

**TOWN OF NEW HARTFORD
PLANNING BOARD MINUTES
FEBRUARY 8, 2021
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 Wilmar Sifre, William Morris, and G. Brymer Humphreys. Members absent: Manzur Sikder; Julius Fuks, Jr., and John Latini. Also in attendance: Town Attorney Herbert Cully; Contract Engineer John Dunkle; Highway Superintendent Richard Sherman; Councilmen David Reynolds and Richard Lenart.

Minutes of the December 14, 2020 Planning Board meeting were addressed. Motion was made to approve these minutes as written by Board Member Wilmar Sifre and seconded by Board Member Brymer Humphreys. All in favor.

Two-lot minor subdivision for **Ms. Karen Mustee, Sessions Road, New Hartford, New York**. Tax Map #350.000-2-16.2; Zoning: Agricultural. Town Attorney Cully explained that there will be a transfer of 7.427 acres to the adjacent neighbor. He stated this meets the requirements for approval of a minor subdivision. Motion was made by Board Member Bill Morris to **grant preliminary and final approval**; seconded by Board Member Brymer Humphreys. All in favor.

Taco Bell, Seneca Turnpike, New Hartford, New York. Preliminary Site Plan Review/approval of a proposed 2,700 sf building and associated parking located at northwest corner of Levitt Place (Sangertown entrance) and Seneca Turnpike. Tax Map #328.012-1-69; Zoning: C1 General Commercial. Ms. Stephanie Albright, APD Engineering and Mr. Michael McCracken, Hospitality Restaurant Group appeared before the Board.

Ms. Albright referred to a lot line adjustment to be made for the existing pylon sign so this sign stays with Sangertown Mall property. She explained the parking space configuration and drive thru traffic. They will be doing a traffic study for this project. NYSDOT gave conceptual approval for the driveway. NYSDOT wants to make sure any movement that affects the intersection, hence the traffic study. She does not believe stacking is a problem. Discussion ensued regarding a left turn from this project onto Seneca Turnpike, which will be a part of the traffic study. She explained the flow of traffic at this site. They have done preliminary storm water counts. A landscaping plan will be submitted so as to blend in with the surrounding area. Lighting height will also be addressed. There is underground retention. Hours of operation approximately is 8 AM to 2 AM.

Further, this project will need a couple of variances, i.e. signage and parking spaces. They will apply to the Zoning Board of Appeals soon.

Town Attorney Cully explained the variance process and how this affects the Planning Board procedure. He also addressed cross easements as Levitt Place is not a Town road – it is a driveway (access on Levitt is one way). There are two drive-thru lanes.

Mr. Dunkle is concerned about traffic and storm water and asked their traffic engineer to address non-covid counts. Truck access was discussed.

- 1) Motion was made by Board Member Wilmar Sifre to grant Preliminary Approval; seconded by Board Member Brymer Humphreys. All in favor.
- 2) Motion was made by Board Member Bill Morris for the Planning Board to be Lead Agency under SEQR; seconded by Board Member Wilmar Sifre. All in favor.

Chair Mowat addressed queue time associated with the drive thru. Response was about 30 cars.

Correspondence Item: Proposed **car wash** at former Top Tile building, **4561 Commercial Drive, New Hartford, New York**. Tax Map #328.008-1-22 & 328.008-1-21.2. Mr. Frank Salamone from Pristine Auto Wash appeared before the Board.

Mr. Salamone explained that he would like to place a car wash at this site with a proposed change to the left turn center staging area on Commercial Drive. This would affect the area between Tehan's/Sangertown Mall and Price Chopper Plaza/Sangertown Mall intersections – he referred to a map he submitted with the current roadway traffic pattern and one with the proposed change. He mentioned that along with the center staging area change, the entrance/exit drive onto the property will be moved to the west. He has been in touch with NYSDOT regarding this change. He also checked into the property and there are no wetlands on this property.

Town Attorney Cully explained that Mr. Salamone is here not for a formal application or approval this evening but to explain what he would like to do on this property before committing to this project. He wanted the Planning Board member's opinions. It was the consensus of the Board Members that they thought this was a workable project. He would also like to be able to utilize some of the area in the back. Further, he will be in touch with NYSDEC regarding an underground tank.

John Dunkle is aware of the site and he will address this when a site plan is submitted. Highway Superintendent Rick Sherman is aware of NYSDOT looking at this and glad they are willing to work with Mr. Salamone regarding the turn lanes.

Mr. Salamone will be in touch with the Planning Board with a formal Site Plan submittal in the future.

Recommendation from Planning Board to Town Board for a **proposed Local Law to amend** the Code of the Town of New Hartford, Chapter 118 entitled Zoning, #118-74 **solar energy systems**.

Town Attorney Cully explained the solar energy changes and implementation. He incorporated the comments of some of the Planning Board members; also eliminated the Washington Mills park.

Board Member Humphreys' main concern was with regard to the obligation to the owner for decommissioning. He felt the Town should bear that responsibility. Town Attorney Cully explained why the Town Board felt it should not be that way. Hopefully the bond would cover the cost for decommissioning. It is the Planning Board's recommendation tonight to approve or disapprove, or recommend approval with modifications to the solar law.

Board Members Sifre and Morris are good with the changes. Board Member Fuks had submitted his comments also. Board Member Humphreys asked about the distinction between large and small installations as to how they are regulated. Glare analysis was also discussed; also herbicides. Engineer Dunkle is okay with the proposal to the Town Board and he also stated he hasn't seen any glare issues. He addressed vegetative heights, etc.

A lengthy discussion ensued regarding Board Member Humphreys concern about decommissioning. It was mentioned that it is up to the landowner and their attorney to cover the decommissioning issue. He referred to Item #6 financial security and can we involve the landowner a little more for the okay to building it. It was explained the landowner has to be satisfied but it shouldn't fall back on the Town.

Town Attorney Cully explained the voting procedure tonight on this recommendation. If the Planning Board wanted to defer this until another time, that could also happen. However, the Town Board is awaiting the Planning Board's recommendation. He also made all the modifications as recommended by the Planning Board members and again explained the issue of decommissioning. Again, it is an arrangement between the owner and developer to put in the system. The owner should have adequate protection depending on how the arrangement is made. We need to make sure the Town does not end up paying for it.

Board Members Sifre and Morris want to make sure they are provided the bond to protect themselves to cover the cost of decommissioning years from now – that would be written into the agreement with the developer.

It is the recommendation of the Planning Board Members for approval to the Town Board as to the solar energy systems as shown by the attached documentation.

Motion made by Board Member Wilmar Sifre; seconded by Board Member Bill Morris. Vote taken:

Chair Heather Mowat – yes
Board Member Bill Morris – yes

Board Member Wilmar Sifre – yes
Board Member Brymer Humphreys – yes

Motion **passed** by a vote of 4 – 0.

Secretary Dory Shaw will notify the Town Board regarding the Planning Board's recommendation.

Chair Mowat referred to a few possible developments in the Town and referred to previous applications that are still pending.

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There being no further business, the meeting was adjourned at approximately 6:45 P.M. by motion of Board Member Wilmar Sifre; seconded by Board Member Brymer Humphreys. All in favor.

Respectfully submitted,

Dolores Shaw, Secretary
Planning Board

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Attach.