

**New Hartford Planning and Zoning Commission
TOWN OF NEW HARTFORD, CONNECTICUT
REGULAR MEETING MINUTES
New Hartford Town Hall – 530 Main Street
Wednesday, December 8, 2021 at 7:00 PM**

PRESENT: Chairman Ted Stoutenberg, Dan LaPlante, Mike Misiorski, Marty Post, Jim Steadman, Alternates John Burdick, Jack Casey, and Robert Goodskey; Zoning Enforcement Officer Mike Lucas, and Town Attorney Mark Branse.

ABSENT: None.

Chairman Ted Stoutenberg called the meeting to order at 7:03PM.

1. PUBLIC HEARINGS:

A. Garrett Homes, LLC/Applicant – Satans Kingdom, LLC/Owner – Map 044 – Block 013 – Lot 020 – 173A Main Street – Special Exception – Retail Building – 9260 Sq. Ft. – 25% Deferred Parking.

Attorney Robin Pearson of Alter and Pearson, LLC, accompanied by Architect Doug Bruner and Professional Engineer Matthew Brutin, appeared before the commission regarding this application. She reminded the commission that the public hearing had been continued to correct the legal notice advertising the square footage of the proposed building and so that the design team could again review the drawings to confirm that everything that was portrayed was accurately represented in the square footage. Additionally, Attorney Pearson submitted two renderings of the proposed buildings so that the commission could envision how the structure was going to appear and how they meet the design guidelines for commercial development.

Mr. Brutin then reviewed changes made to the site plans in response to comments from the Town. He noted that the square footage was recalculated to 9260 square feet. As a result of the increase in the square footage of the building, an additional parking space was necessary to comply with the regulations, according to Mr. Brutin. He noted that with this size building, 49 spaces were required. A 25% deferral was being requested, Mr. Brutin reminded the commission. Mr. Brutin noted that Attorney Branse had questioned the suitability of the width of the area for the foundation plantings. He read aloud a correspondence from the landscape architect confirming the suitability of the selected plantings.

Mr. Bruner reviewed the changes made to the elevation drawings, including the 4" projections on the side of the buildings. He noted that there were four windows on either side of the building. The floor plan was reviewed with Mr. Bruner noting the window boxes that were included.

Mr. Stoutenberg questioned whether the back wall of the building will have clapboards and a brick façade, matching the other three sides of the building. Mr. Bruner confirmed. Mr. Stoutenberg questioned whether the windows would be typical windows or would include panes fastened to the outside of the windows. Mr. Bruner noted that there would be window boxes constructed so that the windows would appear as flush and would include metal framing with glass. Mr. Bruner reported the windows would also be illuminated.

Mr. Brutin noted the elevations reflect that the plans presented depicted all of the parking spaces that would be necessary without the requested deferral being reflected.

Attorney Pearson reviewed other developments that have been approved since 2015 along this area of Main Street, that also would have been subject to the design guidelines but were not

required to do some of the improvements that this applicant had included. She noted that a photographic log of other structures in the area was included as a submittal. She read from a prepared statement, describing each structure that was included in that photographic log.

Mr. Stoutenberg questioned what the developer planned to do with shopping carts. Mr. Brutin noted that the carts will be stored within the vestibule area of the store, confirming that they will not be stored outside the building. Mr. Stoutenberg questioned the location of the three landscape areas within the parking lot. Mr. Brutin explained they were proposed to be located opposite the crosswalk in the center, in an island adjacent to the building, and one located along the access from the common driveway. Mr. Stoutenberg questioned whether there was any objection to providing a lock box for the fire department. Mr. Brutin indicated that there was no objection.

Mr. Misiorski questioned the location of the light and whether it was shown on the provided rendering. Mr. Brutin noted that it was not but that there had been a photometric plan included in the civil drawings. He confirmed that the footcandles reflect the light levels staying on the property and the parking lot and surrounding sidewalks would be lit for the safety and security of employees and patrons. He noted the several wallpacks that were also included.

Attorney Branse noted that there was a list of proposed conditions received from the applicant but that the condition concerning the fire cistern had been modified from being completed prior to issuance of a building permit to it being commenced before the issuance of a building permit. He questioned whether the condition regarding the fire cistern should be that it be completed prior to the building being occupied. Attorney Pearson confirmed that her clients had no objection to that modification.

Referring to an earlier point raised by Attorney Pearson relative to design standards of other approved applications, Attorney Branse advised the commission that they are under no obligation to repeat mistakes that may have made in 2015.

The hearing was open to the public.

David Krimmel of Dings Road, sharing his support for the proposal, urged the commission to not base a denial of the application on a claim that its business would offer competition to other existing markets.

MOTION: Mr. Steadman, Mr. Post second, to close the public hearing; unanimously approved.

