Reynolds – yes	

Motion was **passed** by a vote of 5 – 0.

Town Planner Schwenzfeier is in the process of working on the Pre-Development Agreement and Memorandum of Understanding for this project.

Mr. Dong Min Chen, Preliminary/Final Site Plan Review for a proposed restaurant at The Avenue/K Mart Plaza, 4631-4645 Commercial Drive, New Hartford in the former Blockbuster Video building. (Property owned by Goodrich New Hartford, LLC, Englewood Cliffs, New Jersey). Area Variance for 83 parking spaces was reviewed at the Zoning Board meeting of February 25, 2008 resulting in approval. Mr. Tony Chen and Mr. Dominick Pavia appeared before the Board.

Town Planner Schwenzfeier stated that this is a Type II action and SEQR review is not needed. He also talked with Police Chief Philo regarding the sidewalk (crosswalk at the edge of K-Mart Plaza) located at the northeast corner. The Police Chief has concerns that cars use this property as a cut-thru and the speed involved. He would like to look at this more closely (since this writing, a meeting has been scheduled with the Town Planner and Police Chief at the K-Mart site to evaluate this situation).

Discussion ensued regarding the possibility of a stop sign, a speed bump and the enforcement if installed; legal issues for this on private property; existing island, and relocation of employee parking.

Mr. Dominick Pavia, Realtor for this property, referred to what he feels is available parking, his discussions with K-Mart about site issues/concerns and their lack of response. A stop sign at the island to him could work better than a speed bump.

Chairman Arnold understands his predicament, but safety is this Board's concern and they now have the chance to address this issue. He mentioned tabling this application until we talked with the Police Chief.

Board Member Rayhill expressed her concerns regarding deferring this and for what purpose; she is very concerned about safety at this site. She referred to other businesses at this center, which are mostly day-time (although a change in use can happen at any time). Also, she asked if a letter from this Board might help get a response from K-Mart. She wants K-Mart aware of the concern for safety on their property, although she understands about liability problems. Mr. Pavia again explained the situation with K-Mart, that it could take months for a reply, if any.

Mr. Pavia asked, if this Board were to go with the Police Chief's comments and the landowner comes to an agreement, and if a speed bump suffices and will meet the requirement of K-Mart, would that be sufficient to this Board – the Board Members still want the Police Chief's input. Mr. Pavia continued stating that they can't move forward because he doesn't know what will happen – this project could not happen.

It was determined to send a note to Police Chief Philo by motion of Board Member Peggy Rotton that the Police Chief review this safety issue for this application and recommend whatever action needs to be taken – no second for this motion.

It was discussed granting conditional approval prior to the issuance of a Certificate of Occupancy depending on what the Police Chief says.

*At this time, the application was tabled briefly until contact with the Police Chief could be made tonight.

Lewis Construction & Seamless Gutters, 8086 Seneca Turnpike, Clinton, NY (Town of New Hartford). Conceptual Site Plan Review for a proposed 2nd floor office/conference room to an existing building. Tax Map #328.000-2-13; Lot Size: 1.4

Acres; Zoning: Planned Highway Business. No one was present tonight for this application and the Board took no action.

Whitetail Meadows Subdivision, Oneida Street, Chadwicks. Amendment to Final. Tax Map #349.020-2-7; Zoning: PDRES. Mr. John Barkett appeared before this Board.

Town Planner Schwenzfeier referred to a map of this project. Lot #10 used to control the remainder of the parent parcel. Now the applicant wants to adjust the lines so Lots 9, 20, 11 and 12 run the distance straight back to the northeast property lines to prevent any future subdivision of Lot 10. Basically, this preserves that property. This property is zoned Planned Development and that is why it was brought back before this Board.

The Board Members addressed the previous approval, and what is proposed. Mr. Barkett stated he feels this new plan is much better for the Town to combine these lots. Lots 9, 10, 11 and 12 will have approximately five acre lots; Lot #7 will have about 43 acres and they can't be further subdivided because there is no access.

