

Town of New Hartford Schedule of Use, Area and Bulk Regulations
 PDMU – Planned Development Mixed Use District
 [Amended 8-21-2002 by L.L. No. 1-2002; 4-11-2007 by L.L. No. 1-2007]

| District | Permitted Principal Uses | Site Plan Review Uses | Special Permit Uses | Minimum Lot Size | | Maximum Lot Coverage ¹ | Minimum Percent of Lot to be Permeable ¹ | Maximum Building Height (feet) | Minimum Yard Dimensions (feet) | | |
|--------------------------------------|--------------------------|------------------------|---------------------|--------------------|----------------------|-----------------------------------|---|--------------------------------|--------------------------------|------------------------|-------------------|
| | | | | Area (square feet) | Minimum Width (feet) | | | | Front | Each Side ² | Rear ² |
| Planned Development Mixed Use (PDMU) | One-family dwelling | | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | | Retail store | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | | Office | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | | Bank | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | | Restaurant | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | | Agricultural use | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | | Bed-and-breakfast | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | | Bakery | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | | Grocery store | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | | School | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | | Public building/use | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | | Club or lodge, private | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | | Campground | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | | Convenience store | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | | Fish and game club | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | | Farmstand | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | | Golf course | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | | Outdoor recreation use | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | | Veterinary hospital | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | | Stable/riding academy | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | | Greenhouse | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | | Church | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | | Public utility use | Public utility use | -- | -- | -- | -- | 100 | -- | -- | -- |
| | Accessory use | | -- | -- | -- | -- | 15 | 50 | 5 | 5 | |
| | Congregate residence | | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |

NOTES:

¹ The lower permeability and higher lot coverage applies to uses which meet the standards in Article IX; the higher permeability and lower lot coverage applies to uses which do not meet the standards in Article IX.

² The side and rear yard setbacks are increased by 10 feet when the parcel on which the use is located is adjacent to a residential use or district.

Town of New Hartford Schedule of Use, Area and Bulk Regulations
 PHB – Planned Highway Business District
 [Amended 1-3-2001 by L.L. No. 2-2001; 4-11-2007 by L.L. No. 1-2007]

| District | Permitted Principal Uses | Site Plan Review Uses | Special Permit Uses | Minimum Lot Size | | Maximum Lot Coverage ¹ | Minimum Percent of Lot to be Permeable ¹ | Maximum Building Height (feet) | Minimum Yard Dimensions (feet) | | |
|--------------------------------|--------------------------|-------------------------|---------------------|--------------------|----------------------|-----------------------------------|---|--------------------------------|--------------------------------|------------------------|-------------------|
| | | | | Area (square feet) | Minimum Width (feet) | | | | Front | Each Side ² | Rear ² |
| Planned Highway Business (PHB) | | Retail store | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | | Office | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | | Bank | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | | Restaurant | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | | Tavern | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | | Motel/hotel | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | | Bakery | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | | Grocery store | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | | School | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | | Public building/use | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | | Club or lodge, private | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | | Bowling alley | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | | Day-care center | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | | Funeral home | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | | Hospital | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | | Medical building or use | | - | - | - | - | - | - | - | - |
| | | Theater | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | | Veterinary hospital | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | | Nursing home | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | | Greenhouse | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |
| | Church | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 | |
| | Public utility use | Public utility use | | - | - | - | - | 100 | - | - | - |
| | Accessory use | | | - | - | - | - | 15 | 50 | 5 | 5 |
| | Personal services | | | 20,000 | 100 | 40%/50% | 60%/50% | 35 | 50 | 15 | 30 |

NOTES:

- ¹ The lower permeability and higher lot coverage applies to uses which meet the standards in Article IX; the higher permeability and lower lot coverage applies to uses which do not meet the standards in Article IX.
- ² The side and rear yard setbacks are increased by 10 feet when the parcel on which the use is located is adjacent to a residential use or district.

EXHIBIT 1 - PROPERTIES IN THE PDP ZONE

| <u>PARCEL NO.</u> | | <u>NAME</u> | <u>ACREAGE</u> |
|-------------------|---|--------------------------------|----------------|
| #328.000-3-1 | - | Karen Szymanski/David Ladanza | 48.6 |
| #328.000-3-2 | - | Ann & Daniel Rieben | 0.34 |
| #328.000-3-3 | - | Samuel & Margaret Silverman | 0.34 |
| #328.000-3-4 | - | James & Linda Radlo | 0.34 |
| #328.000-3-5 | - | Kim & James Marscher | 2.56 |
| <hr/> | | | |
| #328.000-3-6 | - | New Hartford Office Group, LLC | 0.28 |
| #328.000-3-7 | - | New Hartford Office Group, LLC | 78.51 |
| #328.000-3-8 | - | Niagara Mohawk Power Corp. | 6.99 |
| #328.000-3-10.1 | - | PAR Technology Corporation | 31.03 |
| #328.000-3-10.2 | - | PAR Technology Corporation | 5.23 |
| #328.000-3-10.3 | - | PAR Technology Corporation | 2.40 |
| #328.000-3-11 | - | Norman & Rosemary Ruzinsky | 0.49 |
| #328.000-3-13 | - | Seneca Turnpike, LLC | 0.19 |
| #328.010-2-1 | - | Mary & Terrance Tupaj | 0.46 |
| #328.010-2-2 | - | Mary & Terrance Tupaj | 0.54 |
| #328.010-2-3 | - | Girolamo & Michele Tavalante | 0.80 |
| #328.010-2-5 | - | Tim & Kathryn Maine | 0.92 |
| #328.010-2-6 | - | Norman Deep | 0.37 |
| #328.010-2-7 | - | Fred Grimaldi | 1.30 |
| #316.000-2-21 | - | Michael Paladino | 28.10 |
| #316.000-2-32.1 | - | Woods 840, LLC | 18.50 |
| #316.000-2-32.2 | - | James & Michelle Henderson | 1.49 |
| #316.000-2-32.3 | - | David Wargo | 0.47 |
| #316.000-2-32.4 | - | Crown Atlantic Company, LLC | 1.50 |
| #316.000-2-41.1 | - | AXNY Office LP | 15.02 |
| | | | <hr/> |
| | | | 246.77 |

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of New Hartford, County of Oneida, State of New York and more particularly described as follows:

Beginning at a Point on the northerly boundary of N.Y. State Route 5, State Highway number 9205 at its intersection with the division line between the property of Herbert and Ida Robinson on the west, [Tax Parcel 328.006-3-17, Deed Book 2706 Page 682] and the property of Karen Szymanski EtAL on the east, [Tax Parcel 328.000-3-1, Deed Book 2359, Page 148], said point also being approximately 120 feet easterly of the southeasterly corner of Lexington Boulevard; thence northeasterly approximately 1100 feet along said division line to an angle point; thence through the property of Karen Szymanski EtAL along a northerly bearing having an exterior clockwise deflection angle of approximately 174 degrees from the back tangent or previously mentioned division line and a distance of approximately 480 feet to an angle point on the division line between the property of Frank and James Paladino, [Tax Parcel 316.000-2-21, Deed Book 2681 Page 675], on the northeast and the property of Karen Szymanski, EtAL on the southwest; thence along said division line on a southeasterly bearing having an exterior clockwise deflection angle of approximately 274 degrees from the back tangent and a distance of approximately 876 feet to an angle point in the center of existing Woods Road, a Town highway; thence along a northwesterly bearing having an exterior clockwise deflection angle of approximately 76 degrees from the back tangent and a distance of approximately 520 feet to a point, [the last mentioned course and distance fronting approximately 420 feet of the Niagara Mohawk Power Corporation parcel of land, Tax Parcel 328.000-3-8], said point being a point on the division line between the property of John and Rose Wargo on southwest, [Tax Parcel 316.000-2-32.1, Deed Book 2085 Page 460] and the property of Frank Beckerman EtAL on the northeast, [Tax Parcel 328.000-3-7, Deed Book 1763 Page 392]; thence continuing northwesterly along the last mentioned bearing and along said division line approximately 1200 feet to an angle point on the division line between the property of John and Rose Wargo on the northwest and the property of Frank Beckerman, EtAL on the southeast; thence northeasterly along said division line on a bearing having an exterior clockwise deflection angle from the back tangent of approximately 270 degrees and a distance of approximately 300 feet to an angle point on the division line between the property of John and Rose Wargo on the southwest and the property of Frank Beckerman EtAL on the northeast; thence northwesterly along said division line on a bearing having an exterior clockwise deflection angle from

the back tangent of approximately 97 degrees, a distance of approximately 1350 feet to a point on the corporation line between the TOWN OF WHITESTOWN on the northwest and the TOWN OF NEW HARTFORD on the southeast, said point also being on the northerly property line of Frank Beckerman EtAL (Deed Book 1763 Page 392); thence northeasterly along said property line on a bearing having an exterior clockwise deflection angle from the back tangent of approximately 263 degrees and a distance of approximately 200 feet to an angle point on the division line between the property of Jon E. Yager EtAL on the northeast, [Tax Parcel 316.000-2-33, Deed Book 2753 Page 276] and the property of Frank Beckerman, EtAL on the southwest, [Tax Parcel 328.000-3-7, Deed Book 1763 Page 392]; thence southeasterly along said division line on a bearing having an exterior clockwise deflection angle of approximately 272 degrees from the back tangent and a distance of approximately 800 feet, [(approximately 265 feet along Jon E. Yager, EtAL westerly property line and approximately 535 feet along B.O.C.E.S. westerly property line, (Tax Parcel 316.000-2-36)], to an angle point on the division line between the property of B.O.C.E.S. on the northwest and the property of Frank Beckerman, EtAL on the southeast; thence northeasterly along said division line on a bearing having an exterior clockwise deflection angle from the back tangent of approximately 87 degrees and a distance of approximately 1230 feet to an angle point on the division line between the property of B.O.C.E.S. on the northeast and the property of Frank Beckerman EtAL on the southwest; thence southeasterly along said division line on a bearing having an exterior clockwise deflection angle from the back tangent of approximately 271 degrees and a distance of approximately 950 feet, [(i.e. approximately 870 feet along B.O.C.E.S. westerly property line and approximately 80 feet along Elmer McCubbin and Wife westerly property line (Tax Parcel 316.000-2-41.1, Deed Book 1410 Page 567)], to an angle point on the division line between the property of Jon E. Yager EtAL, on the southeast, (Tax Parcel 316.000-2-42, Deed Book 2753 Page 276) and the property of Frank Beckerman, EtAL (Tax Parcel 328.000-3-7) on the northwest, thence southwesterly along said division line on a bearing having an exterior clockwise deflection angle from the back tangent of approximately 270 degrees and a distance of approximately 610 feet to an angle point on the division line between the property of Jon E. Yager EtAL on the northeast and the property of Frank Beckerman EtAL on the Southwest; thence southeasterly along said division line on a bearing having an exterior clockwise deflection angle from the back tangent of approximately 90 degrees and a distance of approximately 920 feet to an angle point on the division line between the property of Jon E. Yager EtAL on the northeast and the property of Par Technology Corporation (Tax Parcel 328.000-3-9) on the southwest; thence

southeasterly along said division line on a bearing having an exterior clockwise deflection angle from the back tangent of approximately 102 degrees and a distance of approximately 640 feet to an angle point, on the division line between the property of Par Technology Corporation on the southwest (Tax Parcel 328.000-3-9), and the following four properties on the northeast:

