

**PLANNING AND ZONING COMMISSION
REGULAR MEETING – MINUTES
JULY 25, 2012 – 7:00 PM
NEW HARTFORD TOWN HALL- 530 MAIN STREET**

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

ABSENT: Alternate David Jones.

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

1. PUBLIC HEARINGS:

The Recording Secretary read into the record the legal notices for both public hearings.

A. Town of New Hartford, Ann Antolini School, 30 Antolini Road, Special Exception for an accessory use to a school – expand existing playing field.

First Selectman Dan Jerram addressed the Commission regarding this matter. Mr. Steadman confirmed for the record that notice had been provided to all abutting neighbors; Ms. Malanca responded affirmatively. Mr. Jerram explained that the Town was seeking permission to expand an existing softball field as well as build additional field space for football and soccer. This would require expansion into the woods to the west of the property approximately 190 feet; this area used to be used for a ropes course. Mr. Jerram explained that the proposal would be funding out of money allocated in the current budget. He stated that the Board of Selectmen had reviewed the proposal as a part of their budget process, and the Board of Finance had approved the proposal as a part of their budget hearings. He noted a letter of support that the Town had received from Dr. Philip O'Reilly, Superintendent of Schools, which he submitted for the record.

Mr. Jerram stated that the proposal would create 1.28 acres of additional recreation field space, which was approximately double that currently available at Ann Antolini School. He noted that a storage shed, portable lighting, portable toilets, and bleachers were also included in the application. Mr. Jerram explained that the school's parking lot had 130 spaces, which included some handicapped spaces; however, the application also included the creation of 3 additional handicapped-accessible parking spaces.

Mr. Post asked whether Ann Antolini School was already being used for recreational purposes. Mr. Jerram replied affirmatively, explaining that it was used in the evening for recreational events, predominantly soccer. Mr. LaPlante questioned whether the Town would be amenable to considering the creation of additional parking at Ann Antolini School at some point in the future. He expressed concern that the parking was inadequate for larger events such as the Breakfast with Santa. Mr. Jerram agreed that a parking expansion might be warranted for larger events at some point in the future; however, it was not included in this application and would require substantially more funds that had been allocated for this proposal. He also pointed out that turnout for Breakfast with Santa was in excess of 700 people, which far exceeded the likely amount of people coming for recreational sporting events. Mr. Steadman asked how many people were estimated to attend any given recreational sporting event, and Mr. Jerram estimated approximately 75 participants. Mr. Steadman asked if there would be simultaneous use of the facility by multiple events. Mr. Jerram explained that there would be no recreational use of the facility during school hours. Any use of the facility for recreational purposes would be afterschool, evenings, or weekends, and would require submission of an application to the school for approval of the proposed use. Mr. Jerram said that simultaneous use of the facility was not planned; if a school event was scheduled, there would be no recreational use of the facility.

Mr. Post questioned whether any future recreational uses were planned for the site. Mr. Jerram stated that there had been preliminary discussions regarding creation of a trail to the Surdam farm. However, he noted that a great deal of due diligence was still required, such as studies of the soil and site topography. He stated that the BOS did want to eventually create a master plan for the site; however, the necessary engineering work would substantially increase the cost of the proposal, which is why it had not been done as a part of this application.

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Mr. Steadman questioned whether the proposal would require blasting. Todd Parsons of Lenard Engineering, the Town's engineering consultant, addressed the Commission. Mr. Parsons explained that there was some ledge in a portion of the property to the west of the existing field. It was hoped that blasting would not be necessary; however, it might be in order to create a deep enough layer of topsoil to permit the growth of grass for the playing fields. Mr. Jerram stated that they would try excavation first; blasting would be a last resort. He noted that 6 inches to 1 foot of topsoil was necessary for grass growth. Mr. Steadman questioned whether any special permits were necessary for blasting, and Ms. Malanca explained that that was handled by the Fire Marshal; blasting permits did not come before the Planning and Zoning Commission.

Mr. Steadman then asked how much material would be brought onto the site. Mr. Parsons stated that 2200 cubic yards of topsoil would be needed onsite. Mr. Steadman verified that trucks would not bring the material to the site during school hours. Mr. Jerram stated this work would absolutely not be done during school hours. Mr. Stoutenberg then read into the record the letter dated July 24, 2012 from Dr. Philip O'Reilly, Superintendent of Schools.

