

**PLANNING AND ZONING COMMISSION
REGULAR MEETING
WEDNESDAY, September 24, 2014 – 7:00PM
NEW HARTFORD TOWN HALL – 530 MAIN STREET
MINUTES**

PRESENT: Chairman James Steadman, Ted Stoutenberg, Gil Pratt, David Krimmel, Dan LaPlante, Martin Post, Alternates Martin Post and Bob Moore; Land Use staff Steven Sadlowski and First Selectman Dan Jerram.

ABSENT: Alternate Peter Ventre.

Chairman Jim Steadman called the meeting to order at 7:00PM. 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. Town of New Hartford – Text Amendment – Add an Adaptive Reuse Provision to Allow Various Industrial Uses in The New Hartford Center District Under Certain Circumstances.

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

Mr. Sadlowski provided commission members with the requested text amendment to add an adaptive reuse provision allowing various industrial uses within the New Hartford Center District, which detailed the certain circumstances defined. Under Article 4 – Business Districts of the New Hartford Zoning Regulations, a provision has been added, identified as “H. Adaptive Reuse Provision”. The text read as follows:

H. This provision shall apply to any historic building or buildings located on one lot (building) located in the New Hartford Center Zone where the building:

- 1. existed prior to these regulations (6-3-1957)*
- 2. is at least one-hundred thousand (100,000) square feet in gross floor area on a single lot*
- 3. has historically had industrial uses located within it and continues to house such uses*

The following industrial uses may continue in order to encourage adaptive re-use and to provide flexibility within the various spaces of the building or may relocate the existing square footage of gross floor area occupied by such uses within the building space as it existed on the effective date of this amendment by issuance of a Zoning Permit in accordance with Section 8.2 of these Regulations; or may expand the square footage of gross floor area occupied by such uses within the building space as it existed on the effective date of this amendment by Site Plan Review in accordance with Section 8.4 of these Regulations; or may expand the square footage of gross floor area occupied by such uses by either new building(s) or additions to the building space as it existed on the effective date of this amendment by Special Exception in accordance with Section 8.5 of these Regulations:

- 1. Warehousing inside the building*
- 2. Self Storage inside the building*
- 3. Manufacturing*
- 4. Research Laboratory*
- 5. Contractor Shop inside the building*

Mr. Sadlowski explained that the purpose of this text provision, which is applicable essentially only to the mill building of 37 Greenwoods Road, allows for housing, restaurants, retail and office space. By the mill building property going into the New Hartford Center Zone, it would have disallowed the current industrial uses. Although the industrial uses might have continued as grandfathered uses according to Mr. Sadlowski, the Adaptive Reuse Provision would be easier to manage in the future. Mr. Sadlowski reported that Attorney Mark Branse reviewed, adjusted and recommends the language as put forth in this provision.

Mr. Steadman inquired as to whether the applicant has reviewed and approved the Adaptive Reuse Provision. Mr. Karl Nielson, representative for Mr. Dave Hurley, owner of 37 Greenwoods Road, praised the commission for the time taken to tailor the provision. Further, he conveyed the approval of Mr. Hurley as well as that of Mr. Hurley's attorney, Mr. Dave Markowitz.

First Selectman Dan Jerram expressed his support of the extension of the zone and the Adaptive Reuse Provision. He stated that the larger buildings in New Hartford need special care and consideration in terms of zoning regulations because without this flexibility, can see high rates of vacancy and difficulty in finding tenants.

MOTION: Mr. Stoutenberg, Mr. Krimmel second, **to close the public hearing in the matter of Town of New Hartford – Text Amendment – Add an Adaptive Reuse Provision to Allow Various Industrial Uses in The New Hartford Center District Under Certain Circumstances; unanimously approved.**

B. Town of New Hartford – Map Amendment – 37 Greenwoods Road – Change Zone From Industrial to New Hartford Center District.

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

Mr. Sadlowski explained that this amendment pertains to the property that sits under the mil and the paved area around it.

MOTION: Mr. Stoutenberg, Mr. Krimmel second, **to close the public hearing in the matter of Map Amendment – 37 Greenwoods Road – Change Zone From Industrial to New Hartford Center District Town of New Hartford; unanimously approved.**

2. PENDING APPLICATIONS:

MOTION: Mr. Stoutenberg, Mr. Krimmel second, **to add Town of New Hartford – Text Amendment – Add an Adaptive Reuse Provision to Allow Various Industrial Uses in The New Hartford Center District Under Certain Circumstances as Agenda Item 2B and to add Town of New Hartford – Map Amendment – 37 Greenwoods Road – Change Zone From Industrial to New Hartford Center District as Agenda Item 2C (under Pending Applications); unanimously approved.**

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.