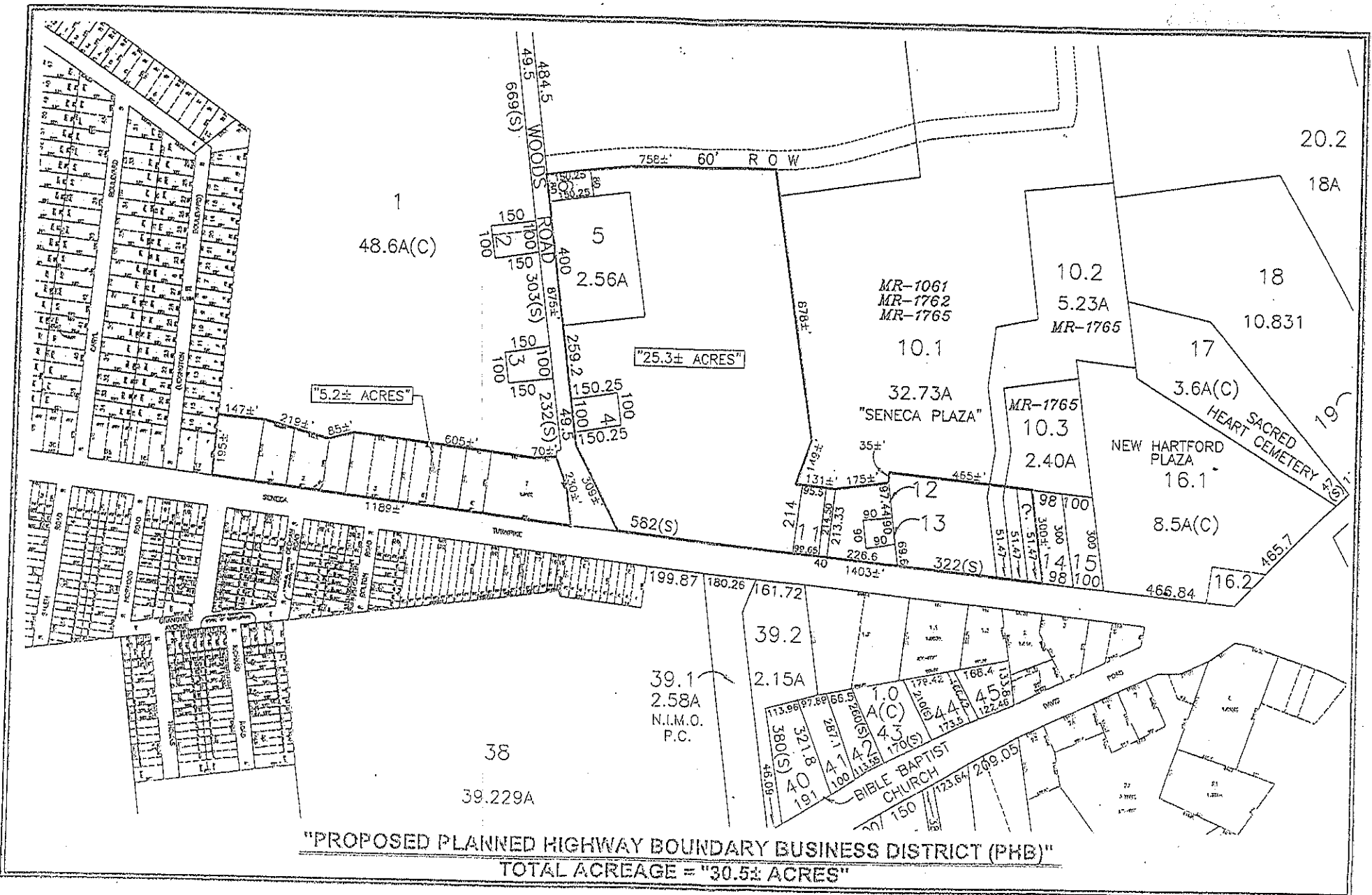
- 1) Jon E. Yager, EtAL - Tax Parcel 316.000-2-42, Deed Book 2753 Page 276
- 2) Fifth Garden Park - Tax Parcel 328.000-3-20.2, Deed Book 2327 Page 17
- 3) John M. Coyne - Tax Parcel 328.000-3-18, Deed Book 2371 Page 57
- 4) Sacred Heart Cemetery - Tax Parcel 328.000-3-17;

thence southeasterly along said division line on a bearing having an exterior clockwise deflection angle from the back tangent of approximately 257 degrees and a distance of approximately 1610 feet to an angle point on the division line between the property of Loomis and Richard Grossman on the southwest (Tax Parcel 328.000-3-16.1, Deed Book 2713 Page 498) and Par Technology Corporation on the northeast, (Tax Parcel 328.000-3-9); thence northwesterly along said division line on a bearing having an exterior clockwise deflection angle from the back tangent of approximately 283 degrees and a distance of approximately 200 feet to an angle point on the division line between the property of Loomis and Richard Grossman on the northeast and the property of Par Technology Corporation (Tax Parcel 328.000-3-9) on the southwest; thence southeasterly along said division line on a bearing having an exterior clockwise deflection angle from the back tangent of approximately 78 degrees and a distance of approximately 430 feet to an angle point, on the division line between the property of Par Technology Corporation (Tax Parcel 328.000-3-9) on the northeast and the following two (2) properties on the southwest:

- 1) Lawrence R. Adler and Craig G. Delasin, Tax Parcel 328.000-3-15, Deed Book 2808 Page 1
- 2) Frank and Beatrice Marn, Tax Parcel 328.000-3-14, Deed Book 1888 Page 661; thence northwesterly along said division line on a bearing having an exterior clockwise deflection angle from the back tangent of approximately 283 degrees and a distance of approximately 198 feet to an angle point on the division line between the property of Frank and Beatrice Marn on the northeast and the property of Par

Technology Corporation on the southwest (Tax Parcel 328.000-

3-10, Deed Book 2166 Page 61); thence southeasterly along said division line on a bearing having an exterior clockwise deflection angle from the back tangent of approximately 78 degrees and a distance of approximately 300 feet to a point on the northerly highway boundary of the aforesaid New York State Highway, State Highway Number 9205 also known as SENECA TURNPIKE; thence northwesterly along said northerly highway boundary on a bearing having an exterior clockwise deflection angle of approximately 283 degrees and a distance of 2720 feet to the point of beginning, containing approximately 197 acres of land, more or less.



"PROPOSED PLANNED HIGHWAY BOUNDARY BUSINESS DISTRICT (PHB)"
 TOTAL ACREAGE = "30.5± ACRES"

January 19, 2012

PROPOSED DESCRIPTION OF THE PROPOSED
“PLANNED HIGHWAY BUSINESS DISTRICT”
TOWN OF NEW HARTFORD

“PARCEL #1 - 5.2+/- ACRES”

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOWN OF NEW HARTFORD, COUNTY OF ONEIDA AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

Beginning at a point on the northerly highway boundary of New York State Route 5 (State Highway Number 9205) (Seneca Turnpike), said point standing at the intersection of the northerly highway boundary of New York State Route 5 with the division line between the westerly boundary of Herbert and Ida Robinson (Now or Formerly) on the west (Tax Parcel 328.006-3-17) (Liber 2706 of Deeds at Page 682) and the property of Karen Szymanski, Etal. (Now or Formerly) on the east (Tax Parcel 328.000-3-1) (Liber 2359 of Deeds at Page 148); said point of beginning being approximately 120 feet easterly of the southeasterly corner of Lexington Boulevard; thence northeasterly a distance of approximately 195 feet along said aforementioned division line to a point; thence easterly a distance of approximately 147 feet and through the property of Karen Szymanski, Etal. to the northwesterly corner of lands of Terrence Tupaj (Reputed Owner) (Tax Parcel 328.010-2-1); thence easterly a distance of approximately 219 feet along the northerly boundary of Terrence Tupaj and then along the northerly boundary of lands of Terrence Tupaj and Mary Tupaj (Reputed Owner) (Tax Parcel 328.010-2-2) to the northeasterly corner of Terrence Tupaj and Mary Tupaj; thence northeasterly a distance of approximately 85 feet through the property of Karen Szymanski, Etal. to the northwesterly corner of lands of Girolamo Tavolante and Michele Tavolante (Reputed Owner) (Tax Parcel 328.010-2-3); thence easterly a distance of approximately 605 feet along the northerly boundary of Girolamo Tavolante and Michele Tavolante, the northerly boundary of Timothy Maine and Kathryn Maine (Reputed Owner) (Tax Parcel 328.010-2-5), the northerly boundary of Norman Deep (Reputed Owner) (Tax Parcel 328.010-2-6) and then along the northerly boundary of Fred B. Grimaldi (Reputed Owner) (Tax Parcel 328.010-2-7) to a point; thence continuing along the northerly boundary of Fred B. Grimaldi in an easterly direction a distance of approximately 70 feet to the westerly highway boundary of Woods Road; thence southerly a distance of approximately 230 feet along the westerly highway boundary of Woods Road to the northerly highway boundary of New York State Route 5; thence westerly along the northerly highway boundary of New York State Route 5 a distance of approximately 1189 feet to the point and place of beginning.

The above described parcel containing 5.2 acres of land, more or less.

Subject to any easements, covenants or restrictions of record.

