

**TOWN OF NEW HARTFORD
PLANNING BOARD MINUTES
RODGER REYNOLDS MEETING ROOM
AUGUST 13, 2018**

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. In attendance were Board Members Julius Fuks, Jr., Lis DeGironimo, William Morris, G. Brymer Humphreys, Heather Mowat, and Peggy Rotton. Also in attendance: Town Attorney Herbert Cully, Town Contractual Engineer Brian Madigan, Code Officer Joseph Booth, Councilman David Reynolds, Highway Superintendent Richard Sherman, and Dolores Shaw, Secretary.

Draft minutes of the May 14, 2018 Planning Board meeting were reviewed by each Board Member. Board Member Lis DeGironimo had a clarification on Page 3. Motion was made by Board Member Brymer Humphreys to approve these minutes as written with the clarification; seconded by Board Member Julius Fuks, Jr. All in favor

Benderson Development/Consumer Square, Commercial Drive, New Hartford, New York. Final review of Amendment to Final. Tax Map #317.013-3-23.61; Zoning: C1 General Commercial. Mr. Matt Oates appeared before the Board.

Mr. Oates presented a revised sketch showing circulation into the complex. He stated comments from a few agencies were addressed especially the Fire Chief's two new hydrants, etc. NYSDEC had some general comments on SHPPO, but all resolved. Utilities remain on site. They have been working with NYSDOT regarding internal circulation. NYSDOT has requested a third lane to the internal area – Benderson has agreed to it with a third right turn. This is being finalized now. They have also agreed to review pedestrian connections and will be working with NYSDOT for a pedestrian connection out to Commercial Drive and throughout the site.

Code Officer Booth stated that Linda Lubey of NYSDOT approved and in fact supplied the photo the Board Members are currently reviewing. For the record, this photo shows an additional lane (Mr. Booth pointed to south bound lanes located north of internal light). Ms. Lubey also wants the two south bound lanes widened approximately 6' – 8' (Mr. Booth pointed to the area south of internal traffic light) and the radius out this intersection opened up (Mr. Booth pointed to curbed area north of internal traffic light).

Mr. Oates said he will have NYSDOT see the final design.

Town Attorney Cully asked if the square footage has changes – Mr. Booth said no. Mr. Brian Madigan said he did not have any comments on this application.

Motion was made by Board Member Brymer Humphreys to close SEQR with a negative declaration with no findings of significance; seconded by Board Member Bill Morris. All in favor.

Motion was made by Board Member Heather Mowat to grant Final Approval for the Amendment to Final on this project; seconded by Board Member Peggy Rotton. All in favor.

Mr. Oates will be sending the revised map to Code Officer Booth showing the change as requested by NYS DOT.

Hillside Garden Apartments Phase II, 245 Oxford Road, New Hartford, New York. Preliminary Site Plan Review for a proposed expansion. Tax Map #339.001-2-79; Zoning: MDR/HDR/PDDR. Mr. Glenn Erikson of Integral Studios, LLC, Mr. Damian Holynskij of Great Ecology, and others appeared before the Board.

Mr. Erikson stated that he is the owner of Hillside Garden Apartments. They bought adjacent property, and he displayed a sketch of the proposed project. He pointed to locations of the present and anticipated project. Their goal is to incorporate the natural features of this site and improve the quality of the creek. They have been working with hydro geologists to work things out. They also have 40 acres of Castle Estates that currently drains its storm water on the site they purchased creating wetlands. Another 60 acres that comes into their property and dumping into the site. They are trying to correct an old situation and make it better. The concept is to take this water, treat it, and then in addition treat the water on the section for all of the water off the new development and put in some mitigation ponds – water will go down these culverts. They will be stabilizing and repairing the banks. Mr. Erikson referred to the 100 and 500 year flood plain. A walking trail will be created with jogging trails also that go to the athletic field.

Mr. Erikson explained why they need a planned development district overlay, which would allow them to do a subdivision. Phase I requires there be none of the property within the 100 year flood plain. To fulfill that they need to have a subdivision subdividing that lot from the other land. Then the 100 year plain area have a third road owned by a separate entity. Hopefully the Town can accept this. He presented how the subdivision would work. These are manmade wetlands. It was not required when they did their subdivisions in the past. Townhouses along the creek will have garages underneath. The townhouses further back will be on grade and parking in the front. He explained parking layouts for the different units.

Codes Officer Booth said the zone is PD Overlay. They have applied to the Town Board and the Town referred it to the Planning Board for their review the Planning Board makes a recommendation to the Town Board – the Town Board has the final decision.

