

**PLANNING AND ZONING COMMISSION
REGULAR MEETING – MINUTES
WEDNESDAY, MARCH 11, 2015 – 7:00PM
NEW HARTFORD TOWN HALL – 530 MAIN STREET**

PRESENT: Chairman Ted Stoutenberg, James Steadman, Dan LaPlante, Bob Moore; Alternate(s) Martin Post and Peter Ventre; Zoning Enforcement Officer Steven Sadlowski.

ABSENT: Dave Krimmel, Thomas McLoughlin.

Chairman Ted Stoutenberg called the meeting to order at 7:00PM. All regular members present were seated for the meeting. Mr. Martin Post was seated for Mr. Krimmel. The proceedings were recorded digitally and copies are available in the Land Use Office.

1. PUBLIC HEARINGS:

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

The legal notice for the public hearing was read into the record and was indicated as having run the requisite two times, on February 27, 2015 and March 6, 2015, in The Hartford Courant within the required statutory time. Proof of notice to abutting neighbors was submitted.

Ms. Terri D. Vogellus, as applicant, addressed the commission regarding the application. Mr. Sadlowski expressed concern over site lines to the east and the overall driveway configuration. He noted that he had sent this application to Town Engineering Consultant Roger Hurlbut, P.E. but has not received a report in return yet. He noted that there is enough parking to meet the regulations in the dirt parking lot area. He noted that the plan shows a propane tank but the applicant reported that there is not one there but due to snow, Mr. Sadlowski could not verify this to be true. In response to a question from Mr. Stoutenberg, Mr. Jeffrey Buyak, as owner, explained that originally he had intended to sell propane at the site, commissioned a surveyor to provide a site plan reflecting one but that the plan never came to fruition. Mr. Sadlowski inquired as to whether the auto-repair business was going to continue and if so, how it would affect those parking spaces. Mr. Buyak explained that the auto repair business is only a hobby shop and will not be operating as a business. Mr. Martin Post asked whether there would be backing out onto Route 202 and the owner replied there would not be. **Mr. William Seitz of 567 Niles Road** provided photographs depicting where parking would be. Mr. Stoutenberg asked what sort of signage is being proposed. Mr. Seitz responded on behalf of the applicant and owner that just a sign on the building would be it for signage. Mr. Stoutenberg asked if it would be illuminated. It was indicated that it would not be illuminated.

Jeff Buyak, of 161 Richards Road, spoke in favor of the application and passed around photographs of the property before his purchase and then photographs after his purchase demonstrating his efforts to improve it.

Jim Chakulski, of 181 Richards Road, spoke in favor of the application and opined that the sight line is adequate in the area. He noted that travelers are supposed to slow and noted the blinking light in that area.

Paul Pompa, of 1110 Litchfield Turnpike, spoke in opposition of the application and expressed concern with the close proximity of his well and opined that parking of cars in certain locations could affect the quality of his water.

Roy Gibson, of 38 Gibson Lane, spoke in opposition of the application and noted that the sight lines are a concern already when attempting to leave The Bakerville Library and travel east. He noted that if the applicant was required to install a signal coordinated with the light at Cedar Lane, it might be more reasonable.

Robert Slais, of 1124 Litchfield Turnpike, spoke in opposition of the application, as he opined that the site plan is misleading and that the applicant/owner has intention of using a right of way for the business. He noted the sight line as an area of concern.

Questions were asked regarding the right of way. Mr. Slais explained that the right of way is on his property and was provided to Scott and Linda Goff for access to a residence, not to a building. Mr. Slais explained that heavy use of the right of way would destroy his privacy and security reasons cause him concern. Mr. Sadlowski questioned whether it was stated in the deed that the right of way was for residential use. Mr. Slais said it was not. He noted that the site plan shows grass planted between the right of way and the parking but that Mr. Buyak and Mr. Seitz have both said they would be driving on the right of way as part of their business.

Mr. Greg Jahne, of 9 East Cotton Hill Road, reported that the Board of Directors of the Bakerville Library, an abutter to the subject property, attempted to meet to discuss this but did not have a quorum. He requested that the public hearing not be closed so that they may submit an opinion about this application.

Mr. (Jeff) Buyak spoke regarding the right of way. He noted that the intention is to not use the right of way for regular traffic but instead for deliveries. However, he noted that there are no restrictions governing this right of way. Mr. Sadlowski inquired as to whether this area was grass or gravel presently. Mr. (Jeff) Buyak responded that it is gravel. Mr. Sadlowski asked if Mr. (Jeff) Buyak was going to plant grass. Mr. (Jeff) Buyak responded that he is leaving it just the way it is. Mr. Stoutenberg asked if the owner had any objection to putting some type of a barrier next to the garage building so that the wetlands were protected. Mr. Sadlowski noted that barriers might block traffic. Mr. (Jeff) Buyak said there would be no objection to "No Parking" signs being erected.

Mr. Seitz spoke about the construction of wells and noted that surface water does not run into wells.

Mr. David Buyak, of 151 Richards Road, spoke in praise of the efforts the current owner has made in cleaning up the subject property.

Mr. Litchfield referenced the well that Mr. Pompa had concerns with and noted that older wells do not have the same construction as the newer wells that Mr. Seitz had just described. Mr. Litchfield also noted that with the right of way remaining as gravel, there would be nothing to prevent a patron from using it. Mr. Seitz and Mr. (Jeff) Buyak both commented that if the site line is not an issue, they would take measures with signage. If the site line is an issue, according to Mr. Seitz and Mr. (Jeff) Buyak, then they plan to use the right of way for patrons.

Mr. Slais again reiterated that the right of way was not intended for this use, does not like the idea of people driving so closely to his kitchen and living room and fears the exposure this would bring.

