

PLANNING & ZONING COMMISSION
April 12, 2010 Meeting

Commission Members Present: Alan Gannuscio, Janet Ramsay, Marshall Brown,
Vincent Zimnoch, Anthony Scarfo and Jim Szepanski

Town Staff Present: Town Engineer Dana Steele

Chairman Gannuscio called the meeting to order at 7:05 pm.

Commission roll call was taken.

MINUTES:

Chairman Gannuscio referred to the March 8, 2010 meeting minutes and noted that he, Ms. Ramsay, Mr. Brown, Mr. Zimnoch and Mr. Scarfo were present at that meeting. He then asked the Commission members and staff for any comments or corrections. They had none. Mr. Gannuscio moved to approve the March 8, 2010 meeting minutes, as published. Ms. Ramsay seconded the motion. All were in favor. The vote was 5 – 0 (Mr. Zimnoch was not present at that time), the motion was approved.

Mr. Gannuscio moved to move Item 7c on the evening's agenda up to just before Item 4. Ms. Ramsay seconded the motion. All were in favor. The vote was 5 – 0 (Mr. Zimnoch was not present at that time), the motion was approved.

NEW BUSINESS:

- c. Request of a favorable report under Section 8-24 by the Park and Recreation Department for a 6,000 square foot skate park project located at Windsor Locks High School, 58 South Elm Street.**

Dave Farr, Park and Recreation Director, was present.

Mr. Steele addressed the Commission and stated that the plan was to locate a skate park, about 6,000 square feet in area, on the existing tennis court at the High School. He went on to say that they would be using less than half of the tennis court area and that it was already fenced in. He then noted that it was already impervious, they were not going to increase any impervious area, therefore there were no drainage concerns. Mr. Steele stated that they were looking for a favorable ruling from the Planning and Zoning Commission.

Chairman Gannuscio asked if the trees that were currently around the area were going to stay. Mr. Steele replied that the trees would be staying; they were outside the fence area, there was no reason for them to disturb any of the trees. Mr. Gannuscio then asked about lighting. Mr. Farr stated that there would be no lighting. He then explained that the hours of operation when school was in session would be from the time that school let out until dusk and on weekends and in the summer it would be from dawn to dusk. He noted that either himself or someone else would lock up the park each night at dusk.

Mr. Zimnoch asked if it would be “skate at your own risk”. Mr. Farr replied that that was correct. Mr. Zimnoch asked if they were going to enforce any helmet requirement. Mr. Farr replied that they were not; they were only going to encourage it. The discussion continued briefly and Mr. Steele stated that there would be no supervision; there was less liability that way. Mr. Farr noted that the only time that the Town would be liable would be if there was a problem with one of the structures that then caused an injury. He then pointed out that Public Works would be maintaining the park.

Mr. Zimnoch asked how long it would take to install the skate park. Mr. Farr replied that it would only take a couple of weeks.

Chairman Gannuscio asked if there would be any kind of notice posted listing the hours of operation. Mr. Farr stated that they were finalizing the skate park rules and that the hours were listed very clearly within those rules.

Chairman Gannuscio asked the Board members for any questions. They had none.

Chairman Gannuscio moved for the Planning and Zoning Commission to offer a favorable report on the set of plans that were submitted regarding the Park and Recreation skate project located at Windsor Locks High School subject to the restrictions that the Board of Education may have imposed because it was on their property and also the hours that were being proposed for the use of the facility. He went on to say that he realized that the skate park was something that had been a long time in coming and that there was a group out there that had been very patiently waiting for it. He reiterated that it was something that they should move forward with. Ms. Ramsay seconded the motion. All were in favor. The vote was 6 – 0, the motion was approved.

PUBLIC HEARINGS:

There were none.

REVIEWS:

There were none.

ACTION ON CLOSED PUBLIC HEARING ITEMS:

There were none.

OLD BUSINESS:

a. Discussion with Commission and staff.

Chairman Gannuscio noted that Town Planning Consultant O'Leary was not present that evening and then suggested that they continue the discussion to the May meeting.

b. Discussion of the Polish American Club's extension of use (Liquor Permit).

