

**PLANNING AND ZONING COMMISSION  
REGULAR MEETING – MINUTES  
WEDNESDAY, FEBRUARY 25, 2015 – 7:00PM  
NEW HARTFORD TOWN HALL – 530 MAIN STREET**

**PRESENT:** Chairman Ted Stoutenberg, James Steadman, Dan LaPlante, Bob Moore, Dave Krimmel; Alternate(s) Thomas McLaughlin, Martin Post and Peter Ventre; First Selectman Dan Jerram; Zoning Enforcement Officer Steven Sadlowski.

**ABSENT:** None.

Chairman Ted Stoutenberg 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. PUBLIC HEARINGS: Town of New Hartford – Zoning Text Amendments - To Section 4.5H, allow new multi-family housing under the Adaptive Reuse Provision in the New Hartford Center District; to section 3.4A to adjust the density factor; to Section 6.3D to expand the places where permitted signs can be displayed and to allow farm signs; to Section 7.1B4 to better define nonconforming structure reconstruction. (Actual Text can be obtained from the New Hartford Town Clerk or the Land Use Office in Town Hall.)**

The legal notice for the public hearing was read into the record and was indicated as having run two times in the local paper within the required statutory time. Proof of notice to abutting neighbors was submitted.

Mr. Stoutenberg briefed those present regarding the purpose of the proposed text amendments, explaining that zoning regulations can be characterized as a “living document”, in that it can change from time to time and as the need for change arises, the commission will consider changes. A copy of these proposed text changes as attached to the Petition for Amendment to the New Hartford Zoning or Subdivision Regulations, dated February 10, 2015, is attached to these Minutes marked as Addendum A. The commission discussed adding to sub-section *4.5.H Adaptive Reuse Provision* (under *Section 4.5. Special Use Provision*), allowance for new multi-family housing on the eastern side of the Farmington River in the New Hartford Center zone. Mr. Stoutenberg highlighted the key parts of the proposed text addition that addressed the density and possible bonuses through conservation improvements, additional affordable housing beyond what is required and provision of amenities. He then explained the reason behind the text amendment to sub-section *3.4.A Density Requirements* (under *Section 3.4. Area and Dimensional Requirements*), as having more accurate density factors for the R-4, R-2, and R-1.5 zones. Mr. Steven Sadlowski then explained the purpose behind the proposed text amendment to sub-section *6.3.D Signs Permitted in Residential Districts* (under *Section 6.3. Signs*). He noted that without the proposed changes in text, the zoning regulations do not allow various signs such as a “For Sale” sign in a commercial district. Mr. Sadlowski also explained the purpose behind the proposed text change to Paragraph 4 of sub-section *7.1.B Nonconforming Structures* (under *Section 7.1 Nonconforming Conditions*), as clearing up a contradiction between one section requiring Zoning Board of Appeals approval and another section indicating none is necessary.

Mr. Sadlowski read into the record a correspondence from **Roxanne Franconi** of **10 Greenwoods Road**, expressing concern regarding the addition multi-family housing on Greenwoods Road.

First Selectman Dan Jerram read aloud a communication from the Board of Selectman favorably supporting the text amendment to 4.5.H of the Zoning Regulations.

Mr. Sadlowski noted the correspondence received by Mr. Martin Connor, Town Planning Consultant, opining that the text amendments fit in with the Plan of Conservation and Development. Mr. Sadlowski also noted receipt of letters from Northwest Hills Council of Government indicating that there is no intermunicipal conflict with the proposed amendments. Mr. Jerram reported that he had received and submitted to the Commission an endorsement correspondence from Mr. Steven Hanright, a former Water Pollution Control Authority and current president of River Run Condominium Association.

Attorney Dave Markowitz, representative of the Hurley Family, acknowledged the work of the Planning and Zoning Commission in their approach of the text amendments, opining that both the process and the product of that work was outstanding. He noted that the process was very deliberative and endorsed the amendment.

**Mr. Denton Butler of 465 Town Hill Road** noted his enthusiasm for the revisions proposed and opined that these changes reflect New Hartford's ability to react in a nimble, timely, and pragmatic manner.

**Mrs. Donna LaPlante of 77 Steadman Road** spoke favorably of all the text amendments as proposed, noting the sign amendment particularly helpful regarding farm signs.

**Ms. Maria Moore of 104 Town Hill Road** spoke favorably of the text amendments, noting that the Planning and Zoning Commission is responding very positively in their response to the plight of the Hurley Family.

**Mr. David Childs of 50 Bruning Road** also spoke favorably of the project and hoped that the Planning and Zoning Commission would be moving forward with it. He noted his position as chairman of the Economic and Development Commission and stated that while they had not discussed it formally, he stated that he felt very confident that it would be an unanimous vote in favor of the project.

**Mr. Ben Witte of 54 Spencer Brook Road** commented in favor of the project and through his fifteen years serving on the Board of Finance, noting a recent stagnant growth of the Grand List, would enthusiastically support a project such as the one discussed surrounding the Hurley property.

