

**TOWN OF NEW HARTFORD  
PLANNING BOARD MINUTES  
MONDAY, NOVEMBER 13, 2023  
TOWN OF NEW HARTFORD MUNICIPAL OFFICES  
8635 CLINTON STREET, NEW HARTFORD, NEW YORK**

The Regular Meeting was called to order by Chair Heather Mowat at 5:30 P.M. at which time the Pledge of Allegiance was recited. In attendance were Board Members Lisa Britt, Wilmar Sifre, Manzur Sikder, and James Decker, Julius Fuks, Jr. and John Latini. Also in attendance, Town Attorney Herbert Cully, Councilman David Reynolds, Highway Superintendent Richard Sherman, Contract Engineer John Dunkle and secretary Dory Shaw.

\*\*\*\*

Minutes of October 16, 2023 Planning Board meeting were addressed. Motion was made by Board Member Wilmar Sifre to approve these minutes with minor changes; seconded by Board Member Manzur Sikder. Board Member Julius Fuks, Jr. abstained. All others approved.

\*\*\*\*

**Mr. Larry Adler, New Hartford Billboard LLC, 4794-4796 Commercial Drive, New Hartford, New York.** Final Site Plan Review for a proposed drive-thru only coffee stand and an oil change store approximately 1600 sf. Tax Map #317.013-3-18.3; Zoning: C1 General Commercial. Mr. Larry Adler appeared before the Board.

Board Member Britt did walk the site with Mr. Adler. She still has concerns.

Mr. Dunkle stated since the last meeting some improvements were made. They took the model and compared it to the proposed project, slight adjustment. It was stated they weren't putting in any more fill but they are. Mr. Dunkle is fine with this project as proposed and a flood plain permit can be issued for this project.

Board Member Britt wanted to add to the October 16, 2023 Planning Board minutes the federal wetlands map – the Board agreed.

Mr. Adler submitted the queuing analysis which NYSDOT has approved. A Highway Work Permit will be obtained from NYSDOT and their traffic engineer will make sure it is lined up for NYSDOT to approve it. They might add a right turn only lane so as not to be caught up at the light and he talked with NYSDOT about this. They are going from three driveways to one. The driveway looking at Consumer Square on the left will not be used.

Discussion ensued regarding sewer line made of asbestos cement. Highway Superintendent Rick Sherman said this is the Town's sewer line and maintained by the Town. Mr. Adler does not have a new connection.

There being no further discussion, motion was made by Board Member John Latini to close SEQR with a negative declaration; seconded by Board Member James Decker. All in favor.

Motion was made by Board Member John Latini to grant final approval to Mr. Adler's project with the condition of the storm water maintenance agreement and NYSDOT permits; seconded by Board Member Wilmar Sifre. Vote taken:

Chair Mowat – yes	Board Member John Latini – yes
Board Member Julius Fuks, Jr. – yes	Board Member Wilmar Sifre – yes
Board Member James Decker – yes	Board Member Manzur Sikler – yes
Board Member Lisa Britt – no	

Motion to **approve** was granted by a vote of 6 – 1.

\*\*\*\*

Chair Mowat addressed the proposed BESS (Battery Energy Storage System) site in the Business Park. The Town is taking a closer look at this and she will be meeting with Town Officials on how to proceed. Town Attorney Cully referred to Schedule A and the ground-mounted, freestanding energy systems/collectors listed. He spoke with Codes Officer Lary Gell on this. He feels we need to amend our Code to provide specific comments regarding battery storage facilities and he has a model Code to refer to. It is still a Special Use Permit which requires a Public Hearing. He will keep this Board updated as he will be speaking with the Town Supervisor on this, etc.

\*\*\*\*

**Mr. Michael Galligano, New Hartford Safe & Lock**, 43-45 Clinton Road, New Hartford, New York. Site Plan Review for a proposed business at this site. Tax Map #328.016-2-61; Zoning: C2 Commercial Retail Business. Mr. Galligano was in attendance. This project received an Area Variance on February 22, 2021 for the addition as it is a non-conforming structure. Mr. Galligano is now appearing for a Site Plan Review of this site/business.

