

**TOWN OF NEW HARTFORD  
PLANNING BOARD MINUTES  
MONDAY, AUGUST 14, 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 John Latini, Lisa Britt, Julius Fuks, Jr., Wilmar Sifre, and James Decker. Board Member absent: Manzur Sikder. Also in attendance, Town Attorney Herbert Cully; Highway Superintendent Richard Sherman, Contract Engineer John Dunkle and secretary Dory Shaw.

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Minutes of the June 12, 2023 Planning Board meeting were addressed. Motion was made by Board Member Lisa Britt to approve these minutes as written; seconded by Board Member John Latini. Board Member Wilmar Sifre abstained. All others in favor.

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Public Hearing: **Mr. Igor Shubich** for property located at **8430 Seneca Turnpike, New Hartford, New York** (empty building behind Aldi's). It is for the storage of his trucks at this location. He will also be keeping the current boats and trucks there now. No changes will be made to the building. Tax Map #328.011-1-20.2; Zoning: C1 General Commercial. Mr. Shubich appeared before the Board.

Mr. Shubich explained that the delivery trucks are owned by him only. He is purchasing the building. It is used now for trucks and boats. He will continue the use. Trucks (3) are on the road and they come in the night at times to the garage. He may have a few more trucks in the future. The reason why this is here for review is that Codes Officer Gell was concerned about this being used as a truck terminal servicing vehicles rather than storage. There is no servicing of third party trucks, minor maintenance. There is no gas on site, just oil changes. Discussion ensued regarding what is in the trucks, etc.

At this time, the Public Hearing was open to the public: there were no comments from the public and the Public Hearing ended at approximately 5:40 P.M.

Oneida County Planning 239 and NYSDOT had no adverse comments.

Motion was made by Board Member John Latini to approve the Special Use Permit citing it will be for the use of his own business vehicles; seconded by Board Member Wilmar Sifre. All in favor.

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**Mr. Matt Oates, P.E., for New Hartford Consumer Square, 4725-4829 Commercial Drive, New Hartford, New York.** Modification to previously approved 8,000 square foot addition adjacent to existing Staples tenant space. Tax Map #317.013-3-23.61; Zoning: C1 General Commercial.

Mr. Oates explained this is the space next to Staples. There is a modification to the previously approved 8,000 sf addition adjacent to the existing Staples. There is an increase by 400 sf; modification to the building footprint; and additional green space/parking configuration along the eastern wall. There are multiple tenants; separate doors on the front facing more of the road; there are some steps about a 7' difference between Staples and Burlington floor. There is a ramp along the front and two means of access for handicap access. No change in impervious area. There are anticipated plans for the former Bed, Bath & Beyond area but no signed contracts yet.

Oneida County Planning 239 and NYSDOT have no adverse comments.

Chair Mowat explained that Codes Officer Gell looked at the parking spots and has no concerns.

There being no comments from the Board Members, motion was made by Board Member John Latini to approve the Site Plan Amendment to Final for Benderson Development; seconded by Board Member Wilmar Sifre. All in favor.

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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 1,6120 sf. Tax Map #317.013-3-18.3 Zoning: C1 General Commercial.

Packets of the proposed project were sent to each Planning Board member and staff. There was a previous proposal at this site a few years ago but it did not proceed. The building known as State Farm has now been purchased and the property aligns with the Benderson Development driveway. This project is downscaled from the previous submittal years ago. A coffee kiosk with a double drive thru is proposed and a 1600 sf oil change facility. Only coffee and drinks are sold (and a packaged muffin). It is a double drive thru. There is a traffic study for both uses as well. Part of the concern is the amount of impervious surface because of the creek and Royal Brook Lane. Mr. Adler stated he owns the creek bed to the other side of the creek. He understands it is important to meet with the neighbors as it relates to fencing, lighting, etc. He plans on fencing or hedging either on his property or the neighbor's property. Lighting will be designed for zero light pollution. Car lights will not impact anything.

Highway Superintendent Rick Sherman addressed his egress to Mudd Creek was addressed. The Town implemented the State's study which was done at this site. We have a way to get in there to clean the area - he doesn't have a problem with this. No additional easement is required.

Mr. Adler stated the project as currently designed has zero in the flood plain and an improvement with storm water so runoff is at least 10% better than existing conditions. The former State Farm building is mostly a paved area. The area in the back they will make the situation better to allow for better flow. (The former State Farm building will be torn down).

Contract Engineer John Dunkle stated it is very critical to restrict flow as there are areas that may restrict the flow. He asked Mr. Adler to look at ways to modify this and perhaps improve it so it doesn't create a problem, a model to make sure there is no flooding impact. At this point he thinks we can reach a plan that will work. He doesn't think there will be an impact but a lot of work needs to be done in detail. We

have to be very careful not to corrupt the flood plain and to protect the people on Royal Brook Lane. Mr. Dunkle needs an analysis - this is a critical area. This will be sent out for SEQR review with the involved/interested agencies.

