

**TOWN OF NEW HARTFORD
PLANNING BOARD MINUTES
WEDNESDAY, OCTOBER 15, 2025
TOWN OF NEW HARTFORD MUNICIPAL OFFICES
8635 CLINTON STREET, NEW HARTFORD, NEW YORK**

The Planning Board 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 Planning Board Members Julius Fuks, Jr., Rocco Arcuri, Wilmar Sifre, Lisa Britt, James Decker, and Manzur Sikder. Also in attendance was Town Councilman David Reynolds, Town Attorney Herbert Cully, Esq., Highway Superintendent Richard Sherman, Engineer John Dunkle, Codes Enforcement Officer George Farley, and secretary Dory Shaw.

Chair Mowat mentioned that tonight's meeting is being filmed.

Mr. Michael Sisti/Wendy Benton, Roberts Road, New Hartford, NY. Final two lot minor subdivision on a 6.23 acre parcel. Tax Map #350.000-1-34.9; Zoning: Residential/Agricultural. Mr. Sisti appeared before the Board. Mr. Sisti is the son of Ms. Benton.

Staff had reviewed this application with no concerns. The property has 150' of frontage (adequate road frontage). Oneida County 239 Planning and Oneida County DPW responded with no recommendation.

Motion was made by Board Member Rocco Arcuri to approve this minor subdivision; seconded by Board Member Wilmar Sifre. All in favor.

Public Hearing: Special Use Permit – October Basics, LLC, 4790 Commercial Drive, New Hartford, NY. Tax Map #327.013-3-17.2; Zoning: C1 General Commercial. Mr. John Bessette of Napierala Engineering appeared before the Board.

Mr. Bessette addressed the parking at this site and what has transpired. They also submitted a Lease Agreement with the owner of Raspberries Restaurant for additional parking (11 spaces with another 6 spaces from the adjacent property), and proposed 6' stockade fencing in the rear. Security concerns were addressed, interior renovations, buffering, lighting and hours of operation (no onsite consumption). This is a Special Use Permit application which requires a Public Hearing. Residents within 1000' circumference were notified as well as a legal notice placed in the Rome Sentinel on October 3, 2025. Engineer John Dunkle doesn't have any issues, and they are reducing impervious area. Town Attorney Cully verified the parking and it is a Permitted Use in this area. No comments from Highway Superintendent Richard Sherman or Codes Officer George Farley. Oneida County Planning 239 and NYSDOT review required. Chair Mowat opened the Public Hearing

-Mr. Mark Hubbard, 34 Royal Brook Lane. He is concerned with noise. He mentioned noise and lighting issues coming from Consumer Square, Barnes & Noble and he doesn't want any additional

issues. He also asked about snow removal. Councilman John Latini will be notified about his concerns.

-Mr. Matt Malecki, 30 Royal Brook Lane. He is concerned about outside smoking. NYS Law states there is no onsite usage. Mention was made of another smoke shop in the area regarding parking and lighting. Codes Officer Farley will check into this.

-Mr. John D'Amore, Rt. 12, New Hartford. He referred to the six (6) additional parking spaces and it was explained to him why these additional spots are needed. Also, there is a long term lease, about 20 years. If something changes, the applicant needs to come back before this Board.

There being no additional comments, the Public Hearing closed at 5:50 P.M. It is not on the agenda for approval this evening.

Verizon Wireless, 8639 Seneca Turnpike, New Hartford, NY. Tax Map #329.009-1-1; Zoning: Parks & Recreation. Proposed 100' cell tower. Scott Olson, Esq. appeared before the Board.

Attorney Olson addressed supplemental information concerning the backup generator, refueling procedure, generator noise levels, confirmation of fall zone which does not impact any traffic on NYS 5; contact with resident of 2 Estates Drive to determine tower visibility and letter submitted from Tectonic Engineering which addressed this issue (letter made a part of the file). It was determined that only the top 8' would potentially be visible. There is vegetation, trees, etc. at this site Oneida County 239 review and NYSDOT had no adverse comments.

Mr. Peter Hobaica of 20 Estates Drive was also notified of tonight's meeting. Mr. Hobaica called Secretary Dory Shaw to state he did not have a problem with this request for the tower. Mr. Paul Sacco of 2 Estates Drive was also notified of this meeting. Both property owners notified Secretary Dory Shaw that they were not in opposition of this request.