Chair Mowat mentioned that Mr. Galligano's updated information was just recently received and asked if the Board Members wanted to review it this evening or wait until the December 11, 2023 Planning Board meeting. It was the consensus of the Board Members to wait to address this in December. Chair Mowat apologized to Mr. Galligano but advised him of the Board's decision.

\*\*\*\*

**BW Solar Project**, 10130 Roberts Road, Sauquoit, New York. Conceptual review of a proposed solar project on Roberts Road in the Town of New Hartford. This project also borders the Town of Paris. Mr. Hamza Khalil appeared before the Board. Also in attendance was representatives from LaBella Engineering, Latham, New York.

Chair Mowat went thru what has transpired with this application and the input from some of the residents in this area. She explained the residences most affected with this project, in particular, is Mr. Bill Bennett's property.

This meeting is for informational purposes only tonight. No public hearing is set yet or a preliminary site plan review. She has asked the applicants to reach out to the neighbors as has been done in the past with other solar projects.

Mr. Khalil gave a brief history of when this project was submitted, mostly located in the Town of New Hartford adjacent to Town of Paris: 64 Acres, 43 in New Hartford and 21 in Town of Paris. He referred to Roberts Road location and Mr. Linder's property (owner of the property). The wetlands are not impacted. The solar area is toward the northeast section of the proposed line. They won't be touching most of the trees. He referred to the actual plan, about 2000' away from Roberts Road. Most of the area is naturally vegetated. He referred to the poles and they spoke with National Grid – they will have about three (3) poles. People can't see the array. There is a plan for screening. The panels are set about 13' and rotating panels. He feels there is no visual impact from Roberts Road. They are trying to work with the Town of Paris with any concerns. He mentioned that the Town of Paris doesn't have a large scale solar ordinance, just small scale on residential. He feels they won't disturb the soil too much – they have a decommissioning plan – about \$249,000 as a bond and after every five years they review the decommissioning plan and make any adjustments. He also mentioned that they have done about four (4) projects mostly west of Syracuse.

Mr. Khalil displayed visuals, screening, location, etc. The only place where it becomes directly affected is the property owned by Mr. Bentley.

They will maintain the land under the panels with vegetation, i.e. flowers – a management planting plan. The panels tilt and it can be mowed. The actual post is about 6' – 8' off the ground. They will handle debris. Mr. Khalil stated that after decommissioning, they will do another landscaping to return to the natural state. It is mowed about once or twice a month or every two months. He also stated that they submitted a glare analysis.

Board Member Latini asked if the panels are fenced in and also addressed maintenance. Board Member Britt asked where the solar panels are going to be – towards the back – north. Board Member Sikder mentioned usually they don't need to pollinate.

Town Attorney Cully asked where the poles are going to be – 3 poles above ground by Roberts Road. Chair Mowat spoke about the Town of Paris and their input at this time. Mr. Khalil said when this goes out for SEQR, items can be addressed and/or modified.

Chair Mowat also explained the Public Hearing process for this application – residences within 1000 feet of the subject property are notified, which is 500' more than normally done. Also, a public hearing notice will be placed in the newspaper.

Board Member Latini asked Mr. Linder how much property he owns across the street and the possibility of having a solar project there and which doesn't affect any neighbors. Mr. Linder explained that some of the land is in the Town of Paris so he can't develop.

At this time, Mr. Linder approached the Board and referred to the maps which outlined this project. He explained several discussions he had with Mr. Bennett and possible land purchases which did not take place. He feels having the panels to look at are better as they can be maintained – that's his opinion, i.e. better than dead grass. He explained he is not saying there is dry grass, i.e. fire hazard – just about solar panels on grass. Mr. Linder referred to what Mr. Bennett says are visual problems and wind problems. There is a report from LaBella Engineering which addresses wind speed and which has been made a part of the file.

Chair Mowat explained this Board wants the best results for the neighborhood and contacting them is very important.

At this time, Mr. Hargraves (nearby property owner) approached the Board. He is very concerned about wind problems and referred to two micro bursts that happened a few months ago in this area. The panels are close to his property and to him they look awful – it detracts from the beautiful area. His property is his real estate. He was never approached by Mr. Linder that he was going to do this. He stated that there are people against this.

Chair Mowat again explained the procedure for review and that the applicants were asked to contact the neighbors and if this project proceeds, a public hearing will be held and residents notified.

