

**PLANNING AND ZONING COMMISSION
SPECIAL MEETING - MINUTES
WEDNESDAY, AUGUST 12, 2015 – 7:00PM
NEW HARTFORD TOWN HALL – 530 MAIN STREET**

PRESENT: Ted Stoutenberg, James Steadman, Dan LaPlante, Bob Moore, Alternate Peter Ventre; First Selectman Dan Jerram; Zoning Enforcement Officer Steven Sadlowski.

ABSENT: David Krimmel, Alternates Martin Post and Thomas McLouglin.

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

1. PUBLIC HEARINGS:

A. New Hartford Market Place, LLC – Subdivision Application- Map 044 – Block 013 – Lot 020 – 183 Main Street – 5 Lot Subdivision.

The legal notice for the public hearing was read into the record and was indicated as having run two times in The Hartford Courant on July 31, 2015 and August 7, 2015. Mr. Sadlowski acknowledged receipt that all abutting neighbors to the subject property received notice of the public hearing regarding this application.

Mr. John Philips, P.E., appeared before the commission and provided details regarding this application. He noted that the parcel is a 173 acre located on the west side of Route 44, between Marandino's and the Waring building. He explained that the application is a proposal to divide this parcel into five (5) lots, with four designated for commercial purposes and the remaining 160 acres located to the rear of these four lots would be retained by the owner. Mr. Philips noted no road construction for the project but would include two common driveways, each serving two lots. He explained that the lots would be served by septic systems and private wells. He also provided details regarding drainage. Mr. Philips reported that approvals for the plans have been obtained from both Farmington Valley Health District as well as the Inland Wetlands Commission.

Mr. Stoutenberg questioned Mr. Sadlowski as to whether the proposed lots are in conformance with the zoning regulations. Mr. Sadlowski indicated that they were.

Mr. Stoutenberg read aloud a July 8, 2015 correspondence from the New Hartford Fire Department Chief Mark Worsmann regarding this application wherein he noted his review of the site plan and made recommendations to either require extending the hydrant line, which is currently 1/3 of a mile away or to require a minimum of two (2) 25,000 gallon cisterns.

Mr. Philips responded, noting that the buildings would be composed of non-combustible material resulting in a minimal fire load. He noted that the height of the building does not require sprinklers to conform to the building code. Mr. Philips noted that the budget of the developer does not include the installation of cisterns. Mr. Sadlowski noted that the regulations use the language "*may be required*" as opposed to "*shall be required*" when considering a subdivision of five or more lots. Mr. Sadlowski inquired about the pond located on the property. Mr. Dan Behre, owner of the property, indicated that the pond does dry up typically by the end of August.

Mr. Mark Worsman, Fire Chief of the **New Hartford Fire Department**, addressed the issues raised in his correspondence, noting that he is very pro-business but providing the issues detailed already are part of his due diligence as a fire chief.

Mr. David Childs of 50 Bruning Road and **Chairman** of the **Economic Development Commission** spoke in favor of the application.

Mr. Dan Jerram of 30 Willow Lane, First Selectman and **Ex-officio member** of the Planning and Zoning Commission spoke in favor of the application, noting that while not eventually completed, commercial development for this very parcel had been approved in 2007. Also included in the reasons he articulated for

supporting the project were that the current proposed developer is a respected builder and the growth to the grand list as a result of development at this location would be a benefit to the town.

Mr. Dan Eddy of 220 Main Street expressed neither support nor opposition to the project noting that while the town would realize a grand list benefit from the commercial development at this location, he had concerns with the issues raised by Fire Chief Worsman. He noted that although the building itself may be non-combustible, neighboring properties might be vulnerable as in the case of homes destroyed through a warehouse fire that had housed tires at an O&G Building on Albert Street in Torrington recently. Mr. Eddy also raised concerns with the proposal featuring two driveways rather than one.

Mr. Sadlowski questioned Mr. Worsman whether there are enough hoses on the town's fire trucks to drag a line from the nearest hydrant to the location should a need arise. Mr. Worsman responded that it would not be a problem, as they are armed with 1500 feet of five inch hose.

