

**PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
WEDNESDAY, September 10, 2014 – 7:00PM  
NEW HARTFORD TOWN HALL – 530 MAIN STREET  
MINUTES**

**PRESENT:** Chairman James Steadman, Ted Stoutenberg, Alternate Bob Moore; Land Use staff Steven Sadlowski.

**ABSENT:** Gil Pratt, David Krimmel, Dan LaPlante; Alternates Peter Ventre.

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

**1. PUBIC HEARINGS**

**A. Castellani Family Real Estate Ventures, LLC, Blue Ridge Estates – Map 002 - Block 002 - Lot 11-2 Ramstein Road – Create 7 Lot Open Space Subdivision.**

The legal notice for the public hearing was read into the record. Proof of notice to abutting neighbors was submitted.

For the record, Land Use Enforcement Officer Steve Sadlowski noted that letters were received from the following: Martin Connor, Planning Consultant, dated August 29, 2014; Roger Hurlbut, P.E., (Town of New Hartford's engineering consultant), dated September 3, 2014; South End Fire Chief Bill Follert; dated September 8, 2014; Health Department, dated September 10, 2014; Jean Cronauer of the Open Space Committee, dated September 10, 2014; and Madeline McClave of the New Hartford Land Trust dated September 10, 2014.

Mr. Kenneth Hrica, P.E., L.S., provided reduced scale copies of the plans to commission members. Mr. Hrica provided an overview of the history of the parcel's plans and designs. He reviewed that the parcel is 24.3 acres in size and that the applicants are proposing an Open Space Subdivision, necessitating at least 50% of the total acreage of the land as open space. The applicants are proposing 12.24 acres designated as open space, according to Mr. Hrica, which totals 50.4% of the proposed subdivision. He reviewed that the applicants are proposing a town road which is 2000 feet long which will follow the same path as the road that was previously approved with two wetland crossings that were also previously approved. He pointed out that the plans have consolidated the lots into a single cluster, with seven lots with each just barely over 60000 square feet per lot. He pointed out that there are three sections of open space.

Mr. Hrica noted that the third open space parcel towards the back side of the lot. He referenced the Open Space regulations wherein applicants are asked to show any contiguously owned properties or talk about anything that may be further developed. He referenced a second Castellani property which extends out to Tarringford East Street and a wetland corridor that runs through this other property. If in the future, the second parcel was to be developed the open space designated on the subject property would provide for a larger significant open space piece between the two parcels.

Mr. Hrica noted that within the lots proposed for development, there are no steep slopes, wetlands, or easements, which results in the entire lot as the buildable area. The roadway is proposed as a 20 foot wide in accordance with the standards for rural roads in the town of New Hartford. No curbing is proposed but instead roadside swales for drainage.

A 20,000 gallon fire tank is provided as part of the application for fire protection for the lots, according to Mr. Hrica. The orientation of the property is favorable in that the roadway runs east to west which allows the basic provision for passive solar use for any of the homes.

Mr. Steadman inquired about exact location of the fire tank. Mr. Hrica indicated that the location would be at the property line between Lots #6 and #7. Mr. Steadman clarified as to whether Mr. Hrica is seeking a waiver regarding road grades. Mr. Hrica affirmed that he was based on the recommendation of the town engineer.

Mr. Stoutenberg asked whether there was a recommendation from the town engineer and it was confirmed that there was. Mr. Sadlowski confirmed that the sub-base of the road as designed won't be in need of bringing material in or bringing material out. Mr. Hrica confirmed.

Mr. Stoutenberg inquired whether Mr. Hrica was aware of a letter from the New Hartford Land Trust. Mr. Hrica confirmed that he was and noted the request for a pull-off access or parking lot. He confirmed that the applicants would have no problem including this request as part of the application approval.

