

**New Hartford Planning and Zoning Commission
TOWN OF NEW HARTFORD, CONNECTICUT
REGULAR MEETING MINUTES
Wednesday, October 12, 2016 at 7:00 PM
New Hartford Town Hall
530 Main Street, New Hartford, Connecticut**

PRESENT: Ted Stoutenberg, Jim Steadman, David Krimmel, Bob Moore, Dan LaPlante
Alternates Tom McLoughlin and Marty Post; Zoning Enforcement Officer Ruth Mulcahy.

ABSENT: Peter Ventre.

Chairman Ted Stoutenberg called the meeting to order at 7:00PM. The entire proceedings were recorded digitally and are available in the Town Hall.

1. PUBLIC HEARINGS:

A. William Seitz/Applicant – Jeffrey Buyak, Owner – Map 014 – Block 018 – Lot 005 -1120 Litchfield Turnpike – Special Exception/Site Plan Approval – Change of Use from 2 Bay Garage to Retail.

The legal notice for the public hearing was read into the record and was indicated as having run on September 30, 2016 and October 7, 2016.

Mr. William Seitz of 567 Niles Road addressed the Commission regarding this application. He explained that he would like to open a general store in the two-bay garage at 1120 Litchfield Turnpike. Mr. Seitz noted the location on the submitted site plan of the parking at the site. He also reported that he would use the same signage as the package store. Mr. Seitz indicated that there would not be a sign located on the building, noting that customers that have frequented the package store have requested that he carry bread, toilet paper, and milk.

In response to a question from Mr. Stoutenberg regarding the grading, Mr. Seitz indicated that he has no plans to do any grading and will have no machinery whatsoever. Mr. Stoutenberg questioned what will occur with the cars currently at this site. Mr. Seitz indicated that they will disappear altogether if the application is approved. Mr. Steadman questioned whether Mr. Seitz had the plans reviewed by the Architectural Review Board. Mr. Seitz indicated that he had not.

Mr. Krimmel asked whether this was the location where currently an auto repair shop exists there now. Mr. Seitz indicated that if standing on Route 202, it is the building to the right of the Package Store that had been approved for an auto repair shop. Mr. Krimmel explained that he would feel more comfortable if he had a picture of the subject building. Mr. Stoutenberg questioned what will be the fate of the auto repair shop. Jeff Buyak, the owner of the subject site, addressed the Commission and indicated that the auto repair license has been approved by the Town but is not currently active and that there is currently no business operating at this site.

Mr. Steadman inquired as to whether there has been any question with the engineers regarding more traffic. Ms. Mulcahy noted that Town Engineer Roger Hurlbut had emailed indicating that he has no issues with the traffic as she had relayed to him that the two spots at the entrance way were to be eliminated. She also reported that Mr. Hurlbut had indicated that the drainage property at the Bakerville Library was stemming from the adjacent property.

Mr. Post questioned whether with the increase in activity there would be an increase in parking. Mr. Stoutenberg indicated that the parking spaces that are present from the repair garage are adequate for the proposed general store. Mr. Seitz then indicated, through pointing out on the drawing, the location of the parking for the store. Mr. Moore questioned whether the parking requirements are based on the square footage of the building. Mr. Seitz indicated that while he needs a total of ten, the site has parking for fourteen.

Bill Applewhite of 83 Richards Road spoke in favor of the application.

Ruth Collin of 178 South Road spoke in favor of the application, noting that the Package Store has been well maintained with the property always looking nice with pretty flowers.

Jay Garner of 165 Gillette Road spoke in favor of the application, agreeing with the idea of a general store there.

Annick Lowry of 167 Niles Road spoke in favor of the application, opining that it would be convenient to have a general store in this location rather than having to run to Torrington or Winsted.

Paul Pompa of 1110 Litchfield Turnpike, identifying as both an abutting neighbor as well as an Astronomer, spoke in opposition of the application, noting his concerns with light pollution and light trespassing.

