

**PLANNING AND ZONING COMMISSION
REGULAR MEETING – MINUTES
WEDNESDAY, JANUARY 14, 2015 – 7:00PM
NEW HARTFORD TOWN HALL – 530 MAIN STREET**

PRESENT: Chairman James Steadman, Ted Stoutenberg, Dan LaPlante, Dave Krimmel; Alternates Martin Post and Peter Ventre; First Selectman Dan Jerram; Zoning Enforcement Officer Steven Sadlowski.

ABSENT: Bob Moore.

Chairman Jim Steadman called the meeting to order at 7:00PM. All regular members present were seated as well as Mr. Peter Ventre for Mr. Bob Moore. The proceedings were recorded digitally and copies are available in the Land Use Office.

1. PUBLIC HEARINGS:

None.

2. PENDING APPLICATIONS:

None.

3. NEW APPLICATIONS:

A. New Hartford Industrial Park Inc. – Map 36B – Block 132 – Lot 004, 37 Greenwood Road – To Allow a Photography Studio.

Attorney David Markowitz addressed the commission on behalf of the applicant, New Hartford Industrial Park, Inc. Attorney Markowitz explained to the commission that the application is almost identical to one they have approved recently. He noted that the tenant, Corey Lynn Tucker Photography, is comprised generally of just herself unless doing a seating, resulting one additional car. Her space would be in what he identified as Building 902, with her parking located on the upper level. Attorney Markowitz noted that there are approximately one hundred (100) spaces up there currently, of which only twenty five to thirty (25-30) are presently being used.

Mr. Ted Stoutenberg inquired as to how the photography studio will be accessed. Attorney Markowitz explained that there is both an elevator and stairs. Upon additional inquiry regarding access, Attorney Markowitz explained that similar to the recent application involving a martial arts/dance studio, access is the same with customers entering through door located on second floor, as the parking in this location is elevated. Mr. Steadman inquired as to whether the handicap entrance is also the same as it was in that other application. Attorney Markowitz indicated that it was and that the applicant will make sure it works with all appropriate signage identifying direction and location of handicap accessible entrance.

Mr. Martin Post inquired as to the amount of square footage the photography studio will be occupying. Attorney Markowitz reported that the lease on this space is comprised of 608 square feet.

First Selectman Dan Jerram spoke in support of the application, explaining that he favors supporting the existing mill building which needs tenants, and needs businesses to keep going. He explained that as long as the commission deems that all applicable safety aspects are appropriately addressed, he would lend his full support of having a photography studio in the Hurley building.

MOTION: Mr. Stoutenberg, Mr. Ventre second, **to approve the site plan review to allow a photography studio in the space depicted in the submitted site plan and as explained. In the submitted narrative. We find that this use:**

- a. **is a suitable use for the existing building and location and that it will not unreasonably interfere with the property values in the general area and that it will not be detrimental to the public health, safety, and welfare;**
- b. **will be a very minor use within an existing building and that this use will not detract from the attractiveness or character of the building or area;**
- c. **will not negatively affect the streets in the area;**
- d. **will not cause any problems with our public utilities and services;**
- e. **will not damage the environment;**
- f. **that it is within a larger building that will be maintained;**
- g. **that it is in harmony with the Plan of Conservation and Development;**
- h. **that the building appearance will not change, so no new design review was warranted; and**
- i. **accessible route for handicapped persons will be marked throughout the building; unanimously approved.**

4. APPROVAL OF MINUTES:

A. December 10, 2014 & December 17, 2014.

MOTION: Mr. Stoutenberg, Mr. Steadman second, **to approve the December 10, 2014 Minutes and the December 17, 2014 Minutes; Motion passed with Mr. Stoutenberg, Mr. Steadman, Mr. Krimmel, and Mr. LaPlante voting in favor; Mr. Ventre abstained.**

5. ZONING ENFORCEMENT OFFICER'S REPORT:

None.

6. ELECTION OF OFFICERS

No business discussed.

7. CORRESPONDENCE

No business discussed.

8. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

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

Mr. Sadlowski distributed a revised draft of the regulation allowing new multi-family housing in the New Hartford Center Zone, identified as subsection 'H. Adaptive Reuse Provision' under Section 4.5 Special Use Provisions contained in Article 4, (attached hereto as Addendum A and made a part hereof). He noted that Attorney Mark Branse had reviewed and his modifications to the text have been included in the revision.

Mr. Krimmel provided a history of the zone changes that have occurred in this particular area and what is being considered in terms of future development in the area for the benefit of the Northwestern Regional District #7 High School freshman that were attending. Mr. Sadlowski distributed an additional document provided by Attorney Branse entitled, 'Appendix 7 Master Plan', (attached hereto as Addendum B and made a part hereof), which is a comprehensive list of elements that Attorney Branse opined should be part of the Master Plan.

