

**TOWN OF NEW HARTFORD REGULAR PLANNING BOARD MEETING
MINUTES OF MONDAY, APRIL 6, 2009
NEW HARTFORD PUBLIC LIBRARY MEETING ROOM
#2 LIBRARY LANE (OFF OXFORD ROAD), NEW HARTFORD, NEW YORK
(DOWNSTAIRS-BACK ENTRANCE)**

The Regular Meeting was called to order by Chairman Jerome Donovan at 5:30 P.M. at which time the Pledge of Allegiance was recited. Board Members present were, Ellen Rayhill, Rodger Reynolds, Bob Wood and Peggy Rotton. Also in attendance were Councilman David Reynolds, Town Planner Kurt L. Schwenzfeier, AICP; Codes Enforcement Officer Joseph Booth, Town Engineer John Meagher, Superintendent of Highways Rick Sherman, Raymond Philo, Police Chief and Dory Shaw, Secretary. (Board Member Rayhill arrived at 5:45 P.M.).

Chairman Donovan presented a draft Generic Environmental Impact Study for the Southern Area of the town prepared by peter j. smith, inc., to each Board Member for their review.

Chairman Donovan stated that each Board Member received draft minutes of the March 9, 2009 and March 23, 2009 Planning Board meetings. Motion was made by Board Member Peggy Rotton to approve the March 9, 2009 minutes as written; seconded by Board Member Rodger Reynolds. All in favor. Motion was made by Board Member Peggy Rotton to approve the March 23, 2009 minutes as written; seconded by Board Member Bob Wood. All in favor. (Board Member Rayhill was not present during the voting of the minutes).

Preliminary/Final Site Plan Review for **Faxton-St. Luke's/Mohawk Valley Network**, for interior renovations for business offices at the former **Bushinger's Flowers** building, **1705 Burrstone Road, New Hartford, New York**. Tax Map #317.000-2-23; Lot Size: approximately 1.25 Acres; Zoning: Planned Highway Business. Ms. Sharon Palmer appeared before the Board representing Faxton-St. Luke's.

Town Planner Schwenzfeier stated responses were received from NYSDOT and Oneida County Planning. The existing sign and pole are in the State right-of-way and would need to be removed. The applicant is looking at changing the existing building into executive offices. Codes requires 10 parking spaces, which have been approved on the

side of the building. He recommends granting Preliminary/Final approval. The applicant is required to sign a Memorandum of Understanding and a Pre-development Agreement – there are no funds exchanged on this.

Ms. Palmer said they are planning to place signage on the building. Chairman Donovan advised that she contact the Codes Officer with a plan for the sign before proceeding further to make sure they would be in compliance.

Board Member Rotton asked that some improvements be made externally, i.e., shrubs. Ms. Palmer will work with the landlord on this request.

Motion was made by Board Member Rodger Reynolds to grant Preliminary and final Approval of this Site Plan dated February 11, 2009 with the signing of the Memorandum of Understanding and Pre-development Agreements; and the removal of the sign in the right-of-way; and that a Building Permit be obtained with one-year of approval date; seconded by Board Member Bob Wood. Vote taken:

Chairman Jerome Donovan – yes	Board Member Bob Wood – yes
Board Member Rodger Reynolds – yes	Board Member Ellen Rayhill – (not present for this vote)
Board Member Peggy Rotton – yes	

Motion **approved** by a vote of 4 – 0.

Ms. J. Caroline Williams, Rural Development Specialist, Cornell Cooperative Extension/Oneida County asked to address the Board and provide an update about where we are with the NYS Dept. of Ag & Markets Farmland Planning Grant, specifically regarding the revised timeline for grant funding. Plans are just coming out for the first of the communities that have received this type of funding. She presented the Board with a draft hard copy of the Town of Parma's Plan so we would know what to expect once the grant is completed.

Ms. Williams stated that as of this past week, the final application was submitted by Town Planner Schwenzfeier to NYS Ag & Markets – she has spoken with Mr. John Brennen, State Grant Administrator and the Resolution language was acceptable. The State has cut funding and Ag & Markets is no exception – they were looking for an August acceptance, but now it could be December providing everything is adequate and we meet the requirements.

Chairman Donovan asked how long it would take a community to develop a plan to submit for funding – Ms. Williams said between 18-24 months to do the essential part of the plan efficiently. Then it would go to County Farmland Protection Board and NYS Ag & Markets to register the plan. 25% local match requirement if the plan is submitted, approved and funding granted. This would have to be made up through an in-kind match that could come from Cooperative Extension of Oneida County, OC Planning, Natural Resources Conservation Service, OC Soil & Water. The only direct cost is \$1,667 worth of actual cash match from the Town.

Chairman Donovan asked how many farmers have an interest in the PDR grant program – Ms. Williams said 4 pre-applications are being considered. Mr. Massoud is the only one who expressed an interest from New Hartford but she hasn't seen a pre-application.

GEIS: Chairman Donovan stated that a Press Release will be issued and a Frequently Asked Questions sheet has been put together for interested residents. The study and the Frequently Asked Questions will be posted on the Town's website by the end of the week. The report will be available at Butler Hall, New Hartford Library and the Town Planner's office for public inspection. Arrangements have also been made for hard copies to be purchased. Individuals can download it at their pleasure off the web. Any questions can be directed to the Town Planner's office. Arrangements have been made for anyone wishing to purchase a hard copy.