January 19, 2012

PROPOSED DESCRIPTION OF THE PROPOSED
"PLANNED HIGHWAY BUSINESS DISTRICT"
TOWN OF NEW HARTFORD

"PARCEL #2 - 25.3+/- ACRES"

ALL THAT TRACT OR PARCEL OF LAND SITUATE IN THE TOWN OF NEW HARTFORD, COUNTY OF ONEIDA AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

Beginning at a point on the northerly highway boundary of New York State Route 5 (State Highway Number 9205) (Seneca Turnpike), said point standing at the intersection of the northerly highway boundary of New York State Route 5 with the division line between the easterly highway boundary of Woods Road on the west and the property of the New Hartford Office Group, LLC (Now or Formerly) on the east (Tax Parcel 328.000-3-7) (Instrument Number 2005-025875); thence northerly a distance of approximately 309 feet along the easterly highway boundary of Woods Road to a point; thence continuing northerly a distance of approximately 875 feet along the easterly highway boundary of Woods Road to a point standing on the southerly highway boundary of a 60 ft. wide Town Highway (Road "A") (Instrument Number 2010-016652); thence easterly a distance of approximately 758 feet along the southerly highway boundary of a 60 ft. wide Town Highway (Road "A") to a point standing on the northerly extension of the division line of the lands of the New Hartford Office Group, LLC on the west and Par Technology Corporation (Now or Formerly) (Liber 2166 of Deeds at Page 61) (Tax Parcel 328.00-3-10.1) on the east; thence southerly a distance of approximately 878 feet along the northerly extension of the division line of the lands of the New Hartford Office Group, LLC on the west and Par Technology Corporation on the east and then along the division line of the lands of the New Hartford Office Group, LLC on the west and Par Technology Corporation on the east to a point; thence southwesterly a distance of approximately 149 feet continuing along the division line of the lands of the New Hartford Office Group, LLC on the west and Par Technology Corporation on the east to the division line of the lands of the New Hartford Office Group, LLC on the south and Par Technology Corporation on the north; thence easterly a distance of approximately 131 feet along the division line of the lands of the New Hartford Office Group, LLC on the south and Par Technology Corporation on the north and then along the northerly boundary of Norman Ruzinsky and Rosemary Ruzinsky (Now or Formerly) and continuing along the easterly extension of the northerly boundary of Norman Ruzinsky and Rosemary Ruzinsky through the lands of Par Technology Corporation to a point; thence easterly at an exterior angle of approximately 166 degrees a distance of approximately 175 feet through the lands of Par Technology Corporation to a point; thence northerly at an exterior angle of approximately 104 degrees a distance of approximately 35 feet through the lands of Par Technology Corporation to point; thence easterly at an interior angle of approximately 90 degrees a distance of approximately 564 feet through the lands of Par Technology Corporation (Tax Parcel

328.00-3-10.1) (Tax Parcel 328.00-3-10.2) (Tax Parcel 328.00-3-10.3) to the division line between the property of Par Technology Corporation (Tax Parcel 328.00-23-10.3) on the west and the property of Southside Land Associates, LLC (Now or Formerly) (Tax Parcel 328.000-3-14) on the east; thence southerly along said aforementioned division line a distance of approximately 300 feet to a point standing on the northerly highway boundary of New York State Route 5; thence northwesterly along the northerly highway boundary of New York State Route 5 a distance of approximately 1403 feet to the point and place of beginning.

The above described parcel containing 25.3 acres of land, more or less.

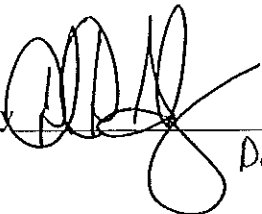
Subject to any easements, covenants or restrictions of record.

STATE OF NEW YORK
COUNTY OF ONEIDA
TOWN OF NEW HARTFORD

AMENDED PETITION FOR ZONING AMENDMENT
PURSUANT TO ARTICLE XIV OF THE
TOWN OF NEW HARTFORD ZONING CODE

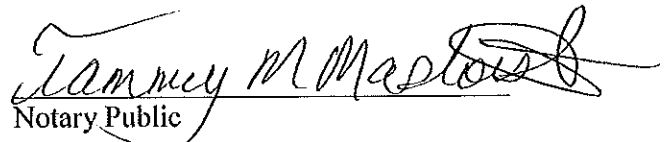
The undersigned Petitioners who together own more than fifty percent (50%) of the property included within the Planned Development Park District (PDP) located along Woods Highway in the Town of New Hartford consisting of parcels identified on Exhibit 1, hereby Petition the Town Board to amend the Zoning Map of the Town of New Hartford to re-designate approximately 216 acres of the PDP as Planned Development Mixed Use (PDMU) as shown on exhibit A and as described by metes and bounds on exhibit B. The Petitioners moreover further Petition the Town Board to amend the Zoning Map of the Town of New Hartford to re-designate approximately 30.5 acres of the PDP as Planned Highway Business (PHB) as shown on exhibit C and as described by metes and bounds on exhibit D.

The purpose of the requested Zoning Map amendment is to bring the Town of New Hartford Zoning into compliance with the Town of New Hartford Comprehensive Plan. Specifically it will help accomplish the goals of a) reducing the number, types, and availability of Planned Development Districts in the Town and, b) providing a transitional Planned Highway Business (PHB) zone along Seneca Turnpike. The amendment will also encourage economic growth.

By 
Its: David Tadzana

STATE OF NEW YORK)
) : ss
COUNTY OF Monroe)

On the 20th day of January in the year 2012 before me, the undersigned, personally appeared David Tadzana, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public

TAMMY M. MASTOWSKI
Notary Public, State of N.Y. Monroe Co.
Reg. # 01MA4921586
Commission Expires Feb. 28, 2014



Planning Board
Town of New Hartford
111 New Hartford Street
New Hartford, NY

Re: Amended Petition for Rezoning

Dear Chairman Delia:

As you are aware, PAR recently signed a petition in favor of a zone change for property in and around the New Hartford Business Park. The purpose of this letter is to reaffirm our support for this petition and to request that the Planning Board make a positive recommendation to the Town Board for approval.

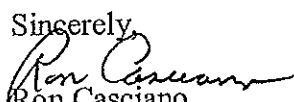
In the mid 1990s, PAR worked closely with the Town of New Hartford, MV Edge, and even The Hartford with the goal of bringing a municipal business park to the area surrounding our campus. Significant time, resources, and capital were spent by all toward that end. Unfortunately, Town interest in the park dwindled and the project stalled.

Since 2005 we have been working cooperatively with the New Hartford Office Group to once again pursue the development of the Business Park. Because of our longstanding involvement, we helped recruit The Hartford to stay in the town and made available land for necessary infrastructure. We own approximately 15-20 developable acres in the Business Park in addition to our existing offices.

PAR understands the permitted uses written in the PDMU Zone and we support the proposal. Adding light manufacturing to the permitted uses would be a potential improvement to the PDMU Zone, although at this time the prospects for additional manufacturing are not on the horizon. Nonetheless, PAR supports the zone change.

Solidifying the existing park and promoting economic development is something the Town should continue to support. This Town should be proud of its accomplishments to date, of attaining requisite infrastructure. Clearly the economic climate has changed over the last 15-20 years and manufacturing and high-tech jobs have proven harder to achieve. However, thoughtful development makes good sense, and will help grow the tax base in the area.

Thank you for your work and efforts related to the Park and the Town. It is truly appreciated.

Sincerely,

Ron Casciano
VP, CFO & Treasurer
PAR Technology

8383 Seneca Turnpike

New Hartford

New York 13413-4991

Tel 315.738.0600

Fax 315.738.0562

www.partech.com

ARTICLE XIV
Amendments**§ 118-85. Statutory authorization.**

This chapter or any part thereof, including the Zoning Map, indicating the various district boundaries, may from time to time be amended, supplemented, changed, modified or repealed by the Town Board in the manner provided by §§ 264 and 265 of the Town Law.

§ 118-86. Initiation.

An amendment to this chapter may be initiated in any of three ways:

- A. By the Town Board upon its own motion.
- B. By resolution of the Planning Board, filed with the Town Clerk, wherein certain changes to or repeal of specific provisions of this chapter are recommended, in which case, it shall be the duty of the Town Board to act on such proposed amendment within 90 days of the time such resolution is filed by the Planning Board with the Town Clerk.
- C. By petition duly signed and acknowledged from the owners of 50% or more of the acreage in any district or part thereof requesting an amendment, supplement or change in the regulations prescribed for such district or part thereof, in which case, it shall be the duty of the Town Board to act upon such petition for amendment within 90 days of the time such petition is filed by the petitioners with the Town Clerk. Said petition shall be accompanied by the applicable fee in accordance with the fee schedule established and annually reviewed by the Town Board.

§ 118-87. Report of Planning Board.

- A. All proposed amendments, supplements or changes originating by petition or by motion of the Town Board shall be referred to the Planning Board for a report and recommendation thereon. In undertaking such review, the Planning Board shall make inquiry and provide recommendation concerning the items specified below:
 - (1) Whether such change is consistent with the purposes embodied in this chapter as applied to the particular districts concerned.
 - (2) Whether adequate public services and other support facilities exist or can be created to serve the needs of any additional development that may occur as a result of such change.
 - (3) The indirect implications of such change in its effect on other regulations.
 - (4) Whether such proposed amendment is consistent with the underlying objectives of the Town Comprehensive Plan.
 - (5) Whether such proposed amendment is consistent with the character of the community.

§ 118-87. Report of Planning Board.

A. All proposed amendments, supplements or changes originating by petition or by motion of the Town Board shall be referred to the Planning Board for a report and recommendation thereon. In undertaking such review, the Planning Board shall make inquiry and provide recommendation concerning the items specified below:

(1) Whether such change is consistent with the purposes embodied in this chapter as applied to the particular districts concerned.

Member Donovan: Proposed changes are inconsistent with the current district in the type, variety and scope of development proposed by the petitioners. Current PDP (Planned Development Park) has 4 approved uses; requested changes would expand permitted uses by nearly 5 fold, remove currently approved uses of Research & Development and Manufacturing and thereby render Par Technology's manufacturing operations a non-conforming, albeit a grandfathered use. Further, it would foreclose any expansion of manufacturing by the company at this location. Permitted uses in the PDMU (Planned Development Mixed Use) would be similar to "The Orchards" retail development on Clinton Street and Middle Settlement Road. Coupled with last year's rezoning of the Jay-K and Sloan properties, this proposed amendment would significantly lessen the availability of land for manufacturing in contravention of the town's Comprehensive Plan and 2007 Update. See - Schedule of Use, Area and Bulk Regulations, Town of New Hartford Code.

Petitioners request 216 acres rezone from (PDP) Planned Development Park to (PDMU) Planned Development Mixed Use and 30 acres from PDP to 30 (PHB) Planned Highway Business. Total acres: 246.

(2) Whether adequate public services and other support facilities exist or can be created to serve the needs of any additional development that may occur as a result of such change. Member Donovan: We have no way of knowing based on the record presented thus far. More than \$3m in Taxpayer financed infrastructure in the PDP was designed for Business Park. Retail development would be a permitted use under the requested zone changes. Retail would increase traffic beyond the volumes that could be anticipated under existing zoning and add to public safety costs. During the Aldi's grocery store site plan review, the state Department of Transportation stated there are no funds to reconstruct the Jay-K Intersection. Section 118-87 directs the Planning Board (PB) to make inquiries pertaining to such requests and provides the Board 45 days to make its recommendations. This petition is being presented on the very last day allowing no time to responsibly assess these criteria. Based on the information we currently have, anecdotal and otherwise, it is impossible to make a reasoned judgment.

(3) The indirect implications of such change in its effect on other regulations. Member Donovan: Unknown given the record at this time. No report on this criteria has been provided by staff. A zone change of 250 acres with nearly 20 more permitted uses would likely have implications on state or local regulatory requirements. Can anyone say with certainty that other regulations will not be affected? What are the implications on the Planning Board's previous approved 29 acres, phase 1, of the business park in addition to removal of existing uses and design standards? (Planning Board minutes March 27, 2006 and September 11, 2006)

The last time the PB made a zone map amendment recommendation it involved 24 acres and one site plan. (Aldi's, Planning Board minutes January 10, 2011) The changes before us involve 10 times the number of acres and potentially 20 or more permitted uses including: retail, campgrounds, grocery,

theater, nursing home, greenhouse, bowling alley, restaurant, congregate residence, convenience store and gas stations, to name a few.