Mr. Steadman reminded the commission that only three members were present at the September 10, 2014 public hearing on this application. He reported that the applicant was offered the opportunity to receive five votes by availing the digitally recorded audio of the hearing to the commission for their review and consideration. Both Mr. Dan LaPlante and Mr. Gil Pratt had the opportunity to do so. To this end, for purposes of review, deliberation and voting, the following five commission members participated and voted on the application in the matter of *Castellani Family*

Real Estate Ventures, LLC, Blue Ridge Estates – Map 002 – Block 002 – Lot 11-2 Ramstein Road – Create 7 Lot Open Space Subdivision: Mr. Steadman, Mr. Stoutenberg, Mr. Moore, Mr. LaPlante, and Mr. Pratt.

Mr. LaPlante questioned where else in town a road has a ten percent (10%) grade. Mr. Sadlowski responded that Mr. Hurlbut indicated that to get the grade reduced would necessitate a lot of hauling and filling and didn't think it was worth it for the relatively short segment.

MOTION: Mr. Stoutenberg, Mr. Steadman second, to approve the application for the “Blue Ridge Estates” subdivision for Castellani Family Real Estate Ventures, Ramstein Road as per the submitted plans entitled the same, developed by Hrica Associates, LLC, dated June 14, 2014 and revised through September 9, 2014 consisting of the cover sheet and sheets A1 (overall site plan showing all lots and road), EX (site survey plan), OA (site plan showing entire parcel), S1 and S2 (40 scale of house lots), PP1 and PP2 (road profile plans), D1 (detail sheet) and E1 and E2 (erosion control).

In addition, reports are on file from the following experts:

Martin J. Connor, AICP, Planning Consultant final report dated August 29, 2014

Roger Hurlbut, PE, Engineering Consultant final report dated September 3, 2014

Fire Chief, Bill Follert, dated September 8, 2014

Health Department approval dated September 8, 2014

Metropolitan District comments dated September 10, 2014

Open Space Committee – Jean Cronauer, dated September 10, 2014

New Hartford Land Trust- Madeline McClave – September 10, 2014

All recommendations have been incorporated into the plans, as necessary. A public hearing was held where testimony was received.

As part of this approval, the Commission is also approving a Special Exception to allow this open space subdivision. The Commission finds that the proposal meets the requirements for a Special Requirement as per section 8.5.D and 3.5.B of the zoning regulations. The benefits of this new open space will provide protection of our natural resources, preservation of a sizeable area of open space, will protect the rural character of Ramstein Road, and will provide the beginnings of an open space corridor, as it abuts land currently owned by the New Hartford Land Trust.

In addition, the Commission hereby waives the full width snow shelf requirement shown in the “Roadway Cross Section” in the Subdivision Regulations due to the desire to minimize wetland impacts. The Commission finds that this change will not affect the drainage, sightline, or utility requirements and will not be unsafe.

Also, the Commission hereby approves portions of the proposed road to have a slope in excess of eight percent, as the Commission has found that meeting this specification will cause more harm to the neighborhood (due to the excessive cuts/excavation that will be necessary) than the slight increase in slope will cause.

This subdivision is approved with the following conditions:

1. An easement shall be submitted to the Town for access to open space area 3 to the New Hartford Land Trust and it shall be approved by our Town Attorney.
2. The deed for the open space shall be submitted to the Town for review by the Town Attorney. The New Hartford Land Trust has expressed an interest in obtaining this parcel pending a vote of their membership. Staff will work with the New Hartford Land Trust and the applicant to finalize their acceptance or as an alternative should they decline, an alternative such as the Town or a Home Owner's Association.
3. The land containing the Water Quality Basins, along with any area around them required to be accessed for routine maintenance, shall be still considered open space, but shall be split off from the main open space parcels (which will likely be accepted by the New Hartford Land Trust) and deeded to the Town so they have access to these areas

for maintenance, as needed, as these areas are in integral part of the Town's road drainage system.

4. The applicant shall install pins at all corners and angles of the open space parcel so that its extent can be easily determined in the future.

5. A bond amount for all public improvements shall be developed and submitted to the Land Use Office for review by the Town Engineer and, once approved, the applicant shall post said bond before the mylars are signed.

