

**TOWN OF NEW HARTFORD
PLANNING BOARD MINUTES
OCTOBER 17, 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, Lisa Britt and Brymer Humphreys. Board Member absent: Wilmar Sifre. Also present was Town Attorney Herbert Cully; Contract Town Engineer John Dunkle; Highway Superintendent Richard Sherman; Codes Officer Lary Gell; Councilman Dave Reynolds; and secretary Dory Shaw.

Minutes of the September 12, 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 Julius Fuks abstained as he was not in attendance at this meeting).

Public Hearing: Special Use Permit for **Mr. Robert Shorey, 8017 Seneca Turnpike, Clinton, New York** (Town of New Hartford) to install a 6'± wooden fence on the Applewood Boulevard side and rear of his property. Fencing under a commercial district requires a Special Use Permit (Zoning is C2 Commercial Retail). Mr. Shorey appeared before the Board.

Town Attorney Cully explained why this applicant needed a Special Use Permit (in our Code) for this fence. Chair Mowat opened the Public Hearing – there was no one in attendance to address the application other than the applicant. The Public Hearing closed at approximately 5:35 P.M. Mr. Shorey stated that his existing fence had fallen and he needs to replace it. He advised the Board Members that he may have to wait until spring to accomplish this. Codes Officer Gell explained that Mr. Shorey can obtain a permit in the spring but that he needed to act on this before a year's time. Mr. Shorey agreed.

Motion was made by Board Member John Latini to approved this Special Use Permit for Mr. Shorey's fence; seconded by Board Member Brymer Humphreys. All in favor.

Benderson/Consumer Square, 4765 Commercial Drive, New Hartford, New York. Amendment to Final for Site Plan improvements and retail building addition. Tax Map #317.013-3-23.61; Zoning: C1 General Commercial. Mr. Matt Oates appeared before the Board.

Mr. Oates has been working with the NYSDOT for the Consumer square project making changes internally and with the State highway. He explained the changes as previously discussed. They are adding a second right turn lane, etc. sometime in May or June of 2023. These changes will create a better

traffic flow. He addressed the approximate 8,000 sf retail addition which aligns for access; also a new dumpster enclosure.

Mr. John Dunkle doesn't have any issues as he has worked with Mr. Oates on this project. There being no further input, motion was made by Board Member John Latini to grant Amendment to Final for the Benderson project; seconded by Board Member Manzur Sikder. All in favor.

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

Codes Officer Gell has been working with Mr. Oates regarding the parking and there is more than enough parking in the entire plaza, which includes the Wal-Mart expansion. Wal-Mart is not a separate parcel. Signage will require a variance from the Zoning Board of Appeals.

Mr. Oates stated Benderson is in favor of the project. Board Member Britt referred to parking spaces that may not become available in the summer and would this create a problem. Chair Mowat addressed this and explained there should be no problem.

Reference was made regarding the approval letter from Benderson (as owner of Consumer Square) for Wal-Mart to proceed with this project. Mr. Oates again stated this paperwork is held up but they totally support this project.

Motion was made by Board Member Brymer Humphreys to grant Amendment to Final for the Wal-Mart Expansion; seconded by Board Member Lisa Britt. All in favor.

Community Power Group, LLC, Special Use Permit for a solar energy project at **4001 Tibbitts Road, New Hartford** on property owned by Humphreys Farms, Inc. Tax Map #338.000-3-33.1; Zoning: Agricultural. Mr. Michael Borkowski appeared before the Board. Board Members Brymer Humphreys and Julius Fuks, Jr. abstained from addressing this application.

Chair Mowat explained what has transpired with this project. However, Mr. John D'Amore, who lives nearby, reached out regarding screening. Mr. D'Amore hired a landscape architect to help with a landscape plan to protect his view. He also has been discussing this issue with Mr. Borkowski.

