

**New Hartford Planning and Zoning Commission
TOWN OF NEW HARTFORD, CONNECTICUT
REGULAR MEETING MINUTES
Wednesday, February 24, 2021 at 7:00 PM
Held Via ZOOM**

PRESENT: Chairman Ted Stoutenberg, Dan LaPlante, Marty Post, Jim Steadman, Alternates John Burdick, Tom McLoughlin, and Mike Misiorski; Zoning Enforcement Officer Mike Lucas and Town's Land Use Attorney Mark Branse.

ABSENT:

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

1. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

A. Election to Fill Vacancy of David Krimmel.

Mr. Stoutenberg indicated that he would like all four regular members present for the filling of the vacancy created by Mr. Krimmel's resignation.

2. PUBLIC HEARINGS:

A. Garrett Homes LLC/Applicant – Satan's Kingdom LLC/Owner – Map 044 – Block 013 – Lot 020 – 173A Main Street – Retail Development with Proposed 35 Parking Spaces.

Mr. Stoutenberg reported that while revised drawings had been submitted, they had not been filed with enough time for the town's engineer to review.

Allan Borghesi appeared on behalf of the owner. Accompanying Mr. Borghesi was Professional Engineer Matthew Broutin of BL Companies, team member Matt Eucalito, and Attorney Robin Pearson of Alter & Pearson, LLC. Mr. Borghesi reported having recently met with Fire Chief Mark Worsman to discuss a cistern at the property. Chief Worsman had indicated his preference for a fiberglass tank, according to Mr. Borghesi. He noted that a cistern will be added on the second lot, when traveling from the north. Mr. Borghesi reported that it will be located along the state highway and be relatively close to the property line.

Attorney Pearson reviewed revisions to the proposed site plan following the last regular meeting. She noted that while there had been concerns shared regarding the site being able to fit a cistern, Mr. Borghesi had resolved the matter by including it on other nearby property. Attorney Pearson reminded the Commission that there had been questions relating to her client's response to the request of the Architectural Review Committee to increase the caliper of the proposed trees. The landscaping plan had been subsequently modified to increase the caliper of the proposed trees along the front of the property, according to Attorney Pearson. She noted, however, that the trees as originally presented did meet the Zoning Regulations.

Attorney Pearson noted that there had been questions at the last meeting as to whether the application met the lighting plan. She opined that the site plan as proposed had. Attorney Pearson noted that there had also been questions surrounding whether the landscaping requirements relative to the parking area had complied with the Zoning Regulations. She again opined that the proposal did but for the foundation planting requirement. Changes had been made to the Planting Plan based on questions and comments received at the last meeting, according to Attorney Pearson.

Mr. Stoutenberg noted that the Subdivision Regulations require a 20,000-gallon cistern tank but allow for a reduction in size to a 15,000-gallon tank if three-fourths of the Commission approve. Explaining that none of the commercial buildings happened to be sprinklered, Mr. Stoutenberg suggested that the size of the proposed cistern ought to be 20,000 gallons.

Mr. Broutin reviewed the revisions made to the site plan following the last meeting. He noted that foundation plantings along the building edge were added along three sides, explaining that the rear of the building remained unchanged as it had been previously planned with plantings.

Referring to the parking comments shared at the last meeting, Mr. Broutin explained that he was unable to find a specific zoning regulation that limited the number of uninterrupted parking spaces but had nonetheless added a landscape island within the front row of parking. Additionally, the caliper size of the trees had been increased since the last meeting, according to Mr. Broutin. He reviewed the planting table included in the landscaping plan.

Mr. Broutin reviewed the building signage, noting that what was included was the preferred design of the Architectural Review Committee. He noted it would include black lettering and goose neck lighting and would be the only sign on the building. Mr. Broutin reviewed the proposed monument sign.

Mr. Broutin indicated that the encroachment permit for the proposed driveway had been signed off by and approved by the State. He reviewed reasons why the plan as currently designed would not work with accessing the site from the subdivision driveway. Mr. Broutin explained that the current design is safer due to trees of the other properties of the subdivision and the curvature of the road as it is currently. He noted that they had also weighed the uses tied to the undeveloped larger parcel behind the subject site.

Referring to Drawing TT-1, Mr. Stoutenberg shared his observation with how the tractor trailer trucks in backing up on the site will need to go through several parking spaces. Mr. Broutin confirmed, reporting that his client is aware of this and plans to have their loading and unloading of the retail store to take place during off-peak hours when the parking lot would otherwise be empty but for one or two employees. He noted the employees will have to cure the lot to ensure that the spaces remain unoccupied so that delivery trucks can make safe movements onto the site. Mr. Stoutenberg noted that the applicant was seeking a reduction in parking and in order to approve that, evidence needs to be presented to support that the design will serve the proposed use. Mr. Broutin explained that the parking request was for a deferment. He noted that the Zoning Regulations require 46 parking spaces, and the proposal is for 36 spaces. Mr. Broutin shared where future expansions to parking could be accomplished. Mr. Stoutenberg questioned what the evidence that the reduction will support the use. Mr. Broutin reported having worked on approximately thirty Dollar General stores over the past few years with the demand for Dollar General being between twenty to thirty parking spaces. He noted that he would be able to provide more evidence to this effect.

Mr. Stoutenberg questioned whether the Farmington Valley Health District had provided an approval. Mr. Broutin indicated that the approval is pending as there have been comments exchanged.

