

**TOWN OF NEW HARTFORD  
PLANNING BOARD MINUTES  
MONDAY, OCTOBER 16, 2023  
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 Lisa Britt, Wilmar Sifre, Manzur Sikder, and James Decker. Board Members absent: Julius Fuks, Jr. and John Latini. Also in attendance, Town Attorney Herbert Cully; Highway Superintendent Richard Sherman, Contract Engineer John Dunkle (via telephone) and secretary Dory Shaw.

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Minutes of August 14, 2023 Planning Board meeting were addressed. Motion was made by Board Member Lisa Britt to approve these minutes as written; seconded by Board Member Manzur Sikder. All others in favor.

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**BW Solar Project**, 10130 Roberts Road, Sauquoit, New York. Chair Mowat addressed this proposed project which is partially in the Town of Paris. There will be a coordinated review with the Town of New Hartford as Lead Agency. This project will require a Special Use Permit which involves a Public Hearing. At this time, there is a resident in this area who would like to address this Board as he will not be available at any other time.

Mr. William Bentley and his wife, Paula, live in this area close to the project. Mr. Bentley explained that he and his family have lived in the house that he built for seventeen years and they have five children and ten grandchildren, who stay with them throughout the summer. He is a licensed professional engineer in New York and has licenses throughout the United States. He gave the Board a history of his work experience. One of the biggest assets he has is the view. They have spectacular sunsets and he passed out pictures of sunsets at this location. They all enjoy the peace and harmony of living there. This area is open terrain. The challenge is 177' above this location and he further explained. Buffering would be impossible. They have an unrestricted view and this project would create glare, etc. He also has a wind borne concern. There are open fields and a rising hill which creates high winds and that becomes an issue. He has had to replace items on his house because of the high wind speeds. He explained that solar panels break off and become debris. He would like to preserve the beauty where he lives. This project affects his quality of life.

Chair Mowat explained the notification process this Board uses for informing the residents. We will contact the Town of Paris and advise them of our procedure moving along with the review of this project. The Town of Paris is involved because of the utility poles.

Town Attorney Cully explained the Special Use Permit procedure. This project will be on the November 13, 2023 Planning Board agenda for a review only at this time and will ask the Town of Paris to send a representative. Public Hearing would then be scheduled at another date with property owners within a 1000' radius notified.

Contract Engineer John Dunkle will have comments and he will need to have a retainer agreement.

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**Mr. Larry Adler, New Hartford Billboard LLC, 4794-4796 Commercial Drive, New Hartford, New York.** Preliminary Site Plan Review of a proposed drive-thru only coffee stand and an oil change store approximately 1,600 sf. Tax Map #317.013-3-18.3 Zoning: C1 General Commercial. Mr. Larry Adler appeared before the Board.

SEQR letters were sent to Involved and Interested Agencies and comments received. Contract Engineer John Dunkle addressed the Board stating that he has worked with Mr. Adler over several months to come up with a plan. This does not impact any of the flood plain. He feels what Mr. Adler has done will be good for the neighborhood as far as storm water. They have not added any fill to the flood plain but there is a net reduction and will be able to expand the flood plain. He feels they have done a good job with understanding the Town's concerns. The plan right now has a significant net reduction in the flood plain. We will have to issue a flood plain permit for this project and engineers will model this for what we expect for conditions in this location. The two biggest issues are storm water and traffic. The driveway will line up with the existing light. NYSDOT has indicated some modifications and signal timing with a NYSDOT permit.

Mr. Adler commented on the 10% reduction in storm water. Mr. Dunkle also commented – the applicant is to apply a 10% reduction of runoff and they have presented an analysis of proposing a storm water detention basin to reduce water flows into Mudd Creek.

Mr. Adler stated the plans they have are based on all the revisions. NYSDOT was very specific to line up with the traffic signal and that has been done. They submitted a traffic study and NYSDOT reviewed it and approved. His traffic engineer is in the preliminary design stages – 24 car queuing lane. It works well. There is no food at the coffee kiosk. No one gets out of the car. It is a 510 sf building. No parking is necessary for consumers. On the right side is a drive thru oil change facility, which is 1600 sf. There is an existing building on the side where the oil change facility is – it will be demolished. Some 20' of parking area will be converted to grass in this area. Where the coffee kiosk is going is undeveloped currently.

Mr. Adler addressed landscaping, especially the neighborhood behind them. The dumpster area will block most of lights in the night time towards the neighborhood and it can be changed if necessary. He addressed landscaping behind each parking area. They are willing to put up a fence but are trying to screen the area with a natural buffer. There aren't many houses impacted and they already have fences, but he will do whatever is necessary. Regarding the signal, Benderson owns that signal and that is a condition of the highway work permit – Benderson has to approve it. NYSDOT made a comment about sidewalks.

