

**TOWN OF NEW HARTFORD
PLANNING BOARD MINUTES
SEPTEMBER 12, 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, Wilmar Sifre, Lisa Britt and Brymer Humphreys. Board Member absent: Julius Fuks, Jr., Mansur Sikder. Also present was Town Attorney Herbert Cully; Contract Town Engineer John Dunkle; Highway Superintendent Richard Sherman; Codes Officer Lary Gell; Councilman Richard Lenart; and secretary Dory Shaw.

Minutes of the August 8, 2022 Planning Board meeting were addressed. Motion was made by Board Member Wilmar Sifre to approve these minutes as written; seconded by Board Member Brymer Humphreys. All in favor.

Public Hearing: Special Use Permit for a 4' fence at 8387 Seneca Turnpike, New Hartford, New York (Center for Autistic Children). Tax Map #328.000-3-10.2; Zoning: C1 General Business. Dr. Lopez appeared before the Board.

Dr. Lopez explained that there is a ravine in the back of the building (behind PAR) where the children use the yard. They need to protect them and they would like to erect a fence. Town Attorney Cully explained the reasoning behind the Special Use Permit for a fence in a commercial zone. Highway Superintendent Richard Sherman mentioned that this is a privately owned ravine.

Chair Mowat asked if there was anyone in attendance to address this application – no response. The Public Hearing ended at approximately 5:37 P.M.

There were no further comments on this application. Motion was made by Board Member John Latini to **approve** this application as submitted; seconded by Board Member Lisa Britt. All in favor.

PUBLIC HEARING: SPECIAL USE PERMIT Community Power Group LLC for a proposed solar farm for property owned by Humphreys Farms, Inc., New Paris Road/Tibbitts Road/NYS Route 12. Tax Map #338.000-3-33.1; Zoning: Agricultural. Ms. Whitney Hughes and Mr. Michael Borkowski appeared before the Board.

Note: Board Member Brymer Humphreys recused himself from discussion and voting on this application as he has a conflict of interest.

Town Attorney Herb Cully explained the Special Use Permit requirements for this project according to our Code as it is a large scale solar project.

This is a 5 mv project, about 32 acres on a 106 acre plot of land zoned Agricultural. They intend to have a landscape plan that will cover the portion of the site adjoining Route 12 and Brimfield Street. The Town will tell them what type of trees, shrubs, etc. They plan on 4' to 6' trees that will grow to about 10'-20' at maturity; wildflower mix also. They have a landscaping maintenance plan also and referred to the phases of landscaping proposed. There will be an annual inspection, mowing, replacement, fencing and normal maintenance of the site. There will be a wood pole and thin mesh for fencing with a large buffer. Utility poles will be underground.

Town Attorney Cully referred to visuals showing neighboring properties in summer and winter months. These were provided to the Town and they have done studies for solar panels to absorb light. Mr. Borkowski explained how the panes move from morning to night and explained the wind resistance. He also mentioned visuals – Mr. Borkowski said he has visuals available.

Chair Mowat explained to the public the procedures taken to review this project and the number of interested and involved agencies that were notified. This is a Public Hearing procedure and if anyone wants further information after this meeting, we will get back to them.

Mr. John Dunkle said he reviewed this project three times and he is primarily satisfied with the engineering on this.

Mrs. Nancy Hall, 62 Woodberry Road appeared before the Board. She has concerns with the maintenance of the trees. It was explained that this is a condition of the Special Use Permit – they have to be maintained. Chair Mowat explained this is part of the decommissioning plan to be approved by this Board and the Town Board.

Mr. Warren Hall, 62 Woodberry Road: he hopes the bond covers decommissioning and also soil erosion and possible mud slides; concern if they don't complete a project; he asked how many years they have been in existence – since 2010.

Chair Mowat referred to the previous solar project just approved and the type of review this Board does, especially storm water and decommissioning plans, soils, etc.

Mr. Dunkle stated he is responsible for reviewing proposed plans for erosion and runoff. He worked with them on a maintenance plan for vegetation so as not to disrupt the soil; to make sure the land is in place and to be replicated and restored to previous conditions; to review runoff calculations; a decommissioning plan that all agreements to maintain the property and vegetation to allow the Town to step in just in case they decide to walk away; money available if the Town has to step in – all this has and still is being reviewed.

Mr. Dean Gordon, 204 Paris Road. Is this a potential Phase I for something larger planned. This project is the only phase.

Town Attorney Cully referred to Mr. Gordon's comment and stated we might want a commitment of any future use that it is not going to happen – nothing further. Mr. Borkowski said this Special Use Permit is it – if it ever changes, they would have to come back before this Board. Town Attorney Cully explained the SEQR process and what is reviewed when submitted – it we don't, it is called segmentation.

Mr. Dean Hunt, Brimfield Street. He referred to tree coverage on Route 12 and any plans to cover this on the west side – Mr. Borkowski said not currently and explained that there is a lot of existing vegetation in that area.

