



# TOWN of NEW HARTFORD

**CHAIRMAN**  
Heather Mowat

**VICE CHAIRMAN**

**SECRETARY**  
Dolores Shaw

COUNTY of ONEIDA

## PLANNING BOARD

The Town of New Hartford Municipal Offices  
(At The Orchards)  
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### Board Members

Lisa Britt  
Julius V. Fuks, Jr.  
G. Brymer Humphreys  
John Latini III  
Wilmar W. Sifre  
Manzur Sikder

### TOWN OF NEW HARTFORD PLANNING BOARD MINUTES

JUNE 6, 2022

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 Julius Fuks, Jr., John Latini, Manzur Sikder, Wilmar Sifre, Lisa Britt and Brymer Humphreys. Also present was Town Attorney Herbert Cully; Highway Superintendent Richard Sherman; Councilmen David Reynolds, Richard Lenart; and secretary Dory Shaw.

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Minutes of the April 19, 2022 Planning Board meeting were addressed. Motion was made by Board Member Brymer Humphreys to approve these minutes as written; seconded by Board Member John Latini. All in favor (Board Member Fuks abstained).

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Public Hearing: Special Use Permit for **Ms. Sawsan Khan, 93 & 95 Clinton Road, New Hartford, New York** to install a 6'± fence along the front of her property on Clinton Road. Fencing under a commercial district requires a Special Use Permit (Zoning is C2 Commercial Retail). Tax Map #328.015-2-38. Ms. Khan appeared before the Board.

Town Attorney Cully explained the requirement for a Special Use Permit in our zoning for a fence in a commercial area. Chair Mowat asked if there was anyone in attendance for this application – no response.

Ms. Khan explained that she has small children and where she lives is a busy road. The fence is white vinyl. The driveway entrances will not be fenced. Her neighbor at 92 Clinton Road sent a letter of support which was made a part of the file.

There being no further input, the Public Hearing closed at approximately 5:35 P.M. Oneida County Planning and NYSDOT comments were received with no recommendations.

Board Member Lisa Britt referred to the manhole cover. Highway Superintendent Richard Sherman said there was no problem where it was located.

Motion was made by Board Member John Latini to approve the Special Use Permit; seconded by Board Member Wilmar Sifre; and that a Building Permit be obtained within one year of approval date. All in favor.

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**U.S. Light Energy, Mr. Zack Lissard and Chris Koenig**, for Mr. Scot Owens, **3715 Oxford Road, New Hartford**. Proposed solar energy farm. Preliminary Review; Lead Agency and schedule Public Hearing. Tax Map #349.000-4-3; Zoning: Agricultural. Mr. Scot Owens, Mr. Chris Koenig (C/T. Male Associates) and Mr. Zack Lissard (U.S. Light Energy) appeared before the Board.

Chair Mowat explained the upcoming public hearings by 1) Zoning Board of Appeals for area variances and 2) Planning Board for a Special Use Permit. Both public hearings will be held on Monday, June 27, 2022 commencing at 6:00 P.M. Notices to residents in this will be notified. Discussion ensued regarding the procedures between what is required by the Zoning Board and the Planning Board.

Town Attorney Herb Cully explained the applicant has filed as full EAF, Part I. It is this Board's obligation to complete Part II and make a determination as to whether or not there are significant environmental concerns. The Zoning Board will address the variances required and this project requires approval from the Zoning Board before they can move forward.

Chair Mowat explained Lead Agency status tonight for this application and the SEQR process. She further explained the amount of review this project has had since January.

Board Member Fuks has concerns about being Lead Agency at this time. He referred to the Town's Comprehensive Plan that is dated back to 2004 and 2007. He expressed his concerns about the SEQR process for this project. It was explained that Mr. John Dunkle, P.E. will assist us as he has had expertise in this area and has done a lot of research. Mr. Dunkle had expressed he didn't see anything to stop the process for this project.

Chair Mowat addressed the Board Members and stated that we could wait and address Lead Agency at another time if the Board wished to do so. Town Attorney Cully has a concern with the procedure and how information will be disseminated for the public to make comments either for or against the project, and a Public Hearing will be held when there isn't a preliminary approval yet. It was stated that Mr. Dunkle sees no problem with this procedure. Also, Town Attorney Cully referred to soils and Mr. Lissard stated soils will be done with Cornell.

Mr. Lissard addressed the Board regarding the Lead Agency timeline and expressed his thoughts. He has been through this process with other communities. There is no determination on this project tonight. He suggested the Planning Board record their intent to be Lead Agent at this time and then move forward with SEQR – the intent. Board Member Fuks stated this Board can't do anything until after the Public Hearing by the Zoning Board of Appeals. He asked if an agency wants to get involved, can they get involved at any time – Town Attorney Cully said yes. If there was an issue, it would go back to the municipal law. Board Member Fuks also asked if we are responsible to pay or set up an account for an intervener's review or if the developer does? Town Attorney Cully will look into this.

Town Attorney questions if the Planning Board is holding a Public Hearing with the Zoning Board of Appeals, what information will be disseminated for the public to make comments either for or against the project. Chair Mowat explained that John Dunkle, Engineer, had researched this and explained there is no problem to move forward.

Board Member Britt had a question regarding Ag Districts. Chair Mowat noticed two councilmen were present – they felt there isn't any reason to delay.

Mr. Lissard doesn't see a problem with the Planning Board having the INTENT to be Lead Agency and still get the packets out for review. However, he would like to get the Public Hearing done then move forward. Town Attorney Cully is concerned about documentation. It was stated that the paperwork for this project will be on file at the Town Clerk's Office and Codes Office for anyone to come in to review the information submitted. Further, property owners within 1000 feet of the subject property will be notified by letter regarding the Zoning Board of Appeals Public Hearing for the requested variances and the Planning Board Public Hearing for the Special Use Permit – both the same evening, June 27, 2022.

At this time, Mr. Lissard and Mr. Koenig made a visual presentation of this project.

Motion was made by Board Member John Latini to schedule a Public Hearing for the Planning Board for this project with regard to a Special Use Permit only; seconded by Board Member Wilmar Sfeir. All in favor.

Motion was made by Board Member Brymer Humphreys that it is the INTENT of the Planning Board to be Lead Agency; seconded by Board Member Manzur Sikder. All in favor.

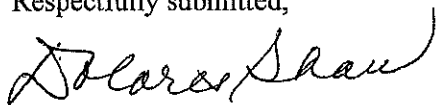
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Chair Mowat brought the Board Members up to date with other projects either pending before the Planning Board or new applications.

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Motion was made by Board Member John Latini to adjourn at approximately 7:30 P.M.; seconded by Board Member Lisa Britt. All in favor.

Respectfully submitted,



Dolores Shaw, Secretary  
Planning Board

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