

**ZONING BOARD OF APPEALS
REGULAR MEETING
SEPTEMBER 16, 2015 – 7:00 PM
NEW HARTFORD TOWN HALL- 530 MAIN STREET
MINUTES**

PRESENT: Chairman Mary Lou Rayno, Paul Griffin, Lew Chappel, Scott Goff; Alternate John Wilhelm, Zoning Enforcement Officer Steve Sadlowski.

ABSENT: Bert Brander, John Rouleau, Keith Schaufler.

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. The Bakersville Mall, LLC – Special Exception – Map 014 – Block 003 - Lot 023 – 1165 Litchfield Tpke. – Allow for an Addition for a Nonconforming Structure, Within a Required Minimum Setback That is no Closer to any Property Line Than any Portion of the Existing Structure, Pursuant Zoning Reg. 7.1.B.2.

Ms. Rayno read into the record the legal notice that was published in The Hartford Courant on September 4, 2015 and September 11, 2015. Receipt of confirmation of notices to abutting properties was confirmed.

Attorney Tom Santoro appeared before the commission on behalf of The Bakersville Mall, LLC. His presentation began with reading New Hartford Zoning Regulation 7.1.B.2 into the record in response to an initial question posed by Ms. Rayno as to why the application was for a special exception rather than a variance. Attorney Santoro distributed a packet of documents to each board member that he referred to in his presentation. He explained that Exhibit A depicted the location of the property, at the intersection of Cotton Hill Road and Route 202. He noted that Exhibit B reflected information from the town's assessor noting that the building was constructed in 1946. He shared an Exhibit C, a copy of the field card from the Assessor's Office. A 1955 survey map comprised Exhibit D. Exhibit E1 was used to refer to setbacks. Exhibit E2 was also used to describe setbacks. Attorney Santoro noted that his client is proposing approximately 370 square feet of floor space to the westerly side of the building. He noted that this was only an approximation of square feet but that the dimensions are to extend the westerly portion of the building up to two feet at closest to the nearest property line. He noted that the AC unit will go to the top of the structure and that the propane tanks will have to be relocated, too.

Mr. Jeff Radwick, the owner of both the property as well as the business that would receive the benefit from the approval of a Special Exception, provided testimony before the board regarding how the addition would be used, with the aid of Exhibit G. He noted that he operates the sandwich shop at this location. Mr. Radwick explained that the purpose of the application was to gain refrigerated storage, dry storage, and a vendor's entrance. Mr. Radwick described what he envisions for the building, including installation of a thirty-six (36") inch awning and yellow oval signs for each business at this location with each business' own logo within the oval.

Attorney Santoro then addressed the Staff Comments that Zoning Officer Steven Sadlowski had provided to board members in advance of the meeting. Attorney Santoro explained that he did not believe that his client needed to satisfy each and every criterion of the special exception, although he opined that this application would satisfy each one of them nonetheless. In response to a question from Scott Goff, Attorney Santoro noted that because plans are not completely finalized, a site plan is not currently completed and available.

Attorney Santoro then went through each and every criterion as described in Zoning Regulation 7.1.B.2. and provided testimony as to the applicant's view as to why the criterion is satisfied through this application.

In response to a question from Ms. Rayno regarding any changes to the entrance and exit locations, Mr. Radwick responded that there would be no change.

Mr. Radwick then read the following correspondence received into the record: a communication dated July 16, 2015 from Keith Ciccarello of 15 Cotton Hill Road, an additional communication from Mr. Ciccarello, and a letter dated September 14, 2015 from Cindy Burkell, operator of The Cutting Corner at 1165 Litchfield Turnpike. All of these correspondences were in favor of the application.

Town Clerk Donna LaPlante reported that Economic Development Commission Chairman David Childs had been present at the meeting to support the application in that capacity but had to leave early.

Ms. LaPlante spoke in favor of the application and referenced the Plan of Conservation and Development.

Mr. Keith Ciccarillo of 15 Cotton Hill Road spoke in favor of the application. He testified that Mr. Radwick takes very good care of the property.

Mr. Troy LaMere of 20 Shady Brook Road Extension spoke in favor of the application, noting that he is very close to becoming a certified zoning officer, has reviewed the plans and that the application is in conformity with the zoning regulations.

Mr. Brian Coates of 270 Niles Road spoke in favor of the application, opining that Mr. Radwick takes care of the property.

Mr. Bob Roland of 593 Niles Road spoke in favor of the application, noting that he has previously lived on Cotton Hill Road and also spoke of the care that Mr. Radwick takes in the property.

Mr. Jack Casey of 446 Cedar Lane spoke in favor of the application, commenting about the need to support businesses.

MOTION: Mr. Griffin, Mr. Goff second, **to close the public hearing in the matter of The Bakersville Mall, LLC – Special Exception – Map 014 – Block 003 - Lot 023 – 1165 Litchfield Tpke. – Allow for an Addition for a Nonconforming Structure, Within a Required Minimum Setback That is no Closer to any Property Line Than any Portion of the Existing Structure, Pursuant Zoning Reg. 7.1.B.2.I; unanimously approved.**

2. PENDING APPLICATIONS:

A. The Bakersville Mall, LLC – Special Exception – Map 014 – Block 003 - Lot 023 – 1165 Tpke. – Allow for an Addition for a Nonconforming Structure, Within a Required Minimum Setback That is no Closer to any Property Line Than any Portion of the Existing Structure, Pursuant Zoning Reg. 7.1.B.2.

MOTION: Mr. Wilhelm, Mr. Chappel second, **to approve the application in the matter of subject to the following: 1. We have found that the applicant has shown that the proposed addition does meet the requirements of section 7.1.B.2 in that the proposed setback (2') is more than the current non-conforming setback on the eastern side of the building (1.5') as shown on the submitted sketch, labeled 'F'. 2. We also find that the applicant has shown that this application meets the Special Exception criteria satisfactorily. 3. We also note the letter and testimony from Keith and June Chiarillo, the neighbors directly abutting this addition, who support this application. Thus, we hereby approve the application for Special Exception submitted by The Bakersville Mall, LLC, as shown on the submitted sketch, labeled 'F', to allow for an addition on the west side of the building, to be located entirely within the side yard of the existing building, not to exceed sixteen (16') feet in width at the front and leaving a two (2') foot minimum setback along the westerly property line separating the applicant's property with that now or formerly owned by Keith and June Chiarillo as shown on the submitted plans. To minimize the non-conformity of the property, the upstairs shall not be used for residential**

purposes and that it remaining used only for supportive space for business occupants below; unanimously approved.

3. NEW APPLICATIONS: None

4. APPROVAL OF MINUTES: August 19, 2015.

MOTION: Mr. Chappel, Mr. Goff second, **to approve the August 19, 2015 Minutes; unanimously approved.**

5. OTHER BUSINESS PROPER TO COME BEFORE THE BOARD:

No other business was discussed.

MOTION: Mr. Chappel, Mr. Goff second, **to adjourn the meeting at 8:56PM, unanimously approved.**

Respectfully submitted,

**Pamela A. Colombie
Recording Secretary**