Mr. LaPlante asked whether the Town intended to irrigate the playing fields, and expressed concern that grass would not grow very well if planted within only 6 inches of soil. Mr. Jerram stated that this might be possible in the future, but it was not planned at the present time. He explained that the proposed use of the fields was for practice only; the Town might eventually wish to come back to modify the site plan to permit irrigation, however, it was not included in this application. Ms. Malanca suggested that the Commission could add a condition stating that the work proposed by the Town could not create dusty conditions onsite.

Mr. Steadman then opened the floor to public comment.

Dan Eddy, member of the Town of New Hartford Recreation Commission, addressed the Commission. Mr. Eddy explained that the Recreation Commission has needed additional space, and Ann Antolini School was one of the locations that they had considered appropriate. He noted that the Town's fall recreational activity exceeds the capacity of Browns Corner, and many sports have had to go to Norfolk or Torrington in order to have sufficient field space. He stated that the Recreation Commission was substantively pleased with the Town's application; however, they had four concerns. First, the proposed handicapped parking spots were located adjacent to an 8-foot slope. Mr. Eddy questioned whether this met ADA requirements. Second, the proposed softball field had a 4-foot slope from its center to home plate; Mr. Eddy did not believe this would meet the requirements for a regulation softball field. Also, he noted that the Recreation Commission had spoken with Lenard Engineering and the previous Zoning Enforcement Officer, Karl Nilsen, approximately 4 years ago; at that time Mr. Nilsen had stated that there should be 160 parking spaces available in order to allow for overlap of activities. Lastly, Mr. Eddy stated that the asphalt area at the top of the hill was only designed to be used for periodic maintenance vehicles and as a walkway. He questioned whether this area was appropriate for parking.

Steve Roth, President of New Hartford Youth Football and Cheer, addressed the Commission in support of this application. Mr. Roth stated that he has been a New Hartford resident for 14 years and has seen the results of the Town's lack of sufficient practice space. He stated that Browns Corner was a great facility for football games; however it was completely inadequate for their practice needs. Mr. Roth stated that the proposal offers better, flatter field space for the football program while also increasing available parking. He stated that the proposal was helpful for current sports such as soccer and football, but also for additional activities planned for the future, such as lacrosse, field hockey, and adult recreation activities.

Joe Petrarca, resident, next addressed the Commission. Mr. Petrarca stated that he has coached girls' softball for 7 years as well as football; he explained that the softball team has had to do a lot of traveling as other towns never wanted to play in New Hartford because the Town did not have a regulation field. He expressed support for the application as it would enable New Hartford to eventually have a regulation softball field. Mr. Steadman noted Mr. Eddy's concerns about the proposed grade of the softball field and asked Mr. Petrarca for his opinion. Mr. Petrarca stated that he was satisfied with the proposed field. Mr. Eddy then stated that he believed it was a great location; however, he was concerned it was not flat and level enough to be a regulation field. Mr. Steadman asked Mr. Jerram and Mr. Parsons about the grading of the softball field, and they then reviewed the maps and plans.

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Mr. Stoutenberg questioned whether the grading of the parking area complied with all pertinent regulations. Mr. Parsons stated that it would meet all pertinent regulations. Mr. Jerram noted that the additional handicapped-accessible parking had been included at the request of Ann Antolini School and their PTO as a part of their playscape renovation.

Mr. Krimmel questioned whether the Commission had site plan review authority over this application as the Town was before them with a special exception application. Ms. Malanca explained that special exception applications require submission of a site plan to be reviewed by the Commission. He questioned whether issues such as whether the slope of the softball field met the standards of a regulation playing field were really within the purview of the Planning and Zoning Commission. Mr. Jerram explained that this application was an attempt to get started with needed recreation expansions in a manner that fit within the Town's budget constraints; modifications and expansions could be planned and brought before the Commission at a later date as the Town budget permitted.