Robert Slais of 1124 Litchfield Turnpike, opposed the application and noted that the car cleaning business that had previously operated out of this site was supposed to be closed as a condition of approval for the Package Store. He reported that the site has been since used as an unlicensed repair shop. He also reported that there is an apartment dwelling above the garage and questioned whether this is a permitted use. Mr. Slice also objected to the noise, pollution, and traffic that has increased since the Package Store moved into the building next to him.

Lorie Teravainen of 478 Steele Road, noting that she is the girlfriend of Mr. Slais, and has observed much of what he described. Ms. Teravainen spoke in opposition of the application citing concerns with traffic and questioned whether the site plan for the Package Store is being reviewed and enforced.

Michael Dryansky of 103 Bruning Road spoke in opposition of the application and suggested that the Commission require another traffic study.

Neil Yates of 1140 Litchfield Turnpike explained that his home is at the corner of Route 202, Cedar Lane, and Maple Hollow Road. He expressed concern with traffic especially with an additional high volume business along Route 202 and explained his opposition to the application. Besides the high volume of traffic that travels in the area, Mr. Yates noted the hazards the glare of the sun can cause in the narrow stretch of roadway.

David Dunford of 5 East Cotton Hill Road noted concern with the narrowness of the road and problems with traffic safety on Route 202 already.

Jeffrey Seitz of 151 Maple Hollow Road, noting his professional experience as a commercial real estate broker for 36 years, reported that the actual car count on Route 202 is 16,000 per day as opposed to a count of 13,000 on Route 44 as an example of how taxed Route 202. He

opined that this is a dangerous stretch and that the application may be an opportunity for a traffic light at the bottom of East Cotton Hill Road but opposed the application without one.

David Casper of 14 East Cotton Hill Road opposed the application, citing traffic concerns, noise concerns and the bright light emitted from the location of the Package Store already.

Jarrold Carroll of 40 Bakerville Terrace, noting that he serves on the Bakerville Library Board of Directors, requested the Commission to encourage the subject property owners to refrain from discussions with the Librarian over his comments. He noted that his Board is neither in favor nor in opposition to the application but noted that they do have concerns relative to the stormwater runoff. He noted that while Mr. Hurlbut may attribute the drainage problems to Mr. Slais, the Library has never had an issue until the grading that occurred at the Package Store. He advised that the erosion needs to be addressed. Mr. Carroll also noted that the parking area that has been paved as part of the approval for the Package Store is a larger area than what had been approved on that site plan. Mr. Carroll opined that should this application be approved, the entire lot should be paved noting that few businesses in Town have gravel lots and that the stormwater should be managed.

Mr. Carroll opined that the application is lacking details, as it is utilizing a previous site plan. He noted that nothing is known about what the building is going to look like and that modifications will have to be done to convert it to a store. Mr. Carroll also opined that more impervious material will be implemented and that a real site plan is necessary for this specific application. The lighting, the signage, the paving, the landscaping details including a defined ingress and egress should be addressed, according to Mr. Carroll. Mr. Carroll also commented on the lack of zoning enforcement regarding the application for the Package Store, reporting that there are many discrepancies between what was approved and what was installed in terms of lighting, parking, and signage. He noted that just this morning he counted seven unregistered motor vehicles at the proposed site despite an agreement, at the time of the Package Store approval, to surrender any type of business operating out of the location of the garage.

