

SPECIAL BOARD MEETING/PUBLIC HEARING OF THE TOWN BOARD
OF THE TOWN OF NEW HARTFORD, NEW YORK,
HELD AT THE TOWN HALL, 8635 CLINTON STREET
IN SAID TOWN ON WEDNESDAY, JULY 29, 2020
AT 6:00 P.M.

Town Supervisor Miscione called the meeting to order at 6:00 P.M. and led those in attendance in the Pledge of Allegiance to the American Flag. The roll was then taken with the following Town Officials and Department Heads being present during the progress of the meeting.

TOWN BOARD MEMBERS PRESENT:

Councilman James J. Messa
Councilman Richard Lenart
Councilman David M. Reynolds
Councilman Richard B. Woodland, Jr.
Supervisor Paul A. Miscione

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Deputy Supervisor Anthony J. Trevisani
Highway/Sewer Superintendent Richard C. Sherman
Human Resource Department Barbara Schwenzfeier
Town Attorney Herbert J. Cully
Deputy Town Supervisor Anthony Trevisani
Police Chief Mike Inserra
Highway Foreman Chris Moran
Deputy Clerk I Melody K. Fancett

Thereafter, the Supervisor declared a quorum present for the transaction of business.

Supervisor Miscione – This is a special Board Meeting/Public Hearing for the Confer project on Woods Road.

Town Attorney Herbert Cully – As everyone is aware, we previously had a Public Hearing as it relates to this project back in December. At that time, a vote was taken, a resolution and was a 2-2 deadlock and Supervisor Miscione had not voted. Since that time, there has been a number of developments, changes, proposals. Specifically, I want to talk about the fact that this Public Hearing was called with hope that we could comply with COVID which I think we are. We have less than 50 people here. I know a citizen had written in saying we were not allowed to have such a meeting and referenced someone from the Opens Meeting Law who I personally spoke with and it's indicated that as long as we comply with the temperature check, face masks, 6-foot spacing, that we're fine. Now the reason that we're here tonight is because the applicant has proposed some changes to their initial proposal. One thing I want to say is, this is a Public Hearing. What a Public Hearing is, is an opportunity for the public to make comments to the Board that they can consider when and if they vote. It isn't a question-and-answer period. It isn't a dialogue so in light of the fact that we are dealing with COVID its our hope that we will honor that. If you have a comment to make, please feel free to get up. We've asked you to sign in, make the comment but don't try to get into a dialogue, we are trying to avoid that in light of

all the COVID concerns. Since we were last here in December, and at the last meeting, the applicant came back to us and said 'Look, we're going to propose some changes.' One of the changes was to subdivide the parcel so they are only dealing with 27.7 acres and not the part that comes to the front along to Seneca Turnpike. The next was they were proposing to extend the Woods Road water line for the benefit of the residents on Woods Road. Third, they were talking about providing a portion of the housing dedicated to disabled Veterans. When they approached us at the last meeting, that was brought up. You folks were not invited, it was during COVID as well so the Town Board said we need to give everyone an opportunity to address these issues and that's why we're here tonight. Initially it wasn't intended to be a Public Hearing. It was just you were going to be invited to comment but we did Notice it for a Public Hearing and you're all here based upon that Notice. Since that time, we've received some documentation that I want to put in the record because some of you may have signed a petition against the project and that petition is being put into record. It's probably not necessary for you to stand up and say 'Well I'm against it, I signed the petition.' You've already signed the petition, the Board members have seen it, they know who is against it. Since we were last here on June 8th, we have received a letter from a David Wargo who basically indicates he lives on Woods Highway and he was in support of the project because it's going to provide water service to him. After that, on June 12th, we received a letter from Ms. Britt that was read at the Board Meeting last time we were here asking Supervisor Miscione to re-excuse himself from any decision. Also saying that they were proposing a Public Hearing on June 17th (which was cancelled) and it contained a couple pages of signatures of people who were opposed. After that, on June 29th, we received a petition from six people on Woods Highway in support of the project, indicating they were in support, wanting us to grant the petition for the zone amendment so that they could have the water extension. Thereafter, we received another petition from Ms. Britt with a bunch of signatures on it indicating opposition again to the project itself and I believe a day after she submitted that she submitted another document called a protest petition and it basically had the same signatures as the first one had except it had a couple additional ones and we had asked her to provide the addresses which she was kind enough to do. That was on the 28th. Then today, Ms. Britt came in with another petition and by the way this is entitled protest petition and she has additional signatures on this document. So, the 1st thing I want to talk about is a protest petition. Under our ordinance, if residents within 100 feet of the property, if they get 20% of the residence, they can call for a protest petition which would require a vote of majority plus one. I don't think this qualifies as protest petition cause one thing I did was, I had our Codes Department print up a list of the properties within 100 feet. The Board members all have this list of the properties within 100 feet. The Board members all have this list and you can compare it to Ms. Britts. However, it still stands as a petition to the Board to reject. Whether you call it a protest petition or not, it still stands in that fashion. We also received letters from the Town of Farmington which I had read into the record at the last meeting in support of the project talking about how they had granted a project, Conifer did a great job there. Also, one from the Town of Hourseheads encouraging us to approve this – indicating at the time, over 300 residents had appeared at a Public Meeting and opposition. They went ahead and granted the zone change. There was actually a lawsuit and a grant of the change was undone. So that's why we are here, we're here to take comments as it relates to the changes in their proposal. We don't want to reiterated comments from the first Public Hearing – by Law there should be a Public Hearing but it doesn't say multiple Public Hearings. The only reason we put the 2nd Public Hearing on was because the proposed changes as it relates to the water, Veterans Housing. I think the applicant initially

