

**PLANNING AND ZONING COMMISSION
REGULAR MEETING – MINUTES
JULY 9, 2014 – 7:00 PM
NEW HARTFORD TOWN HALL – 530 MAIN STREET**

PRESENT: Chairman James Steadman, David Krimmel, Dan LaPlante, Ted Stoutenberg, Gil Pratt; Land Use staff Steven Sadlowski.

ABSENT: Alternates Robert Moore, Peter Ventre, Martin Post.

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

1. PUBLIC HEARINGS:

A. Catherine Ross – 741 Steele Road – Modification of Special Exception - Increase limit in conditions of approval of students from 10 to 25.

The chairman read into the record the legal notice for the public hearing. Zoning Enforcement Officer Steve Sadlowski relayed to the commission that the applicant did not send notice of public hearing within the mandatory fourteen days because of a miscommunication and advised that the commission continue the public hearing. The Commission agreed to table this matter to the July 23, 2014 regular meeting.

B. Lynn and Frieda Taylor, 395 South Road – Special Exception – Dog Kennel with Four Runs and Storage Area.

The chairman read into the record the legal notice for the public hearing. Proof of notice to abutting neighbors was submitted. Ms. Taylor also submitted correspondence to Mr. Steadman regarding this application. Mr. Sadlowski reminded commission members that the town regulations define a kennel as an establishment maintained for the boarding or grooming of dogs or cats for commercial purposes, or the keeping of more than four (4) over the age of eight (8) weeks for any purpose. It was his understanding that at times the applicants were going to have more than four (4) dogs thus tripping it as a kennel. Mr. Sadlowski explained that kennels are allowed by Special Exception only.

Applicant Lynn Taylor then addressed commission members to describe the basis of their application for a Special Exception. Ms. Taylor reported that currently they own seven dogs with most dogs living in the home. Plans are to build a kennel to house their competition dogs, many of whom are un-spayed. In order to keep them safe from each other because they're likely to fight if they're all out together and also as a precaution to the unneutered dogs who live in the neighborhood, they would like to build a kennel. Ted Stoutenberg asked what breed of dog the applicants have. Ms. Taylor responded that they are German short-haired pointers. Mr. Stoutenberg then asked how long the applicant has had seven dogs. She responded that she has lived at the residence since 2002 and has always had six dogs until about a year ago when she got two more. However, one has died leaving them with only seven. Mr. Stoutenberg then followed with an inquiry to the applicant as to whether or not she has ever received any complaints. Ms. Taylor responded that she had not and that it is a very dog friendly neighborhood. Mr. Sadlowski provided commission members with aerial shots as well as a set of plans of the property. Ms. Taylor mentioned that she has included detailed images of the property with her application mainly because of the size of the property being so large, having nineteen (19) abutters. Ms. Taylor commented that the dogs are not "barkers". Mr. Sadlowski reported that the file contains all the receipts of the mailings notifying the property abutters of the public hearing. Mr. Steadman then invited members of the public to speak about this application.

Ms. Theresa Ciocci, 44 Laurelwood Pond Lane, then addressed the commission in opposition of the application. Having also lived at her residence since 2002, she said she has endured listening to the barking of dogs in excess of two hours. She reported that in the spirit of being a good neighbor, she has never reported the persistent problem to the dog warden. She expressed her enjoyment of living in the country in a neighborhood of horses, dogs and roosters but that she had concerns with this application. She requested that if the commission will be granting an exception, that some consideration be given to providing a regulation regarding excessive barking.

Ms. Kathleen Webster, 32 Laurelwood Pond Lane, followed with comments in opposition to the application. She acknowledged that her property may be one of the furthest properties away from the subject property of the application. She reported that she has always thought the dogs were being trained for hunting as she would hear them incessantly barking. She reported that she would hear them early in the morning often but would also hear them late at night, too. She, too, reported that she never called the dog warden.

