

**New Hartford Planning and Zoning Commission  
TOWN OF NEW HARTFORD, CONNECTICUT  
REGULAR MEETING MINUTES  
Wednesday, February 13, 2019 at 7:00 PM  
New Hartford Town Hall  
530 Main Street, New Hartford, Connecticut**

**PRESENT:** Ted Stoutenberg, Dan LaPlante, Marty Post, James Steadman, and Alternate Mike Misiorski, Zoning Enforcement Officer Mike Lucas, Interim Zoning Enforcement Officer Rista Malanca.

**ABSENT:** Dave Krimmel, and Alternates Tom McLoughlin and Peter Ventre.

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

Mr. Misiorski was seated for Mr. Krimmel.

**1. PUBLIC HEARINGS:**

None.

**2. PENDING APPLICATIONS:**

None.

**3. NEW APPLICATION:**

**A. Barden Farms (Ed and Anita Barden)/Applicant – Map 37A – Block 121 – Lot 003 – 510 Main Street – Special Exception – Change of Use from Barber Shop to Retail – Food Sales/Neighborhood Market – No Changes to Exterior Except for Signage.**

Mr. Stoutenberg reported that Ms. Malanca had suggested waiving the requirement for a site plan for this application as there were no proposed changes to the exterior of the building. The proposal includes only interior renovations.

**MOTION:** Mr. Steadman, Mr. LaPlante second, to waive the requirement for a site plan for this application; unanimously approved.

**MOTION:** Mr. Steadman, Mr. Misiorski second, to schedule a public hearing for this application for March 13, 2019; unanimously approved.

The agenda was modified to review *Continued Discussion of the Changes to the Subdivision Regulations* as the first item in *Other Business Proper to Come Before the Commission*.

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

**A. Continued Discussion of the Changes to the Subdivision Regulations.**

Mr. Stoutenberg reminded the Commission that Attorney Mark Branse had several notes and comments within his review of the proposed changes to the Subdivision Regulations. He noted that there are also several changes necessary for the Zoning Regulations to ensure that the two documents are synched. The changes would be reviewed at the first meeting in March, according to Mr. Stoutenberg.

**B. Jean Cronauer – Report on Completed Tasks by the Open Space Preservation Commission as set forth by Plan of Conservation and Development.**

No business discussed.

**C. RJB Contracting, Inc. (Raymond Barbieri)/Applicant – Map 004 – Block 036 – Lots 03B-F Request to terminate the subdivision plan entitled “Record Subdivision Map dated March 2005”, filed as Map Number 2077A in the New Hartford Land Records.**

**Considerations to be discussed as follows:**

- 1. Expressly approve the merger of the subdivision lots into a single interior parcel, and authorizes the Chairman or Secretary to endorse the “merger map” for filing on the land records (as modified by Motion #3).**
- 2. Authorize the staff to release the fee-in-lieu of open space liens on the land records;**
- 3. Agree to modify the Special Exception by allowing the shift in the property line to add RPB land to Barbieri’s lot.**

Attorney Allan Koerner appeared before the Commission regarding this matter. He explained that the subdivision was approved in 2005 but noted that the property was never developed. Attorney Koerner presented with the original subdivision drawing and an additional plan depicting how his client would now like to convey it. He noted that his client would like to convey a 1.3 acre portion to his brother who owns the adjoining property, leaving approximately 32 acres that he would like to convey to the other neighbors, Barry and Karen Cone.

It was noted that the applicant is also seeking to lift the requirement for Open Space on this land. Discussion ensued regarding whether the subdivision had expired pursuant to the state statute and whether that statute only pertains to properties that include public improvements.

Ms. Malanca questioned whether the land to be conveyed to the Cones was to remain an interior lot or is to be merged with their other property. Attorney Koerner explained that it will remain an interior lot.

Ms. Malanca explained that as there are no public utilities included as part of this subdivision, it does not automatically expire after five years.

**MOTION:** Mr. Steadman, Mr. Misiorski second, to approve the application in the matter of Applicant: RJB Contracting (Owner) Location: Richards Road, Assessor’s Map 004 Block 036 Lot 03B-F Proposal: Expressly approves the merger of the subdivision lots into a single parcel, and authorize the Chairman to endorse the merger map for filing on the land records; as amended by the Commission,  
WHEREAS the lots to be merged are shown as 1,2,3,4,5 and driveway on the original subdivision map as prepared by Allied Engineering Prepared for RJB Contracting, Inc. Richards Road, New Hartford, Connecticut, title “Proposed Overall Site Plan” dated 05/26/05 revised 05/30/06;

***Motion withdrawn.***

Mr. Post opined that an updated map is necessary for review of this application. He noted that a new map ought to have been provided showing the new property lines.

