

**PLANNING AND ZONING COMMISSION
SPECIAL MEETING –MINUTES
OCTOBER 5, 2011 – 7:00 PM
NEW HARTFORD TOWN HALL- 530 MAIN STREET**

PRESENT: Chairman James Steadman, Ken Heyse, Dan LaPlante; Alternates David Jones, David Krimmel, and Peter Ventre; Commission's attorney Mark Branse of Branse, Willis, and Knapp; Town Planning Consultant Martin Connor, AICP; Heidi Samokar of Planimetrics; Land Use staff Certified Zoning Enforcement Officer Rista Malanca, Recording Secretary Stacey Sefcik.

ABSENT: Ted Stoutenberg, Gil Pratt.

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

1) PUBLIC HEARINGS:

A. Town of New Hartford – Comprehensive re-write of zoning regulations.

Mr. Steadman briefly reviewed the public hearing process for the members of the audience, as well as the efforts undertaken by the Commission, the Zoning Enforcement Officer, the Commission's attorney, the Town's Planning Consultant, and Planimetrics in order to produce the document now under review. Heidi Samokar of Planimetrics, with the help of Mr. Branse and Mr. Connor, then conducted a presentation which summarized the major changes to the zoning regulations. At the conclusion of this presentation, Mr. Steadman then opened the floor to public comment.

Alison Murdock of the Town of New Hartford Conservation Commission addressed the Commission first. Ms. Murdock requested that the Commission insert language into the landscaping requirements that would prohibit the use of invasive, non-native plants and trees. She also noted that the use of small wind energy systems was prohibited by the proposed regulations. Ms. Malanca explained that the Commission did intend to address this issue at a later time.

Jean Cronauer, resident and member of the Northwest Conservation District next addressed the Commission in support of Ms. Murdock's comments. She also questioned whether the Commission intended to update the Subdivision Regulations as well. Ms. Malanca explained that work on revising the Subdivision Regulations was tentatively going to begin in December. Mr. Connor also stressed the importance of giving due time to the development of wind turbine regulations. Ms. Cronauer then read from the Torrington Zoning Regulations regarding prohibitions on invasive, non-native species. She also expressed concern that the proposed regulations would now permit the keeping of 2 unregistered vehicles on a property. Ms. Cronauer then submitted a letter containing her points as well as suggested revisions to Section 6 of the draft regulations.

Nelson Sly of the West Hill Pond Association (WHPA) then addressed the Commission. Mr. Sly briefly reviewed the results of the stormwater runoff study commissioned by the WHPA and performed by Lenard Engineering. He noted that the new regulations did not appear to require remediation of the high-priority sites identified by the study. Mr. Sly also noted that a stormwater management plan was required for sites with greater than 30% lot coverage, but not for single family homes. He noted that around West Hill Pond there were several owners who tear down smaller vacation homes and rebuild larger year-round homes with greater lot coverage. Mr. Sly suggested that the stormwater management regulations pertain to any property within the watershed, effectively the entire R-4 zone. He then submitted a written statement and a copy of the stormwater runoff study.

Scott Goff of 291 Maple Hollow Road next addressed the Commission and read from a prepared statement which he then submitted for the record. Mr. Goff suggested a residency requirement for the keeping of animals in the Town of New Hartford, noting recent animal deaths during flooding because the owner did not live onsite. He also expressed concern regarding the proposed junk regulations, noting that farmers often keep older vehicles on site and use them for spare parts. Mr. Goff stated that the maximum square footage of "junk" was insufficient for farmers, and he noted that his older vehicles were kept away from

P&Z – 100511 Minutes

the property line and shielded from the road and would in fact likely not be visible from overhead. Mr. Branse asked for Mr. Goff's input so that the Commission could craft junk regulations that protected residents while not creating a hardship for farmers. Adequate screening so that the unregistered vehicles were not visible from roads and property lines was discussed.

Tom Meecher of 142 Camp Workcoeman Road then addressed the Commission. Mr. Meecher stated that, as a member of the West Hill Lakeshore Property Owners Association, he supported the proposed stormwater management regulations and the proposed exemption of single family homes from this regulation. Mr. Meecher expressed the belief that applying the stormwater management regulations to single-family homeowners would be costly and would present an undue hardship. He also expressed approval for the new special exception process for nonconforming lots.

