

**New Hartford Planning and Zoning Commission
TOWN OF NEW HARTFORD, CONNECTICUT
REGULAR MEETING MINUTES
Wednesday, November 8, 2017 at 7:00 PM
New Hartford Town Hall
530 Main Street, New Hartford, Connecticut**

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

ABSENT: David Krimmel and Alternate Peter Ventre.

Chairman Ted Stoutenberg called the meeting to order at 7:00PM.

Mr. McLoughlin was seated for Mr. Krimmel.

1. PUBLIC HEARINGS:

Mr. Stoutenberg noted that as the applicants, Gregory Erosity and James Erosity, were present, their application would be taken ahead of the East Cotton Hill Road application(s).

A. Gregory J. & James P. Erosity – Special Exception - Map 044 – Block 137 – Lot 016 – 206 Main Street – Multi-Family Conversion in Two Existing Buildings.

The legal notice for the public hearing was read into the record. It was noted that it was published the requisite two times, on October 27, 2017 and again on November 3, 2017, in The Hartford Courant. Mr. G. Erosity confirmed that receipts confirming notice to the abutting property owners have been submitted.

Both Gregory Erosity and James Erosity appeared before the Commission regarding this application. Mr. G. Erosity indicated that this parcel is the Old Wilcox Tavern, a brick building built in 1815. He explained that a previous owner had converted the building into a two-family unit but had not done so legitimately. Mr. G. Erosity explained that they are seeking approval for a one-family unit on the first floor, a one-family unit on the second floor as well as approval for a small efficiency apartment in the detached garage on the parcel. He explained that Land Surveyor Marty Post had prepared an A2 survey and septic system approval had been received by Farmington Valley Health District. Architectural renderings were also distributed.

Mr. Post noted that the survey indicates the front yard setback as eighty (80') feet but that it should be indicated as forty (40') feet. The parking as indicated, in the front, would fall within the setback and should be located in the rear of the site, according to Ms. Mulcahy.

John Burdick of Town Hill Road spoke in favor of the application, commending the applicants' refurbishment of the buildings.

Fireman Bob Goodskey of New Hartford Fire and Rescue requested that providing a knox box be a condition of approval.

Steven Stang of 202 Main Street opined that the parking for the units ought to be located in the rear of the building.

MOTION: Mr. Steadman, Mr. McLoughlin second, to close the public hearing in the matter of Gregory J. & James P. Erosity – Special Exception - Map 044 – Block 137 – Lot 016 – 206 Main Street – Multi-Family Conversion in Two Existing Buildings; unanimously approved.

B. Louise Cooley/Applicant – Francis B. & Louise M. Cooley/Owner – Re-Subdivision Application – Map 014 – Block 007 – Lot 27-5 East Cotton Hill Road

Ms. Mulcahy explained that the applicant, Louise Cooley was unable to attend the public hearing as was her engineer, David Whitney.

The legal notice for the public hearing was read into the record. It was noted that it was published the requisite two times, on October 27, 2017 and again on November 3, 2017, in The Hartford Courant. It was confirmed that receipts confirming notice to the abutting property owners have been submitted.

C. Louise Cooley/Applicant – Francis B. & Louise M. Cooley/Owner – Special Exception - Map 014 – Block 007 – Lot 27-5 East Cotton Hill Road – Create one Interior Lot.

The legal notice for the public hearing was read into the record. It was noted that it was published the requisite two times, on October 27, 2017 and again on November 3, 2017, in The Hartford Courant. It was confirmed that receipts confirming notice to the abutting property owners have been submitted.

Ms. Mulcahy explained that this subdivision was originally a seven-lot subdivision with three lots in the rear. She noted that the last approval included the 20.806 acres of land in the rear as excess land and not a buildable lot. Ms. Mulcahy explained that there were financial problems experienced by the owner and the land was slated to go up to a tax sale. Before that had occurred, a bankruptcy stalled that action and it was thereby taken off of that tax sale. Ms. Mulcahy explained that the applicants are seeking to sell this land for one lot. She noted the shared driveway that exists between Lots 1, 2 and 5. A drawing showing a proposed dwelling indicating feasibility was reviewed.

Ms. Mulcahy reported that she has reviewed for compliance the requirements for an interior lot within the Zoning Regulations as well as those contained within the Subdivision Regulations.

Robert Miller of 153 East Cotton Hill Road questioned whether the applicant would be able to subdivide this parcel again in the future. Ms. Mulcahy explained that in order to do so, a road would need to be built and would require signatures of the abutting land owners.

