

**New Hartford Planning and Zoning Commission
TOWN OF NEW HARTFORD, CONNECTICUT
REGULAR MEETING MINUTES
Wednesday, May 23, 2018 at 7:00 PM
New Hartford Town Hall
530 Main Street, New Hartford, Connecticut**

PRESENT: Ted Stoutenberg, Dan LaPlante (7:06PM), Bob Moore and Jim Steadman,
Alternates Tom McLoughlin and Marty Post; and Zoning Enforcement Officer Ruth Mulcahy.

ABSENT: Dave Krimmel, Alternate Peter Ventre.

Chairman Ted Stoutenberg called the meeting to order at 7:06PM.

Mr. Post was seated for Mr. Steadman and Mr. McLoughlin was seated for Mr. Krimmel.

1. PUBLIC HEARINGS:

A. LePore & Sons, LLC/Applicant – Map 002- Block 002 – Lot 11-6 – 906 Tarringford East Street – Re-Subdivision Application – 2 Lots.

and

B. LePore & Sons, LLC/Applicant – Castellani Real Estate Ventures LLC/Owner – Map 002 – Block 002 – Lot 11-6 Tarringford East Street & Evergreen Crossing – Open Space Development Interior Lot – Future Lot 10 Evergreen Crossing.

These two matters were addressed simultaneously.

As these public hearings were continued from May 9th, Mr. McLoughlin was recused from this application as he had not had the opportunity to review the audio from the previous meeting. Accordingly, Mr. Stoutenberg reviewed with the applicant's representative that there would be only four commissioners voting on this application. The applicant through his representative, Karl Neilson, confirmed their preference to go forward with the public hearing(s).

Mr. Neilson reported that the Open Space Commission had shared no negative concerns with the applicant's proposal. Ms. Mulcahy confirmed she had not received any communication conflicting that testimony and noted that Madeline McClave who serves on both the Open Space Commission and the Land Trust had also been present at the recent meeting when this proposal had been discussed.

MOTION: Mr. Post, Mr. Moore second, to close the public hearing(s); Motion approved with Mr. Stoutenberg, Mr. LaPlante, Mr. Moore and Mr. Post voting aye.

C. MBR Holdings New Hartford LLC – Map 044 – Block 013 – Lot 020-001 – 195B Main Street – Site Plan Modification for Special Permit Use of a Storage Unit. – Set Hearing. Continued.

Allan Borghesi, PE, and Chairman of Borghesi Building & Engineering, appeared before the Commission regarding this application. He was joined by his clients, Ricky Riva and Brian Riva.

Mr. Borghesi reminded the Commission that approval had previously been granted for three storage buildings but that his clients have identified a market need for climate-controlled storage. The modification application was to gain approval for one larger building that is indeed heated and equipped with air conditioning, according to Mr. Borghesi. He noted that the application included less impervious coverage.

Since the last meeting, Mr. Borghesi noted that an additional gate had been added to the proposal allowing the Fire Department access should it be necessary. Additionally, a twenty-foot wide fire drive with four inches of crushed stone had also been added along with a gate for fire access in the fence to the rear of the building, according to Mr. Borghesi.

Mr. Borghesi reported that the overhang that is included off the front would have tipped the square footage of the building over the 12000 square foot threshold wherein sprinklers would have been necessary. Therefore, the size of the building had been substantially reduced to avoid that.

Mr. Borghesi noted that the Architecture Review Committee had met and reviewed the proposal and suggested planting of shrubbery so that travelers from the north will have that view. He reported that his clients were agreeable to adding the same number of trees in the same configuration as the corresponding side to address that concern. He noted that the ARC shared the concern that the number of trees and species of trees match the plan.

Mr. Borghesi reported that drainage calculations had been submitted which will confirm that there is no issue with the catch basin and the piping as reflected in the design. He noted that an additional catch basin was added in the low spot of the loading dock.

Ms. Mulcahy reported that she had just met with the ARC Chairman who relayed that they would like more plantings, including trees, in front of the building where it is spotty, as well as on the side of the access. She noted that they would also like to see the area in the front, where it is still spotty, filled in. Ms. Mulcahy noted that the ARC would also like plantings on the other side of the fire access. She noted that these are items that they would like to see on a planting plan.

With respect to the drainage calculations, Ms. Mulcahy noted that she only learned this evening that they had come in on Friday and explained the Town Engineer had not had the opportunity to review them. She noted that this could be addressed through a condition of approval.

Ms. Mulcahy had questioned whether the Fire Department had the opportunity to review the modified site plan. Mr. Borghesi explained that the modified design exceeds the requests received from the first public hearing.