Mr. Stoutenberg reminded the applicant and his team that the subdivision had been approved with one common driveway and to approve the proposed site plan, three-fourths of the commission would need to vote in favor. Mr. Broutin confirmed. Mr. Steadman requested that Mr. Broutin share where the common driveway was in relation to the subject site. Mr. Broutin reviewed it, noting that delivery trucks would not be able to navigate the turn into the site

utilizing the common driveway. He explained that the building would need to shift over and the loading space would need to be moved. Mr. Stoutenberg questioned whether the design could be modified to allow the truck pull up alongside the building or to back into the site from the shared driveway. Mr. Broutin did not view that as an option given the future development of the back of the site. Mr. Stoutenberg opined that there appeared to be other likely design options that would not require the truck from crossing over parking spots as currently planned.

Mr. LaPlante questioned whether there had been consideration that the lot may not be large enough for this size building and the planned development. Referring to the size of the cistern, Mr. LaPlante shared his experience with a barn that had burned down and the amount of water that was used from a nearby pond as it was battled. Noting the previous testimony about the rate at which water is used in a heavy fire, Mr. LaPlante opined that the size of the cistern ought to be 30,000 gallons. Mr. LaPlante questioned why the building size could not be reduced in order to accomplish a better design. Mr. Broutin remarked that the standard prototype for a Dollar General is 10,600 square feet and explained that this building's square footage is already reduced to 9,000.

Mr. Steadman questioned whether any consideration had been given by the applicant and his team on the proposal's impact to the commercial neighborhood. Mr. Broutin explained the pricing that is part of a Dollar General, noting that milk and diapers are also sold, and reported that their model is to function as an alternative to a Target or Walmart. He noted that Dollar General has examined the market and considers this a viable location, explaining that they typically like to avoid areas with the larger, big-box stores that would be competitors to them. Mr. Eucalito explained that while the Dollar General will have milk and bread, they carry much more beyond that. Mr. Steadman questioned whether there was an expected impact to the nearby plaza. Mr. Eucalito reported that there had been no noted impact observed to local grocers. Mr. Borghesi shared what has been revealed through his research of Dollar General stores, noting that they provide a service to their local communities and do not seek to compete with local grocery stores but instead are up against the larger retail stores.

Mr. Misiorski questioned whether the approved subdivision and existing easement was ignored when preparing a design for this proposed development. Whether the building could have been shifted and pulled back resulting in one less driveway on Main Street was an additional question shared by Mr. Misiorski.

Mr. Burdick opined that the cistern should be larger than what is required, not smaller. He also shared concerns with the added access driveway to Route 44. Mr. Burdick indicated his preference that access to the site should be from the common driveway. He also questioned the impact to the existing grocery store. Mr. Burdick also questioned where the storage of the snow would be and whether it might be pushed to the low plantings.

The hearing was open to the public.

Donna LaPlante, of 77 Steadman Road, opined that the size of the cistern ought to be at least 20,000 gallons, noting that Chief Worsman had previously requested a 30,000-gallon tank when the subdivision was approved. She suggested that more information be sought in this regard and that there ought to be no compromise when considering safety. Ms. LaPlante also urged the Commission limit the size and height of the monument sign, noting that the building is close to Route 44 and will be quite visible. She questioned at the time that the Encroachment Permit was sought from the State of Connecticut, whether it was disclosed that the easement was available for this location.

Denton Butler, having served as acting chairman to the Architectural Review Committee at the time this application was reviewed, reported that the applicant likely met the requests of that group related to landscaping. Speaking individually as a resident, Mr. Butler shared his disappointment with the proposal not including use of the common driveway.

Kerry Guilfoyle, of 251 Cedar Lane, questioned whether the applicant and his team had information on the economic impact on residential homes in the area.

Shelly Lloyd, of 29 Pioneer Drive, questioned whether this site is large enough to accommodate all of the requirements that it should. She noted that the request was not an as-of right one, noting that a reduction in parking was being requested. Ms. Lloyd also shared objection to the drive coming in off Main Street rather than the utilization of the easement.

Jack Casey, of Cedar Lane, questioned whether the existing driveway was directly across from Main Stream Canoes. Mr. Broutin indicated that it was not.

MOTION: Mr. Misiorski, Mr. LaPlante second, to continue the public hearing to March 10, 2021; unanimously approved.

3. PENDING APPLICATIONS:

A. Garrett Homes LLC/Applicant – Satan’s Kingdom LLC/Owner – Map 044 – Block 013 – Lot 020 – 173A Main Street – Retail Development with Proposed 35 Parking Spaces.

As the public hearing was continued, no business was discussed.

4. NEW BUSINESS:

None.

5. APPROVAL OF MINUTES – FEBRUARY 10, 2021:

MOTION: Mr. Steadman, Mr. Misiorski second, to approve the February 10, 2021 regular meeting minutes; unanimously approved.

6. ZONING ENFORCEMENT OFFICER’S REPORT:

Mr. Lucas reported a site plan application for an expansion of All-Star Storage was expected for the next meeting.

7. CORRESPONDENCE:

None.

MOTION: Mr. Steadman, Mr. Misiorski second, to adjourn at 8:20PM; unanimously approved.

Respectfully submitted,
Pamela A. Colombie
Recording Secretary