Codes Officer Farley addressed the access road. He checked with the State and there are no requirements as far as the driveway is concerned, and the fire access road is not required.

There being no further discussion, motion was made by Board Member Lisa Britt to approve this Special Use Permit (preliminary/final review); seconded by Board Member Wilmar Sifre. Motion passed by a vote of 5 – 2. Chair Mowat and Board Member Arcuri abstained as they are members of the Yahnundasis.

Chair Mowat thanked Attorney Olson for their work with the Planning & Zoning Boards as they took the extra time to make this application work accordingly and appropriately.

Tully's Good Times, 8635 Clinton Street, New Hartford, NY. Preliminary/Final review for a proposed restaurant at the former site of UNO Pizzeria. Tax Map #316.000-2-42.5; Zoning: C1 General Commercial. Mr. David Schlosser of Schopfer Architects appeared before the Board.

This project was conceptually reviewed by Staff. There is plenty of parking (70) spaces with an additional 60+ available. He doesn't see any issues with traffic control. Also, there are cross easements on this site (parking). A new 6" domestic/fire water line was approved by Mohawk Valley Water Authority. A freezer/cooler expansion is planned but does not impact any roadway, etc. Footprint stays the same, cosmetic upgrades, sign submittals, and interior reorganization. It was sent out for Oneida County Planning 239 review, NYSDOT, and also Oneida County DPW – they had no recommendation or concerns.

Mr. Schlosser addressed the water line issue and they have access for public water which is a requirement from the Mohawk Valley Water Authority.

Highway Superintendent Rick Sherman referred to a water problem in the parking lot at one time and they were able to shut the water off. It was resolved. Engineer John Dunkle has no issues with drainage and back flow at this site. There are no external lighting changes.

Hours of operation were discussed, probably 11:00 AM to 10 or 11PM. Mr. Schlosser will inquire. The dumpster area will stay there. The freezers will have a concrete wall around them. A soft opening was discussed but Mr. Schlosser doesn't know the specifics yet.

There being no further discussion, motion was made by Board Member Wilmar Sifre to grant preliminary and final (Amendment to Final) site plan approval to Tully's Good Times; seconded by Board Member Manzur Sikder. All in favor.

Mr. Anthony Vennero, Potentia Management, 4685 Middle Settlement Road, New Hartford, NY.
Preliminary/Final review – updated parking plan. Tax Map #316.000-2-42.5; Zoning: C1 General Commercial. Mr. Donald Ehre, P.E. appeared before the Board with an updated application.

Mr. Ehre stated the roadway on Middle Settlement Road has been removed from the plans. Mr. Vennero would still like to have the access to the basement garage door. They removed 200' of driveway that was proposed and taking the island out, making it a turnaround. They will have DO NOT ENTER signs there. He explained the traffic pattern – that is what the change is. Overall, there is less impervious area.

Mr. Dunkle stated the drainage calculation is that flow will be reduced by 10%. There are no lighting issues. Reference was made regarding the entrance being blocked off. Mr. Ehre explained that the County owns it – it will be left as it is. It stops at grass. Mr. Dora of Oneida County DPW stated that a right of way permit through Oneida County will be needed to do the sidewalk extension to the existing sidewalk. Oneida County Planning did not need to re-review this application. The New Hartford Fire Department reviewed the plans and had no comment.

At this time, motion to grant Amendment to Final was made by Board Member Rocco Arcuri, with the condition that the storm water calculations are approved by 10%; seconded by Board Member Lisa Britt. All in favor.

BW Solar Oneida 3 Solar Array, 10130 Roberts Road, Sauquoit, NY. Special Use Permit. Proposed solar project on 64+ acres. Tax Map #350.000-2-34.2; Zoning: Agricultural. Mr. Hamza Khalil, Amelia McLean-Robertson, Esq., Mr. Dan Huntington of BW Solar, and Ms. Kelly Sullivan with Labella PC Engineering, appeared before the Board.