wants to come forward and to give us a presentation as to those items and then we'll open it up. One other letter – we just received the letter because we are streaming this and we received a letter from the Marscher's indicating their opposition to the project and I'm going to circulate the letter to the Board Members because the Marscher's were here at the first meeting and were pretty clear in their opposition and they have been kind enough and didn't want to be here in light of COVID. Also, we are streaming on FB, people can text in or email to us any comments we receive will be read in to the record so that everybody has those. Thank you.

1. PRESENTATION

Allan Handelman (speaker)– Vice President for Development of Conifer – introduced his team members: Gerry Goldman – Attorney; Brian Donato – Vice President; Jessica Chelmura – Regional Vice President of Property Management; Matt Tomlinson – Engineer for Marathon Engineering

Forty-five-year-old company that focuses on affordable housing. Uniquely Conifer has established a full circle approach to our apartment communities. What we develop we build. What we build we own. What we own we manage. This approach allows us to maintain quality throughout the process and across the regions where we are at. Conifer currently owns and manages 15,000 apartments and 223 communities in four states. Of these, approximately 8,000 are located in NYS (he continued talking about their success). I became aware of this site by an unsolicited inquiry by the property owner in Feb. 2019. That individual was familiar with our work as he lives in the backyard of one of our apartment communities in Farmington, NY. The supervisor of that Town has forwarded a letter of recommendation to this Board. We approached the Board at the July 19, 2019 meeting (about a year ago) to introduce this project. Following that we submitted an application for a residential plan development district and returned to the Town Board in August. At that meeting we received a unanimous vote to refer our application to the Planning Board. The Planning Board in return voted in return to vote to the Town Board with a favorable recommendation that the RPDD be approved. It is my hope that this will occur this evening. You will hear from several members of our team and at this point I'd like to introduce our attorney Gerry Goldman to speak to the technical aspects of our request for a residential plan development district.

Gerry Goldman – Attorney – (showed a slide show) – walk through the steps we went through for this development. It was decided that the best district to present was the RPDD (Residential Plan Development District) because we met a lot of the criteria of the comprehensive plan as it deals with that particular zoning district. One of the early topics was putting trails on that site and that's something Conifer committed to, its with the Town Comprehensive Plan in terms of how to approach new residential development. In addition to that, we also talked about other comprehensive elements but that was a little bit later in the process. We made the initial presentation on Sept. 4, 2019. The Town Board accepted the application and referred it to the Planning Board, pursuant to your Code. The Planning Board did its review on Oct. 15, had input from their engineering consultant and prepared a report to the Town Board, recommending approval with modifications. We did a supplemental letter of intent the following day. We meet Goal #1 of the Comprehensive Plan by focusing development and maintaining development East of our site and maintaining continuous open space to the West. The Western portion of our site is slated to be completely underdeveloped on the Eastern part of the site, is really part of the 27.7

acres that we are developing. It should be pointed out, the area between us and the neighbors to the Southwest, many of who signed the petitions involved here, there's a lot of woods and separation and there's no access from our site into that neighborhood whatsoever. We consider ourselves, an essential part of the Woods Road, Woods Highway neighborhood. Which is a mixed neighborhood that has residential going to the North. It's got the office complex to the East across the road; it has some utilities facilities on the East side of the road as well. That's the neighborhood which we are connected and where our access is. So, to our mind, that is really our neighborhood, the neighborhood of the project. Once the Planning Board had the report and got our supplemental letter of intent, the Town Board then took the next steps which were accepting the Planning Board records, declaring their intention to serve as lead agency for State Environmental Quality review, under SEQR NYS Law. The referral of the application was done to Oneida County Planning and a Public Hearing was called for the application. Subsequent to that, the Town Board sent out notices with DEQR to establish the Town Board as lead agency and to the credit to a lot our local agencies, a lot of them actually responded (slides showed a major list of agencies – 12 of them), none of the comments were negative, more informational in nature. The Town Board ultimately held a Public Hearing on Dec. 18. 2019, received comments from the public. A lot of the comments received from the public at that time dealt with the potential impact of drainage to the properties to the South West as a result, the Town Board invited their drainage consultant, John Dunkle, to speak to the Town Board and that was done Fe. 5., to talk about the drainage impacts. My characteristic – My Dunkle was pretty clear that the project engineers, which that said that some of the project would drain to the West into the open area of the wetlands and the south would do down the soil, would not really have any impact to the properties to the Southwest. They had pre-existing situations, pe-existing issues that would be exacerbated by our development. Then it was open up for the public comment again and then we starting hearing 'We're not sure we want affordable housing here – I don't know what that means for us,' and that is why after that and after there was a 2-2 vote at that meeting, we proceeded to evaluate other issues with regard to the project. One was already on the radar before but came into focus a little bit later and that is the establishment of a preference for Veterans in 11 out of 72 residential units in the project. In addition, what I understand is, a long-standing situation where we were seeking to have the water line extended to the Town line and going North from the site up to the Town line and we agreed to participate in making that happen. In addition, because there was some rapid clarity, relative to the nature of the operation and management of the community, we decided to provide some more information. In addition, this project received approval during that period from NYS Homes and Community Renewal. It's something they indicated that was a project they strongly supported. Finally, what was pointed out, is that the 21.1 acres, which wasn't past of the rezoning at all, but was going to be under contract with Conifer, was no longer part of the acquisition Conifer as going to make. So, Conifer is only acquiring what you see on that map (on display at the meeting), which is about 27.7 acres and all the way down to Seneca Turnpike. That property still remains and will remain with the current owner. Based on all this new information, the Town Board initially, as Council pointed out, was going to allow for public comment in a more informal sort of way. Ultimately, it turned out there was a Public Hearing Notice which was published and that is why we are here this evening is for that particular purpose. We did want to point out, certainly the changes there were made in the project, realistically we consider ourselves part of that Wood Trail, Woods Highway neighborhood and we don't believe we will have any impact to the South East. Although that appears to be where many of the opponents are focused. Again, one thing the

