

**New Hartford Planning and Zoning Commission  
TOWN OF NEW HARTFORD, CONNECTICUT  
REGULAR MEETING MINUTES  
Wednesday, July 26, 2017 at 7:00 PM  
New Hartford Town Hall  
530 Main Street, New Hartford, Connecticut**

**PRESENT:** Ted Stoutenberg, David Krimmel, Dan LaPlante, Bob Moore, Alternate Marty Post; Zoning Enforcement Officer Ruth Mulcahy.

**ABSENT:** Jim Steadman, Alternates Tom McLoughlin and Peter Ventre.

Chairman Ted Stoutenberg called the meeting to order at 7:00PM. Mr. Post was seated for Mr. Steadman.

**1. PUBLIC HEARINGS:**

**A. Peter Fiore/Applicant - Ten Realty LLC/Owner – Map 37A – Block 122 – Lot 003 - 519 Main Street – Special Exception – Restaurant Expansion and Permanent Shared Use Reduction of Parking to Construct Outdoor Deck with 40 Seats.**

The legal ad for the public hearing was read into the record, with Ms. Mulcahy noting that it was published the requisite two times, July 14, 2017 and July 21, 2017, in the Hartford Courant. Proof of notice of the public hearing to the abutting neighbors was provided.

Peter Fiore along with his engineer, Gary Reola, PE, of G.R. Engineering, appeared before the Commission regarding this application. Mr. Reola noted that the plans include a 20'x28' deck along with a handicapped spot behind the building as well as a 900-gallon drywell to handle the potential increase in storm water runoff. He reported that Mr. Fiore had received approval for the concept from the Zoning Board of Appeals and has also had his proposal reviewed by the Architectural Review Board. Out of the latter meeting, revisions were made including a gate to the deck as well as changes to the planting plans to include arborvitae.

With regards to the proposal for a permanent shared use reduction of parking, Mr. Reola explained that Mr. Fiore currently has three parking spots in the front of the building and the proposed handicapped spot in the rear. He acknowledged that these will not satisfy the Zoning Regulations' parking requirement. Mr. Fiore explained that there is an agreement with the Beekley Library to utilize their parking and noted that the church across from the library has ample parking. Mr. Stoutenberg questioned the number of rental units in the building. Mr. Fiore indicated that there are five and that they park at the library once they return in the evening from work. Mr. Post questioned whether the tenants have to vacate in the morning at any certain time. Mr. Fiore relayed the history behind the agreement with the library dating back to a time that his father owned the building and the library had yet to be constructed. His father had formerly had an easement at the time and was approached by the Town to release that easement in order for the construction to occur. Since then, it has always been an unwritten understanding that his tenants could park in the lot.

Access to the deck was discussed. Mr. Fiore noted that workers will always staff and monitor the outdoor access, available on a seasonal basis. He confirmed that there will be no music outside. Lighting was also reviewed noting that it would have to be full cut-off, pursuant to the regulations, with the bulb totally shielded. Mr. Fiore confirmed that the deck will be wheelchair-accessible.

The hearing was open to comments from the public.

Denton Butler, Vice Chairman of the Architectural Review Board, spoke in support of the application, noting that the applicant has agreed to use subtle colors for the fencing, like white, as well as dark, black, furniture for dining. He noted that Mr. Fiore had also agreed to use plantings on the bank.

Bert Brander, member of the Zoning Board of Appeals, advised that his Board approved the use, noting it as reasonable.

Mr. Stoutenberg noted receipt of letters supporting the application from First Selectman Dan Jerram, the owners of Blue Sky Foods and the New Hartford Business Council.

Mr. Brander noted that he also owns the blue building opposite Pizza Pete's and opined that this type of proposal is likely to bring more people into town thereby helping all the businesses.

Polly Pobuda of 22 Church Street spoke in favor of the application, noting that the Town should support businesses especially when they seek to expand.

Donna LaPlante of 77 Stedman Road spoke in favor of the application, recalling sitting in the area while the new town hall was being built some years ago and remarked on the beautiful view. She also pointed out that the Business Council supports the proposal, too.

Mr. Butler, speaking as a private resident, spoke in support of the application.