Mr. Khalil forwarded an updated set of application documents. The revisions have been undertaken to ensure all project documentation is accurate, consistent, and compliant with applicable codes. (This updated set has been made a part of the file and also forwarded to all Planning Board members and Staff).

Chair Mowat explained that there was a Public Hearing with different opinions and concerns. That meeting was held and closed. Mr. Khalil was going to work with these items. They recently submitted a letter along with some amendments, administrative changes.

Attorney McLean-Robertson addressed the Board regarding some administrative changes understanding that the Town Engineer has reviewed the engineering document and her understanding is that this should be ready for SEQR.

Town Engineer John Dunkle has reviewed the engineering documents and his understanding is they should be ready for SEQR review. They submitted Parts II and III with a narrative outlining some of the environmental conditions. He had concerns regarding stormwater but the applicant submitted documents and in general he is stating they satisfied his concerns. It meets all requirements from NYSDEC and he looked at the three residents expressing concerns, and they offered some additional mitigation that he strongly supports. In general, he is satisfied with the plan for stormwater information.

At this time, Highway Superintendent Richard Sherman and Codes Officer George Farley have no issues.

Town Attorney Cully indicated that they are here to determine and review if there are significant environmental impacts line by line in Part II. Also, this Board could declare a positive declaration. Part III is what this Board completes and send it to all agencies we feel to be a positive declaration.

Town Attorney Cully to Town Engineer Dunkle: did you look at landscaping. Engineer Dunkle stated it is not an engineering kind of interpretation. They did their due diligence but it is not his role to see if it is appropriate or not. Board Member Manzur had no questions or concerns; Board Member Sifre has concerns with the neighbors. Board Member Britt asked if we ever got an answer about the water lines/easement. Attorney McLean-Robertson stated this is outside of the scope of the Planning Board. – it is a private property matter and not the Planning Board. Town Attorney Cully doesn't agree with this. Discussion ensued on the easement –Town Attorney Cully stated the easement runs with the land. It would be a condition to make sure it isn't impacted. Mr. Khalil and staff have tried to contact the property owners on numerous occasions but they aren't receptive. No one is willing to work with them. Discussion ensued regarding a title company and what they have to do with it. Attorney McLean-Robertson doesn't feel it is a concern of the Town. Mr. Khalil also stated he hasn't had any luck with contacting the neighbors. There is evidence that they haven't been successful to allow them to secure the resources and he explained further. Mr. Huntington explained what has transpired regarding resources and the land was sold over 20 years ago. Town Attorney Cully to Mr. Huntington asked, is it the sooner of those two dates or the lateral of those two dates – answer: lateral – still in use then it is continued.

Town Attorney Cully also addressed the title company. Attorney McLean-Robertson doesn't feel it is a Town concern.

Board Member Britt asked 1) who the power company is – National Grid – on the updated form it says NYSDEC. 2) one of the papers has New Hartford Fire Department and it is mentioned Sauquoit – which is it (Sauquoit or possibly Willowvale)? To be determined. 3) Because they resubmitted their application, does that make this new. Town Attorney Cully said no, it is an amendment. 4) Setbacks changed on new application. 5) Design of parking and loading area. It says not applicable – answer: it will be operated remotely. 6) is there a place for a fire truck to turnaround – yes, there was a memorandum submitted. She also asked if the driveway had to be so close to the next door neighbor's property (discussion ensued). Also discussed, decommissioning and the owner of the project, wants clarification. Mr. Khalil said they are using an existing curb cut and if moved, they have to get another curb cut.

Board Member Decker is concerned about proximity to neighbors. Board Member Fuks: he cannot vote on this, but he has a concern with their plans – Sauquoit is the volunteer fire department and should be responding. He encourages the Board to take a hard look at how they have been notified – he doesn't see anything in the plan that references the information the fire department needs. Concerns are safety to those firemen. He feels it is critical safety concerns for those firemen.

Board Member Arcuri has concerns of the neighbors and the aesthetic view, height of trees. Especially the tree growth/heights (he doesn't like relying on height of trees). Mr. Khalil said the property will be screened and he explained how, and also the height of trees, corn, etc.