Town Attorney Cully stated they made a separate application for the subdivision and he will check on it. He feels we can go forward with the SEQR review. We have never taken one where it is combined. Lot lines have been setup to maintain rear and side yard separations. Between lots A & B then Lot C lot line is defined where the 100 flood plain will be.

Mr. Erikson is also in contact with the NYSDEC and Army Corps of Engineers. There is no impact of street lighting on adjoining sites. He passed around the rendering of the layout of apartments, townhouses, etc. Mr. Erikson further addressed the wooded areas and the type of trees. He further addressed swales and water gardens between them and Castle Estates including mitigation ponds,

vegetation, and landscaped areas. On the proposed trail they will have some equipment for people to use and this will be done with design comments from the Town.

Chairman DeLia asked Code Officer Booth if they meet the requirements for Preliminary review – Mr. Booth said yes. The Town contract engineer, Mr. Brian Madigan, also reviewed this. He said SWPPP at this point works – they still have to work out some numbers for storm water.

Mr. Erikson spoke about existing and future conditions along the creek, the types of boulders that have fallen and how to correct it. This is shown in the details. There is significant erosion that will be modified.

It was asked if there will be a reduction of storm water after the full build out – yes. Their goal is to ensure quality and reduce storm water flow -the rate of flow from Castle Estates will be slowed down.

Mr. Damian Holynskij of Great Ecology addressed the Board and explained the storm water conditions. They will be going to a private water system for Phase II – Phase I will remain private.

Town Attorney Cully mentioned that all roads are private. There are no Town roads.

Board Member DeGironimo asked if they have a map that shows where the existing FEMA floodplain is, and if it is resurveyed, what is the permitting process. Mr. Holynskij indicated they want to make sure the most appropriate stabilization takes place. He referred to the most recent FEMA cross sections. Ms. DeGironimo said she was involved with the storm water committee and asked Highway Superintendent Sherman when was the last time they did work there – Mr. Sherman said perhaps 5-6 years ago. Mr. Holynskij explained what they plan to do to improve the system.

Mr. Erikson stated he feels the lines were inaccurately drawn – they don't really know where the 100 and 500 year floodplain is and won't know until they go through the process. They took a look at the State's wetlands map. It shows no wetlands. Then they went to the federal maps and there are wetlands so they hired a firm to conduct a wetlands review and they are working with the Army Corps.

Board Member DeGironimo asked about traffic generation rates, the number of vehicles, interior site circulation, and if any traffic study was done. Mr. Erikson said they did a traffic study and provided it to the Town. He will supply more copies. She also questioned snow removal on site and also spring runoff from stockpiled snow. Mr. Erikson said it would be stockpiled on the lower site and they would give consideration to limit spring runoff.

Board Member Rotton explained that this is a busy area and she is concerned about traffic and flooding. Mr. Erikson said the traffic study they did stated there will be no significant impacts. He referred to the traffic pattern at the site (two exits). Primary entrance is off Oxford Road – everything goes out to Oxford Road. They have a 15' access way to Imperial Drive but it is not wide enough.

Board Member Fuks referred to stream bank stabilization - he didn't see it in the documents. This will have significance on the overall application and it is not included on the map. Mr. Erikson said this will be discussed through NYSDEC. They will be stabilizing the stream. They understand they have a

flooding condition on the site and they want to address it. They had a meeting with NYSDEC. Discussion ensued regarding this issue.

Board Member Fuks asked if the finished floor elevation is going to be 2' above the base flood elevation and is that the bottom of the garage floor or first finished floor and living space. Mr. Erikson said it was 3' and it is going to be living space. There will be no utilities in the garage.

At this time, motion was made by Board Member Heather Mowat to grant Preliminary Approval for the Hillside Garden Apartments Phase II; seconded by Board Member Peggy Rotton. All in favor.

Motion was made by Board Member Peggy Rotton to have the Planning Board be Lead Agency under SEQR; seconded by Board Member Lis DeGironimo. All in favor.

PAR Technology, Seneca Turnpike, New Hartford, New York. Two-lot minor subdivision. Tax Map #328.000-3-10.1. Zoning: C1 General Commercial. Timothy Fitzgerald, Esq. appeared before the Board.

Attorney Fitzgerald stated there is about nine acres to accommodate this sale. This gives PAR an opportunity to clean up some tax map parcels and clarify ingress and egress, and parking rights. The other component is it gives them the opportunity to connect the water lateral to Alaina Drive – remove the shared water charges.