2. PENDING APPLICATIONS:

A. Garrett Homes, LLC/Applicant – Satans Kingdom, LLC/Owner – Map 044 – Block 013 – Lot 020 – 173A Main Street – Special Exception – Retail Building – 9260 Sq. Ft. – 25% Deferred Parking.

MOTION: Mr. Post, Mr. Misiorski second, to approve the application in the matter of Garrett Homes, LLC for 25% deferred parking in accordance with Section 6.2.e.5. of the zoning regulations to serve a retail building at 173A Main Street, as shown on plans as revised through December 8, 2021 and as stated in Section 6.2.e.5., the applicant shall provide the statement required by Section 6.2.e.5.c. prior to the issuance of a Certificate of Zoning Compliance; Motion passed with Mr. Stoutenberg, Mr. Steadman, Mr. Misiorski, and Mr. Post being in favor while Mr. LaPlante was opposed.

MOTION: Mr. Post, Mr. Misiorski second, that the New Hartford Planning and Zoning Commission approve the Special Exception application of Garret Garrett Homes, LLC for a retail building located at 173A Main Street as shown on the plans and renderings as revised through December 8, 2021, subject to the following conditions and modifications:

1. Construction of the off-site fire cistern must be commenced on or before issuance of a building permit for construction of the DOLLAR GENERAL building and the cistern shall be completed prior to the Certificate of Occupancy.
2. Written approval of the septic system by the Farmington Valley Health District shall be furnished.
3. Signage shall be limited to that shown on plans, including a prohibition against window signs.
4. There shall be no outside storage or display of goods or ice dispensing or other vending machines outside of building.
5. Shopping carts shall be stored inside the building and not outside the building.
6. Snow shall not be pushed onto the property to the south. If and when the full component of parking spaces is constructed, a sign prohibiting the plowing of snow from the south end of the parking aisle into the landscaped side yard, shall be installed.
7. Excess snow that cannot be accommodated outside of the parking area and sidewalks shall be mechanically removed from the site.
8. Every effort shall be made not to store snow on landscape beds
9. Opaque windows shall either be lit from above with traditional gooseneck fixtures (soft down wash) or from inside the window well with frosted glazing.
10. A lockbox shall be provided for the New Hartford Fire Department in accordance with their specifications;

Motion passed with Mr. Stoutenberg, Mr. Misiorski, and Mr. Post voting in favor while Mr. LaPlante and Mr. Steadman were opposed.

Following the motion but prior to the vote, discussion ensued among commissioners. Mr. Steadman indicated that while the applicant's team had done a great job with the site plan and proposed improvements, he believed the site was too small for that size building and the parking. Mr. Steadman also suggested the proposal would negatively impact property values and that the type of store and the items it sells would threaten public safety. Mr. Post supported the application, opining that the applicant had met the regulations. Mr. Misiorski concurred with Mr. Post, noting that the applicant had gone through hoops and noted that he expects the building to be a welcome addition to town. Mr. LaPlante did not believe that the amount of land was suitable for this business, sharing his experience with working with tractor trailer drivers and how they often ran into his barn over the years. He noted that the amount of land for this site did not suit the building, predicting that there would likely be problems with snow and the plantings. Mr. Stoutenberg also believed the building was too large for the site and doubted the success of this building with other similar type buildings being located in the area. However, citing the compliance with the zoning regulations, he supported approving the application.

3. NEW BUSINESS:

None.

4. OTHER BUSINESS TO COME BEFORE THE COMMISSION:

A. Election of Officers.

Mr. Stoutenberg advised the commission that if reelected chairman, it would need to be his last year serving in this capacity. He noted that he had only two years remaining in his term and did not intend to seek reelection.

MOTION: Mr. Stoutenberg, Mr. Post second, to elect the slate of officers, with Mr. Stoutenberg as chairman and Mr. Misiorski as vice chairman; unanimously approved.

The consensus of the commission was that the bylaws should be reviewed at an upcoming meeting.

Attorney Branse briefly reviewed how commissions can opt out of recent legislation passed by the State of Connecticut, including accessory apartments and lack of associated minimum parking requirements.

5. APPROVAL OF MINUTES: November 10, 2021.

The November 10, 2021 Minutes should be modified to reflect that commissioner Dan LaPlante was indeed present.

MOTION: Mr. Steadman, Mr. Post second, to approve the November 10, 2021 regular meeting minutes as amended; unanimously approved.

6. ZONING OFFICERS REPORT:

Mr. Lucas suggested a return to ZOOM meetings for January and February. Connectivity issues were noted as a possible problem. The consensus of the commission was that at least the January meeting would be held via ZOOM.

7. CORRESPONDENCE:

No business discussed.

MOTION: Mr. Post, Mr. Steadman second, to adjourn at 9:05PM; unanimously approved.

Respectfully submitted,
Pamela A. Colombie
Recording Secretary