Mr. Fiore indicated that his plans for the deck include five tables with the capability to seat eight people each. He noted that there will be no outdoor cooking or Tiki torches. He noted that the fence will be decorated on both sides. Mr. Fiore indicated that there will be no signs or banners outside or marketing on umbrellas.

Mr. Moore questioned whether the Commission could approve a reduction in parking that is needed given that the Zoning Regulations allow exception for up to 50% of what is required which in this situation would require seventeen thereby needing nine.

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

## **2. PENDING APPLICATIONS:**

### **A. Peter Fiore/Applicant - Ten Realty LLC/Owner – Map 37A – Block 122 – Lot 003 - 519 Main Street – Special Exception – Restaurant Expansion and Permanent Shared Use Reduction of Parking to Construct Outdoor Deck with 40 Seats.**

Ms. Mulcahy noted that while the applicant has four parking spots plus a proposed additional spot for the handicapped space, there are additional spaces in the library lot.

**MOTION:** Mr. Stoutenberg, Mr. Moore second, to approve the following:

*WHEREAS*, the Town of New Hartford Planning and Zoning Commission received a Site Plan/Special Exception application to build a twenty-foot by twenty-eight foot deck with up to forty seats and permanent shared use parking reduction associated with Pizza Pete's pizza restaurant located at 519 Main Street in the New Hartford Center District which includes proposed outdoor dining on the deck dated May 31, 2017 with a final

revision date of July 24, 2017 prepared by G.R. Engineering, LLC, 135 East Main Street, Thomaston, Connecticut 06787; and

*WHEREAS*, the Planning and Zoning Commission held a public hearing on July 26, 2017;

*IT IS THEREFORE RESOLVED* that the New Hartford Planning and Zoning Commission approves the Special Exception/Site Plan application to build an outdoor deck not attached to the building for up to forty seats and a permanent shared-use parking reduction associated with an existing restaurant with the following conditions:

1. All exterior lighting shall be full cut-off lighting in compliance with Article 6, Section 6.4;
2. No outdoor music is permitted with this approval;
3. Noise from the area should be kept under 55 decibels due to the proximity to the residential apartments in the neighborhood;
4. Hours of operation for the outdoor area shall be the same as the current restaurant hours, 11:00AM to 9:00PM daily, except Monday;
5. All trash and food shall be removed from the site on a daily basis and disposed of in rodent-proof containers;
6. No additional signage is permitted with this approval including signage on umbrellas;
7. A six-foot high privacy fence shall be installed between the neighboring property and the deck;
8. A copy of the shared parking agreement shall be filed in the Town Land Records; and
9. A final copy of the map shall include the conditions of approval and filed upon the Land Records; unanimously approved.

### **3. NEW APPLICATIONS:**

None.

### **4. APPROVAL OF MINUTES – JULY 12, 2017:**

The July 12, 2017 Minutes should be amended as follows:

Under Item #4 Approval of Minutes, the portion of text that reflects Mr. Steadman as having made a Motion to approve should instead reflect Mr. McLoughlin.

**MOTION:** Mr. Moore, Mr. LaPlante second, to approve the July 12, 2017 Minutes as amended; unanimously approved.

### **5. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:**

#### **A. Discuss Draft Northwest Connecticut our Regional Plan of Conservation and Development 2017 – 2027.**

Mr. Stoutenberg reported that the Northwest Council of Governments (NWCOC) has issued a draft copy of their proposed Regional Plan of Conservation and Development (POCD). He explained that they are seeking this Commission's input on it and whether the goals and policies are consistent with New Hartford's POCD.

Mr. Stoutenberg opined that the NWCOC's POCD ought to address jobs. Mr. Post and Mr. Moore both indicated that there ought to be some area that addresses bringing and keeping young people. Maps contained within the plan were also discussed.

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

**A. Town of New Hartford – Zoning Permit – Map 36B – Block 132 – Lot 03A – 9  
Greenwoods Road – Install 1,000 gallon oil separator and 2,000 gallon holding tank for  
floor drains.**

It was noted that the Department of Energy and Environmental Protection had issued an order to install an oil separator at the town garage.

**7. CORRESPONDENCE:**

None.

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

**Respectfully submitted,**

**Pamela A. Colombie  
Recording Secretary**