It was noted that the sign-off from the Farmington Valley Health District had not been received but that this could be addressed through a condition of approval. Mr. Borghesi confirmed that the KnoxBox will include the new building. Ms. Mulcahy requested that the fees for the engineering referral be paid by the applicant. Additionally, she requested that a final As-built including the topography be included.

Mr. Post questioned whether the riprap will be pushed back ten feet as previously discussed. Mr. Borghesi assured the Commission it would. Mr. Stoutenberg questioned the landscaping, noting it may be a condition of approval.

The access for the fire was discussed. Mr. Borghesi noted that the trees near one of the access points will be relocated. Ms. Mulcahy noted that those will be reviewed under the Planting Plan.

The tallest part of the building was noted as being 12' 1", with tallest part of interior as 10'.

MOTION: Mr. Post, Mr. LaPlante second, to close the public hearing(s); unanimously approved.

2. PENDING APPLICATIONS:

A. LePore & Sons, LLC/Applicant – Map 002- Block 002 – Lot 11-6 – 906 Tarringford East Street – Re-Subdivision Application – 2 Lots.

B. LePore & Sons, LLC/Applicant – Castellani Real Estate Ventures LLC/Owner – Map 002 – Block 002 – Lot 11-6 Tarringford East Street & Evergreen Crossing – Open Space Development Interior Lot – Future Lot 10 Evergreen Crossing.

The Commission dispensed with both Special Exception applications with the following motion.

MOTION: Mr. Stoutenberg, Mr. Moore second, in the matter of Resubdivision application for one special exception interior lot with a special exception open space subdivision with access from Evergreen Crossing for the Castellani Family Real Estate Ventures, LLC, 906 Tarringford East, Torrington, CT 06790 on 57.45 acres located in an R-2 Residence District, find the following:

WHEREAS, the Town of New Hartford Planning and Zoning Commission received an application for a Resubdivision with Special Exception applications for an interior lot and an open space Resubdivision for one lot on 57.45 acres with access from Evergreen Crossing in a R-2 Residence District which includes an application, an Inland Wetland Determination issued for a re-subdivision with no regulated activity, a Resubdivision Map dated 12/8/17, an Overall Site Plan dated 12/8/17, a Grading & Erosion and Sediment Control Plan dated 12/8/17 prepared by J. Edwards & Associates, LLC, 227 Stepney Road, Easton, CT 06612; and

WHEREAS, the Planning and Zoning Commission held the required public hearings for a Resubdivision, the Special Exceptions Interior lot and an Open Space Subdivision on May 9, 2018 and May 23, 2018:

IT IS THEREFORE RESOLVED that the New Hartford Planning and Zoning Commission approves the Resubdivision titled 906 Tarringford East with one special exception interior lot on 57.45 acres for an Open Space Subdivision with the following modifications:

1. All maps shall comply with Section 3 of the Town of New Hartford Subdivision Regulations.
2. The required record Resubdivision Map with the conditions of approval shall be filed on the Town Land Records as a mylar map copy within the Connecticut 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 flown on the final map.
5. The interior lot access way to the public street shall be owned in fee simple by the interior lot and be at least 20 feet wide.

Motion passed with Mr. Stoutenberg, Mr. Moore, Mr. LaPlante, and Mr. Post voting aye.

C. MBR Holdings New Hartford LLC – Map 044 – Block 013 – Lot 020-001 – 195B Main Street – Site Plan Modification for Special Permit Use of a Storage Unit. – Set Hearing. Continued.

MOTION: Mr. Stoutenberg, Mr. Moore second, in the matter of Special Exception/Site Plan Modifications to change the approval from 2 buildings and a building extension to one building with 11,964 square feet located at 195 B Main Street in (B) Business District, finding the following:

WHEREAS, the New Hartford Planning and Zoning Commission received a Special Exception/Site Plan modification application to change the approval from 2 buildings and a building extension to one building with 11,964 square feet located at 195 B in a (B) Business District.

WHEREAS, the Commission held public hearings on May 9, 2018 and May 23, 2018:

IT IS THEREFORE RESOLVED that the New Hartford Planning and Zoning Commission approves the Special Exception/Site Plan modification application to change the approval from two buildings and a building extension to one building with 11,964 square feet located at 195 Main Street in a (B) Business 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. Follow the recommendations of the Architectural Review Committee made at a meeting on May 23, 2018 including more plantings in front of the building and on the other side of the fire access. The number of trees shall be reviewed and approved by the Land Use Administrator.
3. There shall be two new fire access gates on the westerly end of the property as shown on the plan and the riprap on the northerly edge of the building shall be increased to a minimum of ten feet as noted on the site plan.
4. The drainage calculations shall be submitted to the Town consulting engineer for review and approval before a zoning permit is issued and the recommendations of the Town Engineer shall be filed.
5. Fire Marshall's approval shall be required before a zoning compliance is issued for the Certificate of Occupancy.
6. 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.
7. The current knox box shall include the new building.
8. A final as-built with the topography of the site shall be submitted before a zoning compliance is issued.
9. Farmington Valley Health District approval shall be submitted before a zoning permit is issued.
10. All fees including the fees for the Town consulting engineer shall be paid before a zoning permit is issued.
11. The island shown on the plan shall be landscaped with shrubs.

