

**PLANNING AND ZONING COMMISSION  
REGULAR MEETING – MINUTES  
OCTOBER 24, 2012 – 7:00 PM  
NEW HARTFORD TOWN HALL- 530 MAIN STREET**

**PRESENT:** Chairman James Steadman, David Krimmel, Daniel LaPlante, Ted Stoutenberg; Alternates Martin Post and Peter Ventre; Land Use staff Certified Zoning Enforcement Officer Rista Malanca and Recording Secretary Stacey Sefcik.

**ABSENT:** Gil Pratt; Alternate David Jones.

Chairman James Steadman called the meeting to order at 7:00PM. All regular members present were seated for the evening. Alternate Peter Ventre was seated for Gil Pratt. The proceedings were recorded digitally and copies are available in the Land Use Office.

**1. PUBLIC HEARINGS:**

**A. David and Jacquelynn Buyak, 281 Cedar Lane – 2-Lot Resubdivision “Everleigh Farms”.**

David Buyak addressed the Commission regarding this matter and submitted proof of noticing to abutting neighbors. Mr. Buyak reviewed with the Commission all maps and plans for his proposal. He explained that he wished to divide his existing 9-acre parcel into two lots. The existing house would be located on Lot 1-1, a 2.345-acre lot, which he intended to sell. The second lot, Lot 1-2, would be 6.693 acres; Mr. Buyak planned to build a new home for himself on this lot. Lot 1-1 had 200 feet of road frontage, and Lot 1-2 had 455 feet of road frontage. There are wetlands located at the back of Lot 1-2; however, no work was planned in the wetlands or in the upland review area. Mr. Buyak stated that both lots had been reviewed and approved by the Farmington Valley Health District (FVHD), which he submitted for the record. Ms. Malanca noted that Mr. Buyak had received from FVHD both a general subdivision approval and a specific approval for the proposed new house. Mr. Buyak explained that there were two stone walls present on Lot 1-2, which he intended to keep in place; a cut would be required in each in order to allow the driveway to pass through. Mr. Buyak then distributed a picture of a house similar in style to that he planned to build on Lot 1-2. He said that he planned very minimal clearing onsite.

Ms. Malanca informed the Commission that she had visited the site with Roger Hurlbut, the Town's engineering consultant, Martin Connor, the Town's planning consultant, and Tom Grimaldi, the applicant's engineer. She stated that any concerns the Town's staff had were addressed by the applicant; both consultants submitted reports stating that the plans were complete and they recommended approval. Ms. Malanca also informed the Commission that the Open Space Preservation Commission had submitted a letter dated September 25, 2012 which recommended that the Planning and Zoning Commission accept a fee in lieu of open space if the applicant offered it. She then noted the applicant had submitted an email dated September 26, 2012 which offered a fee in lieu of open space for this subdivision. Ms. Malanca explained that the applicant had tried several times to contact the Fire Chief for his district; however, they had received no response. Mr. Buyak submitted copies of emails sent to the South End Fire Chief for the record. She stated that the proposed driveway for the second lot did meet the requirements of the Town's driveway ordinance with regard to width and grades. Lastly, Ms. Malanca noted that the application had been reviewed by the Inland Wetlands Commission and had received a favorable report from them; the report was present in the file.

Mr. Steadman questioned whether low-impact development (LID) techniques had been incorporated into the application. Ms. Malanca explained that a vegetated drainage swale was planned along the driveway. She noted that the applicants planned to leave the site very wooded. Because of this, the Town's consultants did not see a need for additional LID techniques.

Hearing no further comments or questions from the Commission, Mr. Steadman opened the floor to public comment. No one present expressed a desire to speak. Ms. Malanca then read into the record a letter submitted by Richard Bartram of 301 Cedar Lane which stated he had no objections to the applicants' proposal.

**MOTION** Mr. Stoutenberg, second Mr. LaPlante, to close the public hearing in the matter of **David and Jacquelynn Buyak, 281 Cedar Lane – 2-Lot Resubdivision “Everleigh Farms”**; unanimously approved.

