

**PLANNING AND ZONING COMMISSION  
REGULAR MEETING – MINUTES  
JUNE 22, 2011 –7:00PM  
NEW HARTFORD TOWN HALL- 530 MAIN STREET**

**PRESENT:** Chairman James Steadman, Ken Heyse, Dan LaPlante, Ted Stoutenberg; Land Use staff CZE0 Rista Malanca and Recording Secretary Stacey Sefcik.  
**ABSENT:** Gil Pratt; Alternates David Jones, David Krimmel, and Peter Ventre.

Chairman James Steadman called the meeting to order at 7:05PM. The entire proceedings were recorded digitally and are available in the Town Hall.

**1. PUBLIC HEARINGS:**

**A. Jim Whittemore, Zone Change, 116 Holcomb Hill. Lot is currently R-15, R1.5, and IP Zone – Proposed to make all R-15.**

The Recording Secretary read into the record the legal notice for this public hearing. Mr. Whittemore then submitted proof of notice to abutting neighbors. Ms. Malanca explained that, due to an error on the previous zoning map, there were currently 3 different zones on one lot. She stated that the front of the lot was R15 and the rear of the lot is R1.5; the land that Mr. Whittemore received from the Town in exchange for the land where the salt shed is now located was in the IP zone. Ms. Malanca explained that Mr. Whittemore had neighbors on either side that were R15 as well as one that was R1.5. Mr. Whittemore stated that the lot was approximately 4.3 acres and was surrounded by residences. The Commission then reviewed maps of the property from different years. Mr. Whittemore explained that he had tried unsuccessfully to fix this issue with the previous Zoning Enforcement Officer who had told him the map had been colored wrong.

Ms. Malanca stated that the only zone in which the lot could be a conforming lot was R15; the lot did not have sufficient frontage for the R1.5 zone and it did not meet the area requirements for the IP zone. She explained that R15 requires 100 feet of frontage, and Mr. Whittemore's property had 116 feet of frontage. Ms. Malanca stated that there was little, if any, potential for subdivision of the lot because of its frontage. She noted that most of the properties surrounding this lot were R15, so this would not be spot zoning.

Hearing no questions from the Commission, Mr. Steadman opened the floor to public comment.

Elizabeth Burns of 99 Holcomb Hill first addressed the Commission. Ms. Burns asked why Mr. Whittemore did not simply leave the lot as it was. Mr. Whittemore stated that he wanted to have the entire parcel in 1 zone.

Donna Wojack of 109 Holcomb Hill next addressed the Commission. She asked if there was a benefit to having the entire parcel in one zone.

Lisa Nair, 128 Holcomb Hill, then addressed the Commission. Ms. Nair asked if Mr. Whittemore would be able to build closer to her property line if the zone was change to R15. Ms. Malanca reviewed the map and responded affirmatively. She stated that instead of a 20-foot setback, there would now be a 10-foot setback.

Dennis Ross of 120 Holcomb Hill then addressed the Commission. He explained that he owned the house in front of this lot and had purchased it from Mr. Whittemore. Mr. Ross said that he was told by Mr. Whittemore that he planned to build 1 bigger house on the back lot. He stated that he did not want to see a 2-family house built instead as this would decrease his property value.

Dave Gallo, 90 Holcomb Hill Road, also addressed the Commission to inquire what Mr. Whittemore planned to do with the property once this zone change was made.

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Ms. Malanca then addressed several the questions raised by the public. She explained that a lot in 3 different zones had to follow multiple regulations, several different setback requirements, as well as frontage requirements. Ms. Malanca stated that, while a 2-family home was permitted in the R15 zone, it was only permitted by special exception, which required a public hearing. Mr. Heyse asked whether it would be possible for Mr. Whittemore to subdivide this lot and create a frontage lot and rear lot. Ms. Malanca responded negatively, explaining that there was not enough frontage to do this.

