

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

PRESENT: James Steadman, David Krimmel, Dan LaPlante, Bob Moore; Alternate(s) Peter Ventre and Thomas McLoughlin; Zoning Enforcement Officer Steven Sadlowski.

ABSENT: Ted Stoutenberg, Martin Post.

Vice Chairman James Steadman called the meeting to order at 7:04PM. All regular members present were seated for the meeting. Mr. Peter Ventre was seated for Mr. Stoutenberg. 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 public hearing was continued; no action taken.

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.

3. NEW APPLICATIONS: None

4. APPROVAL OF MINUTES: March 11, 2015

No action taken.

5. ZONING ENFORCEMENT OFFICER'S REPORT:

No business discussed.

6. CORRESPONDENCE:

No correspondence was reported.

7. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION

A. Discussion of Plan of Conservation and Development

Ms. Jean Cronauer, Chairman of the Open Space Commission, addressed the commission on behalf of that group. Ms. Cronauer reported that on March 24, 2015, the Open Space Commission voted unanimously to formally request that the Planning and Zoning Commission include the *Conservation/Open Space* chapter that was submitted by the group she dubbed as the Conservation Coalition. She explained that it was the understanding of that group that the updated 2015 Plan of Conservation and Development (POCD) is going to be an update of the 2005 POCD. She noted that the 2005 POCD had some very strong language as it related to conservation and open space. She further explained that with authorization from Chairman Ted Stoutenberg and Land Use Officer Steve Sadlowski, the group used the 2005 plan as the basis of a draft they had prepared for the updated 2015 plan and had included updated science such as better storm water drainage techniques.

Ms. Cronauer also questioned whether an implementation plan was going to be part of the POCD or a separate document, explaining that the conservation coalition would like to see it as part of the POCD. Mr. Sadlowski explained that it had been the recommendation of Glenn Chalder of Planimetrics to separate it out as a second document. He also explained that it would be modeled after Canton's and has very strong language.

Mr. David Krimmel noted that there are components of both drafts of the *Conservation/Open Space* chapter that he does not favor and suggested that the commission review both representations. Mr. Krimmel provided as an example of this, the provision under "Aggressively Used Tools for Preserving Open Space" as submitted by the conservation coalition. Mr. Krimmel disagreed with the mandate that the proceeds from any town land sale going into buying more open space. He noted he also disagrees with the provision that "town owned lands should be dedicated to conservation", as part of the draft (page 12) submitted by the conservation coalition. Mr. Krimmel explained that he has always held the opinion that Brodie Park should be considered a recreation area and not a conservation area. Ms. Cronauer responded that the group is flexible and that items could come out of the draft. Mr. Moore noted that the grandfathering of the P.A. 490 was something that stood out for him but opined that components of both drafts, the one prepared by the conservation coalition as well as Mr. Sadlowski's draft, could be part of what is ultimately put forth in the POCD that is presented for approval.

Regarding moving forward with the POCD, Mr. Sadlowski explained that the commission ought to go through and modify or adjust each section as drafted. Once those revisions are completed, the draft ought to be sent out to all other interested parties for consideration, Mr. Sadlowski explained. Based on the feedback received after that, the commission will meet and make any further adjustments or tweaks as deemed appropriate, which would follow with it then going to public hearing, he concluded.

The commission then reviewed a draft of the proposed 2015 POCD (3/11/2015). Mr. Moore suggested modifying page 2, "...good planning helps to prioritize capital spending...", rather than saying budgets are tighter than ever. It was agreed to either eliminate the statement or reword the first sentence. Regarding the Implementation Plan, Mr. Krimmel commented that all along, it was to be a two piece document, the POCD and an Implementation Plan. He felt strongly that they be kept separate, which he opined would result in the first selectman being inclined to appoint an Implementation Committee.

Mr. Sadlowski explained that Chapter 2, *Conditions and Trends*, was prepared by Mr. Chalder and was reviewed already by the commission. Mr. Sadlowski noted that he still has to go in and modify the Land Use section once the final mapping is done.

Mr. Moore opposed any logo use of businesses as seen with Ski Sundown in Chapter 3. Mr. Moore strongly disagreed and opined that the businesses are representative of the character of the town. Mr. LaPlante and Mr. Ventre had no objection to the use. Mr. Steadman noted that he was on the fence regarding the logo use. Mr. Sadlowski explained that they were included as examples of the types of businesses in town and that many people who might read the document were likely to be unaware that the businesses exist. Mr. McLoughlin opined that the manufacturing pictures were particularly good, and important to have so that readers of the plan would know the types of businesses that are part of the fabric of the town. Conversely though, he noted he could also see the possibility of claims of unfairness when depicting only one of the four pizza places in town.