Mrs. Darla Peck, 9957 Roberts Road, Sauquoit, New York presented a letter opposing this project (this will be made a part of the file). They don't want to look at solar panels, and feel the panel glare would be too intrusive. She would like people on the back side of this property informed as they have beautiful homes and ponds, and also more people notified on Roberts Road. She suggested posting something in the Town Crier about an upcoming meeting. She also addressed the power line situation and what occurred, and asked to locate it on the map. The power line is not on her property. Also, Mr. Khalil said the panels can stand a wind speed of 110 MPH, and they took into account the glare factor.

Mr. Khalil stated they won't be connecting to the power line.

Discussion ensued between Board Members; a suggestion was brought up by Board Member Fuks to have a balloon analysis done as was done with another solar project. Board Member Decker asked if the applicant has spoken with National Grid yet – it was stated yes, about this area and the Town of Paris. He also addressed storm water runoff as Roberts Creek is nearby. Mr. Khalil feels that impervious area would be minimal or remain as it is now. Board Member Britt asked if there is any battery storage – no, and no storage of panels. Mr. Khalil will have spec sheets regarding the panels.

Board Member Fuks addressed the wind factor, i.e. submit an analysis with balloons and certify all the equipment is wind standard based on natural specifications, or do a wind study based on highest wind events.

The project should take about six (6) months from start to finish.

Chair Mowat stated we need a full set of plans, and repeated that they need to contact the neighbors regarding this project.

\*\*\*\*

Town of New Hartford  
Planning Board Minutes  
November 13, 2023  
Page 5

**Messrs. Scot and Mark Owens, Oxford Road, New Hartford, New York. The U. S. Light Energy Solar Project update.** Mr. Scot Owens would like to ask the New Hartford Planning Board to amend all minutes pertaining to their project to include discussions relative to solar grazing. The intent of the project from inception was to include solar panels within sheep grazing, i.e. dual use. This has always been the intent.

Chair Mowat mentioned that it was brought to her attention that the minutes for this project didn't specifically address the grazing of sheep under these panels. The Owens wanted to make sure this was written as it was specifically addressed by them during the review of this project. She checked the correspondence and found that it wasn't specifically addressed.

Mr. Scot Owens stated that he has concerns and he wanted to protect his property especially if there were any changes in ownership of this solar company. He asked the Planning Board to consider reviewing his request and amend the minutes to specifically include this language. He feels it is a big part of this approval and wants to make sure the language is correct for the safety of property and family.

Chair Mowat stated that after a thorough review of the files, etc., and C.T. Male (engineering firm) she felt more detail was needed regarding the sheep grazing. She also referred to the video content taken at the June 27, 2022 Planning Board meeting. This is also an economic issue for them. It has to be a dual use.

Mr. Mark Owens also stated how fortunate that the sheep are a part of this project. He feels strongly about the Planning Board's input with their request.

Chair Mowat said an addendum (attachment) will be updated to be included in the August 8, 2022; July 11, 2022; June 27, 2022 video and June 6, 2022 minutes and also the website as shown:

WHEREAS some confusion has arisen with regard to the prior approvals for the solar project for Mr. Scot Owens, etc., 3715 Oxford Road, New Hartford, New York and the intent is to clarify the basis upon which those approvals were granted – BE IT RESOLVED that any and all vegetative management practices and contracts shall include sheep grazing as part of the acceptable vegetative management plans/contracts when locally available and within accepted economic standards.

This paragraph shall be added to the approved minutes and website as shown above.

Motion to accept this addendum was made by Board Member Manzur Sikder; seconded by Board Member John Latini. Vote taken:

Chair Mowat – yes  
Board Member Wilmar Sifre – yes  
Board Member John Latini – yes  
Board Member James Decker - abstained

Board Member Manzur Sikder – yes  
Board Member Lisa Britt – yes  
Board Member Julius Fuks, Jr. – abstained

Motion **passed** by a vote of 5 - 2 (two members abstained).

Town of New Hartford  
Planning Board Minutes  
November 13, 2023  
Page 6

\*\*\*\*

Motion to adjourn at approximately 7:20 P.M. was made by Board Member Manzur Sikder; seconded by Board Member John Latini. All in favor.

Respectfully submitted.

Dolores Shaw, Secretary  
Planning Board

dbb