Mr. Stoutenberg read for the benefit of those attending, the purpose of the New Hartford Center District as outlined in Article 4, Section 4.1, Subsection E:

"The purpose of this Section is to permit the historic New Hartford Center area to continue to develop as the Town's governmental, financial, historic, cultural, institutional, and business center; to guide the Development of the area to provide for site Development that is more efficient in terms of parking and circulation; to encourage construction and utilization of Structures in conformance with the existing scale and character of the Center; to provide for a comprehensive pedestrian system to attract a greater number of people to the Center; to allow Mixed Uses within Buildings so as to assure their continued viability; to reestablish a physical relationship between the Center and the Farmington River through the encouragement of park areas and access point to the River; to implement the recommendations for the Center as contained in the Center Study and the Plan of Conservation and Development."

Regarding the Master Plan, it was agreed that it could be used for any master plan and should be included as an Addendum to the Regulations.

Attorney Markowitz presented a conceptual plan of the Hurley Property to the commission prepared by Phil Doyle of LADA (Landscape Architectural Design Associates, P.C.), a company out of Simsbury that has been working with New Hartford on parking and potential downtown initiatives. Attorney Markowitz reported that the Hurley family has engaged Land Surveyor Brian Denno to do a Letter of Map Amendment with FEMA. He noted that after taking quite a few shots of elevation to precisely locate the flood line, Mr. Denno is filing the application electronically this week. With electronic filing, decisions return fairly quickly and the Hurley family is hoping to have a letter of map amendment correcting the current FEMA flood maps within thirty to sixty (30-60) days, according to Attorney Markowitz.

Attorney Markowitz demonstrated on the conceptual drawing a building with a concrete wall down to grade, an area designated for ingress and egress, parking underneath the building, approximately eighty (80) spots along with storage areas for tenants, an area

with another one hundred (100) spots as well as an additional area with one hundred ten (110) spots. Attorney Markowitz opined that one hundred twenty five (125) units could very easily go into a building in this location. He noted the elevator towers and stair towers in the back that Mr. Doyle reflected in the conceptual drawing as well as the walking/bicycle path along the river. Attorney Markowitz reminded the commission that the walking/bicycle path area is elevated above the tree area. Furthermore, Mr. Doyle has assured that best management practices can be used to treat water because there will be some impervious areas, according to Attorney Markowitz. He reminded the commission that the drawing before them was merely a potential concept plan but does highlight how a fairly attractive development can go into the location and that the property can support it.

Attorney Markowitz concluded with highlighting Mr. Doyle's depicted patio and pool but noted that he is not sure what that area will actually contain. Attorney Markowitz explained that there is going to be a possibility of pervious pavement to help drainage but it is a little bit more expensive to install than impervious but noted it is certainly a possibility. Because of the grade of the land as well as down at Route 219, Attorney Markowitz noted that they have been assured that the sewer line from this site will be gravity fed all the way down to Route 219. He noted that the manhole at Route 219 is very deep and asked Mr. Jerram if this was because that is the location where it goes under the river. Mr. Jerram noted that it does go under the river but expert advice will need to be sought as to whether a pump station will be required. Attorney Markowitz noted that if a pump station is needed, Mr. Doyle has provided a potential area for it but that his clients are hopeful one will not be necessary.

Attorney Markowitz noted that the conceptual plan was designed with one hundred fifty to one hundred sixty (150-160) units which are primarily one (1) bedroom, approximately 600 square feet per unit. He noted that these units are not for families, but instead more for empty nesters. He noted that if they made the building shorter they could probably increase it but that the modern concept for multi-family is to keep units smaller rather than larger. Additionally, Attorney Markowitz reported that this concept was based on One West Street in Simsbury. He reminded the commission that Mr. Sadlowski had circulated photos of projects that had greater density than what New Hartford was used to, as One West Street in Simsbury was thirteen (13) units per acre, doing very much the same thing as this conceptual drawing: it's elevated and the main entrance is off of a parking area.

Mr. Marty Post inquired as to how many floors were contained in the conceptual drawing the commission was reviewing. Attorney Markowitz responded that it contained three (3) floors but noted that fire is not an issue because of the elevated parking area. Attorney Markowitz noted that another project in Simsbury contained sixteen (16) units per acre and that Mr. Doyle had relayed the fact that it was rented before it was even opened. Mr. Steadman asked what the density on this conceptual drawing was. Attorney Markowitz noted that with the amount contained in the draft regulation, and if the bonuses of twenty (20) additional units were granted from putting in a dry hydrant on the river, a proposed bonus so that the fire department could have access to the river,

and the walking trail along the river, the total development would be at one hundred fifty six (156) units.