Mr. Steadman inquired whether Mr. Sadlowski received feedback from the West Hill Lake Association. Mr. Sadlowski responded that he received a few comments from Mr. Bill Adamson. Ms. Cronauer noted that with her group, the word "economy" was a lightning rod and pleaded that it not be used. Mr. McLoughlin noted that the insertion of the word "however" would indicate the contradiction and would help to establish the point being made.

Ms. Cronauer reported to the commission that her group was appointed as the Agriculture Commission while the POCD draft indicates that there is one needed. Mr. Sadlowski inquired whether the Agriculture Commission did the soils mapping by the NRCS. Ms. Cronauer reported that they had it and it was just a matter of pulling out New Hartford's piece. Mr. Sadlowski noted that the "locally important farmland soil" is something the state does separately, and that it must be requested. Ms. Cronauer indicated that this was done but that she would double check to be certain.

As the commission reviewed Chapter 5, *Economic Development*, Mr. Moore noted his opposition to the action item stating that the town will continue funding the EDC. He opined that this would be a matter better left to the Board of Selectmen and Board of Finance. Mr. Sadlowski explained that this language was used in the 2005 POCD. Mr. Moore also questioned the action item, "...audit municipal staffing and resources..." Mr. Sadlowski responded that this was contained in the old plan, too. Mr. Moore expressed concern with the language, "...likewise EDC should lean on the Land Use Office to assist them in solving any business owner's regulatory problem..." Mr. Sadlowski clarified that this does not imply intervention if his office has an enforcement issue but rather what the Planning and Zoning Commission can do to make their businesses more productive and provided the recent changing of the sign regulations as an example of this type of intervention. Mr. Steadman inquired whether Mr. Sadlowski's inclusion of an economic development director was included in the 2005 plan. Mr. Sadlowski recalled that it was a suggestion and might be a good idea to even just review at some point and consider.

In the discussion of Chapter 5, Mr. Sadlowski suggested that the commission consider whether they want to address, as was done in the previous plan, the land along the south side of Route 202 (opposite the Home Depot) which is presently zoned either for industrial uses or residential. History surrounding this land was described and discussed.

Discussion resumed surrounding the language of "...support financially..." or "...establish annual appropriation..." surrounding economic development. Mr. Moore opined that this language is not appropriate for a POCD. Mr. Krimmel disagreed. Mr. Sadlowski opined that almost everything in the POCD costs money from promoting acquisition of open space to a potential \$5M relocation of the town garage.

Ms. Cronauer questioned whether the removal of the *Historic and Cultural Resources* section was an oversight. Mr. Sadlowski confirmed that it was indeed an oversight and noted the need to add it back.

The commission discussed Chapter 6 *Revitalize New Hartford Center*. Mr. Sadlowski explained that at some point the commission should vote on endorsing the proposed 2015 New Hartford Center Plan. Mr. Sadlowski said that plans can change and that a lot of the language is from this plan. Mr. Steadman questioned what legal opinion Land Use Attorney Mark Branse would render regarding an application regarding the New Hartford Center Plan after it has already been included in the POCD and how he would advise the commission. Mr. Sadlowski noted that the plan is not so specific that it would leave the commission without discretion and only need to decide if they generally agree with the bullet points contained in that plan. Mr. Moore questioned whether the language, "endorsing" the Center Plan, is stronger than what was included in the previous POCD. Mr. Sadlowski noted that it is essentially the same and read aloud from the 2005 POCD wherein the 1994 New Hartford Center Plan was endorsed. Mr. Ventre opined that he liked the language in the 2005 POCD as it related to the center plan.

Chapter 7 *Guided Residential Development* was discussed. Mr. Krimmel opined that where an area is close to the sewer line, an open space subdivision ought to be permitted even if it means allowing smaller lots, ¼ acre, than what is presently allowed if it would result in the addition of more sewer users. Mr. Steadman endorsed the defining of the requirement of open space in a conservation subdivision.

Mr. Sadlowski noted that the sewer plan from the WPCA is what he included in Chapter 8 *Provide Facilities and Services* and that he struggled somewhat with this chapter. Mr. Krimmel noted that nothing has been received from the boards of education or from the recreation department. Mr. Sadlowski noted that he had a meeting the next day with First Selectman Dan Jerram and a Rails to Trails committee so there would likely be something related to this added to this section.

Maps were then reviewed.

It was agreed that Ms. Cronauer and Mr. Moore will meet along with Mr. Sadlowski to review the *Conservation/Open Space* chapter and work to merge the two drafts into one.

Mr. Sadlowski reminded the commission that the town was awarded the Incentive Housing Study Grant and some thought needs to go into how they are going to approach this. He noted that a lot of towns have used the money to create a zone and the regulations to go along with the zone.

MOTION: Mr. Ventre, Mr. Moore second, **to adjourn at 9:38PM; unanimously approved.**

Respectfully submitted,

**Pamela Colombie
Recording Secretary**