Two previous zone map amendments seeking to permit a convenience store and gas station in the PHB district were denied by the Planning Board and the Town Board. (Planning Board minutes, August 20, 2007, page 7, Planning Board minutes January 14, 2008, page 8). Is a gas station a desirable use in the subject PDMU given its proximity to the proposed expansion of the PHB zone?

(4) Whether such proposed amendment is consistent with the underlying objectives of the Town Comprehensive Plan. Member Donovan: The petitions state that the request would bring the town into compliance with the recommendations of the Comprehensive Plan Update and "achieve the economic development goals of the Town, the County and the State." One of the economic development goals of the town is a business park. That has not changed and if it were it to change, one would think the impetus would come from a comprehensive plan review initiated by town government not a zone map amendment advanced by private interests.

Moreover, the petitioners have cherry picked one of a myriad of recommendations contained in the Update and taken it out of context. (Pages 40 & 81) This is not a single site plan or expanded use of an existing building. These amendments involve nearly 250 acres with the potential for more than a score of site plans, including big box retail which is now restricted to the RB 1 District. PHB is intended for smaller scale development as envisioned in the 1995 Comprehensive Plan and evidenced by existing businesses on along Seneca Turnpike.

JAN
The language in the Comprehensive Plan Update states, "The town could benefit from reducing the number of zones AND establishing design controls to foster a continuity of development." The petition makes no mention of design controls. In fact the PDMU petition would eliminate design standards now governing PDP development contrary to the Plan's recommendation. Further the Plan Update states, "Zoning changes should be consistent with the Town's Plan and minimize potential land use conflicts." Eliminating the PDP is not consistent with the town's land use plan. At no time during the 2007 Update process was elimination or reduction of the business park zoning raised as an issue. In fact, Page 66 explicitly references the Business Park and efforts to finalize plans for over 500,000 sq. ft. of building space.

Moreover, the Update recommended, "At a Minimum the revision of the town's zoning should address specific issues that arose during the Comprehensive Plan Update process." As noted, at no time during the Update process was re-zoning of the PDP an issue or topic of discussion. In fact, at the time, the business park was under active development between the town, the developer and the state Department of Transportation.

These 2007 Update recommendations were adopted by the town board in April 2007, yet it has been nearly 5 years and no action has been taken to implement the recommendations to comprehensively update the town zoning code despite the availability of resources to do so. This would entail a GEIS, not piecemeal rezoning when a developer or property owner has difficulty marketing property based on its permitted use. This approach constitutes sound land use planning and is supported by case law and the 2007 Comprehensive Plan Update, a legally binding document.

don't add in

In *Thomas vs. Town of Bedford*, the New York Court of Appeals upheld a rezoning from residential to research-office use, finding that it had been enacted after careful study and consultation with experts and after extensive public hearings. In another decision, *Udell vs. Haas*, the Court of Appeals stated that "one of the key factors" to be used by the courts in determining whether zoning is "in accordance with a comprehensive plan is: whether forethought has been given to the community's land use issues." Source: *Zoning and the Comprehensive Plan - James A. Coons Local Government Technical Series, NYS Dept. of State*

Simply sending the application out to the county DPW, County Planning and DOT hardly constitutes a "careful study and consultation with experts and extensive public hearings."

The town budget contains \$75,000 to carry out the consolidation of development districts recommended in the 2007 Update. The changes sought by the petitioners should be considered through a comprehensive analysis not a truncated SEQRA review led by the town board.

These petitions, if approved, would eliminate the PDP zone which was affirmed in the 2007 Update and again when the Town Board returned site plan review for Business Park development to the Planning Board in 2009. In both instances, the intent was to carry out the vision established more than a decade ago - to develop a business park with restricted uses and design standards to attract high paying jobs and lessen the town's reliance on the retail tax base. Expansion of retail will not generate significant new sales tax revenues for the town. Over the past decade the population of Oneida County has declined and the population of New Hartford today is lower than 1990. Neither population is projected to grow over the next two decades. (Comprehensive Plan Update, Page 49; Southern Area GEIS, page 224, Oneida County Department of Finance sales tax trend 2000-2011)

The town's land use policy has not changed, nor should that policy be changed by way of a zone map amendment on either the hope for additional sale tax revenues or the economic self-interests of current property owners.

Since adoption of the current Zoning Code in 1999, 10 Zone map amendments and 13 Zone text amendments have been enacted and more petitions are on the way. At what point is the Zoning Map not worth the paper it is printed on? As noted, the most recent was a year ago, within a ¼ of a mile of the business park at the Jay-K Intersection where DOT acknowledges Service Level of Intersection will be diminished. It is reasonable to believe the petitioner's request will only further degrade LOS given the expanded types of permitted uses that would be allowed.

Will we fulfill the requirements of the Comprehensive Plan Update by a constant stream of piecemeal zone map amendments or use the tools intended to comprehensively and systematically address the number and type of zone in the best interest of the public? How many zone map amendments will it take to render the Comprehensive Plan and zoning map irrelevant?

(5) Whether such proposed amendment is consistent with the character of the community.
Member Donovan: The vision for the character of this section of the town has been to permit development consistent with comprehensive zoning changes made more than a decade ago which included zoning for a business park. This was done after public input and exhaustive studies costing taxpayers nearly \$1M. (Rezoning and Seneca Turnpike GEIS) The petitions before us would effectively alter the character of this section of the town with little more than a SEQRA review by the town board, rather than the study such a change demands.

While an extension of the PHB along Seneca Turnpike might be viewed as compatible with existing uses, the petitioner's map shows a carve out that could accommodate a substantial retail operation which has been rumored to be a BJ's Warehouse store or further subdivide that land for higher density use. As previously noted a box store of this magnitude is inconsistent with the permitted uses intended in the 1995 Comprehensive Plan and reaffirmed in the 2007 Update for the PHB district. No such operations exist today because they are not permitted as they would not conform to the character of the smaller business operations located along Seneca Turnpike.

The 2007 Comprehensive Plan Update Survey asked town residents if they agreed or disagreed with the following: "More large scale retail centers are needed in the town." 70% of those responding disagreed or strongly disagreed. Page 163 (35% response rate)

B. The Planning Board shall submit its report within 45 days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to be a recommendation of approval of the proposed amendment.

Member Donovan: Had these petitions not been presented to the Board on the date of the deadline prescribed in local law, I would have requested of the town board authority to contract for a planning consultant to advise us further before we make a recommendation based on the criteria in the town code. We are mandated to make a "report" and "recommendations", not simply a yea or nay vote yet, due to the timing that all that's left.

Updated 1

Jerome Donovan, Member Planning Board, March 12, 2012

Lawrence R. Adler
New Hartford Office Group LLC
6007 Fair Lakes Road, Suite 100
East Syracuse, NY 13057

March 9, 2012

Patrick M. Tyksinski, Town Supervisor
Town of New Hartford
48 Genesee Street
New Hartford, NY 13413

Re: Zone Map Amendments – Agency Comments

Dear Pat,

The following is offered in response to the comments received by the various agencies:

Oneida County Health Department- letter dated 2/8/12

- Comment: The MVWA is responsible for providing water.

Response: Noted. The Business Park has the necessary infrastructure (potable water distribution system) in place to serve future users of water in the Park.

- Comment: The Town of New Hartford is responsible for waste water and sewer.

Response: Noted. The Business Park has the necessary infrastructure in place to collect any wastewater produced by future users of the Park.

Mohawk Valley Water Authority (MVWA), letter dated 2/9/2012:

- Comment: MVWA Provided Fire Flow Test Data

Response: Noted.

- Comment: MVWA requires full water main frontage of a tax parcel to qualify for water.

Response: Noted.

- Comment: Individual lots will be reviewed for compliance prior to water services being extended.

Response: Noted. This is the procedure that projects in the Park have followed to date.

- Comment: Question- is the 60' ROW connecting Woods Road to Road C a Town Road?

Response: The connection between Woods Highway and Woods Park Drive (Road C) is a Town dedicated road.

Oneida County Soil & Water Conservation Department, letter 2/13/12:

- Comment: Soil survey indicates approximately 20% of the site is moderately well drained, while 80% is poorly drained. The SEQRA form indicates it is evenly divided between moderately well drained and poorly well drained

Response: Soils input is noted. The actual soil characteristics will be confirmed with soil borings and testing.

- Comment: The SEQRA Form indicates there aren't any soils in groups 1-4 of the NYS Land Classification System. The soil survey shows that aurora (class 4) and lima (class 3) exist.

Response: Noted.

- Comment: The depth of the water table is described as 3-8 feet deep. Soils on site typically have a depth of water table of 0.5-2 feet.

Response: Noted. The described amount was based on site specific information and past experience in these land areas.

- Comment: Storm water management/flooding needs to be planned for and reviewed prior to construction. A Storm water Pollution Prevention Plan (SWPPP) is required for disturbances of greater than 1 acre.

Response: Noted. The development of the Park has proceeded with a SWPPP for activity to date. The storm water system meets or will meet all NYSDEC requirements for the on-site management and treatment of storm water. The requirements of NYS General SPDES permit for discharges associated with construction and development will be adhered to. These requirements, as well as those implemented by the Town as MS4, ensure that both during and after construction, storm water is managed and treated on site. All development phases will include a complete storm water management plan and SWPPP for review by the Town as MS4. The storm water system will meet all NYS DEC requirements for on site management and treatment of storm water.

New Hartford Police Department- letter dated 2/13/12:

PDP-> PHB

- Comment: Change in zoning will have no impact on police services

Response: Noted.

PDP- PDMU

- Comment: Change in zoning will have no impact on police services

Response: Noted.

NYS Department of Environmental Conservation, letter dated 2/16/12:

- Comment: The Office of Parks, Recreation, and Historical Preservation of Cultural Resources (OPRHP) maps should be reviewed for any project classified as Major under Uniform Procedures Regulations.

Response: Noted.

- Comment: Compliance with SPDES General Permit required for construction activity.

Response: Noted. All development phases will include a complete storm water management plan and SWPPP for review by Town as MS4. The storm water system meets or will meet all NYSDEC requirements for the on-site management and treatment of storm water.

New Hartford Fire Department, letter dated 2/22/12:

- Comments: Rezoning will have no impact on the Fire Department response.

Response: Noted.

Oneida County Department of Public Works, letter dated 2/28/12:

PDP-> PHD

- Comment: If traffic generation will increase a revised traffic study should be performed.

Response: Noted. See attached updated traffic letter from GTS Consulting, Dated 2/24/12. As specific new development is identified trip generation estimates should be prepared to ensure that the overall development falls within original assumptions. Based on the modeled level of development/trip generation rates we do not anticipate that these numbers will be exceeded.

