

**PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
MAY 9, 2012 – 7:00 PM
NEW HARTFORD TOWN HALL- 530 MAIN STREET**

PRESENT: Chairman James Steadman, Ted Stoutenberg, David Krimmel, Gil Pratt; Alternate Martin Post; Land Use staff Certified Zoning Enforcement Officer Rista Malanca and Recording Secretary Stacey Sefcik.

ABSENT: Daniel LaPlante; Alternates David Jones and Peter Ventre;

Chairman James Steadman called the meeting to order at 7:00PM. All regular members present were seated for the evening. Alternate Martin Post was seated for Daniel LaPlante until his arrival at 7:15PM. The proceedings were recorded digitally and copies are available in the Land Use Office.

1. PUBLIC HEARINGS:
No business was discussed.

2. PENDING APPLICATIONS:

A. Stevens & Associates, LLC, applicant; Paul & Lou-Ann Demonstranti, owners; Site Plan Approval for Medical Office – 240 Main Street.

David Whitney, P.E. addressed the Commission on behalf of the applicants and began to review comments received from Martin Connor, AICP, planning consultant for the Town of New Hartford. Mr. Stoutenberg noted that Mr. Connor had recommended that the applicant withdraw and resubmit the application due to issues with design of the parking area. Mr. Whitney pointed out that Mr. Connor's comments were based on an earlier design labeled "Plan A" which had 11 parking spaces based on use of the entire building. However, he said that he had since prepared and submitted a "Plan B" which provided 7 parking spaces and a reserve area for 4 additional spaces as the applicant only intended to use the first floor of the building; the second floor would be storage area. Mr. Whitney stated that "Plan B" would now be the applicant's official plan. He also noted that the property was a pre-existing nonconforming 0.20-acre lot, and the site could not be developed at all unless the Commission allowed it to occur outside the building envelope.

Ms. Malanca explained that the use of the property as a medical office required site plan approval. She also noted that the Zoning Regulations stated parking was not to be located in the front, side or rear yard setbacks, but was silent on specifically where the parking was to be located. However, the Regulations did state an applicant could apply for a special exception to reduce setback requirements in order to build the parking area. She stated that she and Mr. Connor concurred that the location of the parking area would require a special exception. Ms. Malanca cautioned the Commission that, as this was the first time they were addressing this issue under the Regulations adopted January 1, 2012, they would effectively be setting the policy for all similar types of applications going forward. Mr. Stoutenberg concurred that a special exception application should be required for the proposed location of the parking, and Mr. Steadman agreed.

Mr. Whitney then submitted a special exception application regarding the proposed location for parking, which the Commission immediately reviewed.

MOTION Mr. Stoutenberg, second Mr. Krimmel, to add to the agenda **Stevens & Associates, LLC, applicant; Paul & Lou-Ann Demonstranti, owners; Special Exception to reduce front and rear yard setbacks for parking lot as per Article 4, Section 4.4.E – Exceptions to Height, Yard Setback and Area Requirements – 240 Main Street**; unanimously approved.

MOTION Mr. Stoutenberg, second Mr. Pratt, to accept the application in the matter of **Stevens & Associates, LLC, applicant; Paul & Lou-Ann Demonstranti, owners; Special Exception to reduce front and rear yard setbacks for parking lot as per Article 4, Section 4.4.E – Exceptions to Height, Yard Setback and Area Requirements – 240 Main Street** and to schedule a public hearing for the June 13, 2012 regular meeting; unanimously approved.

Mr. Stoutenberg noted that Mr. Connor had expressed concern regarding the possible presence of wetlands adjacent to this lot. Mr. Whitney disputed Mr. Connor's observation; he said that percolation tests showed the soil onsite to be sandy and well drained. He questioned how he could arrange a soil scientist to evaluate property not owned by this applicant. Ms. Malanca stated that she could visit the site the next day in order to evaluate whether a soil scientist's report would be necessary. Mr. Whitney added that the lot was hooked to the Town sewer line and had an existing well; however, he had sent information to the Farmington Valley Health District.

The Commission noted that existing building coverage was 25%; after completion of the proposed project, building coverage on the lot would be 63.8% with a 5000 square foot parking lot. Mr. Pratt asked whether the applicant had considered a gravel lot instead of paved. Mr. Whitney stated that the applicants preferred a paved lot. Mr. Whitney then distributed information regarding the stormwater management plan for the site, which included a raingarden designed according to Department of Energy and Environmental Protection recommendations. He explained that there were no catch basins or storm drains in the vicinity of the property. Mr. Whitney reviewed with the Commission the raingarden detail on the plan, and the Commission agreed that they wanted the Town's engineering consultant to review the stormwater management plan.