Mr. Sadlowski questioned the two women whether they were sure that the dogs they heard were definitely the dogs of the applicants. They both responded affirmatively.

Mr. Joe Amatulli, 395 South Road, as a resident of the applicant's address, stated that the dogs they are raising are not pack dogs but instead are bird dogs. He reported that their dogs are never allowed out past 9:00PM. He suggested that the dogs just spoken about were possibly the dogs of a different neighbor. With the possibility of coyotes and with the sizeable investment the applicants have in their dogs, he maintained that they would not ever take the chance of leaving dogs out at night.

Ms. Ciocci was then allowed to follow up to Mr. Amatulli's comments. She stated that she is very sure that the sound of barking they heard came from the applicant's address.

Based on Ms. Taylor asserting that she brings the dogs into the house at 9PM, Mr. Pratt sought clarification as to whether that practice would continue after the kennel was built. Mr. Amatulli said that most likely they would be brought into the house. Mr. Steadman then asked Mr. LaPlante whether, in his capacity as Animal Control Officer for the town of New Hartford, he had ever received any complaints. He replied that he had never received a complaint.

Mr. Sadlowski then presented two proposed conditions that he thought might address many of the concerns of the commission.

MOTION: Mr. Stoutenberg, second Mr. Pratt, to close the Public Hearing; unanimously approved.

C. Town of New Hartford – 53 Steele Road and 65 Steele Road – Zone change from R-1.5 to R-15.

Upon Mr. Steadman's reading the legal notice into the public record, Mr. Sadlowski noticed a typo with the address of 65 Steele Road reading as 6 Steele Road.

MOTION: Mr. Stoutenberg, second Mr. Pratt, to continue the public hearing until September 10, 2014; unanimously approved.

D. Brent St. John – 202 Main Street – Change of use from retail to residential.

The chairman read into record the legal notice for the public hearing. Proof of notice to abutting neighbors was submitted. Ms. Tonetta St. John, 32 Secret Mountain Trail, Canton, addressed the commission regarding the proposed zone change. Mr. Steadman asked if this was a non-conforming use. Mr. Sadlowski responded that the area was a residential zone so typically the retail

would not be allowed. Regulation 7.1.A.2 allows a non-conforming use to be changed into a less objectionable use. This would be non-conforming because the primary house is a two-family so they can't have an accessory apartment on top of that. Mr. Steadman asked whether the septic was in place. Mr. Sadlowski said there was a bathroom in this subject smaller building already. He reported that the applicants will have to get building permits but that he was unable to issue a building permit without a zoning permit. Mr. Pratt confirmed that approval granted would be contingent upon receiving all necessary reports from Farmington Valley Health District and that no one would reside there unless compliant with building codes. Mr. Sadlowski confirmed that no one could move in and use it until those were obtained.

MOTION: Mr. Pratt, Mr. Stoutenberg second, to close the public hearing; unanimously approved.

2. PENDING APPLICATIONS:

A. Catherine Ross – 741 Steele Road – Modification of Special Exception - Increase limit in conditions of approval of students from 10 to 25.

The Commission agreed to table this matter to the July 23, 2014 regular meeting.

B. Lynn and Frieda Taylor – Lynn and Frieda Taylor, 395 South Road – Special Exception – Dog Kennel with Four Runs and Storage Area.

Mr. Steadman stated for the record that he is familiar with the applicants and has visited their property several times. For those reasons, Mr. Steadman announced that he would recuse himself from the vote and left the meeting while the commission discussed the application.

MOTION: Mr. Pratt, Mr. LaPlante second, to approve of the application subject to the following conditions: 1.This kennel is approved for private use only, no boarding for a fee is allowed or for non-personal dogs other than the owner's; and 2. Dogs shall be kept quiet. Excessive barking that results in written complaints to the Land Use Office, may result in this permit being rescinded by the Commission after a hearing on the matter is held.

