

**PLANNING AND ZONING COMMISSION  
REGULAR MEETING –REVISED MINUTES  
JANUARY 11, 2012 – 7:00 PM  
NEW HARTFORD TOWN HALL- 530 MAIN STREET**

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

**ABSENT:** David Krimmel; 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 David Krimmel. The entire proceedings were recorded digitally and copies are available in the Land Use Office.

**1. PUBLIC HEARINGS:**

No business was discussed.

**2. PENDING APPLICATIONS:**

- A. **Thomas Anderson, applicant; Roger Toffolon, owner – 10 Litchfield Turnpike: Special Exception for Timber Harvest within the Farmington River Overlay Zone. *Public Hearing Scheduled for 1/25/12 – No action needed.***
  - B. **Proposed amendments to the Subdivision Regulations to be in compliance with Public Act 11-79 Bonding. *Public Hearing Scheduled for 1/25/12 – No action needed.***
  - C. **Proposed amendments to the Subdivision Regulations to incorporate low impact development techniques. *Public Hearing Schedule for 1/25/12 – No action needed.***
- The Commission agreed to table these items to the January 25, 2012 regular meeting.

**3. NEW APPLICATIONS:**

- A. **New Hartford Industrial Park, Inc. – 37 Greenwoods Road: Request Waiver of Site Plan Review (Section 8.1 K) for Fitness Center in I Zone.**

Karl Nilsen addressed the Commission on behalf of the applicant, David Hurley. Referencing the packet submitted as a part of the application, Mr. Nilsen reviewed with the Commission pictures of the building where the fitness center was proposed. Mr. Nilsen cited Section 8.1 K of the Zoning Regulations which states that site plan review can be waived given certain conditions are met. First, Mr. Nilsen explained that there had been many uses of the site dating back to the 1880s; the building's current footprint had been in place since 1992. He said there were no changes proposed to the footprint or to the exterior of the building. Mr. Nilsen then stated that the proposed use would have no greater parking requirements than previous uses of the site which included multi-shift manufacturing. Mr. Nilsen also referenced an A-2 survey also included in the file and explained that the building met all setback requirements.

Mr. Post asked what the date of the survey was, and Mr. Nilsen explained that it was from September 1, 1996. The Commission then discussed parking requirements. Mr. Nilsen and Mr. Hurley pointed out that the building was on the same property with his factory, which they said had ample parking of approximately 150 spaces. Mr. Pratt asked about landscaping, and Ms. Malanca explained that this was part of site plan review; if the Commission agreed to waive site plan review, then they would not be reviewing landscaping plans, lighting, parking, etc. Mr. Post asked about the anticipated traffic to and from the fitness center and the anticipated parking requirements. Mr. Nilsen and Mr. Hurley both stated that they believed 15 parking spaces would be more than adequate for the fitness center. They also explained that as the proposed fitness center use was not as intense as multi-shift manufacturing the traffic coming into and out of the site would not adversely impact the neighborhood.

**MOTION** Mr. Stoutenberg, second Mr. Steadman, to waive site plan review as per Section 8.1 K of the Town of New Hartford Zoning Regulations for New Hartford Industrial Park, Inc. – 37 Greenwoods Road for a Fitness Center in the I Zone. The applicant is still required to obtain a Certificate of Zoning Compliance, a Certificate of Occupancy, as well as all pertinent approvals from the Farmington Valley Health District.

The motion was approved 4-0-1 with Mr. Post abstaining.

**4. APPROVAL OF MINUTES:**

- A. July 13, 2011 regular meeting.**
- B. October 5, 2011 special meeting.**
- C. October 12, 2011 regular meeting.**
- D. October 26, 2011 regular meeting.**
- E. November 9, 2011 regular meeting.**
- F. November 21, 2011 special meeting.**
- G. December 14, 2011 regular meeting.**

Ms. Malanca explained to the Commission that the November 21, 2011 meeting had not been recorded digitally; the tape recorder had been used. Unfortunately, it had since been discovered that the tapes were blank. Therefore, the only record of the meeting would be the minutes now under review by the Commission. Ms. Malanca then distributed copies of the November 21, 2011 regular meeting minutes and asked for the Commission to review them in detail in order to ensure they accurately reflected what transpired at the meeting.

**MOTION** Mr. Stoutenberg, second Mr. Pratt, to approve the minutes of July 13, 2011; October 5, 2011; October 12, 2011; October 26, 2011; November 9, 2011; and December 14, 2011 as written; unanimously approved.

