

**JOINT MEETING OF THE  
PLANNING AND ZONING COMMISSION (REGULAR MEETING)  
AQUIFER PROTECTION AGENCY (SPECIAL MEETING)  
MINUTES  
WEDNESDAY, JULY 8, 2015 – 7:00PM  
NEW HARTFORD TOWN HALL – 530 MAIN STREET**

**PRESENT:** Ted Stoutenberg, James Steadman, David Krimmel, Dan LaPlante (7:08PM), Bob Moore, Alternates Peter Ventre and Thomas McLoughlin; First Selectman Dan Jerram; Zoning Enforcement Officer Steven Sadlowski.

**ABSENT:** Alternate Martin Post.

Chairman Ted Stoutenberg called the meeting to order at 7:00PM. All regular members present were seated for the meeting. The proceedings were recorded digitally and copies are available in the Land Use Office.

**1. PUBLIC HEARINGS:**

**A. J&S Enterprises, Inc. – Special Exception – Map 44A – Block 114 – Lot 002 – 443 Main Street – Demolish and Rebuild Existing Gas Station / Repair Facility to Gas Station with Convenience Store/Drive-Through. Special Exception / Hearing is for Drive-Through portion only.**

Mr. Stoutenberg reminded the commission that the public hearing centered on the drive-through proposal at this location and only that could be questioned and discussed as part of the public hearing. **Ms. Polly Pobuda** of **22 Church Street** spoke in opposition of a drive-through at this location, noting traffic concerns as well as site line concerns.

**MOTION:** Mr. Steadman, Mr. David Krimmel second, **to close the public hearing in the matter of J&S Enterprises, Inc. – Special Exception – Map 44A – Block 114 – Lot 002 – 443 Main Street – Demolish and Rebuild Existing Gas Station / Repair Facility to Gas Station with Convenience Store/Drive-Through. Special Exception / Hearing is for Drive-Through portion only; unanimously approved.**

**B. Kenneth & Barbara Krohner/Applicant – Barbara J. Krohner/Owner – Sand and Gravel Removal Application/Renewal – Map 043 – Block 013 - Lot 021 – 97 Main Street (rear).**

The legal notice for the public hearing was read into the record and was indicated as having run June 25, 2015 and July 2, 2015 in The Hartford Courant. Proof of notice to abutting neighbors was submitted.

Mr. Kenneth Krohner appeared before the commission and briefly reviewed the history of the sand and gravel operation on the subject property. Mr. Sadlowski referred commissioners to a report containing comments and suggestions from the town engineer, Roger Hurlbut. Mr. Krohner assured the group that the comments and suggestions made by Mr. Hurlbut will be adhered to by the contractor that has been performing the work, Canton Village Construction.

**Ms. Polly Pobuda** of **22 Church Street** spoke in favor of the application, noting that Mr. Krohner has had this operation for a long time, has never had any problems and that the operation is not seen from the road.

**MOTION:** Mr. Steadman, Mr. Krimmel second, **to close the public hearing in the matter of Kenneth & Barbara Krohner/Applicant – Barbara J. Krohner/Owner – Sand and Gravel Removal Application/Renewal – Map 043 – Block 013 - Lot 021 – 97 Main Street (rear); unanimously approved.**

**C. LePore & Sons, LLC – Map –2 – Block –2 – Lot 11-12 – Ramstein Road – Special Exception to allow an Open Space Subdivision Modification – changing from 7 to 9 Lots.**

The legal notice for the public hearing was read into the record and was indicated as having run June 25, 2015 and July 2, 2015 in The Hartford Courant. Proof of notice to abutting neighbors was submitted.