Ms. Malanca asked whether the applicant would be willing to grant a 65-day extension on the Site Plan Approval Application so that both the site plan and special exception applications could be reviewed together at the June 13th meeting. Mr. Whitney stated he had no objection to doing this; however, he said it was the applicants' hope to wrap up this matter at the June 13th meeting as they wanted to open the new office by August 1, 2012. Ms. Malanca noted that information was still needed regarding lighting plans.

MOTION Mr. Stoutenberg, second Mr. Krimmel, to continue the matter of **Stevens & Associates, LLC, applicant; Paul & Lou-Ann Demonstranti, owners; Site Plan Approval for Medical Office – 240 Main Street** to the June 13, 2012 regular meeting; unanimously approved.

B. Proposed Amendments to Sections 6.3.4 and 6.3.5 of the Town of New Hartford Zoning Regulations – Signs in the New Hartford Center District.

The Commission agreed to table this matter to the May 23, 2012 regular meeting.

C. Beverly and Francis Dings, 33 Dings Road – 2-Lot Subdivision. *Public hearing scheduled for 5/23/12. No action needed.*

The Commission agreed to table this matter to the May 23, 2012 regular meeting.

3. NEW APPLICATIONS:

A. Doug Szydlo/Collinsville Antiques, applicant; Blackhammer, LLC, owner: Site Plan Modification for Flea Market – 283 Main Street.

Ms. Malanca briefly reviewed this application with the Commission, noting that temporary events required site plan approval. She explained that Mr. Szydlo planned three flea markets per year; two would be in May and one would be in the fall. Ms. Malanca explained that the property already had a site plan on file; therefore it was reasonable to simply modify that site plan to include the flea market proposal. Since this was a site plan modification, if the Commission wanted to, they could review and act on the application in one night. Mr. Steadman asked whether there would be additional signage, and Ms. Malanca explained that a sign would be up on only on the day of each event. She said that there would not be any music or lighting. Mr. Post asked about the need for additional restroom facilities, and Mr. Szydlo said that patrons would have access to the 4 restrooms inside the building; however, he was also arranging for 2 portable toilets to be present for all events. He explained that there would be at most 75 vendors at the flea market, similar to other flea markets he has held on this site in the past; however, he did not plan to offer food outdoors at this year's event. Ms. Malanca said that Mr. Szydlo had already contacted the police in order to arrange for traffic control. Mr. Szydlo reiterated that the event would be very similar to flea markets he had held onsite in 2006 and 2007; at those events there were no problems onsite and no parking or traffic issues with Route 44.

MOTION Mr. Stoutenberg, second Mr. LaPlante, to approve the application in the matter of **Doug Szydlo/Collinsville Antiques, applicant; Blackhammer, LLC, owner: Site Plan Modification for Flea Market – 283 Main Street** as per all oral and written testimony; unanimously approved.

- B. Craig McCurdy, applicant; Nancy B. Gibson, owner: 2-Lot Resubdivision – 45 Gibson Lane.**
Mr. McCurdy submitted copies of the plans for this application. Ms. Malanca explained that the Commission had approved a 2-lot subdivision of this property in 2010; however, the mylars were not filed within the statutorily required time limit. Therefore, Mr. McCurdy was now submitting a 2-lot subdivision application that was identical to that approved by the Commission in 2010. She explained that Mr. McCurdy had had the 2010 plans re-signed by the engineers prior to submitting them with this application.

MOTION Mr. Stoutenberg second Mr. Pratt, to accept the application in the matter of **Craig McCurdy, applicant; Nancy B. Gibson, owner: 2-Lot Resubdivision – 45 Gibson Lane** and to schedule a public hearing for the June 13, 2012 regular meeting; unanimously approved.

4. APPROVAL OF MINUTES:

A. April 25, 2012 regular meeting.

The Commission agreed to table this matter to the May 23, 2012 regular meeting.

5. ZONING ENFORCEMENT OFFICER'S REPORT:

Ms. Malanca briefly reviewed her enforcement activities from the previous month. She updated the Commission regarding activities at 55 Prospect Street, 135 Southeast Road, a farm along Litchfield Turnpike, and a property on Old Steele Road. Mr. Krimmel requested that smaller copies of the Zoning Map be made and distributed to all Commission members, and Ms. Malanca said she would try to have this prepared for the Board's next meeting.

6. CORRESPONDENCE:

No business was discussed.

7. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

No business was discussed.

MOTION Mr. Stoutenberg, second Mr. Pratt, to adjourn at 8:28PM; unanimously approved.

Respectfully submitted,
Stacey M. Sefcik