Dawn Whalen, president of the New Hartford Business Council, then addressed the Commission regarding the proposed sign regulations. Ms. Whalen requested the regulations allow a standing permit for New Hartford Business Council ground signs that would be permitted one time per business for a maximum of 30 days. She also requested the regulations permit a business promotion ground sign as a temporary sign for limited-time promotions. Ms. Whalen also suggested the regulations allow a special commercial message sign (a "sandwich board"), and she noted that this had been requested in the NHBC's original letter to the Commission for their public input session. Mr. Branse explained that, in his opinion as the Commission's legal advisor, the New Hartford Business Council sign would not be permitted as the Town cannot delegate its zoning power to an outside party. Phil Worley of the Canton Chamber of Commerce then joined Ms. Whalen to explain the signage the business signage they use in Canton, and he noted it was also in use in Avon, Simsbury, and West Hartford.

Ms. Whalen then read into the record and submitted a letter from Michael and Deb Kuszaj, owners of Blue Sky Foods. The letter reiterated points made in their original letter for the public information session, but also noted additional concerns with the signage regulations. The Kuszajs noted that portable signage was only permitted for those with a sidewalk, whereas business owners without sidewalks still faced challenges in catching the notice of passersby. Also, the Kuszajs noted that the regulations limited the times when portable signage was permitted, whereas signage was needed all day in order to be seen during commute times. The Kuszajs also expressed concern with the proposed architectural review regulations.

Attorney David Markowitz, legal counsel for a property owner in the New Hartford Industrial Park, addressed the Commission and submitted written notes to the Commission. Mr. Markowitz suggested the Commission revised the proposed regulations to allow for more flexibility in the industrial zone. While he stated that he understood the need for Commission review of new construction, he encouraged the Commission to allow a variety of uses at existing facilities without the need for a special exception permit.

Phillip Doyle of LADA, P.C. next addressed the Commission. He stated that he was the land planner for Perry Technology Corporation, which owns 26 acres in the New Hartford Industrial Park. Mr. Doyle stated that he agreed with Attorney Markowitz's comments suggesting more flexibility for the IP zone as well as the Industrial zone. He noted that large industrial buildings were not as likely to be built anymore and that light industrial locations allowing for flexible uses were more in demand. Noting that the industrial park was is a remote confined area, he suggested that setback requirements should not be any more than 50 feet and that site plan approval rather than special exception permits should be used in the IP zone. Mr. Doyle stated that he has also seen many continuing education programs looking for space in the type of light industrial sites he was encouraging, and therefore the Commission should encourage this use as well. Mr. Doyle then submitted information regarding a study he conducted of the Perry property as well as sample pictures of light industrial buildings. Mr. Branse and Mr. Doyle then briefly discussed the difference in requirements for site plan approval versus special exception permits.

P&Z – 100511 Minutes

Eric Budney of 634 West Hill Road then addressed the Commission with concerns regarding Section 7.1A, the proposed regulations pertaining to nonconforming lots. He explained that his lot was nonconforming and the regulations proposed denied him the fair and reasonable use of his property. The Commission briefly reviewed with Mr. Budney and Mr. Branse what would be permitted if the owner of a nonconforming building wanted to tear down and rebuild their house.

Donna LaPlante of Stedman Road next addressed the Commission. Ms. LaPlante applauded the Commission's efforts and expressed the belief that the proposed regulations were much clearer than the current regulations. She did, however, observe that in the Commission's effort to better quantify and clarify, they may perhaps have made the regulations very limiting; while understandable with new construction, this may not feel very flexible to those who have been in the Town for many years. Ms. LaPlante also noted that many barns in the Town would be nonconforming under the proposed regulations.

Ms. Malanca then listed for the record the letters she had received from those unable to be present at the public hearing. These included letters from the Water Pollution Control Authority for the Town of New Hartford and a letter from the Capital Region Council of Government. Mr. Branse then explained to the audience the public hearing process and what steps the Commission could then take once the public hearing was closed.

MOTION Mr. Heyse, second Mr. Ventre, to close the public hearing in the matter of **Town of New Hartford – Comprehensive re-write of zoning regulations**; unanimously approved.

2) PENDING APPLICATIONS:

A. Town of New Hartford – Comprehensive re-write of zoning regulations.

The Commission agreed to continue this matter to the October 12, 2011 regular meeting.

3) NEW APPLICATIONS:

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

MOTION Mr. Steadman, second Mr. Jones, to schedule the matter of **Troy Hexter and Kimberly Vanderwerf, 630 Steele Road, Special Exception for a Veterinary Hospital in an R-2 Zone** for public hearing at the November 9, 2011 regular meeting and to refer this application for review by the Town's Planning Consultant; unanimously approved.

MOTION Mr. Heyse, second Mr. Ventre, to adjourn at 9:35PM; unanimously approved.

Respectfully submitted,
Stacey M. Sefcik