Nicholle Kulesa, President of the Polish American Club, addressed the Commission and stated that they were trying to start a horseshoe league on Wednesday evenings. She explained that they usually got an outside permit to allow members to drink beer from plastic cups outside. She then noted that were a private club and were only allowed three of those permits per year. Ms. Kulesa explained that with an extension of use it would set a time period (May 26, 2010 through the end of October, 2010) rather than getting three separate permits.

Ms. Kulesa stated that they would not be selling the alcohol outside; she would be taking the drink orders outside, going inside to have those orders filled by the bartender and then bringing the drinks outside. She went on to say that they would not be having any bands playing; they were just going to be playing horseshoes from 7:00 to 8:00 pm (until it got dark), since they had no lighting.

Ms. Kulesa stated that, if the Commission were to approve the extension of use, Liquor Control would come out to see how the area was blocked off. She explained that they had to show Liquor Control how they were going to block off the area; the back was surrounded by trees.

Chairman Gannuscio asked if it was something that they had done three times per year in the past. Ms. Kulesa replied that it was. Mr. Gannuscio then asked if those times had also been on Wednesdays. Ms. Kulesa replied that they were usually done on the weekends.

Chairman Gannuscio stated that he did not see anything that was out of the ordinary. He then pointed out that there was a limitation to the hours and that weather would also be a factor in limiting the use as well. He went on to say that he saw no reason why it shouldn't be approved.

Mr. Brown commented that it being in the back of lot would not cause any traffic issues.

Mr. Scarfo asked if there were any houses close by. Ms. Kulesa replied that there was a parking area on the right and left with a house on either side of those parking areas. She went on to say that there were two building lots behind the property. She then noted that one of the next door neighbors was actually going to be playing horseshoes at the Club. Ms. Kulesa also pointed out that the gentleman across the street from the Club was very supportive of the Club and actually rented it out once a month.

Mr. Szepanski asked if it should be advertised so that the neighbors would know what was going on. Chairman Gannuscio stated that that would be the normal procedure if it were going to be a public hearing. He went on to say that they had not required a public hearing for the Italian Progressive Club when they had come before the Commission requesting their expansions; therefore he felt that they would be okay not holding a public hearing on the Polish American Club's request.

Mr. Szepanski asked if there would be any concerns regarding the consumption of alcohol and who was going to monitor that. Ms. Kulesa replied that she would be at the Club and her husband who was also a Club Board member would be present. She went on to say that the Club's Vice President had also said that he would be present any time that Ms. Kulesa could not be. She then reiterated that she would be taking the orders, having the bartender fill those orders and then bringing them back outside. Ms. Kulesa explained that they were going to "caution" tape off the area from the two tree lines to the building to keep people from leaving without having to go back through the building. Mr. Szepanski asked if there was going to be the opportunity for people to go to their cars to consume any alcohol. Ms. Kulesa replied that there would not. She went on to say that they had just rewritten their Club By-laws to include "no outside alcohol or beer allowed on the property".

Mr. Szepanski asked if people would have to be Club members in order to play horseshoes. Ms. Kulesa stated that only members could participate in anything that they did at the Club.

Mr. Zimnoch asked if the extension would only be for the current calendar year. Ms. Kulesa replied that the extension would only be for May 26, 2010 through October 31, 2010.

Mr. Zimnoch stated that he saw no problem with the request.

Chairman Gannuscio asked for a motion. Mr. Zimnoch moved to approve the extension of use for the Polish American Club on First Street that would allow alcohol to be served and consumed outside the building. It would run for the period starting from May 25, 2010 through October 31, 2010. Mr. Scarfo seconded the motion. All were in favor. The vote was 6 – 0, the motion was approved.

c. Discussion of the Connecticut Water Company's proposed sign on the water tower.

No one was present for the discussion.

Chairman Gannuscio asked the Recording Secretary to continue the discussion item to the following month's Commission meeting.

d. M & L Development request for an extension of the time to file mylars for Oak Ridge.

Mr. Steele stated that they had received the mylars earlier that day and that the change that he had been looking for had been made. He went on to say that he had signed the mylars and that they were ready to be signed. He then asked if M & L still needed the extension. Gary Merrigan, from M & L Development, stated that they did still need the extension; they wanted to have the actual closing before recording the mylars. He then noted that the closing would be occurring within the following two weeks. Mr. Merrigan commented that, if they could receive the 90-day extension, the mylars would be recorded within those 90 days.