Mr. Ken Hrica, P.E., appeared before the commission on behalf of the applicant and presented two drawings, one from the previously approved subdivision as well as the one depicting the proposed lots of this application. Mr. Sadlowski clarified for the record that this application is technically not a re-subdivision but instead a

modification of the existing sub-division. Mr. Hrica depicted on the two maps the lots or developable areas highlighted in green and the open space areas highlighted in yellow. He noted that the extent of the developed area has not changed between what was approved and what is being proposed now and that this application is only a result of the commission's change in the density factor from .35 to .5. In response to a question from Mr. Krimmel regarding test pits, Mr. Hrica noted that Farmington Valley Health District approved the septic systems. Mr. Stoutenberg read the July 1, 2015 correspondence from Ms. Patricia Gigliotti of Farmington Valley Health District in its entirety for the benefit of commissioners.

Mr. Bob Moore questioned who would be responsible for maintaining the fire tanks. Mr. Sadlowski noted that apparently the maintenance will be the responsibility of the town and/or the fire department but not the applicant because the fire tank is located on town property.

**Mr. Adam Janeczek of 52 Lynette Court** asked several questions regarding whether the town will be responsible for maintaining the road, the cost for maintaining the fire tank, the life expectancy of the fire tank, the process of the town accepting the road as a town road, as well as whether the increase in the number of lots will affect the value of the properties. Mr. Sadlowski explained that the town will be responsible for maintaining the road once it is accepted, which is done through a town meeting. Mr. Sadlowski noted that the cost for maintaining the fire tank should be minimal as it will likely be done on a bi-annual basis. Mr. Hrica noted that the life expectancy of these fire tanks is typically between fifty and one hundred years. Mr. Sadlowski explained that the costs associated with the lots is not an item for consideration by this commission.

Mr. Steadman inquired as to the size of the lots with the previously approved subdivision in comparison to the proposal put forth in this application. Mr. Hrica noted that the average lot size went from 1.3 acres to just under 1 acre. Mr. Hrica noted that the exterior boundary of the developable land has not changed between the two proposals. Mr. Sadlowski reported that the Inland Wetlands Commission deemed that a new permit was not required. Mr. Moore inquired about whether the conservation easement has been secured. Mr. Sadlowski noted that the town will have the easement sometime in the future as they are currently working on it.

**MOTION:** Mr. Steadman, Mr. LaPlante second, **to close the public hearing in the matter of LePore & Sons, LLC – Map –2 – Block –2 – Lot 11-12 – Ramstein Road – Special Exception to allow an Open Space Subdivision Modification – changing from 7 to 9 Lots; unanimously approved.**

**D. New Hartford Market Place LLC – Subdivision Application – Map 044 – Block 013 – Lot 020 – 183 Main Street – 5 Lot Subdivision.**

No action taken.

## **2. PENDING APPLICATIONS:**

**A. J&S Enterprises, Inc. – Special Exception – Map 44A – Block 114 – Lot 002 – 443 Main Street – Demolish and Rebuild Existing Gas Station / Repair Facility to Gas Station with Convenience Store / Drive-Through. Special Exception for Drive-Through.**

### **1. Aquifer Protection Agency to discuss and possibly vote on issuance of a permit to install new tanks and build facility.**

Mr. Sadlowski noted that although he initially thought the applicant would need a permit from the Aquifer Protection Agency, after reviewing the regulations, he does not believe they need one. He noted that a permit would have been required if commencing a new activity but in this case, J&S Enterprises, Inc. is continuing an existing activity.

### **2. Planning and Zoning Commission to discuss and possibly vote on Special Exception for drive-Through.**

Mr. Steadman sought confirmation that there is enough room for stacking in this plan and Mr. Sadlowski confirmed that there is.

**MOTION:** Mr. Krimmel, Mr. Steadman second, to approve a Special Exception for a drive-through in the matter of J & S Enterprises, Inc. – Special Exception – Map 44A – Block 114 – Lot 002 – 443 Main Street – Demolish and Rebuild Existing Gas Station / Repair Facility to Gas Station with Convenience Store / Drive-Through; unanimously approved.

