(RESOLUTION NO. 95 OF 2012)
ADOPTION OF LOCAL LAW NO. THREE OF 2012

WHEREAS, a resolution was duly adopted by the Town Board of the Town of New Hartford for a public hearing to be held by said Town Board on March 14, 2012 at 7:00 P.M. at Butler Memorial Hall, New Hartford, New York, to hear all interested parties on a proposed Local Law entitled Local Law Introductory "B" of 2012, A Local Law to amend the Code of the Town of New Hartford, **Chapter 118** thereof entitled **ZONING**, and map coincidental thereto, as it pertains to designated Planned Development Park (PDP) located along Woods Highway in the Town of New Hartford, a description of which is set forth in Section 2, and changing the designation of property from PDP to Planned Development Mixed Use (PDMU); and

WHEREAS, notice of said public hearing was duly published in The Observer Dispatch, the official newspaper of the Town of New Hartford, on March 2, 2012, and posted on the Town Clerk's Bulletin Board, Butler Memorial Hall on March 1, 2012; and

WHEREAS, said public hearing was duly held on March 14, 2012 at 7:04 P.M. at Butler Memorial Hall and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, the Oneida County Department of Planning on March 6, 2012 and April 24, 2012, pursuant to Section 239-m of the General Municipal Law, recommended approval of said proposed Local Law; and

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the New Hartford Town Board that adoption of said proposed Local Law would not have a significant effect upon the environment and could be processed by their applicable governmental agencies without further regard to SEQR; and

WHEREAS, the Town Board of the Town of New Hartford, after due deliberation, finds it in the best interest of the Town of New Hartford to adopt said Local Law;

NOW, THEREFORE, the Town Board of the Town of New Hartford hereby adopts said Local Law Introductory "B" as Local Law No. Three of 2012 entitled "A Local Law to amend the Code of the Town of New Hartford, **Chapter 118** thereof entitled **ZONING**, and map coincidental thereto, as it pertains to property designated Planned Development Park (PDP) located along Woods Highway in the Town of New Hartford, a description of which is set forth in Section 2, and changing the designation of property from PDP to Planned Development Mixed Use (PDMU), a copy of which is set forth herein as Schedule "A" and made a part hereof, and the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of New Hartford, and to give due notice of the adoption of said Local Law to the Secretary of State.

Schedule "A"

TOWN OF NEW HARTFORD, NY
LOCAL LAW NO. THREE OF 2012

A Local Law to Amend the Code of the Town of New Hartford, Chapter 118 thereof entitled ZONING, and map coincidental thereto, as it pertains to property designated Planned Development Park District (PDP) located along Woods Highway in the Town of New Hartford, a description of which is set forth in Section 2, and changing the designation of property from PDP to Planned Development Mixed Use (PDMU).

Section 1. Chapter 118 of the Code of the Town of New Hartford, Section 118-8 and particularly the map coincidental thereto and made a part thereof, is hereby amended as follows:

Change the designation of approximately 206 acres, more or less, identified as the following Tax Map Parcels or portions thereof and owners from PDP to PDMU:

#328.000-3-1	-	Karen Szymanski/David Iadanza
#328.000-3-2	-	Ann & Daniel Rieben
#328.000-3-3	-	Samuel & Margaret Silverman
#328.000-3-7	-	New Hartford Office Group, LLC
#328.000-3-8	-	Niagara Mohawk Power Corp.
#328.000-3-10.1 *(the portion that is vacant only is being rezoned)*	-	Par Tech Corp.
#316.000-2-21	-	Michael Paladino
#316.000-2-32.1	-	Woods 840 LLC
#316.000-2-32.2	-	James & Michelle Henderson
#316.000-2-32.3	-	David Wargo
#316.000-2-32.4	-	Crown Atlantic Company, LLC
#316.000-2-41.1	-	AXNY Office, LP;

Section 2. The boundaries and description of the PDMU District as revised are shown on the drawing attached as Exhibit A, and described as follows:

"206+/- ACRE PARCEL"

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 westerly boundary of Karen Szymanski, Etal. (Now or Formerly) (Tax Parcel 328.000-3-1) (Liber 2738 of Deeds at Page 72), said point standing a distance of approximately **195 feet** northerly as measured along the westerly boundary of Karen Szymanski, Etal. from a point standing at the intersection of the westerly boundary of Karen Szymanski, Etal. with the northerly highway boundary of