MOTION: Mr. Jim Steadman, Mr. Bob Moore second, **to close the public hearing in the matter of New Hartford Market Place, LLC – Subdivision Application- Map 044 – Block 013 – Lot 020 – 183 Main Street – 5 Lot Subdivision; unanimously approved.**

B. Allan R. Borghesi/Applicant – New Hartford Market Place, LLC – Owner – Site Plan Approval - Map 044 – Block 013 – Lot 020 – 183 Main Street – Construct a 20,000 Square Foot Warehouse.

The legal notice for the public hearing was read into the record and was indicated as having run two times in The Hartford Courant on July 31, 2015 and August 7, 2015. Mr. Sadlowski acknowledged receipt that all abutting neighbors to the subject property received notice of the public hearing regarding this application.

Mr. Philips addressed the commission regarding this application. He referred to drawings to demonstrate to the commission the location of the driveway for this site. He reviewed drainage, vegetation, and reviewed comments and suggestions provided by New Hartford's Architectural Review Board. Renderings depicting the façade of the building from different angles were also provided.

Mr. Jerram commented in favor of the application, noting that it is a natural continuation of the support of the subdivision at this commercially zoned location.

Mr. Joel Rummen of Dallas, Texas, representative of **PNL Nutmeg, LLC**, owner of record of **283 Main Street**, New Hartford, questioned what the specific use of the warehouse that is the subject of this application. Mr. Philips responded that he was unsure.

Ms. Elaine Santoro of 29 Loomis Heights noted the loading docks included that were apparent on drawings.

Mr. Steve Hanright of 220 Main Street questioned whether the existing vegetation would remain. Mr. Philips responded that a thirty foot buffer would be left at the narrowest point.

Ms. Sheila Mossman of 220 Main Street expressed concerns with the location of the proposed driveway and its proximity to a school bus stop.

Mr. Howard Martin of 220 Main Street expressed concerns with the driveway, too.

Mr. Joe Toro of 565 Main Street questioned whether the State of Connecticut would be the final governing authority relating to the exact locations and safety of access points onto Route 44. Mr. Stoutenberg and Mr. Sadlowski agreed.

Mr. Dan Eddy of 220 Main Street confirmed that the location and elevation of the existing burms on the lots would not be altered. Mr. Philips responded that they would be likely considered on a lot by lot basis.

MOTION: Mr. Steadman, Mr. Peter Ventre second, **to close the public hearing in the matter of Allan R. Borghesi/Applicant – New Hartford Market Place, LLC – Owner – Site Plan Approval - Map 044 – Block 013 – Lot 020 – 183 Main Street – Construct a 20,000 Square Foot Warehouse; unanimously approved.**

C. PNL Nutmeg, LLC – Special Exception – Map 044 – Block 013 – Lot 17A-17F – 283 Main Street – To Add One Monument Sign no Greater Than 90 Square Feet (To Allow 2 Total) and Two Traffic Directional Signs No Greater Than 12 Square Feet.

The legal notice for the public hearing was read into the record and was indicated as having run two times in The Hartford Courant on July 31, 2015 and August 7, 2015. Mr. Sadlowski acknowledged receipt that all abutting neighbors to the subject property received notice of the public hearing regarding this application.

Mr. Rummen appeared before the commission on this application. He noted that the owner of the parcel is currently trying to attract new businesses and that currently this commercial building has several small tenants. Mr. Rummen explained that these businesses have procured their own signs. He explained that the purpose of the application is to conform with the zoning regulations regarding signage and opined that this proposal will present a cleaner, more uniform look. He detailed the location of the signs and noted that landscaping would be much more extensive.

Mr. Stoutenberg noted that the Crusin' sign would remain. Mr. Rummen confirmed. Mr. Jerram inquired as to how high the nine foot by ten foot sign would be off the ground. Mr. Rummen indicated by demonstrating with his hand on his own frame that it would be roughly hip or thigh high and not the height depicted in the artist's rendering, reflecting a person standing next to the sign. Mr. Stoutenberg questioned how the sign would be lit. Mr. Rummen responded that LED light would not be utilized due to the cost.

Mr. Childs, again on behalf of the Economic Development Commission, spoke in favor of the application.