Board has to do is to take a look at the State Environmental Quality review, you received Part 1 from us, I believe Part 2 and 3 have been reviewed by your attorney and by your consultants as well.

Brian Donato – What they intend to construct – eight (8) building plus a community building – each building has eight (8) apartments (72 total) – combination of 1/2/3-bedroom apartments – also provide community amenities (landscaping, walking trails) – each apartment has a balcony or patio – washer/dryer hook up – large community room – Wi-Fi – exercise facility (where property management offices area. People can have birthday parties there, etc. – Maintenance space – it will be paying taxes for the next year, 50+ years – paying permit and litigation fees – extending the water line to provide water and service to Woods Highway – rent range (\$590-\$760 for 1 bedroom; \$680-\$910 for 2 bedroom; \$680-\$970 for 3 bedroom); will be partnering with the Utica Center for Development and Veterans Outreach Center to provide a preference for Veterans – 11 of the apartments – they will be helping us provide potential tenants for those apartments in addition to providing services.

Jessica Chelmura – We have on-site management so that's your property manager, maintenance staff, district support and regional support as well to make sure everyone has enough visibility and care. We also have our support staff in Rochester. Risk Management Group – standard operating procedure, every site has a set of rules and regulations which is included in the lease agreements and that is what is used to hold the residents responsible for being good residents, good neighbors, good parts to the community. We are active in making sure if there is an issue, we address it. Question that often comes up – How do we screen our residents – so this is something actively overseen by the department of Homes of Community Renewal – we screen our applicants, run criminal background checks, credit history and financial standing, landlord references and also review if there are any mitigating circumstances or any situations we need to take into consideration. We follow all of our state guidelines.

Matt Tomlinson – Remind the Board – Zoning allows for Parking and Building to cover 66% of the site which will be approximately 19 or 20 acres of the 27.7 acres we're proposing. Right now, our proposal and pervious for this site is 25% so we're well in access in limiting the density for the project; pushing it as far east on the property in order to maintain much of the woods and open space towards the east and neighboring community at the south and east.; Water supply and sewage – utilities are available immediately at the frontage of the property. There are no significant offsite extensions required but it is being offered by the developer for part of this. We did go through quite of a bit exploratory work downstream of our project site working with the DPW and sewer folks relative to establishing whether or not there was sanitary sewer capacity downstream of this project and ensuring there was not going to be an impact to any existing Town residents and we've got full insurance there that there is capacity; Parking and Loading – full circulation within the property – two (2) parking spaces per unit will be provided in accordance with all of that; Drainage and Water – (showed a map of how the land falls) – Generally it slopes from North to South – there are several smaller drainage areas (showed a slide prepared by the Town's engineering consultant at the request of the Board in order to step through and evaluate what and if any impact, our proposal would have on both the neighborhood, existing drainage areas and in the Global/Larger Mudd Creek drainage area as there has been some history of drainage issues in the area). The Town engineer came through

and said 'Hey, we're required to, as the developer as the design engineer, to accommodate and provide for all DEC and State guidelines as far as restricting storm waterflow from off the site to less than or equal to what flows off of there today and we have prepared a letter that was submitted to the Board previously outlining some of the reductions that we're proposing, up to 60% reduction in a 100-year storm event which is the largest intensity design storm. In addition, that previous map is going to be discharged to the south and to the existing swales culverts under the parkway and not further impacting the wetlands and some of the residents further to the west. There are no or will be no negative impacts. In fact, there could and will be benefits based on the over detention of our development areas as well as the cleaning of the swale right now. The site is pretty well overgrown. We will clean that up as part of our development.; Water – We've been working with the Mohawk Valley Water Authority in walking through the design specifics for our property by itself. One of the requirements of the Town is that any development, its water does not extend along its entire frontage, is required to extend the water main to that point. So right now, the water main ends roughly in an area which is on the southern boundary of our property. As a course and requirement of the Mohawk Valley Water Authority, we were planning to extend to the North side of our property. Then through discussion, both with the Town, we had some informational meetings for neighbors along Woods Road headed to the North and also with Mohawk Valley Water Authority – we came to find out that there is a dead end main coming from the North side that ends at the Town line and there is no looped water main for the office park across the street either. Not only does proposed water main extension provide the opportunity for residents along Woods Road to come off their wells, get treated water, get constant water with no concerns from a safety and reliability standpoint, it also provides quite a bit of benefits to the Mohawk Valley Water Authority as well as emergency personnel. There are currently no fire hydrants, no way to fight a fire from a reliable water source along Woods Road.