2. **PENDING APPLICATIONS:**

A. **David and Jacquelynn Buyak, 281 Cedar Lane – 2-Lot Resubdivision “Everleigh Farms”.**

**MOTION** Mr. Stoutenberg, second Mr. Krimmel, to approve the application in the matter of **David and Jacquelynn Buyak, 281 Cedar Lane – 2-Lot Resubdivision “Everleigh Farms”** with a fee in lieu of open space as offered by the applicant in his email dated September 26, 2012; unanimously approved.

Several members of the Commission praised the quality of the application submitted, noting that it was complete and very thorough.

3. **NEW APPLICATIONS:**

No business was discussed.

4. **APPROVAL OF MINUTES:**

A. **October 10, 2012 regular meeting.**

**MOTION** Mr. Krimmel, second Mr. LaPlante, to approve the minutes of the October 10, 2012 regular meeting as written; unanimously approved.

5. **ZONING ENFORCEMENT OFFICER’S REPORT:**

Ms. Malanca distributed a report of her enforcement activities over the previous two weeks and briefly reviewed it with the Commission.

6. **CORRESPONDENCE:**

No business was discussed.

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

A. **Update on Waste Water Taskforce Meeting.**

At Mr. Steadman’s request, First Selectman Dan Jerram briefly updated the Commission on the activities of the Waste Water Taskforce. He explained that they had studied operations at the waste water treatment plant, and they had concluded that it was less expensive to hire a sewer operator to manage the system than it would be to handle the operation in-house. Mr. Jerram stated that they were now putting out letters of interest to see if private operators would have any interest in purchasing and running the plant. Mr. Jerram explained that they were simply trying to ensure that every effort was being made to keep sewer costs as low as possible for users and Town residents in general.

B. **Town of New Hartford – Modification to Approved Site Plan for Brown’s Corner – Location of Handicap Ramp.**

First Selectman Dan Jerram addressed the Commission regarding this matter. He explained that this was the second modification to the Brown’s Corner site plan that the Town was requesting. He stated that all work had been completed as per the first modification, with the exception of the handicap-accessible ramp down to the ball fields. Mr. Jerram explained that the ramp in the original plans and the first modification called for a switchback and contained areas with more than 5% grade. However, they had since determined that the Americans with Disabilities Act requirements for a ramp with greater than 5% grade were extensive and costly. Because of this, an alternative handicap-accessible ramp to the ball fields had been developed. The new ramp would have less than 5% grade and would terminate at a pad in the center of the park by the corner of Field 1. They planned to put picnic tables and perhaps a covered area at this pad. Mr. Jerram explained that access to Field 2 would be available by using the back driveway into the park, which was at the same grade as the playing field. This modification would save the Town between \$50,000 to \$60,000 as railings were no longer required and there would less impervious surface.

Mr. Post questioned whether a connection was possible between the parking area at Field 2 and the proposed pad in order to allow continuous access to all areas of the park. Mr. Jerram stated he was willing to do this if the Commission wanted it. Mr. Stoutenberg noted that the proposed modification had two elements: the change to the ramp and the elimination of a portion of the walkway at field level. Ms. Malanca explained that, if the Commission so chose, they could approve the modification as presented noting that expansion of the paved walkway to Field 2 was also permitted if the Town later decided to build it. Mr. Post reiterated his opinion that a complete walkway should be built now all at once rather than in stages and possibly after a Town resident was negatively impacted by the lack of complete access.

**MOTION** Mr. Stoutenberg, second Mr. Krimmel, to grant the requested modification to the approved site plan for Brown's Corner, 812 Steele Road, as per maps and plans entitled "Handicap Walk, Town of New Hartford, Browns Corner, New Hartford, Connecticut" prepared by Lenard Engineering and dated October 24, 2012, with the understanding that the Town is also permitted to construct a paved walkway from the proposed pad at the center of the park to Field 2 at a later time if they so desire; unanimously approved.

Mr. Jerram then verified whether or not another modification request would have to be filed if the Town chose to extend the paved walkway. Ms. Malanca explained that another modification request would not be necessary because the possible future extension of the walkway was included in this approval.

**C. Town of New Hartford Plan of Conservation and Development.**

The Commission agreed to table this discussion to the November 14, 2012 regular meeting.

**MOTION** Mr. Stoutenberg, second Mr. Krimmel, to adjourn at 7:55PM; unanimously approved.

**Respectfully submitted,  
Stacey M. Sefcik**