

**TOWN OF NEW HARTFORD
PLANNING BOARD MINUTES
RODGER REYNOLDS MEETING ROOM
OCTOBER 9, 2018**

The Regular Meeting was called to order by Acting Chairman Julius Fuks, Jr. at 5:30 P.M. at which time the Pledge of Allegiance was recited. In attendance were Board Members Lis DeGironimo, G. Brymer Humphreys, Heather Mowat, and Peggy Rotton. Absent: Chairman Elis DeLia and Board Member William Morris. Also in attendance: Town Attorney Herbert Cully, Town Contract Engineer Brian Madigan, Code Officer Joseph Booth, Assessor Darlene Abbatecola, Highway Superintendent Richard Sherman, and Dolores Shaw, Secretary.

Draft minutes of the September 10, 2018 Planning Board meeting were reviewed by each Board Member. Motion was made by Board Member Heather Mowat to approve these minutes as written; seconded by Board Member Lis DeGironimo. All in favor.

Acting Chairman Fuks mentioned that the application of Charles Gaetano Construction for Bank of Cooperstown (formerly Key Bank), 38 Kellogg Road, New Hartford, New York is postponed to be addressed at another time (at the applicant's request).

He also mentioned that two Board Members were not present, however, there is a quorum.

Mr. Joseph Reynolds, 23 Geraldine Avenue, New Hartford, New York. Minor 2-lot subdivision. Tax Map #328.016-2-41; Zoning: Medium Density Residential. Town Attorney Cully reviewed the maps and deed descriptions for this minor subdivision. One lot is being created with 10,000 sf and the other for 14,000 sf. It meets road frontage. Code Officer Booth does not have any problems with this application.

Board Member DeGironimo questioned availability of sewer and water for the new lot. They can extend the main if necessary as it doesn't front the parcel. She mentioned the current rules and regulations for water, and also checked into the original lots in this area. Code Officer Booth said if sewer is available, they have to hook into it. Highway Superintendent Rick Sherman has no questions.

The applicant said he is aware of this for him to be able to get Building Permits.

Motion was made by Board Member Heather Mowat to approve this minor two-lot subdivision; seconded by Board Member Peggy Rotton. All in favor.

First Source Federal Credit Union, 4451 Commercial Drive, New Hartford, New York. Tax Map #328.007-1-1; Zoning: C1 General Commercial. Preliminary Site Plan Review to expand existing

parking lot to add 20 spaces. Mr. Rick Maar of Dunn & Sgromo Engineers, Mr. Stan Kucyba and Ms. Claire Kalka of First Source, appeared before the Board.

Mr. Maar explained due to the use of this property as their main office and a training center, they need more parking. He explained that First Source received four (4) Area Variances from the Zoning Board of Appeals on September 17, 2018 (see Zoning Board of Appeals file). He presented a plan showing additional parking spaces. He met with our Town Attorney, Code Officer, Contract Engineer and Highway Superintendent with their plan. Discussion ensued regarding drainage and storm water. Some drainage counts were done and Mr. Maar said the pipe is big enough to accept drainage. It was determined that Staff would accept the additional runoff as long as it made it to the detention basin. This is temporary. If they do expand, then they have to do another larger study. Mr. Maar brought additional plans to show the minor change to the drainage.

Acting Chairman Fuks asked if everyone got to see the comments submitted by the Town's Contract Engineer, Brian Madigan. Mr. Madigan said they are increasing runoff and volume of water away from that initial inlet. Also, he wasn't sure if the circulation was two-way or one-way. Mr. Maar said two-way. Mr. Madigan is concerned about the width of the existing parking. Mr. Maar will make sure it is 24'. Board Member DeGironimo questioned the site distance, there is no place to put signs there. Mr. Madigan agreed and he explained why. Mr. Maar said on the walk way there is room for a sign, however, he can also take care of this – making the width 24' wide and leave a small island and maybe lose two or three parking spaces – that could take care of the stop sign. Mention was made of screening the parking lot – Mr. Maar said it is well-screened but they can make sure there is additional screening if this is what the Board would like.

Acting Chairman Fuks asked Contract Engineer Madigan if his comments have been shared – he said no as they aren't under contract yet. Mr. Fuks wants to make sure the applicant gets comments from the Contract Town Engineer. Also, he asked if the Board Members were aware of the variances granted by the Zoning Board – yes. Code Officer Booth has no comments.