Mr. Borkowski addressed the Board and explained how many changes they have made to try to make sure the adjacent property owners were happy with this project. He explained the view from the field and the southeast corner, how many trees will be planted for better screening, etc. Mr. Borkowski has been working with the Humphreys and now Mr. D'Amore and his family and they are happy to make changes as long as the homeowners are okay with it. They would like to proceed tonight with an approval with perhaps a condition to work with the landowner and come up with a final landscaping plan.

Chair Mowat asked the Town Attorney and Mr. Dunkle for their input. Town Attorney Cully explained the process involved regarding a Special Use Permit and referred to the Town Code. In his opinion, we need to deal with the buffering, screening and landscaping as it relates to neighboring properties.

Mr. D'Amore has no issues as far as the legal submission of this project, he just wants to make sure substantial screening is planned. He is concerned about looking at the 32 acre solar site – he has lived on his property for about 25 years. He will hire a landscape architect and also keep discussions going with Mr. Borkowski.

Chair Mowat stated that we may have another Planning Board meeting shortly to address this application and buffering. Also, perhaps the Board Members would like to go to Mr. D'Amore's property.

Mr. Dunkle thought it was a good idea to actually show visually what the project looks like now and down the road – these are pretty typical simulations. Board Member Reynolds is familiar with the property and he agrees with the simulation. It was the consensus of the Board Members to look at a simulation, that it is reasonable.

Motion was made by Board Member Manzur Sikder to table this application to be able to address the landscaping issue further; seconded by Board Member Lisa Britt. All in favor (except Board Members Fuks and Humphreys who did not participate).

Mr. D'Amore said he will work on a simulation with an architect also.

Mr. Carl Vogel, Vogel Enterprises, 4670 & 4676 Commercial Drive, New Hartford, New York. Preliminary Site Plan Review for parking and change of use. Tax Map #328.008-1-4; Zoning: C1 General Commercial. Attorney Mark Levitt, Esq. and Mr. Donald Ehre, P.E., appeared before the Board.

Mr. Ehre discussed the proposal for this project. He has been working with NYSDOT regarding the entrance, etc. He explained the layout per NYSDOT'S request. The southerly entrance is down to 18' in width at the suggestion of NYSDOT. No change in sewer and storm water is all towards Commercial Drive as it always has been. He referred to existing asphalt and a useless driveway is being removed. Plantings will be put in.

Mr. Ehre explained what this property will be used for, i.e., employee parking, a ramp between the two stores, lawn area, two back buildings are storage only – no sales. The former plumbing business is going to be an office for Mr. Vogel, a real estate office and then a nail salon. Parking was analyzed. He referred to required parking spaces – they have 41 – 23 customer parking spaces and 18 employee spaces. He referred to the Code. The Water Board has asked for a back flow prevention and they gave approval on the backflow design. There is 400 sf less pavement. There will be a curb between the two driveways.

Mr. Dunkle feels Mr. Ehre has demonstrated the parking number, which are close to meeting the Code. Also, storm water doesn't have much of a change. His concern is circulation and feels the Fire Department comments are crucial. Attorney Levitt is willing to work out a plan to restrict the hours of

delivery trucks and also agree to a written restriction as to limit the use of the two old warehouses for storage only.

Codes Officer Gell wants to make sure there is no pick-ups or sales at the old warehouses.

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

Motion was made by Board Member Brymer Humphreys to send this application out for SEQR and declare the Planning Board Lead Agency; seconded by Board Member Lisa Britt. All in favor.

Chair Mowat discussed an upcoming application regarding Sangertown Square Mall and proposed apartments behind the J.C. Penney wing. This requires a Zone Text Amendment from commercial to residential. The Town Board is Lead Agency but it is being referred to the Planning Board for review and recommendation.

Chair Mowat also addressed a couple of other projects that may be coming before the Board, i.e. Cliff's Market, and proposed reuse of property on Oneida Street in Chadwicks.

There being no further input, the meeting was adjourned by motion of Board Member Manzur Sikder; seconded by Board Member Brymer Humphreys at approximately 6:50 P.M.

Respectfully submitted,

Dolores Shaw, Secretary
Planning Board

dbS