

**PLANNING AND ZONING COMMISSION
REGULAR MEETING – MINUTES
JANUARY 8, 2014 – 7:00 PM
ANN ANTOLINI SCHOOL CONFERENCE ROOM – 30 ANTOLINI ROAD**

PRESENT: Chairman James Steadman, David Krimmel, Ted Stoutenberg; Alternates Robert Moore and Martin Post; First Selectman Dan Jerram; Land Use staff Recording Secretary Stacey Sefcik.

ABSENT: Daniel LaPlante, Gil Pratt; Alternate Peter Ventre; Land Use staff Certified Zoning Enforcement Officer Rista Malanca.

Chairman Jim Steadman called the meeting to order at 7:05PM. All regular members present were seated for the evening. Alternate Robert Moore was seated for Gil Pratt, and Alternate Martin Post was seated for Daniel LaPlante. The proceedings were recorded digitally and copies are available in the Land Use Office.

MOTION Mr. Stoutenberg, second Mr. Krimmel, to amend the agenda to allow discussion of new item 7A – Informal Discussion with Allan Borghesi regarding possible Zone Change application for Property on Main Street abutting the Town of Canton at Assessor's Map #043-047-3_4_5; unanimously approved.

7. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

A. Informal Discussion with Allan Borghesi regarding possible Zone Change application for Property on Main Street abutting the Town of Canton at Assessor's Map #043-047-3_4_5.

Allan Borghesi addressed the Commission to explain that he had recently purchased a 60-acre property located along Route 44 in both the Town of Canton and the Town of New Hartford that had formerly been owned by Connecticut Sand and Stone. He was in the process of having an A2 survey prepared; however, it was not yet complete. Mr. Borghesi reviewed with the Commission hand-drawn sketches of the layout of the property. He noted that the Metropolitan District Commission had a right-of-way over the property to access their own property along the Farmington River. While there was a gravel pit on the property, it had not been worked in approximately 15 years. Noting that the property was currently zoned R-2, Mr. Borghesi stated that he was considering filing a Zone Change application so that the property would then be zoned Industrial.

Mr. Borghesi stated that he had been in discussion with DATCO Bus Company, who was looking for an adequately sized space to construct a garage building and park approximately 80 buses and 90 cars. He stated he believed this property was ideal for such a use, and he explained he was considering dividing the total property into 8-10 lots of approximately 6-8 acres each. He said that he was also in the process of speaking with the land use commissions in the Town of Canton. While there was one house on a nearby corner, the rest of the area did not appear to be being used for residential purposes. He noted that there was a large buffer between where the bus depot was tentatively proposed and the Farmington River. There was a residential zone adjacent to the Canton side of the lot; however, they planned a very large buffer area. Mr. Borghesi said that a 12,000-square foot or larger building would require sprinklers, which would not be practical in this location at it was not along the water line. Therefore, facilities smaller than 12,000 square feet would be planned.

Mr. Stoutenberg noted that the proposed activities appeared to be fairly well isolated from residential locations in New Hartford. Mr. Post questioned how the site would be drained. Mr. Borghesi said that a drainage pipe would likely drain out to the Route 44 side of the property. Mr. Post pointed out that it might be of concern that another garage would be constructed too close to the Farmington River, like the Town's highway garage. Mr. Steadman questioned whether the buses parked there would be for New Hartford schools. Mr. Borghesi responded affirmatively, noting that the buses would still be in Town, but remotely situated so as to minimally disturb Town residents. Mr. Post questioned whether Mr. Borghesi had received any feedback from the Town of Canton, and he said that they were very pleased with the proposal.

The Commission thanked Mr. Borghesi for his presentation and advised him how to proceed with filing a Zone Change application.

1. PUBLIC HEARINGS:

A. **Martin Peabody for 1860, LLC, 4 Bridge Street – Special Exception per Section 4.5B of the Town of New Hartford Zoning Regulations for Change of Use from Retail to Residential in an Existing Mixed Use Building.**

Michael Boe, the applicant's architect, submitted proof of notice to abutting neighbors. He explained that they did not receive green cards back from two neighbors, one of which was for a property owned by the Town of New Hartford. Mr. Boe explained that there were multiple properties owned by the Town of New Hartford, and they had sent separate notice to each one, even though they all had the same mailing address; they had in fact received receipts back from the Town of New Hartford for the other properties. The Recording Secretary then read into the record the legal notice for this matter. Mr. Boe submitted to the Commission a check for \$185 professional review of this application by the Town's Planning Consultant.

Mr. Boe then explained that the applicant had originally submitted plans showing a proposed underground propane tank. He said that the applicant now wished to withdraw that portion of the application. Mr. Boe said that the applicant instead planned a high-efficiency heat pump system in the building which would be run with electricity; this alternative would work well for the applicant as it was only to be used for the first floor of the building. Mr. Stoutenberg questioned what type of heating system was used for the upper floors of the building. Mr. Boe said that the rest of the building was heated with a 4-5 year old fuel oil heating system, which the applicant planned to continue using. Mr. Boe then submitted a revised plans for the building which crossed out the underground propane tank and specifically stated it was no longer part of the application.

