

**TOWN OF NEW HARTFORD
JOINT ZONING BOARD/PLANNING BOARD MINUTES
MONDAY, JULY 14, 2025
TOWN OF NEW HARTFORD MUNICIPAL OFFICES
8635 CLINTON STREET, NEW HARTFORD, NEW YORK**

The Joint Zoning Board/Planning Board meeting was called to order by ZBA Chairman Randy Bogar, PB Chair Heather Mowat at 5:30 P.M. at which time the Pledge of Allegiance was recited. In attendance were Zoning Board Members Michele DeTraglia, Byron Elias, Michele Mandia, Daniel McNamara, Lenora Murad and Dominick Timpano. Planning Board Members Rocco Arcuri, Lisa Britt, James Decker, and Manzur Sikder. Absent: Board Members Julius Fuks, Jr., and Wilmar Sifre. Also in attendance were Town Attorney Herbert Cully, Esq., Town Engineer John Dunkle, Highway Supt. Richard Sherman, Councilman John Latini, Assessor Darlene Abbatecola and Planning Board/Zoning Board secretary Dory Shaw. Absent: Codes Enforcement Officer George Farley.

JOINT ZONING BOARD & PLANNING BOARD MEETING

Public Hearing:

The application of Bell Atlantic Mobile Systems LLC d/b/a Verizon Wireless for property located at 8639 Seneca Turnpike, New Hartford, New York (Tax Map #329.009-1-1 Yahnundasis Golf Club), who is requesting a height Area Variance of 54'± for a transmission tower. The maximum height allowed at this location pursuant to New Hartford Town Code is 100'. The proposed transmission tower is 154'± in height, thus requiring an Area Variance of 54'±. Attorney Scott Olson of Young/Sommer Attorneys LLC appeared before the Board.

The applicant is also seeking a front yard Area Variance of 15'± as the tower compound is located within 30' of Seneca Turnpike. Zoning: Parks & Recreation.

This application will not be voted on this evening.

Town Attorney Cully explained the placement of a new tower at the captioned address. Their current lease is not being renewed by Utica National and the need for a new placement in basically the same area is needed, thus, the application for a new tower on the property owned by the Yahnundasis. Attorney Cully read the requirements of a Special Use Permit and what is needed by each Board. It was thought best that both Boards meet to address the issues as they are both effected by this application. The Zoning Board cannot vote tonight, but can take questions.

Mr. Olson explained that Verizon's lease is up in February 2026. Utica National is not renewing their contract, they have ninety days to get off that building from that date. There will be no service in the area which is covered by the utilities at the Utica National site after this date. They are doing everything possible to replace the coverage in the same area. Yahnundasis property is zoned for this under a Special Use Permit. He explained the placement of the tower on the property and why variances are required. Because of a time frame they have a temporary 90' utility pole (if they can't build a tower by the time they are off the air, this is where the temporary pole comes in). He explained the coverage areas. If not approved, people will most likely not be able to use their phones. Once the service from Utica National goes down there is a huge area not serviced.

Discussion ensued about looking into other areas for a tower, i.e. the New Hartford Town Park. Mr. Olson referred to the exhibit in the booklets (which each member has been given) but they try to avoid them, they don't co-locate

any longer. They are on that tower at the park now but it doesn't work as there is a lot of population and it would affect what is located in that area now. Mr. Olson mentioned he sent a letter to the Town about this no one got back to them but they still have to go through a process (near residential, setbacks, etc.). National Grid did not get back to them either. The best place to keep service is the Yahnundasis. PB Chair Heather Mowat stated that the Town Park is on the assessment rolls for 4191 Route 12.

Attorney Cully asked about other areas on the Yahnundasis property as on the north side of the golf course there is a tower there. Mr. Olson explained the more people you have in an area, the more towers you need.

ZB Member Michele DeTraglia referred to a tax map number that relates to Sherrillbrook and questioned whether this number is correct. It will be looked into.

ZB Members addressed concern over the 150' height; a tower that would blend in with the site; height of the existing tower at Utica National (100'), change in elevation from existing to new; radio signals; effect on people at the course; anything medical related; emissions; FCC regs; Judd Road site; increase in capacity; sketch submittal showing the length of the tower 100' vs 150'; construction details of the tower; how many additional customers; location of utilities; was balloon test done; battery/generator life; emissions information; referred to Section 6 pages 7,8 inquiry re the non-renewal of Utica National; wind test requirements; galvanized pole w/anchor requirements (11' in ground); any glare; process thru Yahnundasis for this use (Board of Directors, etc. – survey of members). Mr. Olson will follow up on these concerns as he does not know the answers to some of the questions.

Discussion ensued about the increase in coverage area. Their engineer isn't here this evening but will contact him regarding pole height information and which heights cover what number of areas.

Chairman Bogar explained the variance procedure, Area vs Use. He is concerned about safety. He read the NYSDOT response, traffic on Seneca Trn., fall factor, etc. Are we putting the public at risk. Mr. Olson explained the strength of a tower.