Town Attorney Herbert Cully – Questions by Mr. and Mrs. Marscher – in their letter and specifically expressed the following concerns and wondered if you'd like to respond

1. The parcels proximity to a Federal protected wetland and the oversized paved footprint of the proposed project could harm the delicate balance of the adjacent eco system and some of the rare species; **Matt** – As I mentioned, our proposed and previous is 25% vs. an allowable 66% and we are providing 55% open space in our conservation easement. Where only 15% is required. We are significantly less and that footprint is going to allow us to avoid some of the items that were mentioned. In addition, any type of wetland is Federally protected. Nothing is allowed to disturb those as John Dunkel explained in detail, in his presentation. So, any wetland we will be staying out of and protecting as part of the development as is required by us by the army core of engineers.
2. Bordering residential properties have already been adversely affected by flooding. Residents are convinced this will be made worse by Conifer proposed development despite the attempts to mitigate future flooding.; **Matt** – Believe we have already addressed that in the drainage. That again, is something overseen by the DEC and by the Town's engineer in reviewing to ensure we are in compliance with all guidelines and requirements.
3. A proposed complex which includes phases for 300 vehicles would most assuredly increase traffic on a busy, narrow roadway with no shoulders, sidewalks, traffic

control or crosswalks.; Matt – We have 72 units available so there would be 144 +/- parking spaces provided so that will be the upward number of what is built. Our office worked with SRF Associates (licenses traffic engineer) to provide a letter as part of the documents of records that have been submitted for the Town engineer at the Planning Board level as well as Town input and that was determined no impact and that's something the Planning Board engineer reviewed at the time of our appearance there.

4. Lastly, there's no mass transit, nor safe means for residents of the proposed complex to walk to stores, restaurant or recreational areas.; **Matt** – We're limited by what's available for infrastructure along the public highways within the development itself. We're creating over a mile of sidewalks and quite a bit of trails in conjunction with Town requests.

Allan Handelman - to finish up – A positive vote this evening is the next step in the approval process. Also like to introduce, Vincent Scalise – Executive Director for the Veterans Outreach Center. Conifer is looking forward to a long relationship with the Town and community as well.

Town Attorney Herbert Cully – Asked Mr. Scalise how many Veterans do you anticipate to be able to be housed in this facility.; **Mr. Scalise** – with the 11 units – guaranteed to be filled – I have no problem in the long term, seeing 50% of the facility filled with Veterans. Right now, just in Utica, with the housing we have currently, we are always 100% occupied. We are desperately in need of more affordable housing for the Veterans that we serve throughout Oneida County. The Veterans we service we'll subsidize through VA benefits. The problem we have right now is the lack of larger units. A lot of the Veterans we service now are younger families with small children and the units that we have in the Utica area are more so for the homeless, so they are just not suitable for them.

Councilman Reynolds – Regarding the Veterans issue, was that part of the original proposal; Someone responded Yes and a bunch of people were talking and said no it wasn't.; Supervisor Miscione asked everyone to speak one at a time; Councilman Reynolds asked for the question to please be answered; Matt – I can answer the question – when we originally came to you last summer, it was not part of what we were contemplating. As we go through the process, we evaluate how we can make the project better, more responsive to the needs of the community and we have a similar project in Rochester. We are working with the Veterans Outreach Center there. We thought it was a good idea, we incorporated it as we went through the process and included in our application to NYS. It was not in the original proposal. It is something that emerged.; Councilman Reynolds – Did you approach the Veterans or did the Veterans approach you?; Mr. Scalise – they approached me.; Councilman Reynolds – Would you explain again, how the rent would be paid, by Veterans; Mr. Scalise – Well, every client is different – majority of the Veterans that we service, they are either receiving VA disability, so basically getting Section 8. We have our own subsidized program through our own Veteran Outreach Program that's funded through the VA that we will support. A lot of the Veterans, when they come to us, with very minimal income because they never filled for their service connect to disability, after our case managers work with them, then it's more than enough to support them in suitable housing. Which they didn't even know they were qualified for. SO, a lot of the Veterans/Clients that come through the doors come financially self-sufficient.