Mr. Boe then reviewed with the Commission maps and plans showing the building from all sides, as well as calculations regarding the amount of the lower level that was above was in fact on average three feet or more above grade plane, and therefore a story and not a basement as per the Zoning Regulations. As the bottom floor of the building therefore fit the definition of a story, the proposed additional residential units could therefore be constructed on the first floor of the building as per the Mixed Use special exception requirements.

Mr. Boe explained that Mr. Peabody proposed maintaining a smaller retail space at the front of the floor facing the street; however, the back area of this floor would be converted into an office space, a one-bedroom apartment, and a 2-bedroom apartment. This new use would actually require five less parking spaces than the current use required. Mr. Stoutenberg questioned whether the staircase at the center of the first floor would remain accessible. Mr. Boe responded affirmatively, showing the corridor that was designed to access the office space and apartments would also provide access to the staircase; he noted that all required emergency exit signs would be installed.

Mr. Boe then reviewed with the Commission drawings depicting the new building façade from all sides. Aluminum clad windows were planned for the front in order to maintain a more traditional appearance. LED lighting would be used. The two existing mounted signs at the front would remain in the same location. At the back of the building, they planned to re-open any bricked up windows; new windows would also be constructed on several sides of the building. This would ensure the proposal met the egress requirements of the fire code. He noted that the new windows would be transom windows above double-hung windows. Mr. Boe then submitted a Request to Waive Site Plan Requirements, as there were no physical changes proposed to the site.

Mr. Steadman asked for additional information regarding parking for this proposal. Mr. Boe explained that the current use of the building requires 20 parking spaces; the new proposal actually only requires 14. Mr. Stoutenberg noted that the parking for this building was shared and was not actually located on this building's property. Mr. Steadman then asked for additional information regarding signage. Mr. Boe explained that Mr. Peabody wanted to maintain the signage as it currently was, noting that it was legally nonconforming as it pre-dated the current zoning regulations.

Mr. Steadman then read into the record a letter from First Selectman Daniel Jerram dated January 8, 2014 which stated the Town was in favor of this application. He also read into the record a letter from David Childs, Chairman of the Economic Development Commission, dated November 25, 2013 which also expressed approval for this application. Mr. Boe noted for the record that he had met with the Fire Marshal, the Building Official, and the Town's Planning Consultant prior to submitting this application, in order to ensure any concerns they might have were adequately addressed. Mr. Steadman then noted the presence in the record of a report dated December 22, 2013 from Martin Connor, the Town's Planning Consultant, which recommended approval of this application.

Hearing no other questions or concerns from the Commission, the floor was opened to public comment. No one present expressed a desire to speak.

MOTION Mr. Stoutenberg, second Mr. Post, to close the public hearing in the matter of **Martin Peabody for 1860, LLC, 4 Bridge Street – Special Exception per Section 4.5B of the Town of New Hartford Zoning Regulations for Change of Use from Retail to Residential in an Existing Mixed Use Building** at 7:45PM; unanimously approved.

2. **PENDING APPLICATIONS:**

- A. **Martin Peabody for 1860, LLC, 4 Bridge Street – Special Exception per Section 4.5B of the Town of New Hartford Zoning Regulations for Change of Use from Retail to Residential in an Existing Mixed Use Building.**

MOTION Mr. Stoutenberg, second Mr. Post, to grant the requested Waiver of Site Plan and Design Review Requirements and approve the application in the matter of **Martin Peabody for 1860, LLC, 4 Bridge Street – Special Exception per Section 4.5B of the Town of New Hartford Zoning Regulations for Change of Use from Retail to Residential in an Existing Mixed Use Building** as per all oral and written testimony, with the condition that this approval does not authorize construction of an underground propane tank or any modification of the existing parking layout; unanimously approved.

Mr. Krimmel reminded the Commission that the Town did have an Architectural Review Committee, largely for review of application in the Town Center. While he was in agreement with waiving the requirements in this specific application, he felt the Commission should consider obtaining ARC comment on future applications.

3. **NEW APPLICATIONS:**

- A. **Brian Sulvester, 21 Elaine Way – Special Exception per Section 3.6C for Accessory Dwelling Unit.**

MOTION Mr. Stoutenberg, second Mr. Post, to accept the application in the matter of **Brian Sulvester, 21 Elaine Way – Special Exception per Section 3.6C for Accessory Dwelling Unit** and to schedule a public hearing for the March 12, 2014 regular meeting; unanimously approved.

4. **APPROVAL OF MINUTES:**

- A. **December 11, 2013 regular meeting.**
B. **December 18, 2013 special meeting.**

The Commission agreed to table this matter to the February 12, 2014 regular meeting.

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

No business was discussed.

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6. CORRESPONDENCE:

No business was discussed.

7. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION.

B. Elections of Officers.

Mr. Steadman noted that the Commission needed to schedule elections of officers for the next regular meeting.

MOTION Mr. Post, second Mr. Stoutenberg, to adjourn at 7:53PM; unanimously approved.

Respectfully submitted,

Stacey M. Sefcik
Recording Secretary