Chair Mowat wanted the Town Attorney to explain the Town Law and Special Use Permit for solar, where proposed to be located. Town Attorney Cully referred to Section 118-105 Purpose, application and procedure for Special Use Permits. He referred also to Section 118-108 which sets forth Special Use standards and he read from it. He also referred to storm water concerns, visual impacts, vegetation, types and arrangements of trees, shrubs, etc. for all seasons. He drafted a proposed resolution and it is up to this Board to approve it or not. He asked Engineer Dunkle if he looked at Part II SEQR – Mr. Dunkle went through the main issues (see attached).

Engineer Dunkle reviewed for the Board some main issues: major impact to land – yes; impact to geologic features – no; impact to surface water – yes but they checked no, small impact; impact to ground water, well on site, could be mitigated; impact to flooding, no flood plain; air impact, technically yes temporary dust; impact to plant and animals, yes small; impact to Ag resources, yes, disturbing soils part of decommissioning plan; impact top aesthetic resources, they checked no but yes; Town Attorney stated if you determine this is a significant impact, that may be a basis to deny the Special Use Permit; impact on historic features – no.

Engineer Dunkle reviewed Part II of the Long Form EAF with the Board to determine if any of the 18 items would potentially have moderate to large impacts from the project. Items 9 (Aesthetic Resources), 11 (Open Space) and 18 (Community Character) deemed potentially significant impacts. The Board will review these three specific items. There are some definitions in the SEQR law that might help to determine the impact.

Chair Mowat referred to those items stated by our Town Engineer with regard to the responses on the questionnaire. She wants to make sure these are the areas to identify. Again, Board Member Fuks cannot vote, but he stated he feels strongly as he failed to hear anything relative to SEQR relating to NYS Drainage Code and #2 and #4.

Board Member Fuks and Mr. Dunkle spoke regarding SEQR process as it relates to NYS Drainage Code, wetlands, etc. Drainage to Roberts Creek was brought up. However, they provided mitigation in place by NYSDEC to help reduce it. #3 Surface water should be checked yes but mitigation has been suggested small to moderate. Discussion ensued on this. Safety and the Sauquoit Fire Department: who will be responders. Attorney McLean-Robertson said this will be checked. #4 impact on ground water – Mr. Dunkle stated we have to acknowledge a well there and that needs to be addressed. Can it be protected – yes, small to moderate impact. Board Member Jim Decker agrees with Mr. Dunkle in regard to the well. Mention was made to add easements regarding well. Aesthetic resources, the applicant checked no. It is recommended it should be checked yes. We consider this impact to be large or small? Engineer Dunkle said it is a large impact. Board Member Decker agrees with Engineer Dunkle.

View, routine travel, rec activities. We need to review as it is a large impact. Community and designated scenic corridors were addressed. Similar projects visible within the following distances – none shown.

Engineer Dunkle contributed comments with the Board Members on the following:

9 C IMPACT ON AESTHETIC RESOURCES Proposed action, Visibility/vegetative screening: do you feel it is visible and a large impact. Chair Mowat felt portions of this can be seen.

Chair Mowat – yes, large
Board Member Fuks – abstained
Board Member Sikder – yes, large
Board Member Sifre – yes, large
Board Member Britt – yes, moderate to large
Board Member Arcuri – yes, moderate to large
Board Member Decker – yes, moderate to large

9 D Situation or activity in which viewers are engaged while viewing the proposed action

Chair Mowat – yes, moderate/large
Board Member Fuks – abstained
Board Member Sikder – yes, moderate/large
Board Member Sifre – yes, moderate/large
Board Member Britt – yes, moderate to large
Board Member Arcuri – yes, moderate to large – tourism not sure, may be small
Board Member Decker – yes, moderate/large, major route in this area

9 F There are similar projects visible within the following distance of the proposed project

Chair Mowat – yes, small impact
Board Member Fuks – abstained

Board Member Sikder – doesn't know enough
Board Member Sifre – yes, small impact
Board Member Britt – yes, small impact
Board Member Arcuri – yes, small impact
Board Member Decker – yes, small impact

Engineer John Dunkle mentioned this is public and not private.