Motion passed with Mr. Stoutenberg, Mr. Moore, Mr. LaPlante, and Mr. Post voting aye.

3. NEW APPLICATIONS:

A. EMB Realty LLC – Special Exception/Site Plan Modification – Map 044 – Block 136 – Lot 24E – 144 Main Street – No specifics available yet.

Jack Casey of EMB Realty, LLC, accompanied by David Whitney, PE, appeared before the Commission for an informal discussion regarding his canoe business at 144 Main Street. Mr. Whitney reviewed a modified site plan, one approved from 2006 revised through today. He relayed the history of improvements to the parcel including an addition to the main canoe building as well as a building permit for the foundation only of an accessory storage building in July 2011. Mr. Whitney explained that there were two conditions to that building permit: height of structure not to exceed 35' and prior to construction, the building plans to be submitted to the Commission for site plan approval and an Architectural Review Committee approval. He explained that the building plans were submitted to the Building Department recently and a building permit was issued.

Mr. Whitney explained that his client was now playing “catch-up” by coming to this Commission. In his conversations with Ms. Mulcahy, Mr. Whitney became aware that there is an additional unpermitted storage shed on the parcel. Mr. Whitney circulated photographs of the accessory storage barn. He explained that until there is site plan approval, Mr. Casey is unable to get the necessary inspection to allow electricity in the building. Mr. Stoutenberg questioned whether bathrooms had been installed in this accessory storage building. Mr. Casey confirmed that he had a licensed plumber run pipes so that if the Town were to ever extend the sewer line, the foundation would need not be ripped up.

Mr. Casey noted that the shed will have to be moved from where it is located. Mr. Whitney indicated that the shed is in the flood plain. Mr. Casey confirmed that the shed is located within the Farmington River Overlay District.

Ms. Mulcahy questioned the use of the barn and whether it is an accessory use to the canoe business. Mr. Casey confirmed but noted that he does not intend to operate the canoe business from the barn. Mr. Whitney explained that half of the barn will be used for car storage and the other half of the barn will be used for boat and canoe storage. Mr. Whitney confirmed that the barn is an accessory use to the canoe business.

It was noted that an updated site plan showing the topography at the location will need to be submitted. A parking table should be included on the updated site plan. Ms. Mulcahy noted that the Architecture Review Committee had previously requested a planting plan, too.

4. NEW BUSINESS:

A. EMB Realty, LLC – Special Exception/Site Plan Modification – Map 044 – Block 136 – Lot 24E – 144 Main Street – No specifics available yet.

Craig Maiolo appeared before the Commission to discuss this property.

Ms. Mulcahy noted that the owner is seeking to expand the self-storage at this location. She questioned whether, like the other recent self-storage application, the Commission will require a public hearing.

Mr. Maiolo presented with copies of an updated site plan. He noted that the owner is seeking to add nineteen more units.

The parking table is an item the Commission will likely want to review, according to Ms. Mulcahy. Mr. Stoutenberg advised that Mr. Maiolo meet with Ms. Mulcahy to gain an understanding of what the Commission will be seeking in terms of the site plan and the parking table. She noted that the applicant will also need to meet with the Architectural Review Committee.

MOTION: Mr. Moore, Mr. LaPlante second, to schedule a public hearing for this matter for June 27, 2018; unanimously approved.

4. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

5. APPROVAL OF MINUTES – May 9, 2018:

MOTION: Mr. Moore, Mr. LaPlante second, to approve the May 9, 2018 Minutes; unanimously approved.

6. ZONING ENFORCEMENT OFFICER'S REPORT:

Ms. Mulcahy reported that a Zoning Violation letter has been sent to the Fit Farm located on

Route 202 to both the owner and the tenant. She explained that she met with the operator twice and had advised him that if there were any other uses occurring at the location, an application would be necessary. She learned that he is advertising a campground at this location. Ms. Mulcahy noted that the Zoning Regulations do not currently allow campgrounds.

7. CORRESPONDENCE:

None.

MOTION: Mr. McLoughlin, Mr. Post, Mr. LaPlante second, to adjourn at 8:29PM; unanimously approved.

Respectfully submitted,

**Pamela A. Colombie,
Recording Secretary**