II. COMMENTS FROM THE PUBLIC

Town Attorney Herbert Cully – we had a sign in sheet with individuals who would like to speak on this:

1. **Peter Obenesser** – I heard a lot of things tonight that I didn't hear about at the last Public Meeting – the project is going to be cut in half somewhere. I don't know where on the map. The people within 100ft. of the project – does that include people on Seneca Turnpike?; Herb – it does not.; Mr. Obenesser – it's only those people (on the map) – so only a few people I would think. I'm assuming my land is within 100 ft., am I on the list?; Herb – Yes, you are on the list for several properties (7 or 8).; Mr. Obenesser – something I heard mentioned, the water would run through the swale. I thought at the last meeting the swale would not be affected by the off run of this project and then I heard also, the swale would be upgraded. I own half the swale so I don't think you can do it without my permission. My property stake is right in the middle of the swale. That swale, also can't be moved in a wetland, legally? Or maybe I should ask, when the Town submitted their map, has the green space been declared wetland at this point?; Herb – we're trying not to do a question and answer; Mr. Obenesser – Some of the buildings were initially in the Town's proposed wetlands (Conifer is taking notes and will respond to the questions). Part of my land is on that – the lower section will remain C1 – not change?; Herb – Correct, that's my understanding.
2. **Catherine Dougherty** – I'm on the opposition and I spoke previously to the Town Board on Nov. 20th and after the devastating Halloween floods of 2019. We just had flooding again on Campion Road – concerned that all our properties will all be flooded out. I also testified at the Dec. 18, 2019 Public Hearing – I am opposed to the change of zoning for any part or whole property tax ID 328-000-3-1 owned by Karen Szymanski. This matter had already been voted on and did not pass so there is no need to have a 2nd vote unless for the vote of the Town Board is to keep voting until this matter passes. I don't think there was any substantial changes from the last thing the developer proposed. Has the subdivision already been approved and done between the 27.2 acres and the 21 acres? Was there a hearing or any notification of that? Talking about extending the water line – that was talked about many times before. The Town was told by another developer, the business park across the street, that the water line would be extended. How do the residents know, it's ever really going to happen? Promises are promises, they don't seem to be made and no one is held accountable. I'd have to go over the tapes – they didn't discuss Veterans, single mothers being in those apartments. I don't think 55 and over were discussed because we already have two developments in New Hartford that have 55 and over. My contention is there is no substantial changes, was it legally done – I say again it was not legally followed or done. Furthermore, there are more suitable sites within the Town of New Hartford that would be ideal for this corporate Conifer apartment complex with larger open spaces that don't have the murade of devastating flooding issues that we have in our neighborhood. We are part of the community, we are part of the Woods Highway neighborhood, we're part of everyone's neighborhood because we care about our community. We already live here; we already pay taxes. Again, I'm opposed. There's a murade of devastating issues in this particular area. We've got sensitive wetlands, forests, large commercial power grids with the NYS Power

Command Center right across the street. Massive 5G cell towers that beam down that are a danger to human health. I wouldn't want vulnerable populations located across the street from this kind of area. I think NYS and Gov. Cuomo just passed a law to provide protections for vulnerable populations such as their proposing putting in these apartment complexes. We're not opposed to low-income housing or assisted housing at all. We just think there might be a better place to locate it for the benefit of those residents in the Town. I welcome all people in the Town of New Hartford. Again, my big issue and I will testify again, I'm stunned to hear that an apartment complex is proposing a federal wetland, with a swamp area that floods, with no infrastructure to support it, no public transportation, and this is one of the last large green areas in the Town of New Hartford in Ward 4. Any kind of development in this particular spot will exacerbate our quality of life and flood us out. Thank you.

3. **Judith Cusworth** – The project itself, I'm not in that Ward. I don't like the environmental impact I think it is going to have on the area but not my circus, not my monkey. What's really got me mad is the way this is being done. I see the water as a bribe, I see it as the Veterans housing as an after thought and a bribe to get through this. I also feel that nobody who is involved with Real Estate should be allowed to hold a position on a Board or anywhere else. You're suppose to be thinking about the residents and where they live, not about lining your pockets from the sale of Real Estate. You know as well as I know, that if this water line goes through, the project goes through; if the project goes through the water line goes through. Any property that is owned by anybody on this Board, they stand to gain from that. I don't care what you say, this whole thing is a bunch of garbage and if you guys want to go ahead and keep approving stuff, like this to line somebody's pockets, then you go right ahead but you're making a huge mistake. Now the other thing is, you can irritate the living hell out of people and I'll give you a life lesson – People get even – now they can get even two ways – they can either hire a real good environmental or ethics lawyer if they want and he wouldn't be from around here, nobody is that dumb or they hire a private investigator (they win, you lose).
4. **Lisa Britt** – As you know, I'm not in favor of this project because of the wetlands. I know Matt was talking about the footprints of the project and stuff. They have 27.7 acres that they are buying and they can have 66% pervious surface so when you take the conservation easement, which I believe is 15.6%, the two-acre pond and then whatever wetlands are in the development area, they're not going to have enough space for a project this size. It's going to be well beyond what the limits are and they probably can't count the conservation easement as their 15% of green space. I would think that has to be within the project area. So, everybody may want to review those codes before the Planning Board gets this. That's pretty much where I am at. I'm opposed to the project. I think it's been a little on the less on the up and ups side for most of it and I think its time for the members of the Board to hold people accountable for what's going on.