Mr. Stoutenberg expressed his concern with the incorporation of commercial or retail with the housing. He noted that there is some thought that the commercial and retail would be in the old factory building but that the connection between the two has not been quite adequately addressed. Attorney Markowitz explained that it is his suggestion that for purposes of meeting the requirements for the proposed regulation, that the commercial use of the Hurley factory building would provide 120,000 square feet, and this amount would exceed the 30% non residential requirement. Mr. Stoutenberg opined that the conceptual plan doesn't suggest any type of linkage between apartments there and the commercial space adjacent to it. Attorney Markowitz clarified that he would like to see the factory building be included as meeting the requirement. Mr. Stoutenberg suggested that the overall plan ought to address how there would be some type of connection between the two, such as pedestrian ways to get between the two. Attorney Markowitz assured that when a master plan is done, it will include exactly that. He explained that the drawing is just a concept for the building and the field area.

Mr. Krimmel then inquired of the commission what the justification is for a 30% non-residential requirement on this development and why a maximum density figure of eight (8) units per acre.

Attorney Markowitz inquired about Section 4.5.B., Special Use Exceptions: Mixed Use of the Zoning Regulations, under #1, "Residential uses shall be located only about the first Story of the Building...". He explained that he wasn't sure whether that applies to the adaptive reuse portion of the regulation and noted that if it does, he finds it very problematic as he deemed it very unlikely that they would ever get commercial in a building like this. Mr. Stoutenberg commented that the commission has found that it is not working on this side of river either.

Mr. Post explained that the proposed figure of eight (8) as a number that came from Attorney Branse. Mr. Sadlowski further explained saying that this number, eight (8), was derived from taking the number of units that the Hurley's had initially proposed and dividing it by the number of acres of the parcel, what he characterized as reverse engineering. He further clarified that the non-residential requirement is satisfied not just by stores but also by the manufacturing, too.

Mr. Krimmel asked whether the town garage has been looked at as part of this development and opined that anything done on that side of the river ought to include and consider the garage property. Mr. Sadlowski explained that there are allowances in the regulations to allow that town garage piece to be added. He noted that while it would be great, it will ultimately up to the developer.

Mr. Sadlowski noted that he is trying to schedule a meeting with what he terms, "the river folks", to share with them this conceptual plan. He noted that the Hurley family has

also been invited to share the plan and that Attorney Markowitz has indicated they are interested in attending.

Photographs of One West Street in Simsbury were then shared with commissioners. Mr. Post inquired whether the conceptual plan presented was based on this development and whether One West Street is mostly one bedroom units and also 600 square feet. Attorney Markowitz responded no, that One West Street is comprised of larger condominium units. Mr. Sadlowski noted that quick look on the internet reflects One West Street as two bedroom, two bath units of 1477 square feet.

Mr. Jerram inquired as to whether the zoning regulations address whether these units would be restricted for rental only, or for sale and whether this would matter. Mr. Stoutenberg indicated that the regulations do not address this and that it would not matter. Mr. Sadlowski explained that it would be up to the developer to market them how he wants. Attorney Markowitz explained that this development will be driven by the developer, someone who has done projects like this before, who knows the market and knows where he wants to go with it. He noted that when the commission receives Master Plan, it will show a fair amount of detail. Attorney Markowitz further explained that there will be traffic studies and parking studies and that the developer's vision will be what drives this. He noted that it will not be the Hurley family developing this property. Attorney Markowitz concluded by saying that the Hurley family was only interested in providing the concept plan so that in their mind's eye, they could see what the site might look like with one hundred fifty (150) units on it.

Attorney Markowitz explained that until there's a regulation that would allow a development similar to this, his client can't even dream of marketing the field.

After additional discussion, it was agreed that a public hearing on this draft regulation would be scheduled for next month. Mr. Sadlowski clarified that he would modify the drafts so as to not require commercial use on first floor, would leave the density at eight (8) units per acre, and the 30% non residential requirement would be further clarified.

MOTION: Mr. Stoutenberg, Mr. Ventre second, **to schedule a public hearing on a draft regulation allowing new multi-family housing in New Harford Center Zone for February 11, 2015; unanimously approved.**

B. Informal discussion with Karl Nilsen regarding density calculations under Sect. 3-4a.

Mr. Karl Nilsen addressed the commission regarding density calculations under Section 3.4.A. Area and Dimensional Requirements: Density Requirements. He noted that the way the regulation is written, the factor used to be calculated against the number of buildable acres appeared to be incorrect. For instance, in an R-2 zone, the factor should be .5 against buildable acres, or .35 against the whole piece, according to Mr. Nielsen.

After discussion, it was agreed that the factors used should be changed.

MOTION: Mr. Stoutenberg, Mr. Krimmel second, **to schedule a public hearing on a change in Zoning Regulation Section 3.4.A. to change factor from 0.18 to 0.25 for an R-4 Zone, and from 0.35 to 0.5 for an R-2 Zone, (Lots per acre of buildable area); unanimously approved.**

C. Discussion of POCD.

The commission agreed to table the discussion to the January 28, 2015 regular meeting.

MOTION: Mr. Stoutenberg, Mr. Ventre second, **to adjourn at 8:45PM, unanimously approved.**

Respectfully submitted,

**Pamela Colombie
Recording Secretary**