New York State Route 5 (State Highway Number 9205) (Seneca Turnpike), 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 land 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 easterly along the northerly highway boundary of New York State Route 5 a distance of approximately **153 feet** to a point standing on the easterly highway boundary of Woods Road; 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 **85 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 to a point standing on the northerly boundary of Par Technology Corporation (Now or Formerly) (Liber 2166 of Deeds at Page 61) (Tax Parcel 328.00-3-10.1); thence easterly a distance of approximately **464 feet** along the northerly boundary of Par Technology Corporation to a point standing on the westerly boundary of Par Technology Corporation; thence northerly a distance of approximately **111 feet** along the westerly boundary of Par Technology Corporation to a point standing on the southerly highway boundary of a 60 ft. wide Town Highway (Road "A"); thence easterly a distance of approximately **514 feet** along the southerly highway boundary of a 60 ft. wide Town Highway (Road "A") to a point standing on the easterly highway boundary of a 60 ft. wide Town Highway (Road "A"); thence northerly a distance of approximately **824 feet** along the easterly highway boundary of a 60 ft. wide Town Highway (Road "A") to a point standing on the northerly boundary of Par Technology Corporation; thence easterly a distance of approximately **25 feet** to a point standing on the easterly boundary of the lands of the New Hartford Office Group, LLC (Now or

Formerly) (Tax Parcel 328.000-3-7.1); thence northerly a distance of approximately **338 feet** along the easterly boundary of the lands of the New Hartford Office Group, LLC to a point standing on the southerly highway boundary of a 60 ft. wide Town Highway (Road "C"); thence easterly a distance of approximately **1090 feet** along the southerly highway boundary of a 60 ft. wide Town Highway (Road "C") to a point standing on the easterly highway boundary of a 60 ft. wide Town Highway (Road "C"); thence northerly a distance of approximately **605 feet** along the easterly highway boundary of a 60 ft. wide Town Highway (Road "C") and then along the easterly boundary of Ryan Companies US, Inc. (Now or Formerly) (Tax Parcel 316.000-2-41.1) to a point standing on the southerly highway boundary of Judd Road (Route 840); thence westerly and then northwesterly a distance of approximately **3939 feet** along the southerly highway boundary of Judd Road (Route 840) to a point standing on the easterly highway boundary of Gentile Street; thence southerly a distance of approximately **680 feet** along the easterly highway of Gentile Street to a point standing on the northeasterly highway boundary of Woods Road; thence southwesterly a distance of approximate **77 feet** to a point standing at the intersection of the southwesterly highway boundary of Woods Road with the westerly boundary of Michael S. Paladino (Now or Formerly) (Tax Parcel 316.000-2-21); thence southerly a distance of approximately **1135 feet** along the westerly boundary of Michael S. Paladino to a point standing on the northerly boundary of Karen Szymanski, Etal. (Now or Formerly) (Tax Parcel 328.000-3-1) (Liber 2738 of Deeds at Page 72); thence northwesterly a distance of approximately **1115 feet** along the northerly boundary of Karen Szymanski, Etal. to a point standing on the westerly boundary of Karen Szymanski, Etal.; thence southwesterly a distance of approximately **333 feet** along the westerly boundary of Karen Szymanski, Etal. to a point standing on the southerly boundary of Karen Szymanski, Etal.; thence southeasterly a distance of approximately **1975 feet** along the southerly boundary of Karen Szymanski, Etal. to a point standing on the westerly boundary of Karen Szymanski, Etal. thence southerly a distance of approximately **905 feet** along the westerly boundary of Karen Szymanski, Etal. to the **point and place of the beginning.**

The above described parcel containing **206 acres** of land, more or less.

Section 3. This local law eliminates the PDP zone which comprises parcels owned by Par Technologies being used for research and development and manufacturing.

Section 4. All other provisions of Chapter 118 of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

Section 5. This Local Law shall become effective immediately upon its filing with the Office of the Secretary of State.

The Supervisor polled the Town Board members who voted as follows:

Councilman Miscione - Aye, the rezoning still brings in jobs; would rather see some development

Councilman Backman - Nay
Councilman Reynolds - Aye, what he was hearing was preponderance of retail in that area of Town and the desire to not have retail in the Business Park and he thinks the commitment of the developer to limit retail (including in the already rezoned PHB portion of the Business Park) allays a lot of his concerns
Councilman Woodland - Nay, his constituents are against the rezoning
Supervisor Tyksinski - Aye.

The Supervisor declared the Resolution carried and duly ***ADOPTED***.