Russell Nair, 128 Holcomb Hill, then addressed the Commission. He stated that there had been a 100-foot buffer around the Industrial Park when Mr. Whittemore sold the property to the Town for the salt shed; however, since then, the Town had clear-cut the area right up to Mr. Nair's property line.

Mr. Stoutenberg asked whether there had been a Town meeting regarding the exchange of land between Mr. Whittemore and the Town. Ms. Malanca stated that there had been a Town meeting. Elizabeth Burns, 99 Holcomb Hill Road, then asked if the public should have received notice regarding the Town meeting that addressed this land exchange. Ms. Malanca explained that notice to abutting neighbors was required for zoning matters; however, purchase of land by the Town was not within the Planning and Zoning Commission's jurisdiction. Several members of the public requested further information regarding the process of applying for a special exception, which both Ms. Malanca and Mr. Steadman explained.

Lisa Nair, 128 Holcomb Hill, then asked whether Mr. Whittemore planned to build a duplex on the property under discussion. Mr. Whittemore stated that he had no plan to build a duplex; he did hope to build a single-family home on the lot.

Donna Wojack then submitted to the Commission a letter from Arthur and Dorothy Boughton of 110 Holcomb Hill, who were unable to attend the meeting. Mr. Steadman then read the letter into the record; in it, Mr. Boughton stated that he had sold the parcel in question to Mr. Whittemore, and that Mr. Whittemore had stated that he had planned to build at most 1-2 homes.

Mr. Stoutenberg observed that he did not see how anyone could build more than one house on the lot; Ms. Malanca concurred. Mr. LaPlante asked whether Mr. Whittemore would be able to build a house on the property if the current zoning remained in effect. Ms. Malanca explained that any building on the lot would have to meet IP zone regulations. She then read to the Commission the zoning regulations regarding properties located in more than 1 zone. Mr. Stoutenberg asked Mr. Whittemore if he would accept a decision being made only 4 commissioners, or would he prefer waiting until a later meeting when a 5<sup>th</sup> commissioner would be present. Mr. Whittemore stated that it was acceptable to him to continue with only 4 members.

Hearing no further comments or questions from the audience or the Commission:

**MOTION** Mr. Stoutenberg, second Mr. LaPlante, to close the public hearing in the matter of **Jim Whittemore, Zone Change, 116 Holcomb Hill. Lot is currently R-15, R1.5, and IP Zone – Proposed to make all R-15**; unanimously approved.

## 2. PENDING APPLICATIONS:

### A. **Jim Whittemore, Zone Change, 116 Holcomb Hill. Lot is currently R-15, R1.5, and IP Zone – Proposed to make all R-15.**

Several members of the Commission noted that there would be a public hearing if Mr. Whittemore chose to apply for a special exception to build a two-family home.

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**MOTION** Mr. LaPlante, second Mr. Stoutenberg, to approve the requested zone change in the matter of **Jim Whittemore, Zone Change, 116 Holcomb Hill. Lot is currently R-15, R1.5, and IP Zone – Proposed to make all R-15**, effective the day after the date of publication; unanimously approved.

**3. NEW APPLICATIONS:**

No business was discussed.

**4. MEETING MINUTES:**

**A. May 25, 2011 regular meeting.**

**MOTION** Mr. Stoutenberg, second Mr. LaPlante, to accept the minutes of the May 25, 2011 regular meeting as written; unanimously approved.

**B. June 8, 2011 regular meeting.**

The Commission agreed to table this matter to the July 13, 2011 regular meeting.

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

**A. Draft Zoning Regulations.**

Ms. Malanca distributed to Commission members the revised Design Guidelines for their review. She estimated that the draft zoning regulations would be ready for public hearing at the second regular meeting of September 2011.

**MOTION** Mr. Stoutenberg, second Mr. Heyse, to adjourn at 8:05PM; unanimously approved.

**Respectfully submitted,  
Stacey M. Sefcik**