**3. Planning and Zoning Commission to discuss and possibly vote on Site Plan Approval for the construction of the gas station / convenience store.**

Mr. Dainius Virbickas, P.E., of Artel Engineering Group, L.L.C., reviewed the proposed plans once again for the commission and noted the modifications made since the initial presentation of the drawings at the June 10, 2015 meeting. Some of the changes noted were the replacement of wheel logs with bollards at the parking spaces near the building, the relocation of the trash enclosure, included a depiction of an area designated for a possible generator addition, and some changes as suggested by the fire chief of New Hartford. Mr. Virbickas also presented drawings from Red Leonard Associates, a company that prepares lighting plans within the gas station industry, depicting the lights that will be located on the property with a rendering of how that light will be spread.

**MOTION:** Mr. Stoutenberg, Mr. Steadman second, to approve the application for J&S Enterprises, Inc. to demo and rebuild existing gas station and pumps and add a drive-thru window, for property at 443 Main Street, Map 44A, Block 114, Lot 002. And shown on plans entitled, "J&S Enterprise Inc. 443 Main Street, New Hartford, CT Sheets 1-9 Dated 11/21/14 and Revised through 7/4/15 and the elevation plans entitled, "New Gas Station and Convenience Store 443 Main Street" for J&S Enterprises dated 8/28/14, pages A1-A3, subject to the following conditions: 1. That the comments from the Architectural Review Committee from their meeting on May 27, 2015 be incorporated into the plans; 2. An E/S bond shall be posted before any work commences; 3. That trash cans be provided on each gas island, at the front door and at the drive-thru with an extended hood; 4. That one bollard be installed in front of each parking space in front of the store to prevent errant drivers from driving onto the front sidewalk area and into store; 5. That the building is to be built as presented on the elevation drawings reviewed the Architectural Review Committee including all colors and materials specified. Any changes must be approved by the Zoning Agent, who may refer the change to the full Committee if necessary. No signs or advertising are to be installed on the canopy; 6. That the Town Engineer inspect this project periodically as it is being built to ensure that the technical aspects of the plan are properly implemented; and 7. That the recommendations of Fire Chief Mark Worsman in his letter dated July 1, 2015 are adhered to; unanimously approved.

**B. Kenneth & Barbara Krohner/Applicant – Barbara J. Krohner/Owner – Sand and Gravel Removal Application/Renewal – Map 043 – Block 013 - Lot 021 – 97 Main Street (rear).**

Discussion as to whether to issue the permit for two or four years occurred. It was agreed that a permit for two years is adequate.

**MOTION:** Mr. Stoutenberg, Mr. Steadman second, to approve the application by Kenneth and Barbara Krohner for Sand and Gravel Removal, 97 Main Street - Rear, Map 43, Block 13, Lot 021 as per the submitted plans entitled, "Removal of Material on Land Owned by Barbara C. Krohner" by Thomas H. Shannon Civil Engineer dated May 20, 2011 and revised to April 19, 2012 sheets 1-6 and the Improvement Location Survey prepared for Canton Village Construction by Dufour Surveying, LLC dated March 3, 2015 – 1 sheet, subject to the following conditions: 1. That this permit shall expire on August 1, 2017; 2. A revised bond shall be submitted before the mylar is signed that shall remain valid one year past this permit's expiration date as defined in condition 1, above; and 3. An As-Built shall be submitted at the conclusion of the project to show that the excavation is in conformance with this permit; unanimously approved; unanimously approved.

**C. LePore & Sons, LLC – Map –002 – Block –002 – Lot 11-12 – Ramstein Road – Special Exception to allow modification of Open Space Subdivision and modification of previous subdivision approved.**

**MOTION:** Mr. Stoutenberg, Mr. Steadman second, to approve the application by LePore and Son's LLC for a modification of the subdivision originally approved for Castellani and Son's on September 24, 2014 of land on Ramstein Road, Map 2 Block 2, Lot 21. This approval is as shown on plans entitled, "Evergreen Crossing – Re-Subdivision Plans, Prepared for LePore and Sons, LLC" by Hrica Associates LLC dated June 2, 2015 and revised to July 4, 2015.