Mr. Post asked when the work would be done. Mr. Jerram explained that the first stage would be the tree-cutting and stump removal, which would be done this summer and fall. The rest of the work would take place next summer. The fields would not be ready for use this upcoming fall. Ms. Malanca informed the Commission that the Town had submitted sedimentation and erosion control plans appropriate to a phased project. She also noted that the Town's planning consultant, Martin Connor, had reviewed the application and submitted a report, which was in the file. Ms. Malanca reiterated that temporary mobile lighting was a part of this application; however, the Town would have to come back before the Commission if it decided to install permanent lighting. Ms. Malanca also explained that the regulations based parking requirements on the occupancy for the school auditorium. She noted that, under their new regulations, the Commission could grant a temporary deferral of the number of required parking spaces; the Town would then have to build the missing parking spaces within 6 months of the Commission's request.

The Commission then discussed the slope of the proposed softball field. Mr. LaPlante questioned whether Mr. Eddy knew what was specifically required for a regulation field. Mr. Eddy stated that he did not know what was minimally acceptable. Mr. Post stated that he concurred with Mr. Krimmel in that this issue was not within the purview of the Planning and Zoning Commission. Mr. Stoutenberg reviewed the maps and plans and pointed out that the slope was in fact only 3 feet, not 4 feet as previously stated. Mr. Stoutenberg then informed the Commission that he had done the architectural work for renovations to the school in the late 1980s/early 1990s, and at that time, the parking facilities had complied with all pertinent regulations. He explained that at that time he had also done design work for a possible second school on the same site. Mr. Stoutenberg stated that as a result of that design and feasibility work, he knew that the site could hold an additional 150 parking spaces.

MOTION Mr. Stoutenberg, second Mr. Krimmel, to close the public hearing in the matter of **Town of New Hartford, Ann Antolini School, 30 Antolini Road, Special Exception for an accessory use to a school – expand existing playing field**; unanimously approved.

B. 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.

Ms. Malanca briefly reviewed with the Commission the content of the proposed amendment. Mr. Steadman asked if any Ms. Malanca was aware of any applications for signs in the New Hartford Center District. Ms. Malanca stated there were no applications; however, she noted that unless the Commission amended the regulations otherwise, an applicant would now be permitted a 60 square foot sign in New Hartford Center. Hearing no further comments from the Commission, Mr. Steadman opened the floor to public comment. No one present expressed a desire to speak on this matter.

MOTION Mr. Pratt, second Mr. Stoutenberg, to close the public hearing in the matter of **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**; unanimously approved.

MOTION Mr. Stoutenberg, second Mr. Steadman, to amend the agenda to discuss items 3A and 3B first and then return to the agenda as written; unanimously approved.

3. **NEW APPLICATIONS:**

A. **New Hartford Volunteer Fire Department for Blackhammer, LLC – Site Plan Modification for Cartoberfest Car Show, 283 Main Street.**

Hans Anderson of the New Hartford Volunteer Fire Department (NHVFD) addressed the Commission regarding this matter. Mr. Anderson explained that this was the 6th year the NHVFD planned to hold this event, which was their primary annual fundraiser. He stated that it was held every October; this year it would be held on October 6th. Mr. Anderson stated that they advertised a rain date for the following Sunday; however, they had never actually had to use a rain date. He explained that it was a 1-day event and there would be vendor booths and a band. Portable toilets and parking for the car show participants and spectators were also planned. Ms. Malanca stated that this was similar to the flea market site plan modification the Commission had approved for this site a few months previously; she explained that the Commission, if they so chose, could approve this application in a similar manner with an indefinite approval period provided there were no changes to the proposed activities and conditions. Mr. Steadman asked whether Ms. Malanca had ever received complaints regarding this event, and she replied negatively.

MOTION Mr. Stoutenberg, second Mr. Pratt, to approve the application in the matter of **New Hartford Volunteer Fire Department for Blackhammer, LLC – Site Plan Modification for Cartoberfest Car Show, 283 Main Street** as per all oral and written testimony for an indefinite period provided there are no changes from the activity and conditions described in this application; unanimously approved.