At this time, PB Chair recognized Councilman John Latini III, Ward 2. He referred to the need, future service, and if there is something different for a tower in a different place. He worries about the Town and residents who would not have cell service...an analysis of where they can't put a tower somewhere else, etc. He appreciates the work done on this application. He doesn't want to lose any cell service. He wants to come to a reasonable solution.

Mr. Olson will come back with his engineer as there are new questions. Regarding the interested party list, we want to make sure they did get certified letters and understand that process. He will show receipts and the one sent to the Town of New Hartford. ZB Member Michele DeTraglia would like to see a clearer map.

ZB Chair Randy Bogar addressed the environmental assessment form P2 of 13 B/C should that be yes – Mr. Olson said yes. Page 6 of 13 – does the proposed action include emissions – yes is checked. Mr. Olson said there will be some emissions during construction but they have generators, etc.

The Public Hearing was opened to the public at this time:

Mr. Tom Sears, Old Campion Road, New Hartford. He wanted to know the placement of this with relation to the highway. Mr. Olson showed him the location.

Mrs. Darla Peck, Roberts Road, Sauquoit. Overlap and direction – only faces one direction and why, and any competition? Why can't you put another dish on the other side. Mr. Olson explained how they are setup; he doesn't know of any competition.

Mr. Peter Hobaica, 20 Estates Drive. He questioned the 150' vs 100' height. He would also like to be renotified if there is another meeting on this. He wanted to know if there is no tower on the Yahnundasis and you lose your ability at Utica National, will it affect residents at Fairway Estates – Mr. Olson said yes.

Mr. Bill Linder. Roberts Road. Cell; towers are shared by different companies. Can you share with another tower. Only if they had a tower in this area and there are no towers. He doesn't know how other companies work – it is not shared information.

ZB Chairman Randy Bogar asked what color the tower would be – depends on where it goes, may not leave it galvanized. Assessor Darlene Abbatecola showed ZBA Chair Randy Bogar a picture of the tower at Sherrillbrook, it's shiny.

Motion to table this application subject to the determination by the Planning Board as to issuance of a Special Use Permit was made by Zoning Board member Dan McNamara; seconded by Zoning Board member Byron Elias. All in favor.

This Zoning Board review portion ended at approximately 7:02 PM. Mr. Olson will provide responses.

PLANNING BOARD AGENDA:

Draft minutes of the Planning Board meetings of April 14, 2025 and May 21, 2025 were approved by motion of Board Member Rocco Arcuri; seconded by Board Member Lisa Britt. All in favor.

- 1) Public Hearing: Special Use Permit for Mr. Kevin Copeland et al, 8096 Seneca Turnpike, Clinton, New York (Town of New Hartford). Proposed mobile display homes only on site. Relocation of existing sheds. Tax Map #328.000-2-14; Zoning: C2 Commercial Retail. Mr. Kevin Copeland and Mr. Dan Bushey appeared before the Board.

Mr. Copeland explained the layout of his property and where he will relocate the existing sheds and also place the proposed display of mobile homes. These display mobile homes are not permanent, display only. He explained where the office will be setup. The sheds will go to the west side of the property. Cars come in and out and don't stay long. There are two entrances. Business hours are estimated to be 9AM to 5 PM and someone will be there at all times. Usually 2-3 people at a time come into the site. There will probably be about five display homes in this area. It will look like a residential neighborhood; property will be landscaped. Some models could be sold but mostly models. They will not be occupied.

The office will be permanent with a handicap ramp. The units will have limited power. Water will be available to the anchored office only.

Chair Mowat referred to fire protection and whether a fire truck can go in and out. Mr. Bushey said there is about 30-40'. It was stated that if we move on this tonight, it is subject to a plan as to where the units go so fire service can get in and out. Mr. Bushey showed a map but didn't detail it. He will send Planning Board secretary Dory Shaw a revised map. This map will be sent to Town Engineer John Dunkle to review. There is no impervious area. If the sheds become an issue, they will be the first to go.

The Public Hearing was opened – there was no one in attendance. The Public Hearing was closed at approximately 7:25 P.M.

Closest fire hydrant is across the street Board Member Jim Decker referred to the site for storage. Delivery to the site was addressed and traffic. The main units usually stay from one to perhaps four years. There are no environmental issues. Board Member Britt addressed shrubs and/or trees. There is some on site. There is a pole there and once the sheds are cleared, they can put a light up if necessary. Lights are there now. No lights in the back.

Motion was made by Board Member Manzur Sikder to approve this Special Use Permit subject to Town Engineer John Dunkle reviewing the placement of the temporary structures and fire safety concerns; also subject to setback requirements; lighting to be specified (no glare, etc.); seconded by Board Member Rocco Arcuri. Vote taken:

Chair Heather Mowat – yes Board Member Manzur Sikder – yes
Board Member Rocco Arcuri – yes Board Member Lisa Britt – yes
Board Member James Decker - yes

Motion approved by a vote of 5 – 0.

Planning Board Member Manzur Sikder motioned to close SEQR with a determination of no significance; seconded by Board Member Rocco Arcuri. Vote taken:

Chair Heather Mowat – yes Board Member Manzur Sikder – yes
Board Member Rocco Arcuri – yes Board Member Lisa Britt – yes
Board Member James Decker - yes

Motion approved by a vote of 5 – 0.