- Comment: Access or construction within the Right-of-Way of a Country Highway requires a permit.

Response: Noted. All work within the Park is carefully coordinated with the agencies that control the surrounding roadways.

PDP-> PDMU

- Comment: If traffic generation will increase a revised traffic study should be performed.

Response: Noted. See attached updated traffic letter from GTS Consulting, Dated 2/24/12. As specific new development is identified trip generation estimates should be prepared to ensure that the overall development falls within original assumptions. Based on the modeled level of development/trip generation rates we do not anticipate that these numbers will be exceeded.

- Comment: Access or construction within the Right-of-Way of a Country Highway requires a permit.

Response: Noted. All work within the Park is carefully coordinated with the agencies that control the surrounding roadways.

Oneida County Department of Planning – 239-m, Recommendation dated 3/6/12

PDP-> PHB
Recommendation- APPROVAL

- Comment: Revised traffic study could be necessary if traffic generation is expected to increase due to the zoning change.

Response: See attached updated traffic letter from GTS Consulting, Dated 2/24/12. As specific new development is identified trip generation estimates should be prepared to ensure that the overall development falls within original assumptions. Based on the modeled level of development/trip generation rates we do anticipate that these numbers will be exceeded.

PDP-> PDMU
Recommendation- Approval

- Comment: Revised traffic study could be necessary if traffic generation is expected to increase due to the zoning change.

Response: See attached updated traffic letter from GTS Consulting, Dated 2/24/12. As specific new development is identified trip generation estimates should be prepared to ensure that the overall development falls within original assumptions. Based on the modeled level of development/trip generation rates we do not anticipate that these numbers will be exceeded.

NYS Department of Transportation, letter dated 3/9/12

- Comment: If future proposed development is expected to exceed the original trip generation estimates, a new traffic impact study and storm water management plan will be required.

Response: Noted. See attached updated traffic letter from GTS Consulting, Dated 2/24/12. As specific new development is identified trip generation estimates should be prepared to ensure that the overall development falls within original assumptions. Based on the modeled level of development/trip generation rates we do not anticipate that these numbers will be exceeded.

- Comment: If future development requires mitigation of the transportation or highway drainage system, the developer will be responsible for such work.

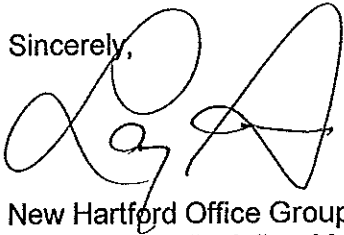
Response: Noted. Currently, all roadway infrastructure is complete and in place and, therefore, mitigation of the transportation or highway drainage system is not anticipated.

- Comment: Future projects should be consistent with the SWPPP prepared for the New Hartford Business Park.

Response: Noted. Future projects will be consistent with the SWPPP prepared. The SWPPP will be modified and adjusted in accordance with all future development and will meet NYSDEC requirements for the on-site management and treatment of storm water.

Please do not hesitate to contact me at (315) 794-3000 with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Adler', written in a cursive style.

New Hartford Office Group LLC
By: Lawrence R. Adler, Member



TOWN *of* NEW HARTFORD

CHAIRMAN
Elis J. DeLia

VICE CHAIRMAN

SECRETARY
Dolores Shaw

COUNTY *of* ONEIDA

PLANNING BOARD

111 NEW HARTFORD STREET, NEW HARTFORD, NEW YORK 13413
OFFICE: (315) 724-4300 ext 2
FAX: (315) 724-4323

Board Members

Jerome Donovan
Julius V. Fuks, Jr.
G. Brymer Humphreys
Heather Mowat
Ellen S. Rayhill
Peggy Rotton

March 7, 2012

To: Planning Board Members

From: Dory Shaw, Secretary *DS*

Re: SEQR Responses from Town Clerk's Office
Zone Text Amendments – Mr. Larry Adler

Enclosed are some SEQR responses to date that were forwarded to me on the captioned in the event you would like to review.

Please note that there two (2) responses each from the Police Department and OC DPW (1 for the PHB zone and 1 for PDMU zone). *& O.C. Perry.*

DbS
Enc.

Oneida County Department of Public Works

ANTHONY J. PICENTE JR.
County Executive

DENNIS S. DAVIS
Commissioner

6000 Airport Road
Oriskany, New York 13424
Phone: (315) 793-6235
Fax: (315) 768-6299

DIVISIONS:
Buildings & Grounds
Engineering
Highways, Bridges & Structures
Reforestation

February 28, 2012

Gail Wolanin Young

Town Clerk

Town Clerk's Office
48 Genesee Street
New Hartford, NY 13413

Re: SEQR
Zone Map Amendment
Various parcels fronting Seneca Turnpike, near Woods Highway
Planned Development Park (PDP) to Planned Highway Business (PHB)
Applicant: Larry Adler for New Hartford Office Group, LLC
Seneca Turnpike/Woods Road (town), Town of New Hartford

Dear Ms. Wolanin Young:

The Oneida County Department of Public Works has received the Petition and related documents for the above mentioned review in accordance with the State Environmental Quality Review Act (SEQRA) regulations. As an interested agency, we offer the following comments:

- This department has no objection to the New Hartford Town Board assuming Lead Agency status.
- This department is questioning if the proposed zoning changes will result in traffic generation greater than what was originally anticipated within the traffic study for the Business Park, assuming the study is still applicable. With the Clinton Street Extension installed without mitigation, this department is concerned with further impact to the Middle Settlement Road (C.R. 30)/Clinton Street (C.R. 21) intersection and the Middle Settlement Road (C.R. 30) & Clinton Street (C.R. 21) corridors. If the traffic generation is expected to increase due to the zoning changes, this department is requesting that a revised traffic study be performed that incorporates the new conditions.
- Section 136 of the NYS Highway Law requires a permit to be obtained for any access, construction, or reconstruction within the right-of-way of a County highway. Any above recommendation given by this department will be a required action for any permit approval. The permits are obtained through our Division of Highways & Bridges.

MAR - 2 2012

9:10 AM
SLB

DEPARTMENT OF PUBLIC WORKS
TOWN CLERK

Gail Wolanin Young
February 28, 2012
Page Two

Questions regarding this review should be directed to James Bartkowiak of our office at 793-6220.

Sincerely,

Mark E. Laramie, PE
Deputy Commissioner
Division of Engineering

By, *James D. Bartkowiak*

James D. Bartkowiak
Associate Engineer

MEL/jdb

cc: Ken Andela, NYSDOT
O.C. Planning Dept.
239f file
Rte 840 Break in Access SEQR file
Highways & Bridges
Commissioner RF

Oneida County Department of Public Works

ANTHONY J. PICENTE JR.
County Executive

DENNIS S. DAVIS
Commissioner

6000 Airport Road
Oriskany, New York 13424
Phone: (315) 793-6235
Fax: (315) 768-6299

DIVISIONS:
Buildings & Grounds
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Reforestation

February 28, 2012

Gail Wolanin Young
Town Clerk

Town Clerk's Office
48 Genesee Street
New Hartford, NY 13413

Re: SEQR
Zone Map Amendment
Various parcels fronting or near Woods Highway
Planned Development Park (PDP) to Planned Development Mixed Use (PDMU)
Applicant: Larry Adler for New Hartford Office Group, LLC
Seneca Turnpike/Woods Highway (town)/Ariana Lane (town)/Briana Road
(town)/Hartford Park Drive (town)/Woods Park Drive (town), Town of New Hartford

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MAR - 2 2012

EMERSON BLAIR (TOWN CLERK)
TOWN CLERK

9:10 AM
SUB

Gail Wolanin Young
February 28, 2012
Page Two

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Sincerely,

Mark E. Laramie, PE
Deputy Commissioner
Division of Engineering

By, *James D. Bartkowiak*

James D. Bartkowiak
Associate Engineer

MEL/jdb

cc: Ken Andela, NYSDOT
O.C. Planning Dept.
239f file
Rte 840 Break in Access SEQR file
Highways & Bridges
Commissioner RF



NEW HARTFORD POLICE DEPARTMENT

32 Kellogg Road
New Hartford, NY 13413

Phone (315) 724-7111 Fax (315) 724-8618
www.tonhpolice.com

Michael S. Inserra
Chief of Police

February 13, 2012

Mrs. Gail Wolanin Young
48 Genesee Street
New Hartford, New York 13413

Re: State Environmental Quality Review Act (SEQRA)
New Hartford Office Group, LLC et al, for Zoning Amendment

Dear Mrs. Wolanin Young:

The purpose of this correspondence is to comment, pursuant to the State Environmental Quality Review Act (SEQRA) on the above referenced project before the New Hartford Town Board. My comments will be limited to the projects potential impact on the delivery of police services to the area.

The New Hartford Office Group, LLC (Lawrence Adler) et al, are petitioning the New Hartford Town Board to rezone its property from Planned Development Park (PDP) to Planned Development Mixed Use (PDMU). This property consists of 216 acres fronting Seneca Turnpike, near Woods Highway.

Simply changing the classification from PDP to PDMU will not have any effect on our ability to deliver police services to the area. However, any further development of the stated property will have to be addressed to determine what effect it will have on said police services.

In conclusion, a change in classification of the property identified above and located on Seneca Turnpike near Woods Highway will have no impact on police services. Should you have any questions, please do not hesitate to contact me. Thank you.

Sincerely,

Michael S. Inserra
Chief of Police

MSI/smd

RECEIVED
11:45 AM
FEB 16 2012
NEW HARTFORD POLICE DEPARTMENT

Mission Statement

"Our mission is to promote a sense of safety and quality of life in New Hartford by providing police services with integrity and commitment to excellence in partnership with our community. We view the people who live in and visit New Hartford as our customers who deserve our concern, care and attention."



NEW HARTFORD POLICE DEPARTMENT

32 Kellogg Road
New Hartford, NY 13413

Phone (315) 724-7111 Fax (315) 724-8618
www.tonhpolice.com

Michael S. Inserra
Chief of Police

February 13, 2012

Mrs. Gail Wolanin Young
48 Genesee Street
New Hartford, New York 13413

Re: State Environmental Quality Review Act (SEQRA)
New Hartford Office Group, LLC et al, for Zoning Amendment

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The New Hartford Office Group, LLC (Lawrence Adler) et al, are petitioning the New Hartford Town Board to rezone its property from Planned Development Park (PDP) to Planned Highway Business (PHB). This property consists of 30.5 acres fronting Seneca Turnpike, near Woods Highway.

Simply changing the classification from PDP to PHB will not have any effect on our ability to deliver police services to the area. However, any further development of the stated property will have to be addressed to determine what effect it will have on said police services.

In conclusion, a change in classification of the property identified above and located on Seneca Turnpike near Woods Highway will have no impact on police services. Should you have any questions, please do not hesitate to contact me. Thank you.

