

**PLANNING AND ZONING COMMISSION
SPECIAL MEETING – AGENDA
WEDNESDAY, DECEMBER 17, 2014 – 7:00PM
NEW HARTFORD TOWN HALL – 530 MAIN STREET**

PRESENT: Ted Stoutenberg, Dan LaPlante, Bob Moore; Alternate Martin Post; Zoning Enforcement Officer Steven Sadlowski.

ABSENT: James Steadman, David Krimmel, Alternate Peter Ventre.

Vice Chairman Ted Stoutenberg called the meeting to order at 7:00PM. All regular members present were seated as well as Mr. Martin Post for Mr. David Krimmel. The proceedings were recorded digitally and copies are available in the Land Use Office.

**1. NEW HARTFORD INDUSTRIAL PARK INC. – 37 GREENWOODS ROAD –
SPECIAL EXCEPTION – TO ALLOW A DANCE/MARTIAL ARTS STUDIO.**

Mr. Sadlowski noted that a notice for the continued public hearing in this application ran in the most recent edition of the Independent.

Attorney David Markowitz, representing the Hurley family, addressed the commission on behalf of the application. The application included a narrative that describes the basis of why this application is consistent with the Plan of Conservation and Development but requested to correct for the record two (2) things in the narrative. Attorney Markowitz explained that he left off two tenants which changes the parking calculations. New Hartford Industrial Park, Inc. has a new tenant called Activate the Space which has six employees and will occupy 8500 square feet in the building, according to Attorney Markowitz. He noted that this tenant is not moved in yet but does have a signed lease. There is also an event furniture storage company that is occupying about 2700 square feet with only one employee as a new tenant, according to Attorney Markowitz. He noted that the parking count does change slightly. Assuming everyone is in the building at the same time there will be 106 spaces used and approximately 126 vacant spaces remaining, according to Attorney Markowitz. He noted that the dance/martial arts studio would occupy a maximum of 10 spaces. As most students will be dropped off and picked up, it will be more likely five on average, he noted. Attorney Markowitz commented that the use is consistent with the building as it has very large open spaces but that when zone was changed to New Hartford Center Zone, uses such as this require a Special Exception application but that in theory, it is identical to Mr. Parrot's restaurant.

Mr. Stoutenberg asked about the handicap spaces shown, a walkway shown that he presumes connect to the building as well as steps to the building. His question regarded how a handicap person would manage to get into the building. Attorney Markowitz responded that he was unaware that handicap spaces were shown because he can't imagine that a handicapped person would be going into the dance/martial arts

studio unless it's a parent. Attorney Markowitz agreed with Mr. Sadlowski's point that a handicapped person could enter the building in the back, through the restaurant but that it would be admittedly a bit of a haul to enter the building that way but it was indeed a possibility.

Mr. LaPlante indicated that he thought it was a law that there had to be handicap access. Attorney Markowitz confirmed that there is access but that it is located in the back of the building and confirmed that there would be signage to reflect it.

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

MOTION: Mr. Post, Mr. Moore second, **to approve a Special Exception to allow a dance/martial arts studio in the space depicted in the submitted site plan and as explained. In the submitted narrative. We find that this use:**

- a. **is a suitable use for the existing building and location and that it will not unreasonably interfere with the property values in the general area and that it will not be detrimental to the public health, safety, and welfare;**
- b. **will be a very minor use within an existing building and that this use will not detract from the attractiveness or character of the building or area;**
- c. **will not negatively affect the streets in the area;**
- d. **will not cause any problems with our public utilities and services;**
- e. **will not damage the environment;**
- f. **that it is within a larger building that will be maintained;**
- g. **that it is in harmony with the Plan of Conservation and Development;**
- h. **that the building appearance will not change, so no new design review was warranted; and**
- i. **accessible route for handicapped persons will be marked throughout the building; unanimously approved.**

MOTION: Mr. Moore, Mr. Post second, to adjourn at 7:15PM.

Respectfully submitted,

**Pamela Colombie
Recording Secretary**