Chairman DeLia asked Code Officer Booth if he had any comments – no concerns. He reviewed it and they have the required frontage. Town Attorney Cully reviewed the easements for parking access and deed descriptions and it is all acceptable.

Board Member Mowat referred to the layout. Will it encompass the retention plan and who maintains it. Mr. Fitzgerald said it will be purchased by someone else. They haven't found the storm water maintenance agreement that PAR signed and are in the process of trying to locate it. They anticipate two agreements to be signed in connection with the subdivision. Highway Superintendent Sherman said he didn't have a chance to look for it. Attorney Fitzgerald said they will comply and are obligated to do so. Town Attorney Cully will make sure everything is in order.

Motion was made by Board Member Bill Morris to **approve** the minor two-lot subdivision for **PAR**; seconded by Board Member Julius Fuks, Jr. All in favor.

The Orchard, 8635 Clinton Street, New Hartford. Proposed five-lot major subdivision. Preliminary Subdivision Review. Mr. Steve Wilson of Bohler Engineering and Mr. Alexander appeared before the Board.

Mr. Wilson explained this is a five-lot major subdivision of a commercial property. He displayed where the property is located and what exists on the parcels. The owners are looking to subdivide 12 acres into five lots. They are not changing impervious surface, not increasing storm water, and no change in traffic patterns – only a couple of minor changes for purposes of the subdivision. He mentioned some things are

in the Ellinwood right-of-way. He spoke with Highway Superintendent Rick Sherman and is looking on how to correct it. Mr. Wilson said 7,000 sf of Ellinwood right-of-way that the Town is making them buy would be incorporated on Lot 5. Also, a new water service will be installed for two existing buildings and parking spaces and curbing will be removed from the Ellinwood Drive right-of-way. They will install new water lines – separate, and give each building its own water service. They will run them into a new easement for an existing water line and they went to the Mohawk Valley Water Authority – they gave their verbal ok to that approach.

Chairman DeLia asked Town Attorney Cully if there is a letter of intent by The Orchard. Attorney Cully said he spoke to their attorney and they worked out the details, and the Town Board will be taking a look at it at their next Town Board meeting. He said he does not have the legal descriptions yet but will have them shortly.

Chairman DeLia said this is offsite SEQR in the GEIS – nothing has changed, but we have to hear from the Water Authority. Town Attorney Cully will find out if this needs SEQR review and get back to us.

Board Member DeGironimo referred to the drawings – it isn't clear where the property lines are. Mr. Wilson said everything has easements and drainage.

Highway Superintendent Sherman said there is a detention pond on this parcel and it will be staying with the parcel. Mr. Wilson said maintenance responsibility will go with this.

Motion was made by Board Member Lis DeGironimo to grant Preliminary Approval for this five lot major subdivision; seconded by Board Member Bill Morris. All in favor.

In the event this requires SEQR, motion was made by Board Member Peggy Rotton to declare the Planning Board as Lead Agency and send out for SEQR review; seconded by Board Member Brymer Humphreys. All in favor. (Since this writing, it was determined by Town Attorney Cully that SEQR review was NOT needed).

Recommendation from Town Board for **Special Metals, Middle Settlement Road, New Hartford, New York**. Zone Map Amendment: to include a .4 acre adjacent parcel zoned Institutional to the 112 acre parcel of Special Metals to Manufacturing. Tax Map #328.000-2-36. Doreen Simmons, Esq. appeared before the Board.

Town Attorney Cully explained that Attorney Simmons represents Special Metals. The Town Board initiated a Zone Map Amendment. It was a residential dwelling that was occupied at one time. Special Metals recently purchased this .4 of an acre. Currently, it is zoned Institutional. The 112 acres owned by Special Metals surrounds it, and Special Metals is zoned Manufacturing. This was brought to the Town Board's attention to have this .4 of an acre conform with the rest of the surrounding property.

Motion was made by Board Member Julius Fuks, Jr. **to recommend approval to the Town Board** regarding the Zone Map Amendment for the .4 acre parcel adjacent to Special Metals from Institutional (I) to Manufacturing (M); seconded by Board Member Brymer Humphreys. Vote taken:

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Chairman Elis DeLia – yes
Board Member Brymer Humphreys – yes
Board Member Bill Morris – yes
Board Member Lis DeGironimo – yes

Board Member Julius Fuks, Jr. – yes
Board Member Heather Mowat – yes
Board Member Peggy Rotton – yes

Motion **passed** by a vote of 7 – 0.

There being no further business, the meeting adjourned at approximately 6:55 P.M.

Respectfully submitted,

Dolores Shaw, Secretary
Planning Board

dbS