Chairman Gannuscio asked the Commission members and staff for any questions. They had none.

Chairman Gannuscio moved to grant the 90-day extension of time to M & L Development to file the mylars for the Oak Ridge site plan. Mr. Merrigan pointed out that it had a new name. Mr. Steele stated that the new name was

Woodridge of Windsor Locks and that the street would be known as Woodridge Drive. Mr. Zimnoch seconded the motion. All were in favor. The vote was 6- 0, the motion was approved.

NEW BUSINESS:

d. Request for a favorable report under Section 8-24 by the Public Works Department for Roadway Reconstruction of Pleasant and Olive Streets.

Mr. Steele stated that Public Works had asked his office to prepare design plans for the reconstruction of Pleasant Street and Olive Street which were located off of North Main Street and Suffield Street (they were connected on both ends). He went on to say that both streets were in need of some upgrades to their infrastructure. He then explained the necessary upgrades as follows:

Pleasant Street

- replace the storm drainage;
- replace the sanitary sewers;
- repave the road; and
- replace the curbing.

Mr. Steele pointed out that the sidewalks had been replaced pretty recently and were in pretty good shape, therefore they were not going to be replacing those. He then explained that the drainage was under sized and that it was clay pipe. Mr. Steele explained that they had taken video of the sewers and had discovered roots growing into the joints between the pipes and also some broken sections of the pipe.

Olive Street

Mr. Steele stated that it had similar situations as Pleasant Street regarding the drainage and sanitary sewers. He went on to say that some of the storm pipe was a little newer (1970's), but that the pipe that had been used at that time should be upgraded; it was metal and prone to corrosion. The following upgrades were proposed:

- upgrade the drainage;
- upgrade the sanitary sewer;
- replace the sidewalks;
- replace the driveway aprons within the right-of-way; and
- the road would be repaved.

Mr. Steele stated that the Town was applying for a grant for the work. He went on to say that a favorable ruling from the Planning and Zoning Commission would help in securing that grant. He noted that the favorable ruling should indicate that the

upgrade in infrastructure was consistent with the Plan of Development. He then pointed out that Pleasant and Olive Streets were on the fringes of the Downtown Redevelopment Area.

Chairman Gannuscio commented that he felt that the Commission should make a favorable report on the two roadway reconstruction projects, for Pleasant and Olive Streets. He then asked if the projects were different from what had taken place on Suffield Street. Mr. Steele replied that they were similar, but that the funding was different. He explained that there was criteria for the grant funding that stated that they had to look at the average household income in the area of the proposed work and the area in question met that criteria.

Chairman Gannuscio stated that given the overall pattern over the last few years in improving the infrastructure and street beds in that area of Windsor Locks he moved that the Commission issue a favorable report on the roadway reconstruction of Pleasant and Olive Streets and that it should be a project that went forward. Mr. Steele pointed out that it would also improve pedestrian access to the Downtown Area. Mr. Gannuscio noted that it would also make it safer for pedestrian traffic, since the streets in question were some of the streets that would lead to the West Street bus stops, which the Commission had also endorsed. Ms. Ramsay seconded the motion. All were in favor. The vote was 6 – 0, the motion was approved.

e. Informal discussion regarding the proposal for Geko Paintball located at 62 Lawnacre Road.

Attorney Christopher Kervick and Ivan DeJesus, owner of Geko Paintball, were both present.

Attorney Kervick stated that Geko Paintball had opened for business at 62 Lawnacre Road, which had formerly been an indoor soccer facility and then a go-kart facility. He noted that Mr. DeJesus' business was already up and operating. He went on to say that Mr. DeJesus wanted to start offering paintball on the exterior of the lot since it was a very big lot. Attorney Kervick pointed out that he had met with Ms. Rodriguez in the Town's Building Office to try to decide how best to do so and that Ms. Rodriguez had thought that a Special Use Permit might be required. He then noted that Ms. Rodriguez had also questioned the necessity of a Special Use Permit, because the go-kart use had also been outside.

Attorney Kervick summarized the history of the property as follows:

- it had been approved as an indoor soccer facility in 1993; and
- the building was issued a Certificate of Occupancy as an indoor go-kart facility on March 9, 2001.