18 Consistency with Community Character

B

May create demand for additional for additional community services (schools, police, fire)

Chair Mowat – yes, medium/large
Board Member Fuks – abstained
Board Member Sikder – yes, medium/large
Board Member Sifre – yes, medium/large
Board Member Britt – yes, medium/large
Board Member Arcuri – yes, medium/large
Board Member Decker – yes, medium/large

F

Proposed action is inconsistent with the character of the existing natural landscape

Chair Mowat – yes, medium/large
Board Member Fuks – abstained
Board Member Sikder – yes, medium/large
Board Member Sifre – yes, medium/large
Board Member Britt – yes, medium/large
Board Member Arcuri – yes, medium/large
Board Member Decker – yes, medium/large

18 c) low income housing – no

18 d) interfere with public resources?

18 e) project inconsistent – yes

18 f) proposed action – natural landscaping

The Board addressed adding G - Sauquoit Fire Department.

G

More explicit as it relates to the Sauquoit Fire Department.

Chair Mowat – yes, medium/large
Board Member Fuks – abstained
Board Member Sikder – yes, medium/large

Board Member Sifre – yes, medium/large
Board Member Britt – yes, medium/large
Board Member Arcuri – yes, medium/large
Board Member Decker – yes, medium/large

Ms. McLean-Robertson said it is not an issue. Mr. Huntington stated there are guidelines to fire departments and power can be shut off without going to the property. He questions a medium/large impact. Sauquoit is a small department that they don't have any solar farms in Sauquoit – the Board discussed this.

Board Member Fuks wanted to make sure they everyone knows that when we provide comments it is for safety and nothing to do with National Grid or his association with National Grid. His concern is for the Sauquoit Fire Department who is responsible for fires. The application is for the Town of New Hartford. We need to pay attention and this is something that once we do this, it is important for the Sauquoit Fire Department. Why should we rule on something outside of the Town of New Hartford. Sauquoit is a small fire department.

Determination: either there is a significant impact or not and complete Part III. 1) The check boxes would result in a no significant impact and individual environmental impact statement will not be needed, or 2) significant impact that would be avoided because of the following conditions which would be required by Lead Agency or 3) one or more significant impacts and an environmental impact study be prepared, etc. What are the positive differences between B or C. B) significant impacts but they will be avoided or mitigated; C) a positive declaration .

Attorney McLean-Robertson: if you do a positive declaration, we will move to scoping. Town Attorney Cully: they have an opportunity to address it.

Chair Mowat referred to the Town Engineer with regard to the responses on the questionnaire.

Board Member Fuks: when we look at the Sauquoit Fire Department, they are not an Involved Agent but an interested agent. Can we vote or ignore them on voting? Board Member Fuks explained voting/determination. Engineer John Dunkle stated the positive declaration says this.

Town Attorney Cully stated they will have to prepare an EIS and go forward – choice C (Planning and Zoning). We still haven't ruled on the Special Use Permit – SEQR first.

Chair Mowat stated we addressed this and this should be C (Positive declaration) and based on all items voted on – there is a significant impact.

Chair Mowat – C
Board Member Fuks – abstained
Board Member Sikder – C
Board Member Sifre – agrees C
Board Member Britt – C

Board Member Arcuri – C
Board Member Decker – agrees C

Upon completion of Part II by the Board, Attorney Cully reviewed the three options for making a Part III SEQR determination of significance: 1) negative declaration; 2) conditional negative declaration; 3) positive declaration. Resolution adopted, a positive declaration.

Motion made by Board Member Jim Decker that the Town Planning Board make a Positive Declaration for BW Solar and direct the Town Attorney and Engineer John Dunkle to prepare findings and prepare an Environmental Impact Statement Scoping List; seconded by Board Member Manzur Sikder. Vote taken:

Chair Mowat – yes
Board Member Fuks – abstained
Board Member Sikder – yes
Board Member Sifre – yes
Board Member Britt – yes
Board Member Arcuri – yes
Board Member Decker – yes

Motion passed by a vote of 6 – 1.

It was stated that they will define some of the things the Board has addressed as medium to large.

Chair Mowat addressed some projects that may be coming before this Board.

There being no further business, the meeting adjourned by motion of Board Member Jim Decker; seconded by Board Member Rocco Arcuri at approximately 7:30 P.M. . All in favor.

Respectfully submitted,

Dolores Shaw, Secretary
Planning Board

dbS