Motion was made by Board Member Peggy Rotton to grant approval to the Amendment to Final and authorizing Chairman Hans Arnold to sign the new plan; seconded by Board Member Rodger Reynolds. Vote taken:

Chairman Hans Arnold – yes
Board Member Bob Wood – yes
Board Member Rodger Reynolds – yes

Board Member Peggy Rotton – yes
Board Member Ellen Rayhill - yes

Motion was **passed** by a vote of 5 – 0.

Public Comment

A resident inquired how the proposed GEIS related to Whitetail Meadows – she doesn't have an opinion but referred to comments made at the March 8, 2008 public meeting. Chairman Arnold responded regarding open space, housing density and other issues of development.

*The Board Members referred back to the application of Mr. Tony Chen, proposed SUMO Restaurant. (The Police Chief could not be reached at this time).

The Board Members discussed in detail the safety and parking issues at this site; and communication approach with the landlord. Board Member Rotton suggested another

approach with regard to the existing island. She suggested placing the employee parking as designated parking by a sign on the east border. Mr. Pavia addressed this comment, and also stated that if this Board wants to take the island out and make a sidewalk, you lose green space.

Codes Enforcement Officer Booth asked if employee parking was dedicated on the site plan to a specific area – the answer was yes.

Highway Superintendent Roger Cleveland was at the meeting and addressed the Board regarding his ability to identify safety improvements and his efforts to work with K-Mart or owner of this property to get the safety situation addressed. He stated that when this was designated by NYSDOT to right only out to Commercial Drive, he started working up plans for a designated road through K-Mart. There were a number of hurdles to overcome, i.e., taking parking away from stores. If it was a dedicated road, they could have pedestrian crossing. It didn't to much further than that but it was thought of. He said it wasn't discussed much further at the Town Board. He did not talk with the owner of the K-Mart building.

A discussion was held regarding closing off the entrance from Clinton Street, however, we do not have the input of other commercial property owners in that area.

Motion was made by Board Member Rodger Reynolds to approve this application contingent upon all improvements identified by the Chief of Police and to be completed; seconded by Board Member Peggy Rotton. Vote taken:

Chairman Hans Arnold – no
Board Member Peggy Rotton – yes
Board Member Bob Wood – no

Board Member Rodger Reynolds – yes
Board Member Ellen Rayhill – no

Motion **did not** pass.

Discussion took place about reconsidering this application if the applicant is still interested in moving forward and have the Police Chief's comments. Mr. Pavia stated that the applicant would have to spend a lot of money for a Building Permit for the interior work, and he has been waiting to get his restaurant operational. He asked if there were alternatives for revising the motion as this whole matter could be resolved.

Chairman Arnold stated he would try to schedule a meeting with the Police Chief and get his comments, then try to call another meeting as soon as possible.

CORRESPONDENCE

At this time, Chairman Arnold introduced Mr. Steve Devan, Commissioner of Oneida County Water Quality & Water Pollution Control and Mr. Karl Schrantz of Shumaker Engineering to give a brief overview of the offset plan submitted by Oneida County to NYSDEC in response to a 2007 Consent Order (the following is an excerpt given to the Planning Board Secretary regarding this issue):