6. The recommendations put forth in the letter from the MDC dated September 10, 2014 are hereby incorporated into this approval and must be followed. In particular, the MDC must be notified before the start of construction, machinery shall be stored at a safe distance from the wetlands, that no fuel be stored on site, and that fueling shall be completed at least 200 feet from any wetlands. A spill kit should be on site and erosion sediment controls shall be inspected by the Town *before excavation starts*; unanimously approved by the aforementioned five voting members.

B. Town of New Hartford – Text Amendment – Add an Adaptive Reuse Provision to Allow Various Industrial Uses in The New Hartford Center District Under Certain Circumstances.

Mr. Pratt stated that it is best when considering the public safety and welfare of the town of New Hartford to provide for a building of this size to be vibrant and used rather than vacant and empty and for those reasons supports the application. Mr. Sadlowski pointed out, and commission members concurred, that the Plan of Conservation and Development calls out to reuse existing buildings rather than building new ones.

MOTION: Mr. Stoutenberg, Mr. Pratt second, **to approve the application in the matter of the Town of New Hartford – Text Amendment – Add an Adaptive Reuse Provision to Allow Various Industrial Uses in The New Hartford Center District Under Certain Circumstances with an effective date of October 9, 2014; unanimously approved.**

C. Town of New Hartford – Map Amendment – 37 Greenwoods Road – Change Zone From Industrial to New Hartford Center District.

MOTION: Mr. Stoutenberg, Mr. Pratt second, **to approve the application in the matter of Town of New Hartford – Map Amendment – 37 Greenwoods Road – Change Zone From Industrial to New Hartford Center District in accordance with the Plan of Conservation and Development and it will aid in the protection of the public health, safety, welfare and property values and will aid in attaining the purposes of the regulations with an effective date of October 9, 2014; unanimously approved.**

3. NEW APPLICATIONS:

A. Town of New Hartford – Site Plan Review – Map 013 Block 007 Lot 028, 280 East Cotton Hill Road – Trailhead Parking Area.

Mr. Jerram addressed the commission regarding this application. He explained that the town has made a significant investment in Phillip's Farm and the Goula property on Cotton Hill Road but had yet to provide any infrastructure to support people visiting the properties. He explained further that the town owns the Surdam Farm opposite the Phillips Farm. The town had a wetlands review by Environmental Planning Services and revealed no wetlands on the site. A drawing was done for an unpaved parking lot.

Mr. Jerram explained that to the north of the property is the access to the Antolini hiking trails that go into the Cooley subdivision and then back into the backside of Antolini that have been maintained by the scouts and other volunteers. He explained that this is the town's first attempt to have supporting parking so that people could use both properties. Along with the appropriate signage, people will be

able to better enjoy the investment that the town has made in these properties, according to Mr. Jerram.

Mr. Krimmel noted for the record that he thought the efforts of the volunteers who have worked to maintain these trails was fantastic and wished to publicly commend the people who are responsible for this work.

MOTION: Mr. Stoutenberg, Mr. Pratt second, **to approve the trailhead parking area in the application of the Town of New Hartford – Site Plan Review- Map 013 Block 007 Lot 028 as per the plans submitted entitled, “Site Plan, Trailhead Parking Area, East Cotton Hill Road” prepared by Lenard Engineering, Inc. dated September 17, 2014 with the following conditions: 1. Erosion sediment controls are to be installed prior to the start of excavation; and 2. Minor changes can be approved by the Zoning Official; unanimously approved.**

B. Town of New Hartford – 8-24 Referral – Accept Property at 4 Cottage Street

Mr. Jerram reported that the town of New Hartford was approached about a year ago by representatives from the Estate of Godbout or New Hartford Investments LLC with the opportunity to gift the property, identified as 4 Cottage Street, comprised of a .1 acre parcel of land. Mr. Jerram described this parcel as the grassy triangle on the end of Cottage Street, opposite Calahan Park. He reminded commission members that driving out of Calahan Park is a difficult angle to negotiate which is accompanied by a difficult entry driveway into Calahan Park. Mr. Jerram reported that after a meeting with the town’s general counsel, a three prong suggestion on how to proceed was formed: 1. if the property owner wanted to donate the property to the town, they should prepare all the legal work at their own expense, 2. property owner should provide a title insurance policy, and 3. execute an environmental screening to assure that the property is clean.

Mr. Jerram also indicated that Mr. Sadlowski has visited the parcel and can verify that it is merely the grassy triangle at the corner of the street. Mr. Jerram further indicated that Attorney Roraback has reviewed all the documentation, gone through the land records and has signaled no objection. The environmental study already conducted has further reduced the liability of the town in acquiring this property according to Mr. Jerram.