MOTION: Mr. Steadman, Mr. Moore second, to close the public hearing in the matters of Louise Cooley/Applicant – Francis B. & Louise M. Cooley/Owner – Re-Subdivision Application – Map 014 – Block 007 – Lot 27-5 East Cotton Hill Road and Louise Cooley/Applicant – Francis B. & Louise M. Cooley/Owner – Special Exception - Map 014 – Block 007 – Lot 27-5 East Cotton Hill Road – Create one Interior Lot; unanimously approved.

2. HEARING:

A. Flanders Crossing Subdivision Public Improvements.

The progress of the Flanders Crossing was reviewed. It was noted that the remaining work to be done there include the planting of the rest of the trees, the installation of the guardrails, and the paving. Commissioners were reminded that the paving is expected to be done by November 15, 2017 but the developer is seeking to have a portion of the bond released within ten (10) days after paving is completed.

3. PENDING APPLICATIONS:

A. Gregory J. and James P. Erosity – Special Exception – Map 044 – Block 137 – Lot 016 – 206 Main Street – Multi-family Conversion in Two Existing Buildings.

MOTION: Mr. Stoutenberg, Mr. Steadman second, in the matter of Special Exception Permit application for multi-family in an existing building located at 206 Main Street in an R-15 Resident District found the following:

WHEREAS, the New Hartford Planning and Zoning Commission received an application for a Special Exception multi-family conversion of existing buildings to three dwelling units located at 206 Main Street, New Hartford in a R-15 Residential District which included an application, a Site Plan and Farmington Valley Health District approval and;

WHEREAS, the Commission held a public hearing on November 8, 2017:

IT IS THEREFORE RESOLVED that the New Hartford Planning and Zoning Commission approves the Special Exception application for a multi-family conversion of existing buildings to three dwelling units located at 206 Main Street from Gregory Erisoty in a R-15 Residential District subject to the following conditions:|

1. All lights on the property shall be full cut off with no light trespass and in accordance with Article 6 Section 6.4;
2. All parking shall be located in the rear of the building and not within any required yard setback area;
3. Fire Marshall approval shall be required before a zoning compliance is issued for the Certificate of Occupancy;
4. The final updated Site Plan Map, with the conditions of approval, and a signature block for the Chairman, shall be filed on the Town Land Records before a zoning permit is issued;
5. A knox box shall be installed before a Certificate of Zoning Compliance is issued for the Certificate of Occupancy; and
6. The front of the house shall be landscaped to appear as a single-family dwelling. A planting plan shall be submitted for review and approval by the Land Use Administrator;

Unanimously approved.

B. Louise Cooley/Applicant – Francis B. & Louise M. Cooley/Owner – Re-Subdivision Application – Map 014 – Block 007 – Lot 27-5 East Cotton Hill Road.

See the motion on the following application that encompassed this matter.

C. Louise Cooley/Applicant – Francis B. & Louise M. Cooley/Owner – Special Exception - Map 014 – Block 007 – Lot 27-5 East Cotton Hill Road – Create one Interior Lot.

MOTION: Mr. Stoutenberg, Mr. Steadman second, in the matter of Louise Cooley/Applicant – Francis B. & Louise M. Cooley/Owner – Re-Subdivision Application – Map 014 – Block 007 – Lot 27-5 East Cotton Hill Road and Louise Cooley/Applicant – Francis B. & Louise M. Cooley/Owner – Re-Subdivision Application – Map 014 – Block 007 – Lot 27-5 East Cotton Hill Road, found the following:

WHEREAS, the Town of New Hartford Planning and Zoning Commission received an application for a Re-subdivision for one special exception interior lot on 20.806 acres with a shared driveway from Louise M. and Frank Cooley, 170 East Cotton Hill Road, New Hartford, CT in a R-2 Residence District which includes an application, an approval for the additional lot from FVHD, an Inland Wetland Determination issued on November 1, 2017 for a re-subdivision with no regulated activity, a Re-subdivision Map dated 10/27/16, an Overall Site Plan dated 10/27/16, a 40 Scale Site Plan dated 10/05/17 prepared by David F. Whitney, 21 Arch Road, Avon, Connecticut 06001; and

WHEREAS, the Planning and Zoning Commission held the required public hearing for a Resubdivision and the Special Exception Interior lot on November 8, 2017:

IT IS THEREFORE RESOLVED that the New Hartford Planning and Zoning Commission approves the Re-subdivision for one interior lot on 20.806 acres with a shared driveway with the following modifications:

