

**New Hartford Planning and Zoning Commission  
TOWN OF NEW HARTFORD, CONNECTICUT  
REGULAR MEETING MINUTES  
Wednesday, November 9, 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;  
Zoning Enforcement Officer Ruth Mulcahy.

**ABSENT:** Alternates Tom McLoughlin, Marty Post and 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:**

None.

**2. PENDING APPLICATIONS:**

**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.**

At the commencement of the meeting, Mr. Stoutenberg questioned Mr. Steadman whether he would again be recusing himself as he had at the October 12, 2016 Regular Meeting. He confirmed. With that leaving only four regular members present, Mr. Stoutenberg explained to Mr. Seitz that he is entitled to five votes and questioned whether he would like a continuance in order to have five votes available. Mr. Seitz declined, and indicated that he would rather take his chances through this meeting.

Copies of a written opinion rendered by the Commission's legal counsel, Mark Branse, dated November 9, 2016, were distributed. Mr. Stoutenberg noted that Attorney Branse had concurred with Ms. Mulcahy's advice that if a traffic study was not requested during the course of the Public Hearing, it may not be requested after the close of the Public Hearing.

**MOTION:** Mr. Stoutenberg, Mr. Krimmel second, to approve the following:

***WHEREAS**, the New Hartford Planning and Zoning Commission received an application on September 14, 2016 for a Special Exception Retail Use in an existing 912 square foot building located at 1120 Litchfield Turnpike from Applicant William Seitz and Owner Jeffrey Buyak which included an application, A Site Development Plan Prepared for Jeffrey Buyak, prepared by Dufour Surveying, LLC, 575 North Main Street, Bristol, Connecticut, dated 3/29/15 with a final revision date of 9/8/16; and*

***WHEREAS** the Commission held a public hearing on October 12, 2016:*

***IT IS THEREFORE RESOLVED** that the New Hartford Planning and Zoning Commission approves the Special Exception application for a retail use in an existing 912 square foot building located at 1120 Litchfield Turnpike from Applicant William Seitz and Owner Jeffrey Buyak subject to the following conditions:*

*1. All lights on the property shall be full cut off with no light trespass, in accordance with Article 6 Section 6.4. The existing lights on the property on all existing buildings shall be*

*changed to comply with the Regulations before a zoning permit is issued for the change of use. All lights on the property shall be turned off after 8:00PM when the package store closes.*

*2. The only uses permitted on the property shall be the two (2) special exception retail uses. All vehicles associated with the "hobby" repair shop and any other debris shall be removed from the exterior of the property. There is no outdoor storage permitted with this approval.*

*3. All conditions of approval from the Special Exception granted on April 8, 2015 remain in effect, including screening of any future dumpster and installing traffic directional signage.*

*4. All consultant fees for the Town Engineer shall be paid before a zoning permit is issued or work begins on the existing building.*

*5. Any exterior changes shall be reviewed by the Architectural Review Committee and the recommendations of this Commission followed for exterior changes.*

*6. A Farmington Valley Health District approval shall be required with the zoning permit application for a change of use.*

*7. The applicant had stated there will be no change in the size, height, or location of the existing sign. The lighting of the sign shall be full cut off lighting and the light shall be turned off after 8:00PM.*

*8. The Site Plan shall be updated to reflect the parking as presented at the Public Hearing with the elimination of the two parking spaces near the entrance and the three parking spaces in the rear of the proposed retail building marked for employees only.*

*9. Plantings in the front of the property shall be increased and a planting plan submitted for review and approval by the Land Use Administrator;*

**Motion passed with Mr. Stoutenberg, Mr. Krimmel, Mr. LaPlante, and Mr. Moore voting aye while Mr. Steadman abstained.**

### **3. NEW APPLICATIONS:**

**A. Mark Giorda/Applicant – William Celadon/Owner – Map 007 – Block 003 – Lot 19A-B – 207 Cotton Hill Road – Special Exception – Accessory Apartment – Set Public Hearing.**

**MOTION:** Mr. Steadman, Mr. Krimmel second, to accept the application in the matter of Mark Giorda/Applicant – William Celadon/Owner – Map 007 – Block 003 – Lot 19A-B – 207 Cotton Hill Road – Special Exception – Accessory Apartment and set for a Public Hearing at the Commission's next regular meeting, December 14, 2016; unanimously approved.

**B. Denton Butler/Applicant – Patricia B. Butler/Owner – Map 007 – Block 003 – Lot 19A-B – 207 Cotton Hill Road – Re-Subdivision Application. – Set Public Hearing.**

**MOTION:** Mr. Steadman, Mr. Moore second, to accept the application in the matter of Denton Butler/Applicant – Patricia B. Butler/Owner – Map 007 – Block 003 – Lot 19A-B – 207 Cotton Hill Road – Re-Subdivision Application and set for a public hearing at the Commission's next regular meeting, December 14, 2016; unanimously approved.

### **4. APPROVAL OF MINUTES: October 12, 2016**

**MOTION:** Mr. Steadman, Mr. Krimmel second, to approve the October 12, 2016 Minutes; unanimously approved.

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

Ms. Mulcahy reported that the Harvest Baptist Church located on Litchfield Turnpike was interested in installing lights on their steeple. She had explained to them that this type of lighting would not comply with the Zoning Regulations and would require a Variance. Ms. Mulcahy reported that she had provided information on what would be allowed on site in terms of additional lighting such as lights at the top of the columns, pointed down with a full cut-off.

It was decided that should this entity have additional questions, they would be referred to the Design Review Committee for comments and guidance.

Ms. Mulcahy then described discussions that had taken place at several recent Inland Wetlands Commission meetings with respect to a Modification to a Cease and Desist Order issued to the property sitting at the corner of Maple Hollow Road and Bruning Road. She explained that an attorney representing the bank in a foreclosure action on the property had requested to install four inches of wood chips in a couple remaining sandy areas on the parcel. Ms. Mulcahy reported that she had relayed to all parties that woodchips would not be deemed appropriate as recommended remediation from both the Zoning Regulations, and the Connecticut manual under which the regulations follow, call for four inches of topsoil.

Mr. Krimmel reported that he had recently attended an informational meeting regarding Ski Sundown's request to the MDC for permission to purchase water to aid in their snow making for their facility. Discussion followed regarding this and it was agreed that Mr. Krimmel would draft a letter on behalf of the Commission in support of this endeavor.

Mr. LaPlante shared his observation of tag sale signs that remain posted around town long after the sale has occurred. He also shared his concern regarding the struggles emergency personnel can encounter as they attempt to locate homes that are inadequately marked with street numbers.

**6. CORRESPONDENCE:**

None.

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

**A. Approve Meeting Schedule for 2017.**

**MOTION:** Mr. Krimmel, Mr. Steadman second, to approve the Meeting Schedule for 2017 as presented; unanimously approved.

**MOTION:** Mr. Steadman second, to adjourn at 8:02PM; unanimously approved.

Respectfully submitted,

Pamela A. Colombie  
Recording Secretary