Mr. Moore made inquiry about a paved piece shown on the map and inquired as to whether at some point the town unwittingly paved over part of Lot 4. Mr. Jerram responded that the town attorney did not draw that conclusion or share any concerns to that effect. Mr. Moore reported that he checked the Secretary of State’s website and that New Hartford Investments, LLC is not listed but said he assumes they’re a representative of the Godbout Trust. Mr. Jerram responded that the town attorney has reviewed all of the documentation and saw no objection.

MOTION: Mr. Stoutenberg, Mr. LaPlante second, **to approve the acceptance of the parcel at 4 Cottage Street with the intention to possibly use to realign the intersection of Cottage Street with Reservoir Road (RT 219) and to also improve the entrance to Callahan Park; unanimously approved.**

C. Town of New Hartford – Site Plan Review – 30 Antolini Road, Map 021 – Block 007 – Lot 040 – Install Paved Play Area Behind School Near Athletic Area.

Mr. Jerram represented the New Hartford Board of Education in the application. He explained that the Board allocated funds during last year’s budget process for a paved area up on the hill behind the building.

Mr. Jerram explained that the school board would like to create a paved play area to the rear of the school for use during the winter months as part of their continued security enhancements. Just before his departure for a new job in a different district, the former superintendent had mentioned

that the project was going forward, according to Mr. Jerram. Mr. Jerram realized that the wetlands environmental service needed to review the site and had explained this. He reported to the commission that a letter has now been formally submitted regarding the site and is on file in the Land Use Office. The applicant is seeking to excavate approximately eight (8) inches of topsoil, replace with process gravel and then pave two to two and one half (2-2½) inches of asphalt. The plan also called for a couple of basketball hoops on the left and some fencing to be sure that the basketballs don't go down the hill, according to Mr. Jerram.

Mr. Jerram explained that with regards to this project, he had met with Mr. Sadlowski who in turn met with Mr. Roger Hurlbut, the town engineer along with Sean Hayden of the Northwest Conservation District. All wanted to be certain of no flooding problems with the parking lot. The current plan measures the paved play area as eighty (80) feet by one hundred, thirty (130) feet which would ensure that the full length regulation size football field stays intact. Mr. Sadlowski explained that the pavement would be flat but with a 1% downward slope towards the edge and that two perforated pipes (20-24"), which would be covered with stone, would also be installed which will enable them to fill up with water and eventually seep into the ground.

Mr. Stoutenberg clarified the precise location of the current football field. Mr. LaPlante inquired about the girls' softball field and its precise location. He recalled that it had been promised once the football field was completed.

Mr. Moore clarified that this project was coming from the school board. Mr. Jerram confirmed. Mr. Moore asked whether this project was in conjunction with their facilities subcommittee. Mr. Jerram responded that it came to him from the superintendent and the principal. He was unsure which subcommittee was directly working on the project. He stated that the Board of Education funded the project with \$42,000 and were looking to move forward with the project.

Mr. Stoutenberg inquired as to whether the existing ball field, as shown on the plans, would now include a paved right field. Mr. Jerram explained that as a result of Sandy Hook, the school board has changed direction in that they have a need for heightened security and would like to modify the site plan. He requested that the commission allow him to work with Mr. Sadlowski, and return with a modified drawing which would include sliding the diamond down.

MOTION: Mr. Stoutenberg, Mr. Pratt second, **to approve the application for a paved play area at the rear of Antolini School as per the plans submitted by Lenard Engineering dated September 24, 2014 with the following conditions:** 1. The town Engineer shall inspect the swales upon their rough-in to assure they are the correct size, are in the proper location, and are constructed as per plan; 2. Erosion sediment controls are to be installed before any excavation occurs; 3. The disturbed areas shall be reseeded as soon as possible after the installation to minimize any erosion potential; 4. Minor changes can be approved by the Zoning Official; 5. The town will provide a modified site plan within one hundred twenty (120) days showing the relocation of a viable girls softball field; 6. A letter from Josh Adams or the local Board of Education reflecting their acknowledgement and support of the project; **unanimously approved.**

4. APPROVAL OF MINUTES: July 23, 2014 Regular Meeting; August 11, 2014 Special Meeting; September 10, 2014 Regular Meeting

MOTION: Mr. Krimmel, Mr. Pratt second, **to approve the July 23, 2014 Regular Meeting Minutes; unanimously approved.**

MOTION: Mr. Steadman, Mr. Pratt second, **to approve the August 11, 2014 Special Meeting Minutes; unanimously approved.**

The September 10, 2014 Regular Meeting Minutes should have included Alternate Martin Post as Absent.

