

**New Hartford Planning and Zoning Commission  
TOWN OF NEW HARTFORD, CONNECTICUT  
REGULAR MEETING MINUTES  
Town Hall, 538 Main Street, 2<sup>nd</sup> Floor Conference Room, New Hartford, Connecticut  
Wednesday, November 9, 2022 at 7:00 PM**

**PRESENT:** Chairman Ted Stoutenberg, Dan LaPlante, Mike Misiorski, Marty Post,  
Jim Steadman and Alternates John Burdick and Robert Goodskey;  
Zoning Enforcement Officer Mike Lucas.

**ABSENT:** Alternate Jack Casey.

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

**1. PUBLIC HEARINGS:**

**A. Dhaval Patel of DHA Properties LLC - Applicant/Owner – Map 36B – Block 119 – Lot 004 – 2 Bridge Street & Map 36B – Block 119 – Lot 005 – 526 Main Street – Zoning Regulation Change – Text Amendment to the New Hartford Center District.**

The legal ad was read into the record with it being reported as having been published in the Hartford Courant on October 28, 2022 and November 4, 2022.

Phil Doyle of LADA appeared before the commission to discuss the application. Mr. Doyle reminded the commission that his team had presented preliminary design plans in June of this year and have continued those plans since that time. He explained that the design now requires either approval from the Zoning Board of Appeals or relief from this commission. He explained the limitations imposed through the building coverage restrictions and setback requirements of the current zoning regulations.

Mr. Doyle reviewed the series of proposed changes to the zoning regulations, as provided to the commission in advance of this meeting.

Mr. Doyle noted the varied uses the building at these locations have had historically included multi-family, office, retail, and restaurant. Mr. Doyle reported that Section 4.2. of the zoning regulations dealing with allowed uses did not permit the type of multi-family housing that had existed at the subject location(s) and it was not the type that is allowed in the Town Center zone. Mr. Doyle noted the provisions in the zoning regulations that pose challenges including conversion, 50% pervious surface requirement, the maximum number of units restrictions, height, parking requirements, and mixed-use definition. How height is measured was also a suggested modification to the zoning regulations, too.

Mr. Doyle explained how the lots on Main Street drop off to the river, explaining how that can affect height. He reviewed how his client's building had already been located on the boundary line.

Mr. Doyle reviewed the parking analysis of the downtown area, noting that peak utilization was only 28% of the 236 public spots. He noted the parking included behind Town Hall, parking at 2,4, and 8 Bridge Street, church parking, library parking, Church Street parking and parking along Route 44. Mr. Doyle noted that parking was evaluated at 8:30AM, Noon, and 5:30PM, noting that it was also reviewed on the weekends, too.

Mr. Post was unsure on amending the zoning regulations on parking for the whole area rather than just this parcel on an individual basis. Mr. Doyle noted that he could not find another way to do this legally. Mr. Post explained that he could see where parking could be a problem at

some point. Mr. Stoutenberg agreed that a lack of parking may be a problem someday. Mr. Misiorski also agreed. Mr. Steadman did not see making the change to the parking requirement portion of the zoning regulations as a problem.

Mr. Doyle noted that the town of Windsor has language in their zoning regulations to allow their Planning and Zoning Commission to provide latitude in their review of the required amount of parking.

Mr. Stoutenberg shared concerns with the proposed definition of “height”.

The hearing was open to the public.

Polly Pobuda of 22 Church Street spoke generally in favor of the proposed text amendments.

An unidentified male had questioned why it might not be a better idea for the applicant to seek a variance. Mr. Doyle explained that commissions typically do not like to regulate through the issuances of variances.

First Selectman Dan Jerram spoke in favor of the application, acknowledging this commission and their long history of caring for the town and handling zoning matters very well at the local level. He reported this meeting as the last one for commissioner Jim Steadman, and thanked him for his service to the town.

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

## **2. PENDING APPLICATIONS:**

### **A. Dhaval Patel of DHA Properties LLC - Applicant/Owner – Map 36B – Block 119 – Lot 004 – 2 Bridge Street & Map 36B – Block 119 – Lot 005 – 526 Main Street – Zoning Regulation Change – Text Amendment to the New Hartford Center District.**

Mr. Post questioned whether the proposed language had been reviewed by the town’s legal counsel, Mark Branse. Mr. Lucas confirmed that Attorney Branse’s office had reviewed and found no conflicts with it. He noted that several minor edits had been suggested by them.

Mr. Misiorski questioned how the parking regulations could be changed. Mr. Lucas noted that parking within the whole town would need to be modified.

Noting the parking behind the town hall, Mr. LaPlante pointed to the room for expansion if the islands were eliminated. Mr. Lucas noted that the islands are required for various reasons, including visual breaks and create more green space.

Mr. Steadman questioned other parcels that might be in the Village District that could be affected with the text change. Mr. Jerram referred to several.

**MOTION:** Mr. Steadman, Mr. LaPlante second, to approve the text amendment as written by Mr. Doyle; motion approved with Mr. LaPlante, Mr. Misiorski, Mr. Steadman, and Mr. Stoutenberg in favor while Mr. Post abstained.

## **3. NEW BUSINESS:**

None.

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

None.

**5. APPROVAL OF MINUTES – October 12, 2022:**

**MOTION:** Mr. Post, Mr. Misiorski second, to approve the October 12, 2022 Minutes; unanimously approved.

**6. ZONING OFFICERS REPORT:**

No report provided.

**7. CORRESPONDENCE:**

None.

Mr. Misiorski questioned the status of the three busses located at Fit Farm (1170 Litchfield Turnpike). Mr. Lucas reported having spoken with the tenant who reported the busses were registered and road-worthy. Mr. Lucas explained that as such, they were not adding to the zoning violation at this property. An inquiry was made whether there was any proof of that. Mr. Lucas indicated he would work with the Assessor to verify the report.

Prior to the meeting's adjournment, Mr. Steadman was thanked and again acknowledged for his 35 years of service to this commission.

**MOTION:** Mr. Post, Mr. Misiorski second, to adjourn; unanimously approved. The meeting adjourned at 7:59PM.

**Respectfully submitted,  
Pamela A. Colombie  
Recording Secretary**