Sincerely,

Michael S. Inserra
Chief of Police

MSI/smd

RECEIVED
11:46 AM
FEB 16 2012
TOWN CLERK

Mission Statement

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ONEIDA COUNTY HEALTH DEPARTMENT

Adirondack Bank Building, 5th Floor, 185 Genesee St., Utica, NY 13501

ANTHONY J. PICENTE, JR.
ONEIDA COUNTY EXECUTIVE

GAYLE D. JONES, PHD, MPH, CHES
DIRECTOR OF HEALTH

ENVIRONMENTAL HEALTH DIVISION

Phone: (315) 798-5064 • Fax: (315) 798-6486

February 8, 2012

Gail Wolanin Young, Town Clerk
Town of New Hartford
48 Genesee Street
New Hartford, NY 13413

RE: Zone Map Amendment
Various Parcels Fronting Seneca Turnpike near Woods Highway
PDP to PHB, &
PDP to PDMU

Dear Ms. Wolanin:


The Oneida County Health Department endorses the New Hartford Town Board assuming the role of Lead Agency on this SEQR.

Health Department comments:

- The Mohawk Valley Water Authority is the party responsible for providing water.
- The Town of New Hartford is the party responsible for waste water and sewer.

Please do not hesitate to contact me if you desire additional information.

Sincerely,


Daniel W. Gilmore, Ph.D.
Environmental Health Director

c: file

RECEIVED
9:45 AM
FEB 13 2012
LLK
HEALTH DEPT

ONEIDA COUNTY SOIL AND WATER CONSERVATION DISTRICT
 121 SECOND STREET, ROOM E
 ORISKANY, NY 13424
 PHONE: (315) 736-3334
 FAX: (315) 736-3335

TO: Town Clerk of New Hartford, Gail Wolanin Young
 FROM: Jo-Anne Humphreys, SWCD
 RE: Zone Map Amendment for Various parcels near Woods Highway

DATE: February 13, 2012

Hello,

I received the request to review the Zone Map Amendment for the aforementioned project. I reviewed the Soil Maps from the Oneida County Soil Survey as well as the SEQR form information. There were a few inconsistencies between the Soil Survey data and the SEQR information recorded in Part A. Specifically:

- a) The Soil Drainage is described on the SEQR form as evenly divided between moderately well drained and poorly drained. This response is somewhat misleading as the soil survey indicates that actually only 20% of the site is moderately well drained while 80% of the site is poorly drained.
- b) On question 3, part b, the response indicates that there aren't any soils in groups 1-4 of the NYS Land Classification System, however both Aurora (565B) and Lima (126B) are on the list. Aurora is a 4 and Lima is a 3.
- c) On question #8, the depth of the water table is described as 3-8 feet deep. However, this is inaccurate. Kendaia soil which comprises much of the site has a depth to water table of 0.5 feet to 1.5 feet deep. Aurora has a depth to water table between 1.5 and 2 feet. Lima has a depth to water table of 1.5 - 2 feet deep.

My concern with the inaccuracies listed on the Site Description of the SEQR form is that they give the impression that the site is drier than it actually is, especially during traditionally wet times of year (ie, March to May). This could lead to unwise development and long term stormwater management/flooding problems for the Town of New Hartford and its residents.

In addition, it is worth noting that the potential conversion of 75 acres (approximately 30% of the proposed site) of woods to potentially paved/impervious surfaces will almost certainly have an impact on flooding in the Oriskany and Sauquoit Creek watersheds.

Therefore, from the standpoint of conservation, it is my opinion that this proposed zoning change be carefully reviewed before permitting future development at these sites. Furthermore, please communicate to the applicant that if a soil disturbance of at least one acre is planned on a site, the site operator is responsible for developing a Stormwater Pollution Prevention Plan (SWPPP) for the site. In addition, this SWPPP must be reviewed by the MS4 (Town of New Hartford) prior to the onset of construction.

Please feel free to contact our office with any questions. We can be reached at 736-3334.

Sincerely,


 Jo-Anne M. Humphreys



NEW HARTFORD FIRE DEPARTMENT

P.O. Box 328, 4 Oxford Road
New Hartford, New York 13413-0328

Thomas A. Bolanowski
Chief

February 22, 2012

Mrs. Gail Wolanin Young
Town of New Hartford Clerk
48 Genesee Street
New Hartford, NY 13413

RE: Zone Map Amendment
Various Parcels fronting Seneca Turnpike near Woods Highway

Dear Mrs. Wolanin Young:

This correspondence is in regards to the request to amend the Town Zoning map as relates various parcels fronting Seneca Turnpike, near woods highway, and changing from Planned Developmental Park to Planned Highway Business.

To determine if there would be an impact on the Fire Department, writer used similar existing areas in the Town for a comparison. It was determined after a review of the FD Records Management System that there were not an above average number of calls for service at these sites. It is reliably assumed that there will not be a major increase in calls of service at this area should it be simply rezoned at this time. Therefore the Fire Department has no concerns as it relates to this requested change.

Please note, while this rezoning may not impact an immediate need for increased Fire Department responses; future continued development in this area of the town will have a cumulative effect on increasing our frequency of responses and delivery of emergency services.

Sincerely,

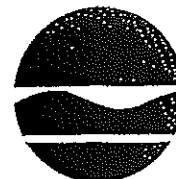
RECEIVED

FEB 28 2012

POSTAL SERVICE
FEB 28 2012

9:30 AM
cat

New York State Department of Environmental Conservation
Division of Environmental Permits, Region 6
207 Genesee Street, Utica, New York 13501-2885
Phone: (315) 793-2554 • FAX: (315) 793-2748
Website: www.dec.state.ny.us



Joe Martens
Commissioner

February 16, 2012

Ms. Gail Wolanin Young, Town Clerk
Town of New Hartford
48 Genesee St
New Hartford NY 13413

RE: 239 Review Project Name: Seneca Turnpike Zone Amendment – 250 acres
Town of New Hartford, Oneida County

Dear Ms. Young:

The Department of Environmental Conservation (DEC) has received the above referenced submittal dated February 6, 2012. The DEC has no objections to the Town of New Hartford being Lead Agency for this project. For any future development plans, the DEC offers the following checklist of items to be considered:

Archeological and Cultural Impacts:

- The office of Parks, Recreation and Historical Preservation Cultural Resources (OPRHP) maps should be reviewed for any project that will be classified as Major under Uniform Procedures Regulations 6 NYCRR Part 621. Before any project within a mapped archeological or historic site may be called complete, consultation with OPRHP must take place.

SPDES General Permit for Construction Activity (GP-0-10-001)

- If you anticipate disturbing one or more acres, but less than five acres, you are required to file for coverage under New York State's General Stormwater permit – GP-0-10-001.
- If you anticipate disturbing five or more acres of soil, you will need written authorization from the Regional Water Engineer.

If you wish further assistance in this matter, please call me, at (315) 793-2740

Sincerely,

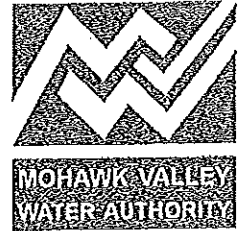
Rosa Howard
Environmental Analyst 1
Region 6 - utica

Cc: Richard Coriale
OPRHP

RECEIVED
FEB 17 2012
TOWN CLERK

10AM
SUB

Mohawk Valley Water Authority
One Kennedy Plaza
Utica, NY 13502
Telephone (315) 792-0301
Fax (315) 792-4722
www.mvwa.us



February 9, 2012

Gail Wolanin Young
Town Clerk
Town of New Hartford
48 Genesee Street
New Hartford, NY 13413

RE: Zone Map Amendments – Various Parcels Fronting Seneca Turnpike near Woods Highway

Dear Ms. Young:

The following is our review regarding the above referenced submission dated February 6, 2012:

1. We support the Town of New Hartford as lead agency.
2. See the attached fire flow test for the most recent information of available water to this area. Note this was conducted after the new Clinton Street extension water main was turned on.
3. The Mohawk Valley Water Authority (MVWA) requires full water main frontage of a tax parcel to qualify for water. Therefore, the following parcels on the 216 acre map would require water main extension to qualify for water: # 1, 8, 21, 32.1, 32.2, and 32.3.
4. All individual Lots will be reviewed for compliance prior to any water services being extended into the parcels once specific water needs are determined for the customer.
5. Is the 60' right-of-way (ROW) connecting from Woods Road to Road "C" still a ROW or a Town road? If a ROW the MVWA needs a Utility Easement to maintain the existing water main located in this area.

Should you have any questions and/or concerns regarding the above, please contact me at (315) 792-0326 or via email at djones@mvwa.us.

Sincerely,

A handwritten signature in black ink that reads 'David R. Jones'.

David R. Jones
Senior Engineer
DRJ/jam

cc: Richard D. Goodney, P.E., MVWA Director of Engineering

Enclosure: Fire Flow Test

RECEIVED
FEB 13 2012
9:45 AM
WKJ

FIRE FLOW DATA

Mohawk Valley Water Authority
 1 Kennedy Plaza, Utica, New York 13502

CITY/TO New Hartford
 COUNTY Oneida

| Test No. | Location | Pressure (psi) | | | Orifice in. | Flow (gpm) | Flow @ 20 psi | Notes |
|----------|---|----------------|----------------|------------|----------------|---------------|------------------|-------|
| | | Static Ps | Residual Pt | Pitot P | | | | |
| 1 | | 0 | 0 | | | | | |
| | | | | 0 | 4 | 0 | #DIV/0! | |
| 2 | First Hydrant west of Hotel | 62 | 50 | | | | | |
| | Second Hydrant west of hotel | | | 16.2 | 2.5 | 675 | 1,327 | |
| | Hydrant located at southeast corner of Hotel entrance | | | 37.7 | 2.5 | 1,029 | 2,024 | |
| | | | | | | 1,704 | 3,352 | |
| | | | | | | | 12/6/2011 | |
| 3 | | | | | | | | |
| | | | | | 2.5 | 0 | #DIV/0! | |
| 4 | | | | | | | | |
| | | | | | 2.5 | 0 | #DIV/0! | |
| 5 | | 0 | 0 | | | | | |
| | | | | 0 | 2.5 | 0 | #DIV/0! | |
| | | | | 0 | 2.5 | 0 | #DIV/0! | |
| | | | | | | 0 | #DIV/0! | |
| 6 | | 0 | 0 | | | | | |
| | | | | 0 | 2.5 | 0 | #DIV/0! | |

Submitted By: Steven T. Scalise Sr. Utility Person

RECEIVED
 6:45 AM
 FEB 13 2012
 [Signature]

MAR 07 2012

ANTHONY J. PICENTE, Jr., County Executive
JOHN R. KENT, Jr., Commissioner

(315) 798-5710
FAX (315) 798-5852
Planning@ocgov.net



Oneida County Department of Planning
Boehlert Center at Union Station, 321 Main Street, Utica, NY 13501

GENERAL MUNICIPAL LAW, SECTIONS 239-l, -m, or -n
NOTICE OF COUNTY RECOMMENDATION

Oneida County Referral Number: OC 239-12-012
Local Project Identification Number (if applicable): LLI #A - 2012
Applicant: Larry Adler Location: Seneca Turnpike, New Hartford (T)
Subject Action: Zoning Map Amendment: Rezone 30.5 acres from Planned Development Park (PDP) to Planned Highway Business (PHB).