After canvassing the Hearing for any additional comments and turning to Mr. Seitz, Mr. Stoutenberg questioned whether there is a time that the lights are being turned off in the evening. Mr. Seitz indicated that they are turned off when the Package Store closes at 8PM. Mr. Stoutenberg questioned whether this will be the same time for the store. Mr. Seitz confirmed. Mr. Stoutenberg questioned whether this will be the time that the lights at the proposed store would close. Mr. Seitz confirmed, noting that the proposed store would close at the same time as the Package Store. Directing the question to the property owner, Mr. Stoutenberg questioned whether there is an apartment at the subject site. Mr. Buyak indicated that there was not and that it is simply a room with a bathroom upstairs that a friend stays in when visiting from out of town, that it is not rented, and that there is no kitchen. Mr. Stoutenberg questioned what will occur with this space should the general store receive approval. Mr. Buyak indicated that the current situation with his friend occasionally staying would continue. Mr. Buyak noted in response to a question about the cars at this spot that they would all be removed. Regarding the "Worm Hut" that was brought up by a resident earlier, Mr. Buyak explained that his ten-year-old son sells worms out back at this location. Mr. Stoutenberg questioned whether there have been accidents at this site. Mr. Seitz indicated that there has been one involving a school bus but that the most recent fatality was down the road in front of the Church.

Mr. Post questioned why this application did not go before the Architecture Review Board. Mr. Seitz indicated that this was because he has no plans to change anything with the building. Mr.

Seitz commented that everything that has been requested of them regarding the Package Store has been done including handicap ramps, handicap parking, and flowers.

MOTION: Mr. Steadman, Mr. LaPlante second, to close the public hearing in the matter of William Seitz/Applicant – Jeffrey Buyak, Owner – Map 014 – Block 018 – Lot 005 -1120 Litchfield Turnpike – Special Exception/Site Plan Approval – Change of Use from 2 Bay Garage to Retail; unanimously approved.

B. Steven Stang/Applicant – Steven C. Stang & Gregory J. Gartner/Owners – Map 044-Block 137-Lot017 – 202 Main Street – Special Permit/Site Plan Application – Convert Two Family Dwelling to Three Family Dwelling – Multi Family Special Permit/Site Plan Application.

The legal notice for the public hearing was read into the record and was indicated as having run on September 30, 2016 and October 7, 2016.

Steven Stang appeared before the Commission regarding this application and distributed what he characterized as a pictorial resume. Mr. Stang explained that he purchases parcels possessing what he deems to have historical properties and restores them. A routine plumbing permit application revealed that what has always been known and perceived as a three-family unit is recognized by the Town as a two-family unit. He explained that he is seeking to reconcile this and does not propose to change anything as the building currently stands.

Ms. Mulcahy reported that this site formerly hosted an antique shop in an accessory structure but had received approval from this Board for additional dwelling units. At that time, the main house was considered a two-family. If approval is granted on this application, the site will include four dwelling units, according to Ms. Mulcahy.

Mr. Steadman questioned whether this property is connected to the Town's sewer or has a septic system. Mr. Stang reported that it has a septic system.

Mr. Krimmel questioned whether this parcel shares a well with an adjoining property. Mr. Stang indicated that it does not and pointed out the location of his well, in the rear of the property.

MOTION: Mr. Steadman, Mr. Krimmel second, to close the public hearing in the matter of Steven Stang/Applicant – Steven C. Stang & Gregory J. Gartner/Owners – Map 044-Block 137-Lot017 – 202 Main Street – Special Permit/Site Plan Application – Convert Two Family Dwelling to Three Family Dwelling – Multi Family Special Permit/Site Plan Application; unanimously approved.

The Commission recessed at 8:09PM. They reconvened at 8:18PM.

MOTION: Mr. Steadman, Mr. Moore second, to add an item to the Agenda, Applicant: Mary Beth Greenwood, 8 Bridge Street, Change of Use from Residence to Office Space; unanimously approved.

2. PENDING APPLICATIONS:

A. Applicant: Mary Beth Greenwood, 8 Bridge Street, Change of Use from Residence to Office Space.

Mary Beth Greenwood appeared before the Commission, requesting that the ground floor unit, #213, at 8 Bridge Street revert back to office space. Mr. Stoutenberg questioned whether this unit is adjacent to the former space occupied by Bob Lagoy. She indicated that it was.