Board Member Decker asked if NYSDOT reviewed the analysis and queuing - Mr. Adler said they have been working with them on it. Queuing is 24 cars just for the drive-thru lanes. Mr. Decker is concerned about this. Mr. Adler stated if there is something to address, he will look at it. Based on the peak analysis, that is how the coffee business came up with the number.

It was stated to make sure the driveway lines up at the traffic light.

Board Member Decker addressed queuing. NYSDOT raised this question and that is why Mr. Adler's traffic engineer addressed it according to peak times. Mr. Decker asked for more information on this - Mr. Adler will get more information regarding this especially during peak times. Mr. Decker would like a queuing analysis by industry standards. The coffee kiosk hours of operation are from 6 AM to 10 PM.

Board Member Britt referred to the two lanes of the drive thru - both of these lanes go to the light and only one lane to get out - does this create a problem. Also, she addressed the oil change driveway. Mr. Adler stated based on his engineer's review it doesn't create a problem. NYSDOT reviewed this. There is a total of three driveways going to one at the signal. Board Member Britt asked if the Army Corps of Engineers were contacted - yes thru SEQ. R.

Mr. Dunkle addressed the Board stating that one of the notes in his condition is a permit from NYSDEC and Army Corps of Engineers. He doesn't believe there are any wetlands. However, they are going to need permits from both agencies. One of the conditions we recommend to include is going through the permitting process. Board Member Britt referred to maps that refer to wetlands. Mr. Dunkle said many of those maps are outdated and not accurate.

Chair Mowat addressed the Board and referred to how the Town of New Hartford hired, on contract, a professional engineer because of mapping problems. She explained how the problems started up stream. Our engineer, Mr. Dunkle, has been doing an excellent job. She further explained how the Town departments take projects very seriously and do extensive reviews, etc.

Discussion ensued regarding engineering for this area. Mr. Adler stated that Mr. Dunkle has all the calculations and they are confident with his participation in this project. Mr. Adler feels strongly that the improvements they have made will avoid flooding.

Mr. Dunkle stated that part of why the conditions he recommends for approval is that we have the issue of the flood plain permit and we will model this project so we will be able to predict what the downstream impact of this project is going to be, and he is confident it will show a decrease. If not, we would have to go back and modify the flood plain. He stated that all of the things Board Member Britt is talking about they will be doing for the Town for this specific project.

Highway Superintendent Richard Sherman addressed the Board. He disagrees with Board Member Britt's comments. He explained the extensive work that has been done in this area and it has been working. Staff has spent many hours of review in this area, especially for storm water.

Mr. Dunkle stated that if we are considering approval tonight, he did send a list of conditions and ask to consider those conditions.

Board Member Decker said traffic build up is his concern. Board Member Sifre is also concerned about cars coming out at once. Mr. Decker recommended getting something from NYSDOT that everything is okay with them.

Mr. Adler is willing to meet with anyone who would like to walk the site with him. He will get more information and come back to the Board, queing, staggering, etc.

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Chair Mowat addressed the proposed **BESS (Battery Energy Storage System)** off access road/Ariana Lane (Business Park); Tax Map #328.000-3-7.1; Zoning: C1 General Commercial. Mr. Adler said they came before us a few months ago. There is no application at this time, however, the representatives want to move forward. There are three currently in New York State.

Mr. Adler stated that they want to get the process going. He was advised to have the representatives complete a Site Plan Review application and submit it to the Planning Board to get on an agenda. They will have to submit required paperwork and details on their review - Special Use Permit.

Mr. Adler will get in touch with the representatives to be able to move forward.

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Chair Mowat addressed the New Hartford School District's request for a new bus garage at the Myles Elementary School on Clinton Road and what transpired. She explained that she contacted the agency involved regarding the Town of New Hartford input. After considerable discussion, the school district postponed this request until 2028. In the meantime, Town Attorney Cully had written three letters stating that the Town was within the 30 day review period and wanted to address this. However, there is no action at this time as the school board withdrew the request at this time.

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FYI: Community Solar, Route 12 (Humphreys property) project. To date there has been no performance bond submitted and no decommissioning plan. Until such time it is submitted, we can't move forward.

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Motion to adjourn was made by Bord Member Wilmar Sifre; seconded by Board Member Manzur Sikder at approximately 6:55 P.M. All in favor.

Respectfully submitted,

Dolores Shaw, Secretary  
Planning Board

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