

6/14/2023

Planning & Zoning Commission
C/O Michael Lucas, ZEO

Dear Chairman and Commission Members:

We write to thank the members of the Commission for the kind approvals provided to date and pray that we have not only met but exceeded the commission's expectations in terms of our operation. As this was uncharted territory the commission's approval was narrowly tailored and restrictive. We understand and respect the commission's desire to move slowly in the approvals process.

In 2022 we hosted 42 events and welcomed nearly 6,000 guests to our community. Included in these totals were 4 charitable events that we donated the cost of the venue (an approximate value of \$20,000 and contrary to popular belief this is not tax deductible). Included was New Hartford Youth Sports, New Hartford PTO, St Jude's and Ct Chapter of Cystic Fibrosis annual Fund Raiser. We also hosted Wamogo Regional High School and Oliver Wolcott Technical High School proms, Torrington High School Class of 1982 40th reunion, two celebrations of life, a comedy show, and 32 weddings.

While by most standards one might consider 2022 a success. Unfortunately, in financial terms we have a long road ahead of us. As you might appreciate, the investment, effort and work required to maintain a property in "wedding picture ready" status is enormous. Taxes, Utilities, Insurance, Mortgage, and Fuel well exceeded 2022 revenue. While we still farm, our primary revenue source is from weddings. We offer a view of New Hartford second only to Ski Sundown, a peaceful and calming place for people to gather and enjoy the company of friends while enjoying a calm breeze and postcard-like vistas of the valley below.

We hope over the past 18 months we have gained the faith, trust, and confidence of the commission that we will always operate in a manner that honors the community, respects our neighbors, and adds value to the town of New Hartford. We respectfully request that our approval conditions be modified to enable us to have the ability to host profitable functions with the best experience possible for our guests and fully share what several local residents and guests have described as the hidden gem of New Hartford and a true gift to the town. We kindly submit the following requests to modify our conditions of approval.

- 1. I. LOCATION:** Lower and Upper levels of barn and adjoining patio and lawn between the barn and Route 202? And second floor "Main Hall"; no tents or other outdoor structures.

Request: We kindly ask that occasional, single day use tents be permitted to be erected to offer shelter from the weather and/or shade from sun. As we do not have a kitchen, caterers will often set up small tents to work under while preparing food.

- 2. I.2.** Events shall occur only on the following days of the week: Thursday through Saturday, and not more than one Sunday per calendar month.

Request: We kindly ask that we not be limited to one Sunday a month. In terms of weddings, Saturdays are #1, Friday #2 and Sunday #3 in terms of popularity.

- 3. II.2.** Events shall occur only on the following days of the week: Thursday through Saturday, and not more than one Sunday per calendar month.

Request: Same as above. (I.2. relates to under 100 guests, II.2. over 100 guests)

- 4. Added Condition #8** All activities will take place in the barn and adjoining patio, provided, however, that the Commission may approve the use of specified lawn areas if they are specifically delineated on the revised site plan required by conditions 1 and 3, and the frequency and attendance of such events shall be stated. No tents or temporary structures will be utilized or permitted.

Request: Please see #1 above.

- 5. Added Condition #9** Amplified sound (including, but not limited to, amplified music and speech) shall be allowed within the barn on a test basis only for a period of three months after the date of this approval. Amplified sound shall not be allowed on the patio or any other outdoor location. This condition is intended to allow the property owner and the Commission a reasonable opportunity to evaluate the impact of the amplified sound on the neighborhood during a variety of weather conditions. Upon application by the property owner after the relevant test period, and after a public hearing thereon, if the Commission finds that the sound levels have not unreasonably affected the use or enjoyment of any nearby property, it may vote to modify this special exception by approving the use of amplified sound on a permanent basis, provided that such vote shall not be deemed to allow any amplified sound levels that are greater than the levels used during the relevant test period. If, upon any such application, the

Commission finds that the amplified sound has had an unreasonably adverse impact on the use or enjoyment of other property, it may vote to prohibit any further use of amplified sound outside or inside the building, as may be appropriate. If, upon any such application, the Commission finds that it lacks sufficient evidence of the impact of the amplified sound on the neighborhood (for example, if there has not been a sufficient number of events with amplified sound to provide a reasonable basis for the Commission to determine the impact), the Commission may vote to extend either the indoor or the outdoor test period, or both, by up to one year. In the event the Commission finds that any amplified sound levels on the property, whether during or after any test period, are unreasonably affecting the use or enjoyment of any nearby property, the Commission may require the property owner to cause the sound levels to be reduced.

Request: We have committed on multiple occasions that we will never host “outdoor concerts”. This is a promise we will keep. However, we respectfully request to be able to offer amplified sound to conduct a wedding on the patio and allow the Justice of Peace, bride, and groom all to be heard via a microphone and speaker. Or, to have light acoustic music playing during a reception. Personal amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at a distance of 250 feet or more in any direction from the operator. Please note that the distance from the patio to the closest point of the property line is approximately 300 feet.

6. Added Condition #12. “There shall be no outdoor games or other outdoor recreational activities, public or private (other than for residents of the property) unless and until a modification of this Special Exception has been approved specifying the location, nature, frequency, and other elements of such use.”

Request: We respectfully request this provision be stricken in its entirety as vague and overly restrictive if taken literally. At the very least clarified (i.e. no motorized outdoor recreational activities.) By way of examples, I hope we can agree we did not violate the intent of this restriction when the New Hartford PTO held their annual family gathering at the Farm (we donated the use of our property to them) and the children played tag and ran under a sprinkler. The New Hartford Youth Sports club Wolverines held a fundraiser (we donated the use of our property to them) and the children threw a football around. The Ct Chapter of Cystic Fibrosis held their annual “Raise a Glass” Fundraiser (we donated the use of our property to them) and they set up a ring toss game on the patio. One of the weddings we hosted set up Corn Hole game on the lawn. We did not get the sense that the intent of this Condition was to prevent the types of activities identified above and as such kindly ask for deletion or amendment to avoid any future misunderstandings.

7. Added Condition #16. At least three (3) days prior to any Significant Event or Small Event, the applicant shall provide written notice to the Zoning Enforcement Officer of: the type of event planned; the number of attendees expected; the location(s) on the property where such event shall take place; the hours of operation, including the hours of any amplified sound. This notice will be for purposes of assuring compliance with the conditions of this approval and shall not require any approval or other action by the Zoning Enforcement Officer.

Request: We respectfully request the removal of this restriction as demonstrated from approval to present it has not added any value or been of practical use.

Once again thank you and we humbly await your kind consideration.

Warmly,

Dan & Rebecca Raymond