MOTION: Mr. Post, Mr. Moore second, **to continue the 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 to the April 8, 2015 meeting at such time the well concerns expressed this evening as well as the sight line concerns be addressed by an engineer as well as have a chain of title clarifying the right of way; 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.

The legal notice for the public hearing was read into the record and was indicated as having run the requisite two times, on February 27, 2015 and March 6, 2015, in The Hartford Courant within the required statutory time. Proof of notice to abutting neighbors was submitted.

Mr. Douglas Roth as an applicant addressed the commission describing the location of the property and a brief overview of the intent behind the application. Mr. Tom Grimaldi, Project Engineer with Hiltbrand Engineers, presented a site plan depicting the slope of the property and the location for the proposed accessory dwelling. He reported that the structure and construction would be within the one hundred foot upland review area and that Inland Wetlands approval has been obtained. Farmington Valley Health District has also approved the

plan and Mr. Grimaldi submitted this for the file. Mr. Grimaldi detailed the concerns of Mr. Hurlbut and how the applicant would address each of them.

MOTION: Mr. Post, Mr. Steadman second, **to close the 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; 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.

The legal notice for the public hearing was read into the record and was indicated as having run the requisite two times, on February 27, 2015 and March 6, 2015, in The Hartford Courant within the required statutory time. Proof of notice to abutting neighbors was submitted.

Mr. Spath appeared before the commission to address the application. He submitted an A2 survey depicting a site plan and noted that he has paid for and submitted an application to Farmington Valley Health District but has not heard back from them yet. Mr. Stoutenberg inquired about the size of proposed dwelling and the size of the existing house. Mr. Sadlowski reported that the house is 2,450 square feet and the proposed dwelling would be 728 square feet which is approximately 30%. Mr. Sadlowski asked about the setbacks of the proposed dwelling. Mr. Steadman asked if there were any wetlands on the property. Mr. Spath indicated that there was none that he was aware of.

Mr. Post and Mr. Steadman recused themselves from the vote. Mr. Peter Ventre was seated for Mr. Steadman for this application only.

MOTION: Mr. Moore, Mr. Ventre second, **to close the 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; unanimously approved.**

2. PENDING APPLICATIONS:

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

No action taken.

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. Steadman, Mr. Post second, **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, we have found that the proposed accessory dwelling unit is consistent with the requirements spelled out in our Special Exception Criteria and the Plan of Conservation and Development and therefore approve this application as per the submitted site plans entitled, “Site Plan 135 Ratlum Road by R.R. Hiltbrand Engineers, dated December 1, 2014 and revised to January 13, 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.

Mr. Steadman and Mr. Post recused themselves for this vote. Mr. Ventre was seated for Mr. Steadman for this application only.

MOTION: Mr. Moore, Mr. Ventre second, **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, we have found that the proposed ADU, with the following conditions, is consistent with the requirements spelled out in our S/E criteria and the Plan of Conservation and Development and therefore approve this application as per the submitted plans entitled, "Zoning Location Survey prepared for Peter A. Spath and Kimberly J. Spath" by Martin J. Post, L.S. and modified to add the new structure by the applicant subject to the following condition: This permit shall not be valid until the Farmington Valley Health approves the septic design; motion passed with Mr. Moore, Mr. Ventre, Mr. LaPlante, and Mr. Stoutenberg voting aye.

D. 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.)

Discussion occurred regarding affordable housing component and opinions shared regarding imposing

MOTION: Mr. Steadman, Mr. Moore second, in that 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. At the February 25, 2015 meeting, we voted to approve the following 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, and other minor technical changes, but did not set an effective date in error. We hereby rescind that vote taken on February 25, 2015 and re-approve with an effective date of March 23, 2015 to correct this error. The actual text will be as per the draft submitted by Staff on March 11, 2015, and attached to these minutes, as Addendum A. Also endorsed by this action is the addition of the "Master Plan Checklist" to the appendixes of the Regulations; unanimously approved.

3. NEW APPLICATIONS: None

4. APPROVAL OF MINUTES: February 25, 2015

MOTION: Mr. Steadman, Mr. Moore second, to approve the February 25, 2015 Minutes with the following corrections: the February 25, 2015 Minutes should be amended on page one, item 1, second paragraph, fourth line, "...attached to the Petition for Amendment to the...". They should also be amended on page two, third paragraph, first line, "Mrs. Donna LaPlante of 77 Stedman Road spoke...", unanimously approved.

5. ZONING ENFORCEMENT OFFICER'S REPORT:

Mr. Sadlowski reported that The Home Depot is looking to install a power cell to power their building and will be approaching the Siting Council. He noted that while the Planning and Zoning has no jurisdiction, the Siting Council seeks and welcomes the input of the commission.

6. CORRESPONDENCE:

Mr. Sadlowski noted correspondence from Burlington and Canton which are both doing text amendments. He made these available to commission members to review.

7. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION

A. Appointment of Members of the Architectural Review Committee.

Mr. Stoutenberg reviewed the prospective candidates for the committee. After discussion, the commission appointed individuals to the Architectural Review Committee.

MOTION: Mr. Steadman, Mr. Post second, **to appoint the following individuals to New Hartford's Architectural Review Committee: Mr. Justin Natale (2 Year Term), Ms. Anne Hall (2 Year Term), Mr. Mike Misiorski (1 Year Term), Mrs. Donna LaPlante (3 Year Term), and Mr. Denton Butler (1 Year Term) and to appoint the following individuals as alternates for the Architectural Review Committee: Mr. Mike Devins (1 Year Term) and Mr. Dave Sessions (2 Year Term); unanimously approved.**

MOTION: Mr. Post, Mr. Moore second, **to adjourn at 8:38PM; unanimously approved.**

Respectfully submitted,

**Pamela Colombie
Recording Secretary**