MOTION: Mr. Krimmel, Mr. Steadman second, to approve the request of change of use from residence to office space at 8 Bridge Street; unanimously approved.

A. William Seitz/Applicant – Jeffrey Buyak, Owner – Map 014 – Block 018 – Lot 005 -1120 Litchfield Turnpike – Special Exception/Site Pan Approval – Change of Use from 2 Bay Garage to Retail.

Mr. Steadman recused himself from this application. Mr. Posted was seated in his stead.

Mr. Krimmel shared his concerns regarding this application in terms of the increase in traffic for the retail, in addition to what is there now, and opined that a more formal traffic investigation ought to be undertaken. He also noted concerns with the shared driveway, noting what effects there might be as a result of additional traffic be routed on the shared right of way. Mr. Krimmel also opined that there ought to be a formal site plan, a formal drainage plan, and a paving plan.

MOTION: Mr. Krimmel, Mr. Moore second, to table the application in the matter of William Seitz/Applicant – Jeffrey Buyak, Owner – Map 014 – Block 018 – Lot 005 -1120 Litchfield Turnpike – Special Exception/Site Pan Approval – Change of Use from 2 Bay Garage to Retail in order to allow an opportunity to meet with the Commission's legal counsel, Mark Branse; Motion passed with Mr. Krimmel, Mr. Moore, Mr. LaPlante, and Mr. Post voting aye while Mr. Stoutenberg was opposed.

Mr. Steadman assumed his regular member status for the remainder of the Meeting.

B. Steven Stang/Applicant – Steven C. Stang & Gregory J. Gartner/Owners – Map 044-Block 137-Lot017 – 202 Main Street – Special Permit/Site Plan Application – Convert Two Family Dwelling to Three Family Dwelling – Multi Family Special Permit/Site Plan Application.

MOTION: Mr. Stoutenberg, Mr. Moore second, to approve the application in the matter of Steven Stang/Applicant – Steven C. Stang & Gregory J. Gartner/Owners – Map 044-Block 137-Lot017 – 202 Main Street – Special Permit/Site Plan Application – Convert Two Family Dwelling to Three Family Dwelling – Multi Family Special Permit/Site Plan Application subject to the following conditions: 1. All lights should be full cut off in accordance with the Zoning Regulations; 2. All consultant fees shall be paid before a zoning permit is issued; and 3. A zoning permit with Farmington Valley Health District approval shall be submitted for the former retail building to be changed to residential; unanimously approved.

3. NEW APPLICATIONS:

None.

4. APPROVAL OF MINUTES: September 14, 2016

The September 14, 2016 Minutes should be amended as follows:

Page 1, First Paragraph, Second Line, under "*Present*", Peter Ventre's name should be omitted; Page 3 should have included a description of Mr. Post's request that all submitted applications have legible, presentable, and professional renderings or drawings.

MOTION: Mr. Steadman, Mr. Moore second, to approve the September 14, 2016 Minutes; Motion passed with Mr. Stoutenberg, Mr. Steadman, Mr. LaPlante, and Mr. Moore voting aye while Mr. Krimmel abstained.

5. ZONING ENFORCEMENT OFFICER'S REPORT:

Ms. Mulcahy explained that an applicant can present with any type of application he likes and that it is up to the Commission to deny based on its inadequacies or incompleteness. She noted that she can advise and encourage the applicant but the responsibility lays with the Commission to make a determination.

Ms. Mulcahy reported that a lot of new houses are being built in New Hartford and provided details about the various development occurring.

6. CORRESPONDENCE:

None noted.

7. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

Mr. Stoutenberg reminded the Commission about the Implementation Plan section of the Plan of Conservation and Development. He requested that Commissioners take time to review this section and reflect on what they would like to get done that has not been completed.

MOTION: Mr. Post, Mr. Steadman second, **to adjourn at 8:58PM; unanimously approved.**

Respectfully submitted,

Pamela A. Colombie
Recording Secretary