

**TOWN OF NEW HARTFORD
PLANNING BOARD MINUTES
AUGUST 8, 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, Julius Fuks, Jr., Wilmar Sifre, Lisa Britt and Brymer Humphreys. Board Member absent: Mansur Sikder. Contract Engineer John Dunkle was on a call-in. Also present was Town Attorney Herbert Cully; Highway Superintendent Richard Sherman; Codes Officer Lary Gell; Councilmen David Reynolds and Richard Lenart; and secretary Dory Shaw.

Minutes of the June 27, 2022 Planning Board/Zoning Board of Appeals meeting were addressed. Correction made on Page 3 to show Oxford Heights for the address at 2 Rockport Road, and also meeting started at 6:00 P.M. Motion was made by Board Member John Latini to approve these minutes with changes; seconded by Board Member Lisa Britt (Board Members Wilmar Sifre and Brymer Humphreys abstained).

Minutes of the July 11, 2022 Planning Board meeting were addressed. Motion made by Board Member Wilmar Sifre to approve these minutes as written; seconded by Board Member John Latini. All in favor except (Board Member Julius Fuks abstained).

Special Use Permit Public Hearing for **Enterprise Rent A Car**, 1705 Burrstone Road, New Hartford, New York & Final Site Plan Review. Tax Map #317.000-2-23; Zoning: C2 Commercial Retail Business. Mr. Donald Ehre, P.E., appeared before the Board with a representative from Enterprise Rent A Car.

Chair Mowat addressed the Special Use Permit Public Hearing and asked if there was anyone in attendance from the public to address this – no response. The Public Hearing closed at approximately 5:38 P.M. The application review took place: Mr. Ehre presented a layout of the proposed development and adjacent properties. Also, addressed was storm water, sanitary sewer, entrances into site, plantings, traffic analysis. NYSDOT requested sidewalks, which is part of the applicant's plan.

Mr. Dunkle felt they addressed the issues satisfactorily, storm water management provides mitigation, modest reduction, lighting plan has been redone and contained on site. Review is necessary for landscaping and to make sure there is an executed maintenance agreement for storm water management practices. He further addressed specific plantings (mixed rhododendrons and Japanese hews and 5—6' tall maples around the outside), maintenance agreement and storm water management practices. Mr. Ehre referred to the commercial businesses adjacent to this project.

Councilman Lenart asked how close the maples will be to the pines. Mr. Ehre stated they will extend from the pines not parallel to them. Board Member John Latini referred to on premises car wash – done by hand with low pressure wash. Chair Mowat send a draft maintenance agreement will be sent to Mr. Ehre to be executed (Mr. Dunkle will send it to him). Board Member Lisa Britt asked if they were using sprinklers to water plants – answer: no. They also discussed reclaimed water but little volume for this.

Motion was made by Board Member Brymer Humphreys to close SEQR with a negative declaration; seconded by Board Member Wilmar Sifre. All in favor.

Motion was made by Board Member John Latini to **grant Final Approval** to the site plan; seconded by Board Member Brymer Humphreys. All in favor.

Motion to **grant the Special Use Permit** contingent on a completed storm water maintenance agreement by Board Member Wilmar Sifre; seconded by Board Member John Latini. All in favor.

National Grid, 221 Old Campion Road, New Hartford, New York. Tax Map #329.010-2-1; Zoning: Manufacturing. Amendment to Final for a proposed 1,536 square foot addition to their existing building. Mr. Owen Albanese and Lynn Kozak appeared before the Board.

Mr. Kozak displayed the original building plan done in 2010 and the proposed building expansion at this site, i.e. plumbing, bathrooms, insulation, ventilation, office(s) (training room). There is a berm for a visual buffer. Blue Spruce trees will be planted. There will be safety and security lighting around the doors.

Board Member Britt asked if the former application and this application were all one project – Ms. Kozak said no – two different applications.

Mr. John Dunkle said there is minimal impact to storm water at this site – no major concerns. Highway Superintendent Rick Sherman wanted them to make sure the sewer is not going anywhere near the pump station – it is not.

Motion was made by Board Member John Latini to **grant Amendment to Final** approval to National Grid; seconded by Board Member Wilmar Sifre. All in favor. (Board Member Julius Fuks abstained).

Mr. Omar Massoud, Sessions Road & Mohawk Street, New Hartford, New York. Three lot minor subdivision. Preliminary and Final Subdivision review. Tax Map #350.000-2-61.2; Zoning: Residential/Agricultural. Mr. Cale Decker, Land Surveyor, appeared before the Board with Mr. Omar Massoud.

Mr. Decker presented the Board Members with perk tests done for both lots (this has been made a part of the file). He shared this with Highway Superintendent Rick Sherman – it is a benefit for the Mohawk Valley Water Authority showing the water lines.

Town Attorney Cully referred to the three lots, 1.38 acres, 1.44 acres, 17.78 acres – and the 11.44 acres on the other side of Mohawk Street. All lots have the necessary frontage – there are no underground lines.

Mr. John Dunkle has no comments on this application.

Motion was made by Board Member John Latini to **grant Preliminary and Final Subdivision** approval for the property owned by Mr. Omar Massoud; seconded by Board Member Brymer Humphreys. All in favor.

Mr. Massoud inquired about the possibility of selling one or more lots. Town Attorney Cully explained the procedure he would have to go thru to acquire this as it would be a new application and different requirements are necessary.

U.S. Light Energy/Mr. Scot Owens, 3725 Oxford Road, New Hartford, New York. Final Site Plan review for Special Use Permit for a proposed solar energy system. Tax Map #349.000-4-3; Zoning: Agriculture. Mr. Scot Owens, Messrs. Chris Koenig and Zack Lissard of U.S. Light Energy appeared before the Board.