Mr. Steadman read in full the letter from the Open Space Commission. Among the assertions of the correspondence were that the proposed open space set-aside does not meet the standard criteria of developable land, not including wetlands, steep slopes or other land already protected, the majority of the set-aside is wetlands and/or upland review area and therefore, already protected by federal, state, and local regulations, the non-wetland proportion of the proposed open space does not reach the 50% open space as required by the New Hartford Open Space Regulations, the plans as presented to not appear to conform to the stated purposes of open space development. The recommendation of the Open Space Commission was that the plans demonstrate easy connectivity by abutting open space held by the New Hartford Land Trust. They further recommend the addition of amenities such as parking area and a trail that facilitates public access and use of the open space.

Mr. Hrica responded to the letter. He asserted that the zoning regulations specifically spell out what the standard criterion in an open space subdivision is. This open space in this proposed plan met that according to Mr. Hrica. Mr. Hrica also noted in response to the letter from the Open Space Commission that the New Hartford Zoning Regulations do not require the non-wetland portion of open space to be 50%. The non-wetland percentage of open space designation on this proposed subdivision is approximately 80.4%.

**Mr. Warren Chambers, 66 Tanglewood Road**, asked about property lines. Mr. Hrica responded that there was a boundary line adjustment done between the two Castellani parcels that created the parcel and shape.

**Mr. Dave McCunn, 53 Lynette Court**, asked whether they agreed to turn the land proposed as open space into town property. Mr. Steadman reported that if the commission were to approve it, the property identified as open space would likely be stewarded by the land trust. Mr. McCunn questioned whether it would be likely or certain. Mr. Sadlowski indicated that the Land Trust has not had a chance to walk the property and confirm that it is something they were interested in.

**Ms. Bryna Avenia, 57 Lynette Court**, inquired whether the 9% grade would affect the runoff into the stream that flows behind her property. Mr. Hrica assured her that it would be protected.

Mr. Sadlowski reported that his office did receive comments from the Metropolitan District because they too looked at the scope of the project as it is in their watershed. They are concerned about sediment and erosion controls and that the storm water basins are going to be carefully designed

and maintained. They also wanted the construction equipment to be stored a safe distance away from the wetlands, fuel to not be stored on site, care to be taken when filling the fuel, and that those activities are not performed within 200 feet of the wetlands. They also requested that there be absorbent pads or spill kits to be kept on site and that they are notified if anything does happen.

**Ms. Jean Cronauer, 25 Red Clover Road**, commented on the language of an Open Space Subdivision and praised the work that Mr. Hrica has completed.

**MOTION:** Mr. Stoutenberg, Mr. Moore second, **to close the public hearing in the matter of Castellani Family Real Estate Ventures, LLC, Blue Ridge Estates – Map 02 - Block 002 - Lot 11-2 Ramstein Road – Create 7 Lot Open Space Subdivision; unanimously approved.**

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

The legal notice for the public hearing was read into the record. Proof of notice to abutting neighbors was submitted.

Mr. Sadlowski had provided maps on the subject property. Mr. Stoutenberg asked if there had been any communications from anyone. He indicated that there had been a few questions but that once he had explained, there was not much concern.

**MOTION:** Mr. Stoutenberg, Mr. Moore second, **to close the public hearing in the matter of Town of New Hartford – 53 Steele Road and 65 Steele Road – Zone change from R-1.5 to R-15; unanimously approved.**

**C. Town of New Hartford – Adopt new zoning map to correct past clerical errors and inconsistencies and reflect recent amendments.**

The legal notice for the public hearing was read into the record. Proof of notice to abutting neighbors was submitted.

Mr. Sadlowski explained that the map reflects changes that were not in the map that was in the Town Clerk's Office as well as the Land Use Office. The public service utility district zones which were added a couple years ago and there were a couple changes up by Industrial Zone.

Mr. Stoutenberg inquired as to whether there was any correspondence regarding this matter. Mr. Stadlowski said there were no comments.