Mr. LaPlante questioned the possibility of another dog coming in for stud service, a temporary guest dog which would not be their own. Mr. Krimmel took objection with the word "owner" in context of this application as the applicants are not the owners of the property subject to this application. Mr. LaPlante questioned why a complainant would seek the Land Use Office and not the Animal Control Officer. Mr. Sadlowski indicated that the intention is to be certain that the complaints are written so that they are properly recorded. **Mr. Pratt withdrew the motion.**

MOTION: Mr. Pratt, Mr. LaPlante second, to approve of the application subject to the following conditions: 1.This kennel is approved for private use only, no boarding for a fee is allowed; and 2. Dogs shall be kept quiet. Excessive barking that results in written complaints to the Animal Control Officer or to the Land Use Office may result in this permit being rescinded by the Commission after a hearing on the matter is held; motion carries 4-0-1, with Mr. Stoutenberg, Mr. Krimmel, Mr. LaPlante, and Mr. Pratt voting in favor and Mr. Steadman abstaining.

C. Town of New Hartford, 53 Steele Road and 65 Steele Road - Zone Change from R-1.5 to R-15.

The commission agreed to table this application until the September 10, 2014 meeting.

D. Brent St. John – 202 Main Street – Change of use from retail to residential.

MOTION: Mr. Stoutenberg, Mr. Pratt second, approve the Brent St. John Change of Use application from retail to residential at 202 Main Street changing the use of the approximately 22' x 45' one story building from retail to single family residential. As such, retail will no

longer be allowed in this building as it is being given up to gain the residential use and make the property more compliant with the residential zoning designation. Approval is also granted subject to the following condition: that no one resides in the building until appropriate approvals from Farmington Valley Health District are obtained and that it is New Hartford Building Code compliant; unanimously approved.

3. NEW APPLICATIONS:

No business was discussed.

4. APPROVAL OF MINUTES:

A. June 25, 2014 regular meeting.

The commission agreed to table the approval of the June 25, 2014 minutes until the next regular meeting.

5. ZONING ENFORCEMENT OFFICER'S REPORT:

No business was discussed.

6. CORRESPONDENCE:

Mr. Sadlowski submitted an invitation to the Northwest Hills Council of Government invitation to an ice cream social.

7. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION.

A. Discussion of business directional sign program with Economic Development Commission.

Mr. David Childs, Economic Development Commission Chairman, addressed the Planning and Zoning Commission regarding a direction sign program allowing businesses that aren't on the main drag to have uniform signs posted directing to their location. Mr. Sadlowski discussed the success of the sign program in the town of Canterbury. Mr. Pratt commented that if New Hartford were to adopt this idea that he would like all of them to be exactly the same size. Mr. Sadlowski described that in Canterbury, the signs were made of aluminum and were purchased for approximately \$75. There would be two signs that would be identical and sandwiched together on a post, similar to a road sign. Mr. Childs reported that he has already spoken to Write Way Signs & Designs out of Torrington, whose owner is a resident of New Hartford. Mr. Stoutenberg mentioned that he had seen a similar program in Vermont some many years ago. He concurred that uniformity would be important to the idea. Mr. Pratt indicated that with a program like this, it would need to be clear that these signs would not be in addition to other existing signs but would instead be the only signs. Mr. Sadlowski mentioned that it would be on a first come, first serve basis. Mr. Stoutenberg asked what the DOT says about this program. Mr. Sadlowski confirmed that permission must be sought before erecting any signs on DOT property. Mr. Steadman inquired as to where the funding for the signs comes from. Mr. Childs responded that the businesses pay for the signs themselves. Mr. Sadlowski also added that when the program was run in Canterbury, the business owner would remit the check directly to the sign maker. The land use office would handle the application in terms of verifying that the business was a legitimate business and current on their taxes.

MOTION: Mr. Stoutenberg, Mr. Pratt second, to adjourn at 8:29PM; unanimously approved.

Respectfully submitted,

Pamela A. Colombie
Recording Secretary