MOTION: Mr. Steadman, Mr. Moore second, **to close the public hearing in the matter of PNL Nutmeg, LLC – Special Exception – Map 044 – Block 013 – Lot 17A-17F – 283 Main Street – To Add One Monument Sign no Greater Than 90 Square Feet (To Allow 2 Total) and Two Traffic Directional Signs No Greater Than 12 Square Feet; unanimously approved.**

2. PENDING APPLICATIONS:

A. New Hartford Market Place, LLC – Subdivision Application- Map 044 – Block 013 – Lot 020 – 183 Main Street – 5 Lot Subdivision.

Commissioners weighed and considered the recommendations of Chief Worsman. They concluded that requiring a cistern can always occur as applications for buildings on the other lots comes before them in the future.

MOTION: Mr. Stoutenberg, Mr. Peter Ventre second, **to approve the application in the matter of New Hartford Market Place, LLC – Subdivision Application- Map 044 – Block 013 – Lot 020 – 183 Main Street – 5 Lot Subdivision finding that this application meets the subdivision requirements of the Town of New Hartford and therefore approve this application as per the submitted plan sheets entitled, "Overall Boundary Map", "Record Subdivision Map", and "Topographic Survey" as prepared by Dufour Surveying, Inc. for New Hartford Market Place dated 6-12-15 and is subject to the following conditions in addition to all standard conditions: 1. The Commission reserves the right to require that open space or a fee-in-lieu be given when the remaining portions of this land are developed. No open space is required at this time for this application because it is for commercial development; 2. Street trees are to be preserved or provided as per the subdivision regulation as the lots are developed; 3. Erosion and sedimentation bonds may be required for the individual lots as they are developed. None is required as part of this application, as there is no proposed work as part of this application; unanimously approved.**

B. Allan R. Borghesi/Applicant – New Hartford Market Place, LLC – Owner – Site Plan Approval - Map 044 – Block 013 – Lot 020 – 183 Main Street – Construct a 20,000 Square Foot Warehouse.

Mr. Moore opined that while regulations do not currently require this subdivision to connect to the sewer and water system, a partnership with other boards to consider other incentives, such as tax abatements, for connecting would be a worthy consideration. His suggestion included forming a subcommittee of the Planning and Zoning Commission to work in conjunction with the Water Pollution Control Authority and the Economic Development Commission towards this goal of adding users through new construction in the downtown area.

MOTION: Mr. Stoutenberg, Mr. Ventre second, **that the Site Plan Review for 183 Main Street, the Proposed Ferri Building, is approved as per the submitted plans entitled, “Michael Fern Warehouse” by Borghesi Building and Development dated 7-10-15 and revised to 7-20-15 pages SP1&2 and SPD 1&2 subject to the following conditions in addition to all the standard conditions: 1. State DOT Permit to be received before the project can start for the curb cut and the drainage tie-in to their system; 2. The Town Engineer to inspect the construction of the drainage facilities and other site improvements at the applicant’s cost; and 3. An As-Built to be submitted to the Land Use Office before a Certificate of Occupancy is issued; unanimously approved.**

C. PNL Nutmeg, LLC – Special Exception – Map 044 – Block 013 – Lot 17A-17F – 283 Main Street – To Add One Monument Sign no Greater Than 90 Square Feet (To Allow 2 Total) and Two Traffic Directional Signs No Greater Than 12 Square Feet.

MOTION: Mr. Stoutenberg, Mr. Steadman second, **to approve the application in the matter of PNL Nutmeg, LLC – Special Exception – Map 044 – Block 013 – Lot 17A-17F – 283 Main Street – To Add One Monument Sign no Greater Than 90 Square Feet (To Allow 2 Total) and Two Traffic Directional Signs No Greater Than 12 Square Feet each subject to all standard conditions in addition to the following: All other signs on the property be removed; unanimously approved.**

3. OTHER BUSINESS:

A. Discuss Mixed Use in Business Zone – David Childs, Chairman of EDC.

Ms. Donna LaPlante spoke in Mr. David Childs stead regarding the lack of apartments within New Hartford and the recommendation of the Economic Development Commission to the Planning and Zoning Commission to strongly consider a modification to zoning regulations that would allow them to occur in second and third levels of commercial buildings.

B. Discuss and possibly act on the Plan of Conservation & Development.

No business was discussed.

MOTION: Mr. Steadman, Mr. Ventre second, **to adjourn at 8:44PM; unanimously approved.**

Respectfully submitted,

Pamela Colombie
Recording Secretary