On the Special Exception, the Commission held a hearing and found that the proposal meets the requirements for a Special Exception as per section 8.5.D and 3.5.B of the zoning regulations. The benefits of this new open space will be to provide protection of our natural resources, to preserve a sizeable area of open space, to protect the rural character of Ramstein Road, and to provide the beginnings of an open space corridor, as it abuts land currently owned by the New Hartford Land Trust.

As for the proposed modification of the subdivision application itself, we find that the proposal meets the requirements of the Zoning and Subdivision Regulations. Therefore, the original plan approved on September 24, 2014, showing seven lots is hereby replaced with this plan, described above, and showing nine (9) lots. All previous conditions are still valid. The applicant needs to change on his plans, the word "Re-Subdivision" to "Modification of Subdivision". This approval is granted, as requested, as a conditional approval under section 2.4.6.1 of the Subdivision Regulations; unanimously approved.

**D. New Hartford Market Place, LLC – Subdivision Application – Map 044 – Block 013 – Lot 020 – 183 Main Street – 5 Lot Subdivision.**

Discussed under Item #3E.

**E. Allan R. Borghesi/Applicant – New Hartford Market Place/Owner – Site Plan Approval – Map 044 – Block 013 – Lot 020 – 183 Main Street – Construct a 20,000 Sq. Ft. Warehouse.**

Mr. Stoutenberg reported that the applicant has a wetlands hearing on this application on August 5, 2015. Discussion followed regarding availability for a Special Meeting following the wetlands application. Mr. Jerram reported that he and his fellow selectmen had been at a meeting today with Mr. Allan Borghesi who had respectfully conveyed that time is of the essence with approval of this application as his possible tenants are anxiously awaiting to be in the buildings. A Special Meeting of the Planning and Zoning Commission will be scheduled to August 12, 2015 regarding this application.

### **3. NEW APPLICATIONS:**

**A. Zahnradfabrik, LLC – Site Plan Review – Map 038 – Block 134 – Lot 003 – 120 Industrial Park Road – Add 13 +/- Parking Spaces in Moving Accessible and Visitor Spaces Toward the Front Door, Add Sidewalk to Employee Entry, Replace Lights in Parking Lot, Replace Sign.**

This application was set down for a public hearing for August 12, 2015.

**B. PNL Nutmeg, LLC – Special Exception - Map 044 – Block 013 – Lot 17A-17F – 283 Main Street - To add one monument sign no Greater Than 90 Sq. Ft. (to allow 2 total) and two traffic directional no greater Than 12 Sq. Ft.**

Mr. Phil Doyle of LADA appeared before the commission regarding this application. As a high-tech aerospace contractor, the applicant is seeking to really spruce up the site and meet certain requirements of the defense department, according to Mr. Doyle. To that end, the application is seeking to add a monument sign, driveway will be redone, lighting will be changed to LED, field stone walls erected at entrances, parking areas will be replaced as well as the addition of 4,000 square feet of asphalt in front of the building. Mr. Doyle reviewed all the details of the proposed site improvements contained in the application.

**MOTION:** Mr. Krimmel, Mr. Moore second, **to approve the site plan in the matter of PNL Nutmeg, LLC – Special Exception - Map 044 – Block 013 – Lot 17A-17F – 283 Main Street - To add one monument sign no Greater Than 90 Sq. Ft. (to allow 2 total) and two traffic directional no greater Than 12 Sq. Ft.; unanimously approved.**

**4. APPROVAL OF MINUTES (BOTH PLANNING AND ZONING AND AQUIFER PROTECTION):**

No action taken.

**5. ZONING ENFORCEMENT OFFICER’S REPORT:**

No business was discussed.

**6. CORRESPONDENCE:**

No business was discussed.

**7. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:**

**A. Discuss Plan of Conservation and Development.**

Commissioners were reminded of the public hearing slated for July 22, 2015 regarding the Plan of Conservation and Development.

**MOTION:** Mr. Steadman, Mr. LaPlante second, **to adjourn at 8:32PM; unanimously approved.**

**Respectfully submitted,**

**Pamela Colombie  
Recording Secretary**