RECOMMENDATION:

- Approval (see attached for comments)
- Disapproval
- Recommended Modifications

Date: March 6, 2012
John R. Kent, Jr.
John R. Kent, Jr.
Commissioner of Planning

NOTE: Section 239-m of the General Municipal Law of the State of New York requires that the municipal body having jurisdiction over this matter shall not act contrary to any disapproval or recommended modification contained herein, except by a vote of a majority plus one of the total voting power of the municipal body and only after the adoption of a resolution fully setting forth the reasons for such contrary action; and,

Section 239-m further requires that the municipal agency having jurisdiction on this matter, shall, within thirty (30) days after its final action, file with this Department, a report describing the final action.

This recommendation only addresses those significant County-wide or intermunicipal impacts that have been identified. There may be significant local impacts or controversy. This statement does not address the proposed action's compliance with all applicable local regulations; or with any other county, state, or federal requirements, including the provisions of the New York State Environmental Quality Review Act (SEQRA).

OC239-12-012

March 6, 2012

COMMENTS:

The proposed zoning map amendment may result in traffic generation greater than what was originally anticipated within the traffic study initially completed for the Business Park. As the town is aware there are a wide range of commercial uses that would be allowed in the Planned Highway Business District (PHB), many of which could be significant traffic generators. Therefore a revised traffic study could be necessary if the traffic generation is expected to increase due to the zoning changes.

ANTHONY J. PICENTE, Jr., County Executive
JOHN R. KENT, Jr., Commissioner



MAR 07 2012

(315) 798-5710
FAX (315) 798-5852
Planning@ocgov.net

Oneida County Department of Planning
Boehlert Center at Union Station, 321 Main Street, Utica, NY 13501

GENERAL MUNICIPAL LAW, SECTIONS 239-l, -m, or -n
NOTICE OF COUNTY RECOMMENDATION

Oneida County Referral Number: OC 239-12-013
Local Project Identification Number (if applicable): LLI #B - 2012
Applicant: Larry Adler Location: Woods Highway, New Hartford (T)
Subject Action: Zoning Map Amendment: Rezone 216 acres from Planned Development Park (PDP) to Planned Development Mixed Use (PDMU).

RECOMMENDATION:

- Approval (see attached for comments)
- Disapproval
- Recommended Modifications

Date: March 6, 2012

John R. Kent, Jr.
John R. Kent, Jr.
Commissioner of Planning

NOTE:

Section 239-m of the General Municipal Law of the State of New York requires that the municipal body having jurisdiction over this matter shall not act contrary to any disapproval or recommended modification contained herein, except by a vote of a majority plus one of the total voting power of the municipal body and only after the adoption of a resolution fully setting forth the reasons for such contrary action; and,

Section 239-m further requires that the municipal agency having jurisdiction on this matter, shall, within thirty (30) days after its final action, file with this Department, a report describing the final action.

This recommendation only addresses those significant County-wide or intermunicipal impacts that have been identified. There may be significant local impacts or controversy. This statement does not address the proposed action's compliance with all applicable local regulations; or with any other county, state, or federal requirements, including the provisions of the New York State Environmental Quality Review Act (SEQRA).



OC239-12-013
March 6, 2012

COMMENTS:

This department has received a copy of the comments the Oneida County Department of Public Works has issued on the proposed zoning map amendment. In their comments the DPW notes that the proposed zoning map amendment may result in traffic generation greater than what was originally anticipated within the traffic study initially completed for the Business Park. They indicate they are particularly concerned with further impact to the Middle Settlement Road/Clinton Street intersection and the Middle Settlement Road and Clinton Street corridors. We share this concern since there are a wide range of commercial uses that would be allowed in the Planned Development Mixed Use District (PDMU), many of which could be significant traffic generators. We further agree with their statement that a revised traffic study would be necessary "if the traffic generation is expected to increase due to the zoning changes".



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
REGION TWO
207 GENESEE STREET
UTICA, NEW YORK 13501
www.dot.ny.gov

MICHAEL A. SHAMMA, P.E.
REGIONAL DIRECTOR

REGIONAL PLANNING AND PROGRAM MANAGEMENT
(315)793-2450
FAX (315)793-2719

JOAN McDONALD
COMMISSIONER

March 9, 2012

Ms. Gail Wolanin Young
Town Clerk
Town Clerk's Office
48 Genesee Street
New Hartford, NY 13413

**RE: SEQR - Zone Map Amendment
Project: Various parcels fronting Seneca
Turnpike, near Woods Highway
Applicant: Larry Adler
Town of New Hartford – Oneida County**

Dear Ms. Young:

As you requested, our department has reviewed the SEQR forms and supporting materials for the proposed amendment to the Town Zoning Map for 216 acres and 30.5 acres of property located adjacent to Seneca Turnpike and Woods Highway. This letter will address both amendments.

It is our understanding that the 216 acre property is proposed to be rezoned from Planned Development Park (PDP) to Planned Development Mixed Use (PDMU) and the 30.5 acre property is proposed to be rezoned from Planned Development Park (PDP) to Planned Highway Business (PHB).

Upon review of the information provided, the New York State Department of Transportation has the following comments:

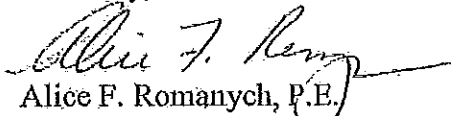
1. It is our understanding that the trip generation rates projected for the full build out as presented in the Environmental Impact Statement for the Route 840 Break-In Access Full Traffic Analysis and the Middle Settlement-Woods Highway Connector Link Study (completed by Clark Patterson and GTS Consulting) would not be exceeded as

a result of the rezoning of the subject properties. However, if future proposed development of the subject parcels is expected to exceed the original trip generation estimates, a new traffic impact study and stormwater management plan will be required. The cumulative impact of all future development should be considered as part of the town's review and approval process.

2. If it is determined that future development of the subject parcels require mitigation of the transportation or highway drainage system, that responsibility will be that of the developer and not the New York State Department of Transportation.
3. Any future projects should also be consistent with the Stormwater Pollution Prevention Plan (and any additional revisions) which was prepared by Napierala Consulting in January 2008 for the New Hartford Business Park.

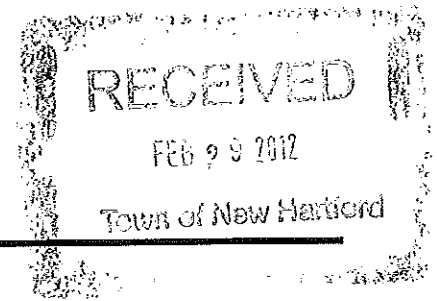
Thank you for the opportunity to comment.

Sincerely,



Alice F. Romanych, P.E.
Regional Planning and Program Manager

cc: Ken Andela, Regional Permit Coordinator
Linda Lubey, Regional Traffic Engineer
Joseph Booth, New Hartford Town Codes Department



Elis J. DeLia
Chairman of the Town of New Hartford Planning Board and Planning Board Members
Town of New Hartford
48 Genesee Street
New Hartford, New York 13413

Re: Recommendation to the Town Board by the Town Planning Board on the Petition for Rezoning to PDMU or PHB lands currently zoned PDP in the Business Park

Dear Chairman DeLia and Planning Board Members:

On behalf of eight landowners that collectively own more than 80% of the land petitioned to be rezoned i.e. in excess of 212 acres, I am writing to request that the Planning Board make a favorable recommendation on the proposed rezoning to the Town of New Hartford Town Board. We all believe that this rezoning is necessary to ensure that the property we own can be appropriately developed to achieve the economic development goals of the Town, the County and the State. Since the great recession of 2008, property owners in New York State have struggled to propose projects that will increase municipal tax revenues, make a profit and be capable of obtaining financing in a very capital scarce environment. Simply put, the requested rezoning will provide added flexibility to us as property owners while ensuring that the Planning Board retains its role as the reviewer of any proposed site plan for future development in this area. With the completion of the Route 840 on and off ramps and the completion of the Clinton Street extension, all planned infrastructure for the park has been completed. Given this, the business park is in great position to now grow and develop.

I am sure that you all remember the long history of the New Hartford Business Park and the original manner in which the proposals for development in the Park were reviewed by Town Staff, rather than the Planning Board. This led to confusion and uncertainty rather than achieving the goal of swift and appropriate approvals largely due to questions raised about the authority to have such an approval process and the very inflexible design criteria that were developed for implementation by Town Staff. The Petition for rezoning would remove the last vestiges of this Business Park zoning and would bring the properties within the Business Park into conformity with adjoining zoning districts. The Planned Highway Business District that currently occurs along Seneca Turnpike would now continue through the former Park properties that front on Seneca Turnpike. The

6007 Fair Lakes Road ♦ Suite 100 ♦ East Syracuse, New York 13057
Telephone (315) 362-8800 ♦ Fax (315) 362-8808
www.cameronllc.com

other properties would be rezoned PDMU which is consistent with the zoning for other adjoining properties that are outside the Park.

The questions set forth in the Town Zoning Law which the Planning Board reviews in making a recommendation on a request for rezoning are as follows:

1. Whether such change is consistent with the purposes embodied in this chapter as applied to the particular districts concerned.
2. Whether adequate public services and other support facilities exist or can be created to serve the needs of any additional development that may occur as a result of such change.
3. The indirect implications of such change in its effect on other regulations.
4. Whether such proposed amendment is consistent with the underlying objectives of the Town Comprehensive Plan.
5. Whether such proposed amendment is consistent with the character of the community.

See Town of New Hartford Zoning Code Section 118-87 A.

The purpose of the PHB districts is to have a more comprehensive planned review of projects that are consistent with the Highway Business location—i.e. along major commercial thoroughfares such as Seneca Turnpike. The PDMU provides for mixed commercial development with access to commercial and regional roadways where the developments are arranged more to the interior of these roadways. The idea is not to have just retail, professional office buildings or light industrial uses, such as those devoted to technologically advanced businesses, but to have a mix of these uses.

Moreover, in this area adequate public services and other support facilities, along with regional highway access, clearly exist and are sufficient for the development of projects within the PHB and PDMU districts. Specifically, water and sewer currently exist throughout the entire business park property. In addition, all roadway infrastructure is in place consistent with the recommendation in the traffic study prepared for the Town in 2007. Moreover, there has been some success in developing mixed uses in this area of the Town, including retail, restaurants, hotels and office buildings. The component missing to date has continued to be the light industrial/manufacturing/technology uses whose establishment was the primary goal of the Business Park. While we continue to try to attract these uses, it is not reasonable after years of a notable lack of success to continue with the same rather limited approach. Moreover, if these projects are willing to locate in this area the PDMU and PHB districts will still allow them. If they are not willing, then the PDMU and the PHB Districts with their greater flexibility will enable the properties to be developed with other uses subject to Site Plan review by the Planning Board.