Ms. Schmidt, Route 12. She asked about noise and is it controllable. Mr. Borkowski explained how the panels work and it is low voltage. Also, panels are monitored and controlled and not noisy.

Mr. Warren Hall, 62 Woodberry Road asked about battery backup. He supports any movement in this direction.

Mrs. Mary Gordon, 204 Paris Road. She asked where this project is actually located – Mr. Borkowski referred to the site and explained this project and its exact location.

Board Member Britt asked about pole locations and using 811 – yes they are using 811 and they are working with National Grid before the poles are in. She also asked about chip poles for reuse and this process was explained – poles will be recycled and reused as well as fence posts, etc. Also cement that would be used on site or sent somewhere else. Porta potties were addressed- Any other form of liquid waste after porta potties removed – answer was no. No batteries on site – not much oil on site. No sprinklers for the trees – trees will be replaced when necessary.

Mr. Warren Hall asked how many kilowatts would the install generate – Mr. Borkowski said probably a little over 8 million kw hours a year.

There being no further input, the Public Hearing ended at approximately 6:30 P.M. No action will be taken this evening for this project. Chair Mowat thanked everyone for their comments.

Board Member Brymer Humphreys returned to the meeting.

Tidal Wave Car Wash, 8428 Seneca Turnpike, New Hartford, New York. Preliminary/Final Site Plan Review of a proposed car wash. Tax Map #328.011-1-8; Zoning: C1 General Commercial. Mr. Randy Bebout appeared before the Board.

Highway Superintendent Rick Sherman had concerns regarding the response from Oneida County Water Quality & Water Pollution Control and the County interceptor, and sewer credits. He did a review of the figures from Hoffman Car Wash and this is what triggered his concern, water usage, etc. Mr. Bebout addressed this and stated a detailed a breakdown of water usage, recycling and discharge to the sewer.

Mr. Dunkle stated all engineering issues have been modified. Mr. Bebout addressed the comments from NYSDOT and explained that both driveways are being reconstructed to meet NYSDOT standards. They

will coordinate with NYSDOT and the Town. Part of the site plan is to show the modifications. Also addressed is the Maintenance Agreement for storm water.

Board Member Latini referred to water usage and sewers. Highway Superintendent Sherman explained how this came about after checking Hoffman Car Wash figures.

Board Member Britt asked if there were two right lanes out to Middle Settlement Road – no.

Ms. Kathy Kobielski, 4480 Middle Settlement Road addressed the Board as she is concerned about traffic and access going in and out of this property. Majority of traffic is coming from Seneca Turnpike. Mr. Bebout explained the traffic flow to her.

Mr. Bebout referred to signage and he provided this to Codes Officer Gell. He referred to the placement of the free standing (monument) sign and it is Codes compliant. Lighting: it won't affect any residences.

There being no further discussion, motion was made by Board Member John Latini to close SEQR with a negative declaration; seconded by Board Member Brymer Humphreys. All in favor.,

Motion was made by Board Member John Latini to grant **Final Approval** with the condition of a Storm Water Maintenance Agreement, compliance with NYSDOT, modifications to Middle Settlement Road, and a one year sewer re-evaluation for sewer credits; seconded by Board Member Wilmar Sifre. All in favor.

Wal-Mart expansion, 4765 Commercial Drive, New Hartford, New York. Amendment to Final/Site Plan Review of 4,281 square foot expansion and change in signage. Tax Map #317.013-3-23.61; Zoning: C1 General Commercial. Mr. Travis Koger, PE appeared before the Board.

Mr. Koger gave a recap of what Wal-Mart is proposing, a 4,281 square foot expansion to Wal Mart and a change in signage.

Board Member Britt addressed parking. Two rows will be taken out and parking reduced by a slight amount. Parking in this area of Wal-Mart was discussed in detail. It is possible that based on what they submitted, it may not be to Code for parking and a variance may be necessary. This needs further review.

Town Attorney Cully explained that Wal-Mart is a separate parcel – a separate entity. Chair Mowat stated the parking table shows there is not enough parking per Code. A discussion ensued about parking in the rear of the building, storage of pallets, etc. Codes Officer Lary Gell will review the parking for this project and speak with representatives from Benderson to determine what the parking situation is, i.e., any kind of mutual agreement, etc.

Further, we have not received an authorization letter from Benderson granting Wal-Mart permission to proceed with this development. Mr. Koger stated they have been working to get this authorization.

Mr. John Dunkle said he has no issues with this project.

Chair Mowat stated that this project can be on the October 17th Planning Board agenda if all information can be submitted and identified. Mr. Koger does not have to reappear as he traveled from Virginia to be here for this project.

Chair Mowat referred to an upcoming project that will be before the Town Board and which would come to the Planning Board for Site Plan Review. All information is not in at this time but we will be advised accordingly.

Motion was made by Board Member Wilmar Sifre to close the meeting at approximately 7:20 P.M.; seconded by Board Member Brymer Humphreys

Respectfully submitted,

Dolores Shaw, Secretary
Planning Board

dbb