1. All maps shall comply with Section 3 of the Town of New Hartford Subdivision Regulations;
2. The required Record Re-Subdivision Map with the conditions of approval shall be filed on the Town Land Records as a Mylar map copy within the CT General Statutes prescribed time limits;
3. The Record Map and the new deeds shall be filed on the Town Land Records before a zoning permit is issued;
4. A passive solar energy plan shall be shown on the final map;
5. The interior lot access way to the public street shall be owned in fee simple by the interior lot. The deed reflecting the ownership of the common driveway shall be filed on the Town Land Records before a zoning permit is issued;
6. The required driveway pull offs shall be provided every 300 feet and can be level grassed areas adjacent to the driveway. Any required pull-off areas shall be shown on the final map and reviewed and approved by the Land Use Administrator;
7. The shared driveway agreement documents shall be reviewed by the Town Land Use Attorney and filed on the Land Records after approval and before a zoning permit is issued; and
8. All driveway grades shall meet the driveway ordinance requirements;

unanimously approved.

4. NEW APPLICATIONS:

A. Tracy Armstrong/Applicant – Ralph C. Reed/Owner – Special Exception – Map 031 – Block 600 – Lot 014 – 225 Town Hill Road – Home Occupation – Massage Therapy.

MOTION: Mr. Steadman, Mr. Moore second, to schedule a public hearing for December 13, 2017 for the application of Tracy Armstrong/Applicant – Ralph C. Reed/Owner – Special Exception – Map 031 – Block 600 – Lot 014 – 225 Town Hill Road – Home Occupation – Massage Therapy; unanimously approved.

MOTION: Mr. Steadman, Mr. Moore second, to add to the agenda the Special Permit application of Chris Sayer at 283 Main Street for an Expansion into the Back Storage Space to Double the Size of the Brewery Area; unanimously approved.

B. Chris Sayer/Applicant – Chris Sayer/Owner – Special Permit – 283 Main Street – Expansion in the Back-Storage Space to Double the Size of the Brewery Area.

It was noted that the site plan ought to address the parking at this location.

MOTION: Mr. Steadman, Mr. Moore second, to schedule a public hearing for December 13, 2017 for the application of Chris Sayer/Applicant – Chris Sayer/Owner – Special Permit – 283 Main Street – Expansion in the Back-Storage Space to Double the Size of the Brewery Area; unanimously approved.

MOTION: Mr. Steadman, Mr. Moore second, to add to the agenda the Special Permit application of John and Lauren Galusha at 4 Harmony Hill Road for a New House with an Accessory Dwelling; unanimously approved.

C. John and Lauren Galusha/Applicant – John and Lauren Galusha/Owner – Special Permit - 4 Harmony Hill Road for a New House with an Accessory Dwelling.

MOTION: Mr. Steadman, Mr. Moore second, to schedule a public hearing for December 13, 2017 for the application of John and Lauren Galusha/Applicant – John and Lauren Galusha/Owner – Special Permit - 4 Harmony Hill Road for a New House with an Accessory Dwelling; unanimously approved.

5. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

A. Discuss Act Concerning Temporary Health Care Structures.

A draft regulation regarding temporary health care structures. It was noted that one possible alternative to this regulation may be to allow accessory dwelling by right rather than by Special Permit. Including this provision as an option for residents in town versus how to establish setbacks and how to enforce the components of it were discussed. Fees and timelines were noted as items that should be included in the regulation.

6. APPROVAL OF MINUTES – OCTOBER 25, 2017:

The portion of text of the first paragraph of the second page that reads, "...Mr. Spielman confirmed that the town is only for private use..." should instead read, "...Mr. Spielman confirmed that the tower is only for private use.

MOTION: Mr. Stoutenberg, Mr. Steadman second, to approve the October 25, 2017 Minutes as amended; unanimously approved.

7. ZONING ENFORCEMENT OFFICER'S REPORT:

No business discussed.

8. CORRESPONDENCE:

Mr. Stoutenberg read aloud a correspondence from David Spielman, owner of the barn located at 18 Ramstein Road, requesting that the Commission consider a Special Exception for a change of use of one room within the barn for a home office to occupy 500 square feet of the building.

Commissioners reviewed the Zoning Regulations and agreed that Mr. Spielman ought to bring in a site plan with his Special Exception Application detailing the intended use of the site.

MOTION: Mr. Stoutenberg, Mr. McLoughlin second, to schedule a public hearing for December 13, 2017 for a Special Exception for 18 Ramstein Road, provided Mr. Spielman submit the required documentation; unanimously approved.

The Commission also discussed the progress at the new Mobil gas station.

MOTION: Mr. Steadman, Mr. McLoughlin second, to adjourn at 8:42PM; unanimously approved.

Respectfully submitted,

**Pamela A. Colombie
Recording Secretary**