Changing the zoning is also consistent with the Town's Comprehensive Plan. The Plan provides in Section 7.2.3 that the Town should seek to reduce the number, types and availability of Planned Developments and that the number of zones should be reduced.

6007 Fair Lakes Road ♦ Suite 100 ♦ East Syracuse, New York 13057
Telephone (315) 362-8800 ♦ Fax (315) 362-8808
www.cameronllc.com

The goal of the Plan is also to make the Zoning Code easier to use. Clearly replacing the PDP zone with PHB and PDMU as set forth in the Petition will eliminate the PDP zone in this area and will reclassify these lands PHB and PDMU next to existing properties that are already designated PHB and PDMU. While there was some justification for the rigid requirements set forth in the PDP zone when the Planning Board was not reviewing the projects proposed in that zone for the Business Park, there is no reason for this level of complexity when the Planning Board is clearly capable of undertaking site plan review just as they do for projects proposed elsewhere in the Town.

Lastly, this proposed amendment is clearly consistent with community character. The same general types of uses are allowed in the PDP and other commercial zones in the Town. By rezoning these areas PHB and PDMU development consistent with the existing uses in this area will continue to be encouraged. The increased flexibility afforded by the PHB and PDMU will merely make it more likely that the Town achieves its long desired goal of economic development in this area within a more acceptable less prolonged time frame.

The owners of all these properties look forward to working with the Planning Board on projects in the future and respectfully request that the Board make a favorable recommendation to the Town Board on their petition for rezoning.

Very truly yours,

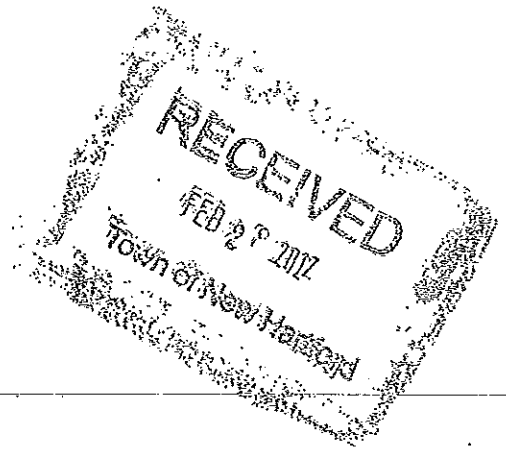


Larry Adler

Cc: Herb Cully, Esq., Town Attorney
Town Supervisor and Town Board Members

T Consulting

1396 White Bridge Road
Chittenango, NY 13037
Tel: (315) 391-5110 Fax: (315) 687-6267



February 24, 2012

The Cameron Group LLC.
6007 Fair Lakes Road
East Syracuse, NY 13057

Attn: Mr. Larry Adler

**Re: New Hartford Business Park – Proposed Re-Zoning
Town of New Hartford, NY**

Dear Mr Adler:

As we discussed, it has been proposed that the lands associated with the New Hartford Business Park be rezoned from Planned Development Park to Planned Development Mixed Use. There has been some concern from the Town that this rezoning would allow additional development and traffic beyond the original scope of the development and negatively impact traffic operations in the area.

The New Hartford Business Park development that was approved by the Town of New Hartford and NYSDOT in 2006 was assumed to include 175,000 SF of retail, a 100 room hotel, 350,000 SF of office, 200,000 SF of manufacturing and 50 single family homes. The Middle Settlement-Woods Highway Connector Link Study (completed by Clark Patterson and GTS Consulting for the Town of New Hartford) included a comprehensive review of the area as well as a full traffic analysis and 2007 traffic volume build out projection for the development. Based on the original study completed, the following trip generation estimate was developed for full build out of the site:

Trip Generation Summary – New Hartford Business Park

| | Morning Peak | | Evening Peak | | Saturday Peak | |
|--------------------------------|--------------|------------|--------------|-------------|---------------|------------|
| | Entering | Exiting | Entering | Exiting | Entering | Exiting |
| Retail – 175,000 SF | 134 | 85 | 434 | 471 | 647 | 598 |
| Office – 350,000 SF | 552 | 68 | 74 | 456 | 36 | 13 |
| Manufacturing – 200,000 SF | 105 | 32 | 51 | 92 | 28 | 28 |
| Hotel – 100 Rooms | 34 | 22 | 31 | 28 | 40 | 32 |
| Single Family Homes – 50 Units | <u>11</u> | <u>33</u> | <u>36</u> | <u>21</u> | <u>30</u> | <u>25</u> |
| Total Trips Generated | 836 | 240 | 626 | 1068 | 781 | 696 |

To date, the only development that has occurred within the business park is a 120,000 SF office building with an additional 87 room hotel expected to be completed this spring. These existing uses comprise an overall 0% of the 175,000 SF approved retail, 34% of the 350,000 SF approved office, 0% of the 200,000 SF approved manufacturing, 87% of the approved 100 room hotel and 0% of the residential units. Based on the projected trip generation summary for the approved full build of the site, the current occupancy at the park represents only 26% of the total approved trips during the morning peak hour, 18% of the total approved trips during the evening peak hour and 6% of the total approved trips during the Saturday peak hour.



Mr. Adler
February 24, 2012
Page 2 of 2

**Re: New Hartford Business Park
Town of New Hartford, NY**

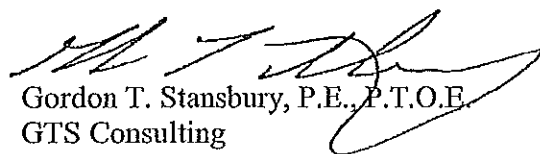
As with any development of this size, the land uses identified in the initial project planning are only estimates of potential development and should be expected to change to some degree as the site is built out over a long time period. Therefore, the guiding factor that should be used to determine if the development is still within original approvals should be the overall traffic generation estimate rather than the specific type of land uses.

Two significant improvements have been completed in the area as a result of the original study including the connection of Woods Highway to Route 840 as well as the connection of Woods Highway to Middle Settlement Road via Woods Park Drive. With these improvements and limited existing development in the business park, many intersections in the study area have benefited with reduced traffic volumes and delays. Specifically, the Jay K intersection on Route 5 at Middle Settlement Road and Commercial Drive should be operating at much better levels of service with the traffic volumes that have been diverted away from this area.

Rezoning the development from Planned Development Park to Planned Development Mixed Use would have no bearing on the original approved level of development. As specific new development is identified within the site, trip generation estimates should be prepared to ensure that the overall development still falls within original assumptions. In the event that a proposed new development pushes the overall site estimate over the original estimates, an updated traffic assessment should be completed to ensure that operations in the area are not negatively impacted.

If you have any questions or need additional information, please call.

Sincerely,


Gordon T. Stansbury, P.E., P.T.O.E.
GTS Consulting

STATEMENT OF FINDINGS

FEBRUARY 10, 1992

GENERIC ENVIRONMENTAL IMPACT STATEMENT

For

SENECA TURNPIKE (NYS RT 5) - COMMERCIAL DRIVE (NYS RT 5A) -
MIDDLESETTLEMENT ROAD (NYS RT 5B CTY RT 30)

TOWN OF NEW HARTFORD, NEW YORK
SUPERVISOR, JOHN J. KAZANJIAN

Lead Agency:

TOWN OF NEW HARTFORD PLANNING BOARD
ELIS DE LIA, CHAIRMAN
48 Genesee Street, New Hartford, New York 13413

Contact Person:

Jane Brouillette
Planning Department
220 Campion Road, New Hartford, New York 13413
(315) 724-4413

Prepared By:

KERNAN ENGINEERING ASSOCIATES
1310 Ulica Street, Orliskany, New York 13424
(315) 736-5262
Contact Person:
James M. Kernan, P.E.

STETSON - HARZA

181 Genesee Street, Ulica, New York 13501
(315) 797-5800
Contact Person:
Robert Lambe, AICP

Date of DGEIS Acceptance: 10/21/91

Comment Period Deadline: 11/30/91

Date of FGEIS Acceptance: 01/13/92

Date of FGEIS Publication: 01/23/92

Comment Period Deadline: 02/06/92

Review of an application with respect to the progress of the capital improvement plan will be to determine if there are long range improvements scheduled for the project area and to identify their status.

II. PROPOSED LAND USE

The proposed land use plan provided for a balance of economic development, natural resource protection, and a practical minimum of public investment.

The upcoming Town Master Plan Update is anticipated to develop comprehensive new zoning and land development regulations by 1993 that can be used to implement the proposed land use plan.

Transitional measures will be required to coordinate development with incremental infrastructure improvements, and allow appropriate development to occur (without a moratorium) before the completion of the new regulations in 1993. Phased land use plans and "temporary" zoning measures need to be considered, along with further study of any development proposals that do not conform to the proposed land use plan.

A mechanism is needed for promoting appropriate development within the study area, acquiring property and "banking" land not otherwise suitable for development. Coordination with existing agencies is the most promising area to explore.

The study area has ample land area to support more development than is projected. This part of town has been a highly desirable location for development in the recent past due to its location within the Utica metropolitan area, the presence of the major retail centers, and the confluence of major highways. This area still remains as a prime location for much of the non-residential development that will occur in New Hartford.

However, the magnitude of development to be planned for this area must be balanced with the environmental quality of the natural systems and the reasonable capacity of the infrastructure. In addition, the more subjective quality of life, or style of development desired by town residents, was an important consideration in developing the land use plan.

In advance of the soon to be updated town master plan, a proposed land use plan was developed for the study area based upon the consultants' experience, staff comments, and planning board review. This is the plan used to project development, impacts, and prepare mitigation measures. It is felt to be a viable plan, but will require discipline in site specific design and implementation of a coordinated capital improvement plan.

A. DESCRIPTION OF PROPOSED LAND USE PLAN

The general concepts employed in development of the proposed land use plan were as follows:

- **Maintain the integrity of existing neighborhoods, especially south of Seneca Turnpike and Route 5B, and continue infill with similar development patterns**
- **Focus high activity commercial uses in the Seneca Turnpike and Commercial Drive corridors near Sangertown Square.**
- **Stabilize the transitional residential/commercial uses along Seneca Turnpike west of Par Technology using a planned highway business district to encourage low activity business uses properly designed to minimize potential traffic, safety, and aesthetic impacts.**
- **Encourage low density residential uses north of Seneca Turnpike and west of Woods Road to minimize demands upon municipal services and infrastructure, and to provide a transition from the higher density uses to the more rural areas north and west of Clark Mills.**
- **Provide a low density planned business zone along Woods Road, to take advantage of the regional transportation network and provide a diversified economic development base for the town. Include broad site design controls for sensitive development of this area.**

- Formally designate open space areas, including the wetland and waterway network, to maintain the environmental quality and provide visual relief. Support continued agricultural use of the existing orchards and use agricultural zoning and related measures to support its economic viability.

This plan is shown on Figure IV-B-5 on the following page.