Additionally, Ms. Malanca explained how a Special Exception had been approved for interior lots served by a common driveway. She noted that the Special Exception would need to be modified in order to permit the interior lot as proposed.

Mr. Stoutenberg suggested scheduling a public hearing to modify the Special Exception. Ms. Malanca indicated that a public hearing is required if the Commission finds that this is a substantial change to the Special Exception and that any substantial change requires a public hearing. She suggested that if the Commission does not find that the proposal is a significant change to the Special Exception, it could be approved at this meeting.

Discussion about a revised map occurred prior to the aforementioned motion being withdrawn.

**MOTION:** Mr. Steadman, Mr. Misorski second, to approve the application in the matter of Applicant: RJB Contracting (Owner) Location: Richards Road, Assessor's Map 004 Block 036 Lot 03B-F Proposal: Expressly approves the merger of the subdivision lots into a single parcel, and authorize the Chairman to endorse the merger map for filing on the land records; as amended by the Commission,

WHEREAS the lots to be merged are shown as 1,2,3,4,5 and driveway on the original subdivision map as prepared by Allied Engineering Prepared for RJB Contracting, Inc. Richards Road, New Hartford, Connecticut, title "Proposed Overall Site Plan" dated 05/26/05 revised 05/30/06, with the following conditions and recommendations:

1. Chairman not endorse map until revised map submitted showing lots to be united and new property to be created by property line revision;

***Unanimously approved.***

**MOTION:** Mr. Steadman, Mr. Post second, to approve the application in the matter of Applicant: RJB Contracting (Owner) Location: Richards Road, Assessor's Map 004 Block 036 Lot 03B-F Proposal: Authorize New Hartford Land Use Staff to release the fee-in-lieu of open space liens on the Land Records.

Whereas the liens were placed on Lots 1, 2, 3, 4, 5 shown on the original subdivision map prepared by Allied Engineering; Prepared for RJB Contracting, Inc., Richards Road, New Hartford CT; Titled Proposed overall site plan; dated 5/26/05; revised 5/30/06 and further described in a "Notice" filed on Book 242, Page 1041 of Land Records on 06/09/2006 in the amount of \$10,500 per lot;

***Unanimously approved.***

**MOTION:** Mr. Steadman, Mr. Post second, to approve the following in the matter of Applicant: RJB Contracting (Owner) Location: Richards Road, Assessor's Map 004 Block 036 Lot 03B-F Proposal: Modify the Special Exception for Interior Lots served by a common driveway in an R-2 Zone by allowing the shift in the property line by adding RJB Contracting land to adjacent land owned by James & Nancy Barbieri;

WHEREAS the lot line adjustment is more accurately shown on the map prepared by Laferriere Associates, Land Surveying – Land Planning; Prepared for James and Nancy Barbieri titled "Zoning Location Survey Property Line Revision" of property located at 251B & 261 Richards Road, New Hartford, CT dated 01-25-19 revised 02-07-19; and with the following conditions and recommendations:

1. A Site Plan showing the driveway, house location, septic system, well and all grading be submitted and approved, by zoning permit, prior to the any construction on this interior lot.
2. Conditions 1 through 3 be removed from the Special Exception;

***Unanimously approved.***

#### **5. APPROVAL OF MINUTES: January 9, 2019**

The January 9, 2019 Minutes should be amended as follows:

The Motion on the third page that reads,

"...**MOTION:** Mr. Post, Mr. Steadman second, to change the status of Bob Howson from alternate member to regular member; unanimously approved..." should instead read,

"...**MOTION:** Mr. Post, Mr. Steadman second, to appoint Bob Howson to regular member, to fulfill vacancy created by Mr. Misorski (as he was appointed to the Planning and Zoning Commission); unanimously approved..."

**MOTION:** Mr. Steadman, Mr. Post second, to approve the January 9, 2019 Minutes as amended; unanimously approved.

**6. ZONING ENFORCEMENT OFFICER'S REPORT.**

No business discussed.

**7. CORRESPONDENCE:**

Discussion circled back to the changes to be made to the Subdivision Regulations and the Zoning Regulations.

Ms. Malanca sought clarification regarding private roads. It was confirmed that private roads should be allowed in the Subdivision Regulations but eliminate estate roads. Private roads should be developed to the same standards as town roads, but they can remain private.

Pulloff areas as part of 4.3 Driveways and Accessways was discussed. Mr. Post noted that Appendix E.5.B. conflicts with the language. It was noted that Attorney Branse had recommended that certain sections needed to be checked against the Town's ordinances. Sidewalks were also discussed for consistency.

**MOTION:** Mr. Steadman, Mr. Post second, to adjourn at 8:05PM; unanimously approved.

**Respectfully submitted,**

**Pamela A. Colombie**  
**Recording Secretary**