Chairman Donovan also presented a write-up of some items he saw that needed attention, and which will be addressed in the final document. He would like the Board Members to communicate anything they see and forward it to Town Planner Schwenzfeier to compile a list for the consultant.

Pet Paradise, 3900 Oneida Street, Washington Mills, New York. Conceptual/Preliminary Site Plan Review of a proposed facility to provide care to pets during the day. The facility will also offer short term boarding and obedience training. Tax Map #339.016-1-48.1; Total Lot Size: 1.6 Acres (using about 18,000 sf in building); Zoning: Retail Business 2. Ms. Candice Hobin appeared before the Board with a plan dated March 31, 2009.

Town Planner Schwenzfeier stated the applicant has met with Staff and this is a proposed facility to board dogs. The parcel consists of 2.56 acres; one existing structure 18,000 sf, single story – has public water, sewer and gas. Currently zoned Retail Business 2 which allows for office and Veterinary services. Existing building contains 6500 sf of office

space for Cyber Sports; 3600 sf is the Church which will be moving out. The remaining sf is currently vacant. 9,000 sf will be remodeled to serve as the facility for pets – dog day care. Facility also offers short-term boarding and obedience training – 30 cages total and 10 used for overnight boarding. They are planning a 5’ high fence to be installed in the rear of the structure. 38 parking spaces and 2 handicap spaces in the rear. They will be expanding the existing parking lot and Staff has reviewed this with them. The driveway has been increased to 20’. Lighting is currently on the building but the applicant has to make sure it is lit for public safety. An enclosed dumpster is enclosed with a fence. There was a question about buffering between the proposed site and CarcuZZi Car Wash – Staff deferred this to the Planning Board. The Town Planner said they meet green space requirements. Board Member Rotton would like to see some type of buffering. It was the consensus that screening wouldn’t be needed. Staff has requested the parking lot be paved and extend parking lot by handicap parking. No changes are proposed for the existing sewer (see Staff recommendations which have been made a part of the file).

Discussion ensued regarding the 5’ height of the fence and wondered if it would be high enough. Ms. Hobin said she would consider placing a higher fence for the larger dogs and the 5’ fence for the smaller dogs. (Codes Enforcement Officer Booth said the new Fencing Ordinance isn’t official yet but this does meet the requirements).

Ms. Hobin said she would be replacing the sign. Chairman Donovan advised that she contact the Codes Office to make sure the sign is in compliance.

There are no licensing requirements required for the dog kennel.

The Town Planner said this is a Type II action and it needs County 239 and 239K review.

Motion was made by Board Member Peggy Rotton to grant Conceptual and Preliminary site Plan Approval with the items addressed by the Town Planner and which have been made a part of the file; seconded by Board Member Ellen Rayhill. Vote taken:

Chairman Jerome Donovan – yes
Board Member Ellen Rayhill – yes
Board Member Rodger Reynolds – yes

Board Member Peggy Rotton – yes
Board Member Bob Wood – yes

Motion **approved** by a vote of 5 – 0.

The Board Members reviewed the proposed Administrative Rules & Regulations. This is not a local law. We can adopt this as an internal procedure of the Planning Board by Resolution or ask the Town Board to codify it under local law which would require a Public Hearing. Chairman Donovan said it is his recommendation to have this as an internal procedure to govern our operations. It is a guide. It is the Town Planner's suggestion that this Board could amend these procedures on an annual basis.

After a review and several comments, it was determined to eliminate the word "all" from #1.21; also, words in italic print to be placed in regular type. Motion was made by Board Member Peggy Rotton to adopt these Rules & Procedures as amended; seconded by Board Member Rodger Reynolds. Vote taken:

Chairman Jerome Donovan – yes	Board Member Peggy Rotton – yes
Board Member Ellen Rayhill – yes	Board Member Bob Wood – yes
Board Member Rodger Reynolds – yes	

Motion **approved** by a vote of 5 – 0. Effective date is today, April 6, 2009.

Meeting resumed after a 5-minute recess called by Chairman Donovan.

At this time, motion was made by Board Member Peggy Rotton to go into Executive Session at 6:40 P.M. to discuss personnel matters; seconded by Board Member Rodger Reynolds. All in favor.

Town Planner Schwenzfeier and Secretary Dory Shaw left the meeting.

Motion was made by Board Member Rodger Reynolds, seconded by Board Member Ellen Rayhill to end Executive Session at 8:05 P.M.

The Regular Meeting resumed. Motion was made by Board Member Peggy Rotton to recommend to the Town Board pursuant to Town Board Resolution No. 355 of 2006, Julius V. Fuks, Jr. and G. Brymer Humphreys to fill the unexpired term of Hans Arnold and the expired term of Robert Imobersteg; seconded by Board Member Bob Wood. All in favor.

The Chairman was instructed to write a letter to the Town Board informing them of the Planning Board's recommendations and requesting that any appointment(s) be made prior to the Planning Board's May 11, 2009 meeting.

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There being no further business, the meeting adjourned at 8:10 P.M.

Respectfully submitted,

Dolores B. Shaw
Secretary/Planning Board

dbS