

**PLANNING AND ZONING COMMISSION  
REGULAR MEETING –MINUTES  
NOVEMBER 9, 2011 – 7:00 PM  
NEW HARTFORD TOWN HALL- 530 MAIN STREET**

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

Chairman James Steadman called the meeting to order at 7:00PM. Mr. LaPlante arrived to the meeting at 7:05PM. All regular members present were seated for the evening. The entire proceedings were recorded and copies of the tapes are available in the Town Hall.

**1. PUBLIC HEARINGS:**

**A. Troy Hexter & Kimberly Vanderwerf, 630 Steele Road – Special Exception for a Veterinary Hospital in an R-2 Zone.**

Ms. Malanca informed the Commission that while the applicants had stated they wished to withdraw this application, to date no written confirmation of this request had been received. Ms. Malanca explained that she had tried several times to contact the applicants but their phone appeared to be out of service.

**MOTION** Mr. Stoutenberg, second Mr. Steadman, to close the public hearing in the matter of **Troy Hexter & Kimberly Vanderwerf, 630 Steele Road – Special Exception for a Veterinary Hospital in an R-2 Zone**; unanimously approved.

**B. H. Thomas & Cathy Hinman, 209 Town Hill Road – Special Exception for Accessory Apartment in R-1.5 Zone – Article V, Section 3E.**

Tom Hinman addressed the Commission regarding this matter and submitted proof of notice to abutting neighbors. Mr. Stoutenberg informed the applicant that he was entitled to have 5 Commission members hear his application; however, only four were present. Mr. Hinman stated it would be acceptable to proceed with only 4 Commissioners.

Mr. Hinman explained that his home was built in 1984 on the lot known as 209 Town Hill Road. He said that his barn with an apartment for his mother-in-law had been built in 1987 on the lot known then as 205 Town Hill Road. Mr. Hinman noted that there were no accessory apartment regulations at that time, and he said that both lots had their own septic systems with reserves and wells. He then submitted documentation from the Farmington Valley Health District to this effect. Due to the entire barn being appraised as living space, Mr. Hinman stated that he and his wife had recently done a quit claim deed to merge the two lots together. Subsequently, he received the enforcement letter from Ms. Malanca and filed this application.

Mr. Hinman submitted assessor's cards for both 205 and 209 Town Hill Road showing the floor space of the home and the accessory apartment. He explained that the floor space of the apartment was 778 square feet, which was well below 40% of the square footage of the house. Mr. Hinman stated that there was a common driveway to the barn and the house, and the combined lot was now 2.6 acres. He said that he had a 2-car garage with ample parking available behind the house.

Ms. Malanca stated that she had no concerns and this application appeared to meet the requirements for a special exception. Hearing no further comments from the Commission, Mr. Steadman opened the floor to public comment. The Recording Secretary then read into the record a letter from Joseph Serafini of 179 Arrowhead Road which expressed concerns as to whether the applicant was operating a business out of the barn. Mr. Hinman stated that he was not operating any business out of the barn. He noted that the Town Assessor, Beth Paul, had been to the site and had not seen any business operations occurring.

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Hearing no further questions from the public or members of the Commission:

**MOTION** Mr. Stoutenberg, second Mr. LaPlante, to close the public hearing in the matter of **H. Thomas & Cathy Hinman, 209 Town Hill Road – Special Exception for Accessory Apartment in R-1.5 Zone – Article V, Section 3E**; unanimously approved.

### **2. PENDING APPLICATIONS:**

- A. Troy Hexter & Kimberly Vanderwerf, 630 Steele Road – Special Exception for a Veterinary Hospital in an R-2 Zone.**

**MOTION** Mr. Stoutenberg, second Mr. Steadman, to deny the permit in the matter of **Troy Hexter & Kimberly Vanderwerf, 630 Steele Road – Special Exception for a Veterinary Hospital in an R-2 Zone** due to lack of information; unanimously approved.

- B. H. Thomas & Cathy Hinman, 209 Town Hill Road – Special Exception for Accessory Apartment – Article V, Section 3E.**

**MOTION** Mr. Stoutenberg, second Mr. Pratt, to approve the permit in the matter of **H. Thomas & Cathy Hinman, 209 Town Hill Road – Special Exception for Accessory Apartment**; unanimously approved.

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

No business was discussed.

### **4. MEETING MINUTES:**

- A. October 5, 2011 Special Meeting.**  
**B. October 12, 2011 Regular Meeting.**  
**C. October 26, 2011 Regular Meeting.**

The Commission agreed to table all minutes to the November 9, 2011 regular meeting.

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

- A. Review of information received from public hearing on Zoning Regulations.**

Ms. Malanca distributed to all Commission members a copy of all changes to the draft regulations that had been agreed to at the October 26, 2011 regular meeting. The Commission then agreed to set a special meeting for Monday, November 21, 2011 at 7:00PM to review outstanding issues with the Commission's attorney and the Town's planning consultant.

- B. Correspondence.**

The Commission reviewed an article distributed by Ms. Malanca entitled "Commission and Staff: Expectations of Each Other" from the Fall 2011 issue of the *Planning Commissioners Journal*.

- C. Zoning Enforcement Report.**

Ms. Malanca briefly updated the Commission regarding her enforcement activities over the past month. The Commission briefly discussed the use of Brodie Park South for youth football practice and games. Ms. Malanca explained that she was conducting research into the past use of this property in order to make her official decision on this matter.

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**D. Town Election Results - New Planning and Zoning Commission members.**

Ms. Malanca informed the Commission that David Krimmel would be taking Ken Heyse's place as a permanent member of the Commission. Martin Post was taking Mr. Krimmel's place as an alternate this year, and Roger Moore would be taking David Jones' place as an alternate next year.

**MOTION** Mr. Stoutenberg, second Mr. Pratt, to adjourn at 7:50PM; unanimously approved.

**Respectfully submitted,  
Stacey M. Sefcik**