**Mr. James Buckley of 24 Hillside Avenue** spoke, noting at the present time he was neither in favor nor opposed to multi-family housing on the Hurley property. He noted his concerns to how a development would affect his property values but at the same time noted the kindness and respect that Dave Hurley has always demonstrated.

**MOTION:** Mr. Jim Steadman, Mr. Dave Krimmel second, **to close the public hearing in the matter of Town of New Hartford – Zoning Text Amendments - To Section 4.5H, allow new multi-family housing under the Adaptive Reuse Provision in the New Hartford Center District; to section 3.4A to adjust the density factor; to Section 6.3D to expand the places where permitted signs can be displayed and to allow farm signs; to Section 7.1B4 to better define nonconforming structure reconstruction; unanimously approved.**

**MOTION:** Mr. Krimmel, Mr. Bob Moore second, **to amend the agenda, moving Item 2. Pending Applications to the last item on the Agenda; unanimously approved.**

## **2. NEW APPLICATIONS:**

**A. Terri D. Vogellus/Applicant – Jeffrey Buyak/Owner – Special Exception - Map 014, Block 018, Lot 005 – 1120 Litchfield Tpke. – Package Store.**

**MOTION:** Mr. Steadman, Mr. Krimmel second, **to schedule a public hearing in the matter of Terri D. Vogellus/Applicant – Jeffrey Buyak/Owner – Special Exception - Map 014, Block 018, Lot 005 – 1120 Litchfield Tpke. – Package Store at the next regularly scheduled meeting of the Planning and Zoning Commission on March 11, 2015; unanimously approved.**

**B. Douglas & Linda Roth/Applicant – Douglas C. & Linda E. Roth/Owner – Special Exception - . Map 045, Block 015, Lot 003 – 135 Ratlum Road – Construct an Accessory Dwelling Unit With Garage.**

**MOTION:** Mr. Krimmel, Mr. Steadman second, **to schedule a public hearing in the matter of Douglas & Linda Roth/Applicant – Douglas C. & Linda E. Roth/Owner – Special Exception - . Map 045, Block 015, Lot 003 – 135 Ratlum Road – Construct an Accessory Dwelling Unit With Garage at the next regularly**

**scheduled meeting of the Planning and Zoning Commission on March 11, 2015; unanimously approved.**

**C. Peter A. Spath Jr. & Kimberley Spath/Owners – Special Exception – Map 022, Block 015, Lot 026 - 84 Carpenter Road – Build a Detached Two Car Garage with Apartment.**

**MOTION:** Mr. Steadman, Mr. Krimmel second, **to schedule a public hearing in the matter of Peter A. Spath Jr. & Kimberley Spath/Owners – Special Exception – Map 022, Block 015, Lot 026 - 84 Carpenter Road – Build a Detached Two Car Garage with Apartment at the next regularly scheduled meeting of the Planning and Zoning Commission on March 11, 2015; unanimously approved.**

**D. 1860 LLC/Owners - Martin Peabody/Applicant – Site Plan Review Modification – Map 36B, Block 119, Lot 002 – 4 Bridge Street – Modify SPR to remove additional apartments and increase size of office use.**

Mr. Michel Boe, A.I.A., an architect from Torrington, addressed the commission regarding this application. He explained that the owner would like to divide the building into different uses, modify windows at the North elevation as well as some lighting changes.

**MOTION:** Mr. Krimmel, Mr. Steadman second, **to approve the changes to the building at 4 Bridge Street in the matter of 1860 LLC/Owners - Martin Peabody/Applicant – Site Plan Review Modification – Map 36B, Block 119, Lot 002 – 4 Bridge Street – Modify SPR to remove additional apartments and increase size of office use; unanimously approved.**

### **3. APPROVAL OF MINUTES: January 28, 2015.**

**MOTION:** Mr. Steadman, Mr. Dan LaPlante second, **to approve the January 28, 2015 Minutes; unanimously approved.**

### **4. ZONING ENFORCEMENT OFFICER'S REPORT:**

None.

### **5. CORRESPONDENCE:**

Mr. Sadlowski noted the correspondence from Real Estate Solutions, a consulting firm, a proposal describing their Consulting Services for Use with Incentive Housing Zones and reported that each commissioner has been provided a copy.

### **6. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:**

#### **A. Presentation by the WPCA on Proposed Expansion.**

Mr. Denton Butler, Chairman of the WPCA, accompanied by Mr. Joe Toro, vice chairman of the WPCA and Mr. Roy Litchfield, newly appointed member of the WPCA. Mr. Butler reported that the three comprise a subcommittee of the WPCA that has put together a line extension analysis. His presentation was part of an information campaign the group is undertaking. He detailed the progress the WPCA has achieved in its review of the current user system and best areas for expansion. To that end, he noted the recent Request for Qualifications the WPCA has publicized. He emphasized the group is not embarking on a full blown engineering commitment but rather have put forward a six-task statement of work.

#### **B. Appointment of Members of the Architectural Review Committee.**

No action taken.