B. **Raymond V. Rutledge, Jr. for Peter Marandino – Site Plan Modification for Book and Clothing Donation Containers in the Truck Turnaround Area, 141-167 Main Street (Marandino's Plaza).**

Raymond Rutledge addressed the Commission regarding this application. Mr. Rutledge explained that he proposed to place 2 donation containers back behind the loading dock area, between the bank and the main plaza building. He explained that his company had worked with the St. Vincent de Paul Society for 25 years and actually did donate proceeds in the amount of \$3 million per year to charity. Ms. Malanca explained that the Town had not received an application of this type before and donation containers were not specifically addressed in the Regulations. She stated that she did not believe it was the Commission's intent to prohibit donation containers; however, she agreed that their installation should require review and approval by the Commission.

Mr. Stoutenberg questioned how Mr. Rutledge proposed to ensure the area did not become unsightly. Mr. Rutledge stated that they planned to have a truck come to empty the containers three times per week on Mondays, Wednesdays, and Fridays; if an additional pickup day was needed, they could also come on Saturdays. He stated that his employees not only emptied the containers but also picked up all items deposited around the containers. Mr. Rutledge also stated that he would be willing to submit a written statement promising that they would ensure the area around the donation containers was adequately maintained.

The Commission then reviewed pictures of the containers that had been submitted as a part of the application. Mr. Steadman questioned whether the containers would be visible from the road. Mr. Rutledge stated that the containers would likely not be visible from the road as they were so far back; however, they would likely be visible once someone entered the plaza. Mr. Steadman asked whether there would be any signage, and Mr. Rutledge responded negatively.

MOTION Mr. Pratt, second Mr. Stoutenberg, to approve the application in the matter of **Raymond V. Rutledge, Jr. for Peter Marandino – Site Plan Modification for Book and Clothing Donation Containers in the Truck Turnaround Area, 141-167 Main Street (Marandino's Plaza)** as per all oral and written testimony with the condition that maintenance of the containers and the area immediately surrounding them is to be provided on a regular basis to the satisfaction of the Zoning Enforcement Officer; unanimously approved.

2. **PENDING APPLICATIONS:**

A. **Town of New Hartford, Ann Antolini School, 30 Antolini Road, Special Exception for an accessory use to a school – expand existing playing field.**

Mr. LaPlante expressed concern as to whether the softball field would in fact meet the requirements of a regulation playing field. He expressed the belief that the field should be constructed appropriately now so that the Town did not have to come back again at a later date for future applications and then take the field out of use for even more time while additional work was then done. Mr. Krimmel reiterated his belief that this was not within the Commission's purview; the Town designed the field the way they wanted it to be and it did not violate the zoning regulations. Mr. Steadman concurred with Mr. Krimmel, as did Mr. Pratt. Mr. Pratt suggested that a 3-foot slope over such a distance might not even be visible to a player actually standing on the field. Mr. Stoutenberg also agreed, stating that the Commission should not interfere since it did not even have information available as to what grade met the requirements for a regulation field.

Mr. Steadman then questioned whether members of the Commission felt the parking was adequate. Mr. Steadman stated that he believed the Commission should not impose requirements at this time. He stated that feasibility had been done to prove it was possible to construct additional parking onsite; it could be constructed at a later time if it was ever needed. Mr. Steadman concurred with this statement.

Mr. Steadman questioned whether the Town would be able to make grading changes to the playing field area if they later chose to. Ms. Malanca explained that if it was a substantial change, it would require a special exception application and public hearing; if it was not a substantial change, it could likely be handled via a site plan modification application.

MOTION Mr. Krimmel, second Mr. Stoutenberg, to approve the application in the matter of **Town of New Hartford, Ann Antolini School, 30 Antolini Road, Special Exception for an accessory use to a school – expand existing playing field** as per all oral and written testimony; unanimously approved.

B. 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.

MOTION Mr. Stoutenberg, second Mr. Krimmel, to approve the application in the matter of **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** with an effective date of the day after publication of the legal notice; unanimously approved.

4. APPROVAL OF MINUTES:

- A. June 27, 2012 regular meeting.**
- B. July 11, 2012 regular meeting.**

MOTION Mr. Stoutenberg, second Mr. Krimmel, approve the minutes of both the June 27, 2012 regular meeting and the July 11, 2012 regular meeting; unanimously approved.

5. ZONING ENFORCEMENT OFFICER'S REPORT:

Ms. Malanca briefly reviewed with the Commission her enforcement activities over the previous month.

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 8:34PM; unanimously approved.

Respectfully submitted,
Stacey M. Sefcik