The Commission then reviewed the minutes of the November 21, 2011 regular meeting in detail. Mr. Steadman requested that the minutes be amended to add to the 4<sup>th</sup> paragraph of item 4 that he had stated that he concurred with both Mr. Krimmel and Mr. Stoutenberg that the use of Brodie Park South for football practices and games was a Town issue and not a zoning issue.

**MOTION** Mr. Stoutenberg, second Mr. LaPlante to approve the minutes of the November 21, 2011 regular meeting as corrected; the motion carried 4-0-1 with Mr. Post abstaining.

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

Ms. Malanca briefly reviewed her enforcement activities over the previous month. The Commission briefly discussed with Ms. Malanca the enforcement action at 55 Prospect Street. Ms. Malanca explained that a dog rescue kennel and home-based business was being operated there without a permit; there was also an accessory apartment in the basement for which no permits could be found in the files. Ms. Malanca read to the Commission the enforcement letter that had been sent to both the property owner and the director of the rescue organization.

Ms. Malanca then reviewed with the Commission a letter from Rob Bartos dated January 6, 2012 regarding the outstanding fees for the appraisal done on 50 Acre Woods to calculate the fee due in lieu of open space. She explained that she had discussed this matter with the Commission's Attorney, Mark Branse, and that Mr. Branse had drafted a letter to the applicant which stated that the applicant was required to pay their entire half of the appraisal fee or else the Commission would put on the agenda for the January 25, 2012 regular meeting the revocation of subdivision approval for nonpayment of the appraisal fee. The Commission reviewed Mr. Branse's letter and agreed that the letter should be sent as written to the applicant.

## **P&Z – 011112 Minutes**

Ms. Malanca then informed the Commission that she had received the revised zoning map, and she spread it out on the Commission's table for them to review. Mr. Stoutenberg asked whether it would make sense to wait to update the map until the public service/utility district locations were finalized. Ms. Malanca explained that she would be unable to enforce this version of the map until it was filed on the land records. She explained that the map now in effect was very old and contained inaccuracies, and she noted that it would be a few months until the public service/utility district locations were finalized. The Commission agreed to file this version of the zoning map to use until the public service/utility district work was complete.

### **6. CORRESPONDENCE:**

Ms. Malanca informed the Commission that Rick Lynn of the Litchfield Hills Council of Elected Officials had sent a letter inviting the Commission to a meeting on Wednesday, February 15, 2012 at Goshen Town Hall to discuss the draft version of the State of Connecticut Plan of Conservation and Development.

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

#### **A. Election of Officers for 2012.**

The Commission agreed to table this matter to the January 25, 2012 regular meeting as all regular members were not present.

#### **B. Discussion of newly adopted regulations (signs, public service/utility district, and keeping of animals).**

The Commission briefly discussed what locations in Town might be considered for the public service/utility district. They asked Ms. Malanca to compile information regarding properties used by the MDC, cable companies, SNET, CL&P, Yankee Gas, the Regional Refuse Disposal District, as well as all Town-owned property. Ms. Malanca said that she would have information for the January 25, 2012 regular meeting.

Ms. Malanca then explained that the regulations as currently written would permit up to a 60 square foot freestanding sign for shopping plazas in the New Hartford Center Zone (NHCZ). She asked if this was what the Commission intended; if not, she suggested removing New Hartford Center Zone from Section 6.3.E.4 and discussing the NHCZ separately in its own section. Mr. Stoutenberg pointed out that Dr. Rieger's office in the NHCZ had an acceptably sized sign. The Commission agreed that the new section for NHCZ would allow signage up to that of Dr. Rieger's sign; anything larger would require a special exception. Ms. Malanca said that she would have the Town's Planning Consultant, Martin Connor, draft language to reflect this change.

Ms. Malanca then explained that in addressing the enforcement action at 55 Prospect Street, she encountered some potentially conflicting language pertaining to the keeping of animals. She explained that in Section 3.6 G – Keeping of Animals, no permit was required for any number of dogs if they were solely housed in the Dwelling Unit provided this was not for compensation and not a kennel. However, the definition of kennel in Section 2.2 included the keeping of more than 4 dogs over the age of 8 weeks for any reason. She questioned whether the Commission intended this. After discussion, the Commission agreed to leave the language in each section as it currently read.

**MOTION** Mr. Stoutenberg, second Mr. Pratt, to adjourn at 8:45PM; unanimously approved.

**Respectfully submitted,**  
**Stacey M. Sefcik**