The biggest concerns addressed are storm water. Changes have been made and now they have a basin. The applicant has been working with Contract Engineer John Dunkle and Town officials regarding storm water. There are now four broad based detention basins to manage storm water and more vegetation. He explained the workings of these basins. It meets the requirements of what Mr. Dunkle is looking for. They submitted a concept plan – they explained the design and how it would accommodate the 1200 year storm, water flow, etc. Overall concept is to take the storm water, detain it and slowly release it.

At this time, the Board went thru step by step of questions and responses. This will be attached to the minutes

ATTACH TO MINUTES

- 1) Slows to not exceed 10% - Mr. Dunkle is fine with this average slope of the panel area is 8.4%.
- 2) No swales? Mr. Dunkle said they are still not proposing this – their current design has eliminated the need for any kind of swales – he is ok with this.
- 3) SWPPP: Mr. Dunkle is ok with the detention basins – level spreaders and infiltration trenches will be provided.
- 4) Use of construction fencing to denote the construction boundary – Mr. Dunkle suggested the use of construction fencing. It is a simple install where appropriate (see response on attachment).
- 5) Fire Department training: Catalyze (project owner) will provide both New Hartford and Willowvale Fire Department personnel training. See letter dated July 27, 2022 submitted to Planning Board which explains and outlines this. Mr. Dunkle suggested this be a condition of approval or not – Town Attorney Cully felt it shouldn't be. Maybe a condition at the Building Permit level. Board Member Britt asked about concrete pads, transformers on the top. Mr. Lissard said the Fire Departments have a key to get into this area if needed, but everything shuts down and turns off when necessary.

- 6) More details regarding sheep grazing: there has been discussion on this. Mr. Dunkle's concern was overgrazing. But grazing of the panel array area will not have an impact on runoff conditions. To cover it without putting conditions on the approval, they agreed to provide storm water detention to basically mitigate any future potential. With that in place Mr. Dunkle is satisfied about his concern of overgrazing and runoff. Sheep grazing under the panels was Mr. Dunkle's main concern but basins were put in to help with this – we really can't control this.

Board Member Britt asked about pollinators. Mr. Lizzard said there is a pollinator seed mix.

- 7) Soil testing: Mr. Dunkle is okay with their response. It will be in the decommissioning plan to retest and will be worked into the decommissioning plan to the Town Board.
- 8) Ground cover: Mr. Dunkle said he will be reviewing this again as part of the final SWPPP and will advise.
- 9) Soil retesting: added to the De-Com plan; Mr. Dunkle said he will be reviewing this and Town Attorney Cully said this is in there.
- 10) Part 1 of the EAF... 1) runoff to adjacent properties they corrected this. 2) .13 acre reduction of impervious surfaces. Mr. Dunkle is okay with this.
- 11) Part 2 of the EAF...this was completed by the Planning Board.
- 12) Landscaping/screening should be reviewed by the Planning Board. Discussion was held about 6' – 8' trees – evergreen mix, 3 species. 10' on center along northern boundary and a 25' space on western boundary – more of a landscape to provide an aesthetic quality. Everything will grow in together. N72 trees to be planted, 5' to 8' high and grow one foot per year, they will be replaced if diseased or dying.

Board Member Fuks asked about approval of permit if it meets nationwide permit and if they notified the Army Corp of Engineers? Mr. Lissard stated that was for where we are proposing to cross a wetland at the top of the hill. They responded they have not contacted the Army Corps yet but they will and the project meets requirements.

Highway Superintendent Rick Sherman is good with the storm water basins and they have done a great job.

At this time, motion was made by Board Member Brymer Humphreys to close SEQR with a negative declaration and there are no significant environmental impacts; seconded by Board Member John Latini. All in favor.

-Motion to **grant Final Site Plan approval** was made by Board Member Wilmar Sifre; seconded by Board Member Lisa Britt. All in favor.

Special Use Permit: applicant provided a proposed Part 2 as it is highly technical information. Mr. Dunkle and Town Attorney Cully discussed this. Mr. Koenig said they drafted a Part 2 with all the comments and submitted it on July 7, 2022. Mr. Dunkle said there is an impact to the land and potential storm water runoff and aesthetic impacts – those are the only ones. These are potentially an impact and it is up to the Planning Board to clarify moderate to large. Mr. Dunkle feels he doesn't have any potential environmental impact rather than small or no impacts. This is his opinion.

-Motion to confirm Part 2 as referenced by the Town Engineer was made by Board Member John Latini; seconded by Board Member Brymer Humphreys. All in favor (Board Member Fuks abstained).

Mr. Dunkle reviewed storm water management and decommissioning plan and feels it is a reasonable plan – all the elements are there. We need a storm water maintenance agreement also and wants that added as a condition.

Motion was made to **grant the Special Use Permit** with the following three conditions by Board Member John Latini:

- 1) storm water agreement; 2) SWPPP; 3) approved decommissioning plan

seconded by Board Member Wilmar Sifre. All in favor.

Town Attorney Cully addressed the applicant and Staff thanking them for the amount of work that was done with this project at all levels.

Note: Mr. Dunkle is to be okay with the final site plan, and the Codes Officer shouldn't issue the Building Permit until Mr. Dunkle approves the SWPPP.

Motion to adjourn was made by Board Member Lisa Britt; seconded by Board Member John Latini at approximately 6:50 P.M.

Respectfully submitted,

Dolores Shaw
Secretary/Planning Board

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Attach corres.