

**TOWN OF NEW HARTFORD  
PLANNING BOARD MINUTES  
JULY 11, 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 John Latini, Manzur Sikder, Wilmar Sifre, Lisa Britt and Brymer Humphreys. Board Member absent: Julius Fuks, Jr. Also present was Town Attorney Herbert Cully; Highway Superintendent Richard Sherman; Contract Engineer John Dunkle, Codes Officer Lary Gell, and secretary Dory Shaw.

\*\*\*\*

Minutes of the June 27, 2022 Planning Board meeting only were addressed. Motion was made by Board Member John Latini to approve these minutes as written; seconded by Board Member Brymer Humphreys. All in favor (Board Member Wilmar Sifre abstained).

\*\*\*\*

**U.S. Light Energy**, Preliminary Site Plan Review - solar farm project at 3715 Oxford Road, New Hartford, New York. Tax Map #349.000-4-3; Zoning: Agricultural. Mr. Chris Koenig and Mr. Zack Lizzard appeared before the Board.

Chair Mowat brought the Board up to date on what has transpired with this project. The applicants had submitted an expanded Part II Type 1 action; revised Part I additional information for environmental review under SEQR; and a glare analysis report. There were no significant changes – just additional information. Discussion ensued regarding a private airport and there doesn't appear to be any concerns regarding glare.

Contract Engineer John Dunkle has worked with the applicants and feels we are in a good way to approve preliminary, some drainage details need to be worked out. However, this applicant has done a good job with submittals, and working with staff. He met at the site with Mr. Gary Pfluke, nearby resident, and Highway Supt. Rick Sherman regarding his concerns with water. They were able to come to a solution to protect him from runoff. This project will not add to water problems in this area.

The members were handed out a pollination work study and magnetic rays packet. Board Member Sifre was brought up to date on what transpired at the June 27, 2022 Planning Board meeting.

Motion was made by Board Member Wilmar Sifre to grant Preliminary Approval; seconded by Board Member Manzur Sikder. All in favor.

Decommissioning plan is handled by the Town Board. Discussion continued regarding access road, and fencing. The applicant continued stating that the fire departments may need some special training in the

event of a fire and they will work with them. There is a maintenance agreement, the road will be plowed when necessary. Mr. Lizzard explained the precautions taken and how the alert system works. Board Member Britt would like to see monthly site visits to check on this. Mr. Lizzard explained this is monitored 24/7 and a vehicle check once a quarter. Also, Mr. Owens lives on this property and will be aware of any situations.

This project should be on the August 8, 2022 Planning Board agenda for final approval.

\*\*\*\*

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

Mr. Oates has been working with Town Staff regarding internal changes in the traffic patterns for Consumer Square, particularly for Starbucks. He has submitted modifications to the intersection behind Applebee's and the addition of a second right turn lane at the main signalized entrance (copies of the proposal are a part of the file). They have diligently been working with NYSDOT to enhance traffic flow. He gave a presentation of how the traffic would flow (this information has been made a part of the file). This new layout will assist with other businesses in this particular area.

Further, they are proposing an 8,000 square foot retail building addition adjacent to the Staples space – not a restaurant type use but retail. He is not at liberty to indicate what store is coming in. It is not an expansion to Staples – a new business. It is a retail use and there is enough parking. Mr. Dunkle stated if they can't give us the name of the tenant, then can they give us trip generations which would help – Mr. Oates will do so.

Mr. Dunkle feels this is a good improvement and feels it will help with the first intersection off Commercial Drive and from the Starbuck side especially. Reference was made about people being used to certain traffic patterns at this site and how the improvements might affect everyone. He feels this new layout will help the situation and signs will be displayed. Signage is key. He mentioned the roadway adjacent to Burlington – they have a proposed curved buffer – this works. Trucks will not block this new roadway.

Highway Superintendent Rick Sherman agrees with this new configuration.

Motion was made by Board Member John Latini to grant Preliminary Approval; seconded by Board Member Brymer Humphreys. All in favor.

This project should be on the August 8, 2022 Planning Board agenda for final approval.

\*\*\*\*

Mr. Randy Bebout, Bohler Engineering for a proposed **Tidal Wave Car Wash**, 8428 Seneca Turnpike, New Hartford, New York. Tax Map #328.011-1-8; Zoning: C1 Retail Business. Mr. Randy Bebout appeared before the Board.

location is the former Zebb's Restaurant. Mr. Bebout gave a history of this business, they are moving into the northeast areas now. Staff has been reviewing this proposal.