5. Town Attorney Herbert Cully asked Mel to read the Facebook Live Comments

- a. **Peter Franco** – Letting this happen is like cutting your apple tree down to burn the wood you lose years' worth of apples.
- b. **Cassandra Rienzo** – They are grasping to get this approved, that just shows you they will say anything and like their promise for the drainage they will no follow through
- c. **Bobby Klenotiz** – We don't care about your changes. We the voting taxpayers who live there simply do not want this! How can you approve this?? It's amazing. We won't forget the votes made tonight
- d. **Michael Finch** – You're just saying Veterans to help sell it that's bogus, the Veterans are ok, stop its offensive. Leave us Veterans out of it. That's a crap way to exploit us.
- e. **Bobby Klenotiz** – Develop elsewhere
- f. **Kim Marscher** – Flooding is the issue, not the merits of affordable housing. This is the wrong location. The Town engineer said in a meeting months ago that precipitation events have increased in intensity. He mentioned climate change. Whatever the reason, he couldn't guarantee that flooding wouldn't get worse despite their best efforts to mitigate it. I know this because I asked him during the hearing. The location of this project is simply too risky. Place the much-needed affordable housing elsewhere
- g. **Bobby Klenotiz** – All bribes. Thinks shady
- h. **Tammy Phillips Patterson** – they incorporated it to get it approved
- i. **Bobby Klenotiz** – wants residents to be able to ask questions and also said power lines cause cancer
- j. **Cheryl Lorraine Mondi** – Great talked with real issues at hand. Proud of you Lisa, you should run for office
- k. **Debra Acker** – (8182 Wood Highway) – Please approve – we need decent water and fire protection
- l. **Ann Forrest-Rieben** – Please develop somewhere else.

*Mel stated that is all she could see for now. There were over 157 comments on FB live stream

6. **Sal Coralla** – lives on Concord Blvd. – I'm in opposition. I think the recommendations from Farmington and Horseheads should be irrelevant to the Board. As you can see, they weren't getting anywhere – they wanted to sweeten the deal – they threw in the water line. The vote ended in a tie, now added 15% to Veterans. Majority of the land they wants is where wetlands is, its huge, still not adequate. As you know the pump station shut down yesterday (Rick responded – because of the amount of rain we got) and the light was on for 24 hours. So, all that water is running west. The Halloween flood, it went west, flooded out the lower part of Woods Road on the North end then it dumps out on the other side in a pond. When the pump station stops, I get the raw sewage coming out the corner of my lot. Runs through the ditch, in the stream and empties out into that pond. You guys need to really think about this because sewage is not adequate. Thank you.

7. **Jeff Michael** – 1825 Woods Highway – I’m sure people did a case study of the water and irrigation overflow when they built the Aldi’s and how many times Big Apple flooded. Then look at the Sauquoit Creek for the New Hartford development. You’ve got that development right there now and then you have Palladino’s on the other side that the water line goes through. When Palladino decides to sell who is to say they don’t put another one over there. I’m looking at it, I did 22 years in the military and retired. I saved a long time to build my house and built it in 2004 on Woods Highway. I thought it would be a nice, quiet area. Now we’re going to rezone this all again after we just paid it for a business. I think we need to get on the same page and figure out what we want.
8. **Facebook comments (Mel read out loud)**
 - a. **Carrie O’Dell Loubier** - It just speaks volumes of the situation now, doesn't it?
 - b. **Cassandra Rienzo** - This is just not right! They refuse to fix our flooding but continue to develop that area which will cause flooding in our area more regularly
 - c. **Nicole DiOrio** – Our homes are being destroyed by flooding. Please build somewhere else.
9. **Ms. Hapanowicz** – lives on Woods Highway – lived there 58 years – they said in the original documents that there are small animals that live there. There are coyote families that live there. Lots of deer. She owns 11 acres and property butts up to Concord Blvd. She bought that land to have that for her kids to them to enjoy. Opposed to it completely. Worked very hard entire life to have her home. Had many floods, opposed because of that reason. Woods Highway is not the appropriate place.
10. **Matt Tomlinson** – responding to comments made from the residents; Brian brought up the drainage map to clarify a little more and answer some of the questions.; There was a question about the subdivision approval – that will be something we will obtain at the Planning Board level if and when this zoning change moves forward. That’s something that will be required to be filled prior to closing of the land to begin development. That’s the typical process. So that has not occurred yet. Also, want to talk about the water line guarantee – typically in land development, a letter of credit or a bond is posted in order to guarantee work that is required as part of the proposed improvements. We would anticipate the water line would be included is that as part assurity that is posted by the developer to the Town. Usually that’s conditioned at the Planning Board level.; Swale question – there are no proposed improvement to the swale. What we observed and we walked that with a wepon and biologist who does wepon and permitting with the State and DEC – there are some fallen trees, some logs, blockages – any change in the swale, that’s within the wetland, would require permitting and typically would not be permitted. However, maintenance to ensure accurate water flow, general cleanup of fallen logs or tress – that is something that is allowed, something that is if on a neighboring property. We will absolutely work with that property owner in order to ensure that their property is protected but that is not an improvement that is being made. It is just an attempt to make sure that water is going where it’s supposed to, down to the Turnpike into the culverts instead of spilling over and causing issues on the property.; Specific to the drainage areas – the map shown was generated by the Town engineer – our proposed development area is shown in the red. The different drainage areas are

broken up into different ones. When we talk about the reduction of flow from our storm water management facility, we are not only accounting for all of our development but any area that flows to it.