**MOTION:** Mr. Stoutenberg, Mr. Moore second, **to close the public hearing in the matter of Town of New Hartford – Adopt new zoning map to correct past clerical errors and inconsistencies and reflect recent amendments; unanimously approved.**

**2. PENDING APPLICATIONS:**

**A. Castellani Family Real Estate Ventures, LLC, Blue Ridge Estates – Map 002 – Block 002 – Lot 11-2 Ramstein Road – Create 7 Lot Open Space Subdivision.**

**MOTION:** Mr. Stoutenberg, Mr. Moore second, **review the at the next regular meeting and request that at least two of the missing commission members review the recorded audio of the meeting; unanimously approved.**

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

Commission members discussed that by making these smaller lots consistent with those across the street make sense for a variety of reasons.

**MOTION:** Mr. Stoutenberg, Mr. Moore second, **to grant the zone change from R-1.5 to R-15 for 53 Steele Road and 65 Steele Road, with an effective date of September 25, 2014; unanimously approved.**

**C. Town of New Hartford – Adopt new zoning map to correct past clerical errors and inconsistencies and legal notice for the public hearing reflect recent amendments.**

**MOTION:** Mr. Stoutenberg, Mr. Moore second, **to adopt the new zoning map to correct past clerical errors and inconsistencies and reflect recent amendments with an effective date of September 25, 2014; unanimously approved.**

**3. NEW APPLICATIONS:**

**A. John H. & Linda S. Casey – 144 Main Street – Site Plan Approval – Change from Dog Kennel to warehouse.**

Mr. Casey explained to commission members that he purchased the dog kennel building and has removed the remains of the dog kennels. He reported that he had the framing nearly done, garage doors ordered, has a new heating and air conditioning system going in and will have to do some slight grading on the outside so that customers can drive in and out of the building. The parking and driveway entrance will remain the same, according to Mr. Casey.

**MOTION:** Mr. Stoutenberg, Mr. Moore second, **to approve the application in the matter of John H. & Linda S. Casey – 144 Main Street – Site Plan Approval – Change from Dog Kennel to warehouse subject to the following conditions: approval is based on the submitted site plan entitled, “Site Plan for John and Linda Casey” by David F. Whitney Consulting Engineers dated August 26, 2014 sheet 1 of 1 and approval allows a warehouse use, as defined in the Zoning Regulations (warehousing) in the northern wing of the building. Any use in the main (southern) portion of the building, other than as a kennel, will require a separate approval and may require more parking, depending on the use; unanimously approved.**

**B. Satan’s Kingdom LLC – Map 043 - Block 047 - Lots 3, 4, 5 – Site Plan Review**

Mr. Alan Borghesi, Borghesi Building and Engineering Company, as well as Satan’s Kingdom, LLC, appeared before the commission seeking to perform site work which purpose is to level the property by performing simple site work. He described the work to be undertaken as limited to just what’s needed to level the area, creating an even plateau out of what material is there already. He indicated that soil is very permeable so that runoff is not a problem because rain penetrates the ground.

Mr. Steadman inquired as to whether the site would be level with the road after the work is completed. Mr. Borghesi affirmed that it would be generally level.

**MOTION:** Mr. Stoutenberg, Mr. Moore second, **grant site plan approval to the New Hartford Industrial Park on US Route 44, New Hartford, Connecticut in accordance with the drawings submitted on September 1, 2014, drawing SP1 and SPD1 subject to the following conditions: that minor modifications may be approved by the Land Use Administrator, that no material export is allowed under this permit, and that work is done in accordance with the**

**recommendations of Lenard Engineering in their letter dated September 9, 2014; unanimously approved.**

**4. APPROVAL OF MINUTES:**

. July 9, 2014 Regular meeting.

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

**6. CORRESPONDENCE.**

**7. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:**

A. Discussion of Plan of Conservation (update process)

**Respectfully submitted,**

**Pamela A. Colombie  
Recording Secretary**