

**TOWN OF NEW HARTFORD
PLANNING BOARD MINUTES
RODGER REYNOLDS MEETING ROOM
NOVEMBER 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 V. Fuks, Jr., Lis DeGironimo, G. Brymer Humphreys, Heather Mowat, William Morris, and Peggy Rotton. Also in attendance: Councilman David Reynolds; 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 October 9, 2018 Planning Board meeting were reviewed by each Board Member. Motion was made by Board Member Peggy Rotton to approve these minutes with a slight change (removal of "sewer" second paragraph third sentence for Reynolds application); seconded by Board Member Julius Fuks, Jr. All in favor.

Public Hearing: Sangertown Square, LLC, 8555 Seneca Turnpike, New Hartford, New York. Tax Map #328.008-1-12.1; Zoning: C1 General Commercial. Special Use Permit for PINZ tenant patio space/fencing & Final Approval. Attendees: Thomas Shepardson, Esq. of Whiteman Osterman & Hanna, LLC, and Mr. Luke Condon/Sangertown Square Mall, appeared before the Board.

Chairman DeLia opened the Public Hearing at approximately 6:30 P.M. Town Attorney Cully explained the Public Hearing is required under Section 118-80A2. A fence in a C1 commercial district requires this Special Use Permit, thus, a Public Hearing. The application is also an Amendment to Final for Sangertown Mall to put in this PINZ patio space.

Attorney Shepardson has no comment. There was no one in attendance from the public. Therefore, the Public Hearing closed at approximately 6:33 P.M. Code Officer Booth has no comments other than the Police Chief had no objections to this proposed fence.

Motion was made by Board Member Bill Morris to grant Final Approval to the Amendment to Final for Sangertown Square Mall; seconded by Board Member Lis DeGironimo. All in favor.

Motion was made by Board Member Bill Morris to grant approval of the Special Use Permit for the fence; seconded by Board Member Peggy Rotton. All in favor.

Minor 2-lot subdivision for **Mr. Jon Sullivan, Mallory Road, New Hartford, New York.** Tax Map #350.000-1-2; Zoning: Residential/Agricultural. Mr. Sullivan appeared before the Board.

Town Attorney Cully referred to this as not being a minor subdivision but a lot line adjustment per se. An individual that owns one parcel is buying a rear portion of property to square off his off. He reviewed the map and descriptions and is fine with both.

Chairman DeLia asked if there were any questions.

Motion was made by Board Member Peggy Rotton to approve this application; seconded by Board Member Brymer Humphreys. All in favor.

Board Member DeGironimo asked if this will be merged together – yes, and under one Tax Map number.

Minor 2-lot subdivision: lot line adjustment for **Hillside Gardens, Oxford Road, New Hartford, New York**. Tax Map #339.000-3-2 etal; Zoning: High Density Residential. Mr. Glenn Erikson appeared before the Board.

Town Attorney Cully has reviewed the paperwork associated with this minor subdivision.

Mr. Erikson brought some drawings for review. He explained where the big project stands at this time. He referred to the change in lot line, the existing Hillside Garden Apartments, and the property that was purchased. He referred to where all the new development would be. When they make the change, the 100-year flood plain is outside the boundaries. There is no new lot created – just adjusting the line. Mr. Erikson referred to the Castle Estates lots. That was a grandfathered non-conforming lot. When it was subdivided off many years ago, there was no zoning with the requirements we have now and for front yards. He appeared before the Zoning Board of Appeals for a front yard Area Variance, which was approved.

Mr. Erikson also stated that with his large project they will be addressing comments from the Town's Contract Engineer. He also stated they will be recording a cross easement agreement for access.

Board Member Mowat asked Town Attorney Cully, what if Mr. Erikson wants to sell this project instead of developing it. Town Attorney Cully stated the variance runs with the land.

Board Member Rotton asked if they could possibly add another road into the development. Mr. Erikson explained why they cannot do so. It is something the people on Imperial Drive do not want. He also stated a traffic study was done.

Chairman DeLia asked if there were any other questions. Motion was made by Board Member Peggy Rotton to approve the minor subdivision for Hillside Gardens; seconded by Board Member Heather Mowat. All in favor.

Board Member Peggy Rotton explained that this may be her last meeting as a Planning Board member as she will be finishing her term at the end of December 2018. She has spent many years as a member, and appreciates what she has learned about this process.

There being no further business, the meeting adjourned at approximately 5:45 P.M.

Respectfully submitted,

Dolores Shaw, Secretary
Planning Board

dbS