**7. PENDING APPLICATIONS: Town of New Hartford – Zoning Text Amendments – To Section 4.5H, allow new multi-family housing under the Adaptive Reuse Provision in the New Hartford Center District; to Section 3.4A to adjust the density factor; to Section 6.3D to expand the places where permitted signs can be displayed and to allow farm signs; to Section 7.1B4 to better define nonconforming structure reconstruction.**

**(Actual Text can be obtained from the New Hartford Town Clerk or the Land Use Office in Town Hall.)**

**MOTION:** Mr. Steadman, Mr. Krimmel second, **to approve the changes to texts as written to Section 4.5H, allow new multi-family housing under the Adaptive Reuse Provision in the New Hartford Center District; to Section 3.4A to adjust the density factor; to Section 6.3D to expand the places where permitted signs can be displayed and to allow farm signs; to Section 7.1B4 to better define nonconforming structure reconstruction, and that would include the density provisions to promote flexible development techniques, including conservation subdivision, to better protect our environment and character. The Ag sign provision further promotes and preserves agricultural land and farming in our town by allowing appropriate signage. The Mixed Use provision: promotes mixed use development in the Riverside East section of the Center District which will support all businesses in the area, promotes housing diversity, promotes the use of Low Impact Development techniques to preserve the Farmington River and the waters of the town, and promotes the development of spaces and infrastructure to support our “Town for All Seasons” theme and promote river access and enjoyment. We also note no submitted issues with these changes were submitted from either the Council of Governments or neighboring communities. Additionally, we also believe these changes will further our goals of protecting the health, safety welfare and property values of New Hartford and that they further the goals and purposes of these our zoning regulations.**

Prior to the vote on this motion, Mr. Krimmel noted what appeared to be a typographical error in the end of the very first statement following the title of the sub-section, D. Signs Permitted in All Districts, wherein it should read, “.....permitted as Accessory Uses in All Districts.” Mr. Sadlowski concurred.

Additionally, Mr. Krimmel directed attention to the area in the text amendments under H. Adaptive Reuse Provision, on second page of this subsection, under the paragraph regarding new Multi-Family residential dwellings, paragraph #7, statement Number 1, “....affordable units as defined in #7 below, then for....”. He noted it should read, “...#8 below....”. Mr. Sadlowski concurred.

Mr. Krimmel also noted that on the first page of subsection H. Adaptive Reuse Provision, among the bullet points covering governing Special Exception conditions, the second one should read, “...Approval for the space...”. Mr. Sadlowski concurred.

Mr. Steadman inquired whether the Master Plan was part of the text, too. Mr. Sadlowski stated that the Master Plan Guidelines will be added to the back of the Zoning Regulations as an addendum or an appendix. Mr. Krimmel suggested that there may need some “wordsmithing” on the Master Plan, too, because it addresses it as a rezoning issue. Mr. Sadlowski commented that it was just a checklist that Attorney Mark Branse had provided but that the commission could go through it. Mr. Sadlowski commented that the way it was written was that it was one for one for all the affordable housing unit aspect and suggested that the group might opt for this or for just those above the twenty or thirty percent. He noted for each unit over twenty percent.

Mr. Krimmel commented that there is no requirement for affordable housing. He noted the word, “If”, in statement Number 1 of paragraph #7 of subsection H. Adaptive Reuse Provision.

It was noted that the current text did not include an affordable housing component requirement. Mr. Stoutenberg and Mr. Moore commented that it was supposed to. Mr. Sadlowski noted that it must have been inadvertently omitted through the revision process and the back and forth exchanges between him and Attorney Branse. Opinions were expressed and rousing discussion followed.

**MOTION WITHDRAWN.**

**MOTION:** Mr. Krimmel, Mr. Steadman second, to approve the changes to texts as written to Section 4.5H, allow new multi-family housing under the Adaptive Reuse Provision in the New Hartford Center District; to Section 3.4A to adjust the density factor; to Section 6.3D to expand the places where permitted signs can be displayed and to allow farm signs; to Section 7.1B4 to better define nonconforming structure reconstruction, and that would include the density provisions to promote flexible development techniques, including conservation subdivision, to better protect our environment and character. The Ag sign provision further promotes and preserves agricultural land and farming in our town by allowing appropriate signage. The Mixed Use provision: promotes mixed use development in the Riverside East section of the Center District which will support all businesses in the area, promotes housing diversity, promotes the use of Low Impact Development techniques to preserve the Farmington River and the waters of the town, and promotes the development of spaces and infrastructure to support our “Town for All Seasons” theme and promote river access and enjoyment. We also note no submitted issues with these changes were submitted from either the Council of Governments or neighboring communities. Additionally, we also believe these changes will further our goals of protecting the health, safety welfare and property values of New Hartford and that they further the goals and purposes of these our zoning regulations; unanimously approved.

**MOTION:** Mr. Steadman, Mr. Krimmel second, to adjourn at 9:13PM; unanimously approved.

Respectfully submitted,

Pamela Colombie  
Recording Secretary