11. **Councilman Woodland** – Don't see many residents in favor of it. I say we make a motion that we deny it.

12. **Town Attorney Herbert Cully** – We would have to close the Public Hearing first. Then we would have to deal with parts two and three on a separate form. I've provided everyone with two motions. One is a motion to approve. The other is a motion to deny. We have to do it by written resolution. Several weeks ago, I put part two and part three in your mailboxes and we gave you the proposed resolutions.

Councilman Woodland introduced the following Resolution for adoption, seconded by Councilman Messa:

(RESOLUTION NO. 188 OF 2020)

RESOLVED that the New Hartford Town Board does hereby accept and approve closed the Public Hearing.

Upon roll call, the Board members voted as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

This Resolution was declared unanimously carried and duly **ADOPTED**.

2. TOWN ATTORNEY HERBERT CULLY

Last week I sent a draft of Part 2 and Part 3 to John Dunkle and he got back to me at 4:30 this afternoon with a few comments. If you look at Part 2 – Impact on Land – proposed action may involve construction on physical alteration of land surface of the proposed site and we checked yes, but we indicated that the impacts there after as to the water table, construction slopes, bed rocks, etc., would be of small impact and he conquers with that.

- Item #2 – Impact of Geological Features – as to whether or not it would modify cliffs, dunes, national landmarks – NO is checked and he conquers with that

- Item #3 – Impacts on Surface Water – we have yes and we have that it could increase and have small impacts of not more than 10% on surface area, body water or wetlands and John Dunkle agreed with those categories
- Item #4 – Impact on Ground Water – we checked NO – that it will not impact the ground water contaminates and he was in agreement with that
- Item #5 – Impact on Flooding – we said Yes – he’s made some changes on this – it says proposed action may result in development if the designated flood way and no or small impact. Proposed action may result in development with a 100-year flood plan, he says NO or small impact; Proposed action may result in a development within a 500-year flood plan – he says NO or small impact. The change he made is to D – the proposed action may require modification of existing drainage patterns. We said it would have a small impact. He said it’s a moderate to large impact on the drainage system. So that is being checked Yes.
- Item #6 – Impact on Air – we said no and he agrees
- Item #7 – Impacts on Plants and Animals – we said No and he agrees except to the extent of Item H that there will possible be trees that are going to be removed.
- Item #8 – Impact on Agricultural Resources – those impacts would be small and minor in nature
- Item #9 – Impact on Aesthetic Resources – we checked No
- Item #10 – Impact on Historical Agricultural Resources – We said No
- Item #11 – Impact on Open Space Recreation – he feels the answer to that should possibly be yes
- Item #12 – Impact on Critical Environment – No
- Item #13 – Impact on Transportation – No – he said that should be changed to Yes because there could be an issue with traffic
- Item #14 – Impact on Energy – Yes, which would be small
- Item #15 – Impact on Noise, Odor, Light – Yes, small impact may occur
- Item #16 – Impact on Human Health – No
- Item #17 – Impact on Consistency with Community Plans – No
- Item #18 – Impact on Consistency with Community Character – No

As a result, Supervisor Miscione is required to sign this and it says upon review of the information reported on the EAF as noted plus additional support information and comments that were received by all the interested agencies and considering both the magnitude and importance of each identified potential impact. It is the conclusion of the Town of New Hartford Board as Lead agency as: A. the project will result in no significant adverse impacts on the environment; B. That although, this project could have a significant adverse impact on the environment, that impact will be avoided or mitigated because of the following conditions that will be required by the lead agency which will include mitigation fees pursuant to the GEIS and on-site detention. Or the project may result in one or more significant adverse impacts that are not being remediated and then a positive declaration would be declared. We suggested it could have a significant adverse impact there are proposing ways to mitigate it. If there is a motion to approve as it is, if you feel you need additional time to review it.; Supervisor Miscione – did everyone review the documents, need a motion.

Councilman Reynolds introduced the following Resolution for adoption, seconded by Councilman Lenart:

(RESOLUTION NO. 189 OF 2020)

RESOLVED that the New Hartford Town Board does hereby accept and approve closed the SEQR.

Upon roll call, the Board members voted as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

This Resolution was declared unanimously carried and duly **ADOPTED**.

Councilman Reynolds introduced the following Resolution for adoption, seconded by Councilman Messa:

(RESOLUTION NO. 190 OF 2020)

RESOLVED that the New Hartford Town Board does hereby accept and approve Supervisor Miscione to sign Part 2 and Part 3 of the EAF as modified by John Dunkle.

Upon roll call, the Board members voted as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye
Councilman Woodland	-	Aye
Supervisor Miscione	-	Aye.

This Resolution was declared unanimously carried and duly **ADOPTED**.