Board Member Mowat addressed the water situation down Commercial Drive and the flow of water. She referred to how the water would run and go into the detention basin. Mr. Kocyba explained the creek but it is not their property. She feels there is a situation there, almost a bubbling affect. Mr. Madigan explained the water coming off the adjacent lot. He would like them to look into this also. Mr. Maar said the report is only the determination of the proper size pipe and not capacity. He will look into this.

Acting Chairman Fuks mentioned that this project will be going thru SEQR which will address water quality, back flow and volume. Discussion ensued regarding SWPPP. Mr. Maar said the disturbance is less than an acre and he doesn't feel it would trigger SWPPP. Acting Chairman Fuks explained this further.

Board Member DeGironimo stated as the plan currently exists, she doesn't believe the circulation is good enough because of no signage – it will be modified.

Motion was made by Board Member Peggy Rotton to grant Preliminary Approval provided they address traffic, storm water runoff, erosion and sediment control, basin, traffic and site circulation; seconded by Board Member Brymer Humphreys. All in favor.

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

Motion was made by Board Member Peggy Rotton to send out for SEQR with a coordinated review; seconded by Board Member Brymer Humphreys. All in favor.

Mr. Maar said he will change the driveway entrance, provide signage to make sure it is a safe intersection, provide additional screening, and check to make sure existing detention can take care of existing water – also address erosion, sediment control and all the Board Members' comments.

Acting Chairman Fuks reminded the applicant to get all modifications together and send to Secretary Dory Shaw to send out for SEQR comments.

Sangertown Square, LLC, 8555 Seneca Turnpike, New Hartford, New York. Tax Map #328.008-1-12.1; Zoning: C1 General Commercial. Special Use Permit/Amendment to Final for PINZ tenant patio space. Addition of 2,430± of patio space for new tenant to be located between Boscov's and Macy's. Mr. Luke Condon of Sangertown Mall, Mr. David Breen of PINZ, and Mr. Tom Shepardson, Esq. of Whiteman, Osterman & Hanna, LLP, appeared before the Board.

Town Attorney Cully explained the Special Use Permit process for this project, which requires a Public Hearing through the Planning Board.

The Sangertown Mall is trying to accommodate a new client, PINZ. It is an entertainment facility between Boscov's and Macy's facing Route 5. They believe there are no impacts for this proposed patio. Mr. Condon passed around a colored photo, which outlines this project. It will be a patio with access to the new tenant space. The patio will have an entertainment area and the other half will be a bar and an amount of seating – this is a low intense use. They are here this evening for an Amendment to Final for approval for the patio and fence to surround the patio. They understand a Public Hearing is required for the Special Use Permit for the fence.

Mr. Condon said the area is a storefront entrance to the old Kaufmann's. Customer traffic would come through the mall then out to the patio – it is controlled this way.

Town Attorney Cully asked if there is any additional impervious area being created – Mr. Condon said just a concrete slab – there is landscaping and some concrete. They will be doing artificial turf. Some concrete will be taken out and replacing some. Minimal, if any, Type II - no significant environmental impacts. No change in parking and no direct access – you have to go thru the mall. The only purpose for the fence is to separate the patio from the pedestrian traffic.

Code Officer Booth stated the Police Chief and Lieutenant have expressed some type and style of the fence. The Public Hearing will address this.

Board Member DeGironimo asked if the bus route goes through there – Mr. Condon said the bus route was relocated to the other side of the mall last year.

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Hours of operation: similar to the mall but later in the evening close to midnight during the week and at 1:00 AM on weekends. Lighting is adequate.

Motion was made by Board Member Heather Mowat to accept this as an Amendment to Final and grant Preliminary Approval; seconded by Board Member Peggy Rotton. All in favor.

Motion was made by Board Member Lis DeGironimo to schedule a Public Hearing for the Special Use Permit on November 12, 2018 at 5:30 P.M.; seconded by Board Member Brymer Humphreys. All in favor. (Since this writing, the meeting was changed to November 13, 2018).

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There being no further business, the meeting adjourned at approximately 6:05 P.M.

Respectfully submitted,

Dolores Shaw, Secretary
Planning Board

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