

**ZONING BOARD OF APPEALS  
REGULAR MEETING  
AUGUS 19, 2015 – 7:00 PM  
NEW HARTFORD TOWN HALL- 530 MAIN STREET  
MINUTES**

**PRESENT:** Chairman Mary Lou Rayno, Bert Brander, Paul Griffin, Lew Chappel, Scott Goff; Alternates Keith Schaufler and John Wilhelm (7:03PM), First Selectman Dan Jerram, Zoning Enforcement Officer Steve Sadlowski

**ABSENT:** John Rouleau.

Chairman Mary Lou Rayno called the meeting to order at 7:00PM. The entire proceedings were recorded digitally and are available in the Town Hall.

**1. PUBLIC HEARINGS:**

**A. Town of New Hartford – Variance – Map 37A- Block 121 – Lot 007 – 12 Bridge Street & Map 36B – Block 119 – Lot 01A – Bridge Street – Construct Patio, Pavilion and Canoe/Kayak Access to River.**

Ms. Rayno read into the record the legal notice that was published in The Hartford Courant on July 30, 2015. Receipt of confirmation of notices to abutting properties was confirmed.

First Selectman Dan Jerram appeared before the board regarding this application. He noted that the Board of Selectman is seeking to add an amenity for the town, a patio with a covered pavilion over the top. He noted that the engineers of Lenard Engineering have chosen what they deemed to be the best location on the town owned property along Bridge Street, at the crown of the hill, keeping the patio/pavilion as far away from wetlands soils as possible. He noted that in order to move the pavilion to a spot that would be conforming would result in locating it at a spot that would actually cause more disturbance in the land.

Mr. Jerram noted that a hardship exists in that this piece of land is a uniquely shaped parcel of land with sloping topography, wetlands soils along the river, and the flood plain that exists.

Ms. Rayno distributed to board members a very recent receipt of an email from the Farmington River Coordinating Committee. Members read and reviewed email.

**Mr. David Krimmel** of **24 Dings Road** and member of the Planning and Zoning Commission spoke in favor of the application, noting that the setback requirement is intended for privately owned structures will be separated from the neighbor for privacy reasons. He commented that since both properties are owned by the same entity in this case, he opined that there should be no objection to the application.

**Ms. Donna LaPlante** of **77 Stedman Road** spoke in favor of the application and agreed that as the town owns the adjacent parcel, it is unlikely that the town of New Hartford would ever relinquish its rights to the piece.

**Mr. David Childs** of **50 Bruning Road** also spoke in favor of the application.

**MOTION:** Mr. Bert Brander, Mr. Scott Goff **to close the public hearing in the matter of Town of New Hartford – Variance – Map 37A- Block 121 – Lot 007 – 12 Bridge Street & Map 36B – Block 119 – Lot 01A – Bridge Street – Construct Patio, Pavilion and Canoe/Kayak Access to River; unanimously approved.**

**2. PENDING APPLICATIONS:**

**A. Town of New Hartford – Variance From Setback Requirements – Map 37A - Block 121 – Lot 007 – 12 Bridge Street & Map 36B – Block 119 – Lot 01A – Bridge Street – Construct Patio, Pavilion and Canoe/Kayak Access to River.**

**MOTION:** Mr. Brander, Mr. Goff second, to approve the application in the matter of Town of New Hartford – Variance – Map 37A- Block 121 – Lot 007 – 12 Bridge Street & Map 36B – Block 119 – Lot 01A – Bridge Street – Construct Patio, Pavilion and Canoe/Kayak Access to River based on the following:

1. Request for variance of Side Yard Setback on 12-15 Bridge Street Parcel: This parcel slopes toward the river. Building closer to the center (more southerly), where the setbacks could be adhered to, will place the structure closer to the flood zone and will require more disturbances and fill in, or nearer to, the flood zone. The requested side yard setback variance will provide for safer development of this parcel due to the unique topography of this parcel and is thus a valid hardship; 2. Request for variance of southern side yard setback for the Bridge Street R.O.W parcel: Due to the reasons explained in #1 above, the pavilion is being partially built on this property, on the property line, requiring a variance to facilitate the safer development of this pavilion, and is another hardship related to the topography of this particular lot(s); 3. That this pavilion is a reasonable use of this property and is not excessive in size and will be in harmony in with the overall goals of this district as stated in the Plan of Conservation and Development and the New Hartford Center Study Plan; 4. That the intent of the Zoning Regulations will be followed because, though this building will be built on the property line of two separate parcels, the two parcels are in common ownership, in that the Town is the owner in fee of the parcel labeled "Bridge Street" and is the sole member of the owner of the parcel labeled "N/F Twelve-Fifteen Bridge Street LLC" (by the Town) and setbacks to parcels owned by others will still be present.

Therefore, we find that the hardship mentioned above in #1 and #2 warrant the granting of the following variances: A. A variance of Section 4.4B as applied to the parcels identified as "N/F Twelve-Fifteen Bridge Street LLC Twenty Feet (20") variance for Front Yard and Ten Feet (10') Side Yard (southern Side) Setbacks (to zero feet effective setback for both) on the Bridge Street R.O.W Parcel as required in section 4.4B of the Zoning Regulations; B. Ten Feet Side Yard (Northern Side) Setbacks (to zero feet effective setback) on the 12-15 Bridge Street Parcel as required in section 4.4B of the Zoning Regulations" and "Bridge Street" to reduce the minimum side yard setbacks from ten feet to 0 feet in the areas identified as "Pavilion" on the submitted plans, subject to the following conditions:

1. This variance shall be effective only if the two parcels identified herein are conveyed together, and shall be extinguished if the two parcels are under the control of two different entities;  
2. This variance shall be effective only for buildings and structures built in accordance with the plans referenced below. All variances are per the submitted plans entitled, "Site Plan, Patio and Pavilion Project Town of New Hartford Bridge Street" by Lenard Engineering, Inc. dated June 25, 2015 and revised to July 29, 2015. Changes to the site plan are allowed, but must adhere to the variances herein granted; unanimously approved.

**3. NEW APPLICATIONS:** None

**4. APPROVAL OF MINUTES:** February 18, 2015 Regular Meeting & March 18, 2015 Regular Meeting.

**MOTION:** Mr. Wilhelm, Mr. Griffin second, to approve the February 18, 2015 Minutes; unanimously approved.

**MOTION:** Mr. Chappel, Mr. Griffin second, to approve the March 18, 2015 Minutes; unanimously approved.

**5. OTHER BUSINESS PROPER TO COME BEFORE THE BOARD:**

No other business was discussed.

**MOTION:** Mr. Chappel, Mr. Griffin second, **to adjourn the meeting at 7:36PM, unanimously approved.**

**Respectfully submitted,**

**Pamela A. Colombie  
Recording Secretary**