Councilman Woodland introduced the following Resolution for adoption, seconded by Councilman Messa:

(RESOLUTION NO. 191 OF 2020)

RESOLVED that the New Hartford Town Board does hereby deny the zone map amendment.

Upon Further Discussion:

1. **Councilman Messa** – Back in the Feb. 10th meeting, I was the first to vote against the project when we voted and one thing that did resignate with me was from the audience, one of the residents – I don't think she is here, she felt the residents that vote, we are the elected officials, even though we are different Wards, we represent the entire Town as well. So, I take that very seriously in what we do and what we heard tonight and at previous meetings – I do think this project has gone through a lot of different hurdles, your emotions, has been a tremendous roller coaster ride. I commend you all for your patients as well as your demeanor tonight. I encourage the rest of the Board to Vote DENY tonight.; Town Attorney Herbert Cully – Motion to deny Correct – you're asking the Board to Vote YES on the Motion to Deny, just to clarify?; Councilman Messa – Correct.
2. **Councilman Woodland** – Resident's input is important to this – vote to go against the project.
3. **Councilman Reynolds** – the trust of the conversation this evening revolves around the flooding and potential flooding and that's a huge issue throughout the Town. I think we all acknowledge that our concern tonight is whether to change the zoning and how that zoning change would affect the area, in a lot of areas. Primarily the flooding. It is zoned Commercial currently, which means you could have a whole area of commercial projects in there that will be facing similar issues. I also feel that changing the zoning gives the Town Board and Planning Board more control and influence on how the project is developed and how its handled. Based on what I've heard tonight and what I've looked at myself, I'm sympathetic with the flooding issues. I think this is the best way to control and get a handle on the flooding for that reason I would vote to change the zone (voting against the motion).
4. **Councilman Lenart** – I know the major concern was flooding and I also heard some residents be concerned that one time the Board passed to have that be zoned Commercial. I think their concern is my concern that this is a lot of flip flopping that goes back and forth based on what's the flavor of the month. Based on that, I believe the original decision that the Board had made a few years back should be made.
5. **Supervisor Miscione** – As you know back in 2016, we had a comprehensive plan to make the C1...Many residents came to the Public Hearing. Changing the zoning at this point, I don't see a benefit to anybody. I know there's a lot of comments about benefiting on this Board benefiting on this Board and people who own property but there is no benefit to this Board to get water, all the people around have water except for Woods Road. That was a gesture that was given in leu of mitigation fees because this was done

in many developments that are in the Town even before my time. There's nothing shady or bribes. These are something that developers come in because they have to pay mitigation fees, so instead of paying mitigation fees, they give something back to the community. Again, the Woods Road Project, there was a lot of people in favor of that because they wanted water for many years but it wasn't affordable to put a district together for that. In saying that, most of the residents don't want this project and again, we support the residents that are here even though they may think that we don't but we do. We support all the residents that are here. Tonight, we are voting on the zoning only and we understand your concerns about water, flooding but the biggest thing is we're voting on zoning only tonight.

6. **Town Attorney Herbert Cully** – You've all read the resolution and you're moving that resolution which says it does not comply with intent for the zoning ordinance for this rezoning, doesn't meet the criteria.

Upon roll call, the Board members voted as follows:

Councilman Messa	-	Deny
Councilman Lenart	-	Deny
Councilman Reynolds	-	Approve
Councilman Woodland	-	Deny
Supervisor Miscione	-	Deny.

This Resolution was voted 4 to 1 and **ADOPTED** to Deny the Zone Map Amendment.

Supervisor Miscione – thanked everyone for coming.; Banners – we have a code in there to get a permit for a banner. A lot of businesses wanted to have COVID safety banners up. We would like to extend the date – its only for 20 days. We would like to extend the date to November 1st.

Councilman Woodland introduced the following Resolution for adoption, seconded by Councilman Reynolds:

(RESOLUTION NO. 192 OF 2020)

RESOLVED that the New Hartford Town Board does hereby accept and approve to extend the date to November 1st for a permit for a banner.

Upon roll call, the Board members voted as follows:

Councilman Messa	-	Aye
Councilman Lenart	-	Aye
Councilman Reynolds	-	Aye

Councilman Woodland - Aye
Supervisor Miscione - Aye.

This Resolution was declared unanimously carried and duly **ADOPTED**.

Supervisor Miscione – Sales Tax – 1st and 2nd quarter – down \$206,000. We are in great shape during the pandemic. Our budget looks good going into August. We have a lot of building permits coming in. We need to figure out the plan for the Senior Center – due to pandemic. When we will be bringing the Director back, etc. We are required to follow the rules of the County at this time. January – June we don't open. Tentative date to open is July. We will do a half year budget for the Senior Center. July 1st – December 31st will do the budget.

Councilman Lenart – Codes Officer – part timer; Supervisor Miscione – we might want to make him full time – he does a really good job – not sure if he is interested but we might want to think about asking him. The money is in the budget for that.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilman Messa and seconded by Councilman Lenart, the meeting was adjourned at 7:58 P.M.

Respectfully submitted,

Cheryl A. Jassak-Huther

Interim Town Clerk

6/21/2021