- 2) Mr. Jim Brown for **EV Solar USA**; proposed storage container to be located just inside the fence at the access point in and out. This was not part of the original approval, thus, an Amendment to Final. 338.000-3-33.1; Zoning: Agricultural. Mr. Brown appeared before the Board.

Chair Mowat gave an update of what has transpired on this property to date and as it relates to an adjacent homeowner, i.e. buffering and runoff.

Mr. Brown updated the Board relating to seeding, mulch, and the trees are going to be delivered the second week of September this year. Nothing has been received from the Town yet on bonding. He referred to the berm as it was graded down and he explained it. Town Engineer John Dunkle will look again at this and advise Mr. John D'Amore.

Rain and water overflow was discussed. The Town would like an additional bond if the trees aren't put in at the right height, etc. Mr. D'Amore is concerned with the decommissioning bond and questioned the amount of this bond. It will be reviewed. Mr. D'Amore stated the panels were addressed, 8' tall vs 12' tall. Also, no grading was mentioned and how did it go from no grading to something different – concerned about flooding. It is not just decompacting the soil.

Chair Mowat stated Mr. Brown is here for an 8' high storage container to store things out of site on this property. Mr. Brown said Mr. D'Amore will not see this and he described the location on site. It was stated that they want to make sure the resident knows where the unit will be placed – Mr. Brown explained – he said it will not affect Mr. D'Amore. It was stated by Mr. D'Amore that he does not have a problem with the location.

Board Member Arcuri addressed the decommissioning bond/trees. We still don't know about the overflow of rain and won't know until another storm. Discussion ensued regarding grading and drainage. Perhaps a construction bond can be secured. Discussion continued about the issues on site.

Motion was made by Board Member Jim Decker to table this container application; seconded by Board Member Lisa Britt. All in favor.

It was stated that Mr. Brown will get a letter from the Town on the bond. Mr. Brown will submit an invoice for the trees. Mr. Dunkle will set something up with Mr. D'Amore and Mr. Brown next week regarding the site.

- 3) **BW Solar Oneida 3 Solar Array.** 10130 Roberts Road, Sauquoit, New York 13456. Proposed solar project on 64+ acres. Tax Map #350.000-2-34.2; Zoning: Agriculture. Borders Town of Paris 359.000-1-21.2 Special Use Permit. Mr. Hamza Khalil appeared before the Board.

Chair Mowat explained that this Board received today response to some SEQR questions and the members needed time to review. Mr. Khalil asked to just go over some of the items (**attached are the items he addressed**). The Planning Board may address some points: Attorney Cully referred to the mention of 75,000 lb. fire apparatus and if it would be able to be supported – Mr. Khalil said yes. Reference to traffic and signage – anything the Town wants they can work with them. Storm Water – have you sent these responses to the Town of Paris with a response from them – Mr. Khalil said no. They were going to wait for the Town of New Hartford to take the lead on SEQR. With regard to underground electrical line – if the Town doesn't feel it is enough he will address it – it won't interfere with water easement, whatever the Town prefers. Wind borne debris 70' – they can go higher; decommissioning – there is a bond.

Board Member Britt mentioned the easement isn't on the plan – Mr. Khalil said it can be mapped and will include it on the site plan. Also, Ms. Britt asked if they had to fix the direct water line-how would you access it? The easement would not be within the fence area just fencing the panels. Ms. Britt referred to 5.8 direct environmental assessment form and the last plan said 6.2 why the change? Mr. Potter explained the difference. It is always 5.0 mw. He will get back to the Planning Board to address this and make sure everything matches.

Chair Mowat would like to table this. It was mentioned that a copy of the abstract would be given to Town Attorney Cully. Board Member Arcuri stated it is in the minutes for clarification and we want it verified. Mr. Dunkle would like to ask the engineer to meet with the residents regarding drainage concerns and if anything needs to be done to address it. Agreed.

-Mrs. Darla Peck, Roberts Road, addressed the Board as there are drainage problems on her property. Mr. get together with the Peck's to address this. Also, Mark will get in touch with Mr. Dunkle and address these issues and concerns as Mr. Dunkle asked him to address these.

Chair Mowat addressed the Special Use Permit and the homeowners concerns so we have all the answers before final approval.

Mark will reach out to the homeowners and respond to them with a copy to Planning Board secretary Dory Shaw to share with this Board.

-Mr. Linder, Roberts Road. He addressed this field and if this project was not going thru, he would still continue to farm this area. He explained plantings and how it might eliminate the water runoff and slow it down.

-Mr. John Hargraves addressed flooding to his driveway. He is concerned what would happen if this project gets approved. It was also mentioned about fire trucks to get in there, fire hoses, etc.

Motion to table this application was made by Board Member Lisa Britt; seconded by Board member Jim Decker. All in favor.

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It was mentioned drainage would be better.

Motion to close the Planning Board meeting at approximately 8:15 P.M. was made by Board Member Jim Decker; seconded by Board Member Rocco Arcuri. All in favor.

Respectfully submitted,

Dolores Shaw, Secretary
Planning Board

dbb