They are maintaining the green space there now, curb locations are the same. They have submitted their plan to NYSDOT but haven't received a response yet. The building is 3,620 square feet. He referred to the internal traffic pattern circulation. There is stacking on site – maximum vehicle stacking is close to 30 without any impacts. Vacuum equipment location as shown on the plan – there is no retail element with this building. Two to three employees on site at all times – hours of operation are 8 AM to 8 PM seven days a week. Deliveries are only once a week with a box truck. They have submitted a landscaping plan. There will be a retaining wall near Aldi's with a guard rail. A storm water plan was submitted to Contract Engineer John Dunkle.

Board Member Latini asked about entering and exiting this property – Mr. Bebout explained the circulation. Entrance and exit is the same as what was used for the former Zebb's. A traffic analysis was done and there is a small increase in trip generation – approximately 1%. They meet the green space requirements. Signage: a monument sign and one at each entrance. Sign will be lit. Only one monument sign and directional sign on the building.

Mr. Dunkle feels his concerns have been addressed at this point. He is awaiting review especially from the Fire Department and NYSDOT.

Codes Officer Lary Gell explained the directional signage requirements/logo etc.

\*Board Member Wilmar Sifre left the meeting at approximately 6:30 P.M.

Motion was made by Board Member Manzur Sikder to grant Preliminary Approval; seconded by Board Member John Latini. All in favor.

Motion was made by Board Member John Latini that the Planning Board be Lead Agency for SEQR; seconded by Board Member Lisa Britt. All in favor.

Highway Superintendent Rick Sherman referred to the catch basin to the creek. He asked the County about sewers also – pending information on this.

\*\*\*\*

Ms. Whitney Hughes, **Community Power Group, LLC**, proposed solar project on New Paris Road/Tibbitts Road (Humphrey's Farm) – Special Use Permit. Tax Map #338.000-3-33.1; Zoning: Agricultural. Ms. Whitney Hughes and Ms. Amberli Young appeared before the Board.

Town Attorney Herb Cully asked Board Member Humphreys about his affiliation with this project. Mr. Humphreys explained he is not an owner. Mr. Humphreys decided that he would abstain from review and participation of this project.

Ms. Hughes that this is a 5 MW community solar project on property owned by the Humphreys Farms. She has been working with Town Staff for a few months addressing their proposal. She displayed a screening of the landscaping and the type of trees, 4'-6' in height. She also addressed glare, and noise

studies that were done. They reached out to NYSDEC and SHIPPO. The units are 5' off the ground. There are no overhead poles. Panels are about 7' tall and tilt. They have completed their study with National Grid.

Contract Engineer John Dunkle started as far as storm water they are meeting it – the property is fairly flat and it is up to the Planning Board where we want to see the visual impact. It is highly visible from Route 12B.

Chair Mowat would like to see taller trees, 6'-8'. Town Attorney Cully suggested the applicant provide a visual impact for this project.

The Town of Kirkland is also involved as it meets their border. We have been in touch with them and will make them a part of the SEQR review as an interested/involved agency. Decommissioning was addressed. How are poles mounted – pile driven, no concrete foundation.

Discussion ensued regarding the Public Hearing for the Special Use Permit in September and also SEQR review.

Motion was made by Board Member John Latini to schedule a Public Hearing for the Special Use Permit at the September 12, 2022 Planning Board meeting; seconded by Board Member Manzur Sikder. All in favor.

Motion was made by Board Member Manzur Sikder to have the Planning Board be Lead Agency under SEQR; seconded by Board Member John Latini. All in favor.

\*\*\*\*

Enterprise Rent A Car, 1705 Burrstone Road, New Hartford, New York. Chair Mowat reminded the Board Members that this use falls into a Special Use Permit category and a Public Hearing are required. This will be setup for the August 8, 2022 Planning Board meeting as the applicant will be coming in for Final Approval also.

\*\*\*\*

Clarification for motion made for U.S. Light Energy/Mr. Scot Owens project on Oxford Road. Motion to be corrected to read: the Planning Board formally declared to be the Lead Agency for U.S. Light Energy for SEQR. Motion for clarification by Board Member Lisa Britt; seconded by Board Member John Latini. All in favor.

\*\*\*\*

There being no further business, the meeting adjourned at approximately 7:00 P.M. by motion of Board Member Manzur Sikder; seconded by Board Member John Latini.

Respectfully submitted,

Dolores Shaw, Secretary  
Planning Board/dbs