Steve Devan, Commissioner Oneida County Water Quality & Water Pollution Control, and Karl Schrantz, Shumaker Engineering, gave the Board a brief overview of the Inflow/ Infiltration Offset Plan submitted by Oneida County to the NYS Department of Environmental Conservation in response to a 2007 Consent Order against the County for Combined Sewer Overflows tributary to the Sauquoit Creek Pump Station. Mr. Devan explained that the Consent Order mandated a removal ratio of 5:1, five gallons of surface and/ or ground water entering the sanitary sewer system for every one gallon of new sanitary flow being permitted into the sanitary system. The County is currently undergoing a three-year study to ascertain deficiencies in the collection and transportation system, however, an interim plan for I/I removal has also been proposed to the NYSDEC that provides guidance for municipalities and developers to advance I/I removal projects. Municipalities are being encouraged to promote I/I removal projects to prospective developers and to engage in removal projects themselves in order to establish offset credit bank accounts. From these bank accounts developers could purchase the needed credits, if available, for projects that are prioritized by the various municipality's planning boards, either in the same community as the project is proposed, from other municipalities, or from an offset credit bank established by the County. If credits are not available, or if mandated by the municipality in which the developer's proposed project is to be located, the developer will have to do an I/I removal project to acquire the necessary credits. The developer can do the project either him or herself, or the developer can pay the municipality to do the project and obtain the necessary credits.

The County will act as the bookkeeper of the credits generated, banked, available, etc., and any development project that has a component sewage flow, is in the District, and tributary to the Sauquoit Creek Pump Station will be required to receive approval for a connection to the District system.

Superintendent of Highways Roger Cleveland was also in attendance and was asked if this process would result in a series of conditional approvals? Mr. Cleveland responded that it could, but that more certainly it would result in the Planning Board's only approving a portion of larger economic development

projects as neither the municipalities nor the District will want to tie up large amounts of offset credits while waiting for the final phases of a large development to come to fruition. Mr. Cleveland stated too that those doing the reviews for individual projects will need to insure that the projected sewer flows are realistic. In the past there has been little concern for what a developer projected their sanitary flow would be, but that has now changed.

Jewel Ridge Subdivision, Phase II. Town Planner Schwenzfeier referred to the NYSDEC Consent Order and how it affects this development. At this point, the recommendation would be for the Planning Board to suspend its reviews until issues are resolved and then go forward with SEQR. Mr. Grates wanted to know how many credits would be determined for his project as right now he needs eleven (11) connections and how he could secure additional credits if needed. Mr. Devan addressed this project and what he thought would be needed and the policy procedures as outlined above.

Chairman Arnold suggested Mr. Grates contact Highway Superintendent Roger Cleveland to see if there are some offsets available as an identified project and then see it if it feasible.

Mr. Bianco, a resident, suggested the Town address porous pavements and explained the results. Highway Superintendent Cleveland stated he contacted the NYSDEC about this and explained why it doesn't work.

Chairman Arnold addressed the GEIS. Ms. Carol Yamarino appeared before the Board representing the consultant, peter j. smith. She apologized for not being able to attend the public meeting on March 8, 2008 but a snow storm kept them from coming.

Chairman Arnold asked the Board Members for their thoughts on the March 8, 2008 public meeting held at the Willowvale Fire Company.

It was the consensus of the Board Members that the public did not identify what we are doing and why in regard to the GEIS. They didn't connect with the slides and information – the presentation was more of a technical nature. Comments were made from the attendees as to how to correct the current problems that exist in their area now, i.e., why is there so much storm water now - and not what could be happening with development, et. In the future. We need to identify particular areas of study, relate how this study will affect their area, and all the positives of this proposed GEIS.

Town of New Hartford
Planning Board Minutes
March 10, 2008
Page 8

Chairman Arnold felt the meeting did not go well. He felt too much information was presented that the people didn't understand. Further, he felt the consultants need to concentrate on development in Chadwicks and Washington Mills and preserve green space; talk about density development, illustrate the type of plan and use that kind of example. Chairman Arnold would like to have better communication, especially discussion of retention basins. Chairman Arnold felt the Figure 8 traffic concept needs to be removed.

Chairman Arnold would like to schedule additional work sessions with Planning Board members regarding this GEIS – perhaps hold phone conferences/video conferences with the consultants to better achieve what we are looking for. He also mentioned the possibility of another public meeting.

Ms. Yamarino understood what was being said and will relay this message to her firm.

There being no further business, the meeting adjourned at approximately 8:30 P.M.

Respectfully submitted,

Dolores Shaw
Secretary/Planning Board

dbbs