Chair Mowat stated there is plenty of parking as an analysis was done. Board Member Fuks asked how much is the current site as it is now - contributes to flooding - and what would contribute post development. Mr. Adler stated post development will be 10% better and that is what the plans reflect. Board Member Fuks addressed the drainage code. It was mentioned net gain for flood elevation - that will show up in the model.

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 people came up with the number.

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

Motion was made by Board Member John Latini to grant preliminary approval; seconded by Board Member Lisa Britt. All in favor. Also, motion was made to declare the Planning Board Lead Agency and send out for SEQR review by Board Member Lisa Britt; seconded by Board Member John Latini. All in favor.

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Mr. Larry Adler, proposed **BESS (Battery Energy Storage System)** off access road/Ariana Lane (Business Park); Zoning: C1 General Commercial. Attendees: James Moran, PE of H2M Architects/Engineers, E. Hyde Clarke of Young/Sommer LLC; Sean Peters of H2M Architects/Engineers, and Lucia Yu, Key Capture Energy.

Discussion ensued regarding this proposal. It was stated we don't have regulations about battery storage. There is required training from the local fire departments. Town Attorney Cully gave everyone a copy of the Town's permitted uses. If it is not a permitted use, we cannot go forward with it. Some things are designated as an SPR (Site Plan Review) and SUP (Special Use Permit). He interprets this project as a Special Use Permit being required which requires a Public Hearing. He went on the NYSERTA site for the model law as it relates to battery systems. They show it as a Special Use Permit function. If going forward, this would need a Special Use Permit.

Mr. Adler explained this is a ten acre site located next to the National Grid substation and the New York Power Authority facility. He feels the Business Park is a great location for this. Ms. Yu and Mr. Peters explained the proposal and the project in general. They gave an overview of how this system works, the technology involved, emergency training, working with local fire departments, etc. There is a decommissioning plan also. National Grid can create a contract with them. They are getting the power from the grids. They monitor and manage it with a remote long term system. If there is any trouble, a signal goes to the station. The area will be fenced it and secured/monitored. Fencing will be left to the Board's discretion.

Training is provided to all local responders. Every container will be insulated. Ms. Yu addressed fire codes, etc. There are no wetlands involved.

Noise will be according to Town standards and they will do a noise study. Questions were raised regarding battery explosion and this was addressed. They are developing three acres on a ten acre site. Power would be available for 80,000 houses for about four hours.

Remote monitoring will be done - this is an unmanned system. As far as traffic impacts, maybe a vehicle on the site or two once a month. This will be well off the road. Fire hydrant locations are nearby. Testing has been done with runoff and there are no problems - no toxins. They will provide a plan and also do a SWPPP on this.

Contract Engineer John Dunkle hasn't worked with this type of project but this will have the usual site plan issues, noise, traffic, lighting, storm water, spill containment in case of a failed system without damaging ground water, etc. Also, he asked if this requires a permit from NYSDEC for this type of use - the applicants will look into this.

Board Member Sifre asked if there is an access road. Board Member Fuks asked if they gave notice to hospitals on chemical storage. It was stated not for this specific project because it is similar to solar that notification will be done within a certain number of feet. They can do this and they work directly with the Fire Departments also.

Chair Mowat stated as it relates to fire, is it similar to training for solar panels? They aren't sure but will check. No water can be on these panels. They will look into this. This is in the New Hartford Fire Department district. A question arose about specific protective gear - they don't think it is required. Also asked is do they have to have special clothing for fire, any protective gear - it was stated they didn't think so. Also, what is PCS, power converting systems. As far as what is kept in the substation, it is typical equipment.

Mr. Adler did an environmental assessment for the whole Business Park and not wetlands were identified. He showed where the land will be subdivided and where the battery system will be. They want to keep as many trees as possible in addition to plantings.

Chair Mowat explained project this is being discussed for informational purposes. They will have to submit required paperwork and details on their review - Special Use Permit. Research will have to be done before they come back in to this Board. A minor subdivision will need to be done. There is no extension of existing Town road, just a driveway access.

Chair Mowat thanked them for addressing this with the Board Members, it was informative. The applicant will need to do further review, planning information and return with required and requested information.

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Chair Mowat addressed the Board Members with possible applications coming before the Board.

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There being no further business, the meeting was adjourned at approximately 7:00 P.M. by motion of Board Member John Latini; seconded by Board Member Wilmar Sifre. All in favor.

Respectfully submitted,

Dolores Shaw, Secretary  
Planning Board

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