MOTION: Mr. Stoutenberg, Mr. Pratt second, **to approve the September 10, 2014 Regular Meeting Minutes as amended; unanimously approved.**

5. ZONING ENFORCEMENT OFFICER'S REPORT.

No business was discussed.

6. CORRESPONDENCE.

Mr. Steadman sought a consensus from commission members regarding a correspondence to be drafted by him, on behalf of the commission, directed to the attention of the first selectman regarding a pay increase for Mr. Sadlowski. Consensus of commission members was that they very much approve of the job performance of Mr. Sadlowski and would like him to be considered for a raise at his upcoming six month review.

7. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

A. Discussion of option to allow new multi-family housing in New Hartford Center Zone.

Mr. Sadlowski reported that after speaking with Attorney Dave Markowitz and Mr. Karl Nielson, it was determined that the center district does not allow new multi-family housing. It allows an existing building to be converted but does not allow new multi-family housing to be built.

Mr. Hurley, the owner of 37 Greenwoods Road, does want to build new multi-family housing according to his representatives, Mr. Sadlowski reported. If the commission approves, it will involve additional modifications of the regulations again likely by adding it to the adaptive reuse zone. Mr. Sadlowski provided commission members with some proposed language that was drafted between the town's land use attorney, Mark Branse and himself.

Mr. Sadlowski explained that the Hurley's would have to first come up with a master development plan for the whole area including the field and the mill. Mr. Post asked whether the field and the mill are separate parcels. Mr. Sadlowski confirmed that they are separate parcels but same owners. Mr. Post asked whether the development plan would be incumbent upon the heirs and successors of the current owners of the properties. Mr. Sadlowski responded that it would. Mr. Sadlowski explained that Attorney Branse's concern is that the development be done in phases to ensure that they don't put up a huge apartment building and then do nothing else in terms of commercial development. This would provide the town with an assurance of mixed use development: office space, retail, restaurant, etc.

Attorney Branse also provided language governing design criteria and included a condition that the proposed development be subject to an architectural review board. Further, he provided that adjacent parcels could be added in, if necessary. Attorney Branse provided the commission with an option to mandate a certain percentage of the development designated as affordable housing. Mr. Sadlowski reported that Attorney Branse suggested this condition to the modification of the Adaptive Reuse Provision is advisable.

Another condition that Mr. Sadlowski highlighted was one that relates to density. The final condition as proposed by Attorney Branse that Mr. Sadlowski briefly described related to the affordable units being mixed in within the development and distributed throughout the site and that they be of comparable workmanship, size and bedroom count to market rate units.

Mr. Moore inquired further regarding the phasing aspect of Attorney Branse's proposal. Mr. Sadlowski explained that Attorney Branse was familiar with a mixed use development in another

town in Connecticut, which was not phased, that resulted in the developer pursuing all of the residential development but then never completing the retail development aspect. According to Mr. Sadlowski, Attorney Branse would like to see all different types of development be done at once instead of only aspect completely finished before another type has begun. His suggestion also included insisting on the non residential portions be occupied whereas Mr. Sadlowski could envision the minimum threshold for the requirement to be a status of rented as adequate.

Mr. Karl Nielson, agent for Mr. Dave Hurley, identified the two main objections to these proposed conditions as the affordable housing designation requirement and the percentages of the uses requirement.

Mr. Nielson explained that the regulations of the Connecticut Housing Finance Authority are so stringent that the bigger companies, or developers, are not interested in them. Mr. Nielson also stated that there would not be anything stopping Mr. Hurley from coming is under an application under Connecticut General Statutes Section 8-30G for Affordable Housing and putting in 400 units or whatever number he could conceivably build on this location. Mr. Nielson further stated that this is not something, however, that Mr. Hurley would like to do.

Mr. Nielson continued that Mr. Hurley may not object to the percentages condition of the larger master development plan so long as the percentages make sense. Mr. Nielson stated the difficulty in forecasting what could go in there because there are so many different uses that could be done. He questioned the process of how a percentage would be set. He expressed concern with the idea that Attorney Branse may have suggested a figure of fifty percent (50%) as proposed commercial designation, opining that number as too high.

Discussion ensued as to what the affordable rate of housing would be and how that number is derived.

MOTION: Mr. Pratt, Mr. Stoutenberg second, **to adjourn the meeting at 9:03P.M.; unanimously approved.**

Respectfully submitted,

**Pamela A. Colombie
Recording Secretary**