

**PLANNING AND ZONING COMMISSION
REGULAR MEETING – MINUTES
OCTOBER 23, 2013 – 7:00 PM
NEW HARTFORD TOWN HALL- 530 MAIN STREET**

PRESENT: Vice-Chairman Ted Stoutenberg, Daniel LaPlante, Gil Pratt; Alternates Robert Moore and Martin Post; Land Use staff Certified Zoning Enforcement Officer Rista Malanca and Recording Secretary Stacey Sefcik.

ABSENT: Chairman James Steadman, David Krimmel; Alternate Peter Ventre.

In the absence of Chairman Jim Steadman, Vice-Chairman Ted Stoutenberg called the meeting to order at 7:00PM. All regular members present were seated for the evening. Alternate Robert Moore was seated for David Krimmel, and Alternate Martin Post was seated for Jim Steadman. The proceedings were recorded digitally and copies are available in the Land Use Office.

1. APPROVAL OF MINUTES:

A. October 9, 2013 regular meeting.

MOTION Mr. Post, second Mr. LaPlante, to accept the minutes of the October 9, 2013 regular meeting as written; unanimously approved.

2. NEW APPLICATIONS:

A. Robert Moore for Adam LaFaci, 537 Main Street – Request per Section 8.1K of the Zoning Regulations to Waive Section 4.2E Special Exception Requirement to Expand the General Business Use in an Existing Mixed Use Building by 75 Square Feet.

Robert Moore recused himself from discussion of this matter and left the meeting room. Karl Nilsen addressed the Commission on behalf of Mr. Moore. Mr. Nilsen explained that Mr. and Mrs. Moore wanted to relocate the offices of the New Hartford Plus and *The Independent* from 2 Bridge Street to 537 Main Street. He stated that the New Hartford Historical Society currently had offices in 537 Main Street, which would remain; Mr. and Mrs. Moore would now be using additional space in the building for general office use. Mr. Nilsen noted that a driving school also used to operate out of this location.

Ms. Malanca explained that the building was approved for general business use on the first floor with 2 apartments on the second floor. However, Mr. Moore had informed her that area on the first floor to be used for Mr. and Mrs. Moore's proposal was currently being used for residential space. Because no special exception could be found in the file for this property, it was unclear exactly what proportion of the first floor was approved to be used for general business versus residential purposes. She stated that Mr. Moore's proposal would require no exterior changes to the building. Parking was available offsite. In her opinion, the proposal met the requirements for a waiver as per Section 8.1K of the Zoning Regulations. Ms. Malanca noted that the mixed use regulations required residential uses to be located on the second floor of a building; by converting the 75 feet on the first floor to general business use, this proposal would in fact bring the property into greater conformance with the Zoning Regulations.

MOTION Mr. Post, second Mr. Pratt, to approve the waiver request in the matter of **Robert Moore for Adam LaFaci, 537 Main Street – Request per Section 8.1K of the Zoning Regulations to Waive Section 4.2E Special Exception Requirement to Expand the General Business Use in an Existing Mixed Use Building by 75 Square Feet**; unanimously approved

Mr. Moore then returned to the meeting room and was seated for the rest of the meeting.

3. PENDING APPLICATIONS:

A. WFL Properties, Inc., owner/applicant, 81 Winchester Road – Special Exception per Section 3.5F of the Town of New Hartford Zoning Regulations for a Shared Driveway.

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Mr. Stoutenberg stated for the record that although he had not been present at the public hearing on October 9th, he had listened to the recordings of the public hearing on this application and was therefore able to act on this matter. Mr. Pratt stated that he too had not been present at the public hearing on October 9th; however, he had not been able to listen to the recording of the public hearing. Mr. Stoutenberg explained that he, Mr. LaPlante, Mr. Moore, and Mr. Post were able to act on this application, which would be four potential votes; quorum for the Planning and Zoning Commission was five members. Noting that the applicant, Guy LaPlante, was present in the audience, Mr. Stoutenberg asked Mr. LaPlante if he wished for the Commission to proceed with only four voting members or if he wished to table this matter to the November 13th regular meeting in order to allow the vote to take place with five voting members. Ms. Malanca explained that 3 affirmative votes were necessary in order to approve an application; it was Mr. LaPlante's choice if he would like to proceed with 4 members voting or if he would prefer to wait and have 5 members voting.

After a brief discussion, Mr. LaPlante stated that he would prefer the Commission wait to act until the next regular meeting. Mr. Pratt stated that he would listen to the tape prior to the November 13th meeting so that he could act on this matter as well.

MOTION Mr. Post, second Mr. LaPlante, to table the matter of **WFL Properties, Inc., owner/applicant, 81 Winchester Road – Special Exception per Section 3.5F of the Town of New Hartford Zoning Regulations for a Shared Driveway** to the November 13, 2013 regular meeting; unanimously approved.

4. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

A. Discussion Regarding the 2005 Town of New Hartford Plan of Conservation and Development.

The Commission agreed to table this matter to the November 13, 2013 regular meeting in order to allow additional Commission members to be present for the discussion.

MOTION Mr. Post, second Mr. Pratt, to adjourn at 7:23PM; unanimously approved.

Respectfully submitted,
Stacey M. Sefcik
Recording Secretary