Chairman Gannuscio commented that the go-kart facility had come before the Commission, but that he had thought that all of the racing had been done indoors.

Attorney Kervick distributed a letter from the landlord for the property in question, JLB NETA, LLC, to the Commission members. He went on to say that that landlord had indicated that the go-kart facility had operated an outdoor race course for the go-karts. The letter also indicated that the go-kart facility was in operation from 1999 to 2006 with the outdoor racing taking place during the final year (2006). Attorney Kervick noted that Mr. DeJesus had noticed some indication on the site that an outside track had been set-up. Chairman Gannuscio commented that he thought that the outside race track had been done without ever coming forward to the Commission.

Attorney Kervick stated that the use had been approved as a nonconforming use in an Industrial Zone. He went on to say that Ms. Rodriguez had then felt that it was an existing nonconforming use. He then referred to Section 81 of the Regulations which stated "Any nonconforming use of a building or premise lawfully existing may be continued." Attorney Kervick stated that Mr. DeJesus was trying to expand his business to go outside with no structural changes and no physical changes to the site.

Chairman Gannuscio asked Town Engineer Steele if he recalled ever seeing anything for the go-kart facility. Mr. Steele replied that there had been a site plan for the indoor go-kart facility, but that no plan had ever been submitted for an outdoor track. He then asked if the proposal was to just use whatever existing features were out on the property. Mr. DeJesus replied that that was correct. Mr. Steele then asked if it would expand into the wooded area. Mr. DeJesus replied that it would. Mr. Steele asked about the paved area. Mr. DeJesus stated that it would not expand into the paved area; the paved area would be used for parking. Mr. Gannuscio asked if the wooded area was all part of the overall site. Mr. DeJesus replied that it was. Mr. Steele asked if the boundaries of the property were well defined and how they were going to be marked. Mr. DeJesus stated that he had staked it out and that they were going to put up about 2 foot wide construction fence with signs all over. Mr. Steele then asked if there was any development on the abutting property. Mr. DeJesus replied that there was not; it was just wooded.

Mr. Steele asked if they had any plan for the property. Attorney Kervick replied that they did and then proceeded to distribute copies to the Commission members and staff. Chairman Gannuscio asked if there would be any issues regarding the floodplain. Mr. Steele replied that there would be no issues, because it was going to be used for passive recreation. He then noted that the only possible issue would be the paint itself. Mr. DeJesus stated that the paint was biodegradable and water dissolvable. He then distributed a handout containing a description of the paint's composition.

Chairman Gannuscio asked if the existing fencing on the property just separated the front from the rear of the property; it did not go back any distance. Attorney Kervick replied that that was correct; there was no fence in the rear of the property. He then noted that the rear of the property was pretty much unimproved.

Attorney Kervick commented that another argument could be made was that it was an accessory use to the existing building use.

Mr. Steele commented that it did not seem like a real intense use; they were not going to cut down any trees, etc. Mr. DeJesus stated that that was correct.

Mr. Steele asked about the possibility of stray paintballs. Mr. DeJesus explained that they were staying about 300 feet away from the street and 600 feet away from the nearest building. He then pointed out that the paintball guns only shot about 150 feet. Mr. Steele then asked about the 10 foot tall paintball netting that was shown on the plan. Mr. DeJesus explained that that netting was just in that one particular area. Mr. Steele asked what the netting was for. Mr. DeJesus stated that it would keep the paint from going out of that little area. Mr. Steele clarified that it was there to protect the cars. Mr. DeJesus stated that that was correct.

Chairman Gannuscio stated that they should have something on file that showed some of the items that had been discussed that evening (i.e. buffers, etc.) so that should there be something that succeeded the use there would be a record of what had been conducted and where. Mr. Steele agreed; they should have something showing what had been agreed to. Attorney Kervick asked what specific things the Commission would like them to indicate on the plans. Mr. Gannuscio asked Mr. Steele if there was anything from an engineering standpoint that should be included on the plans. Mr. Steele replied that there were no engineering issues.

Attorney Kervick clarified that they should delineate the fence locations and what type of fence they were going to use (a 48 inch orange construction fence). Mr. Steele suggested that they also identify the field areas and explain what they were to be used for.

Mr. Steele noted that there had been a Special Use Permit for the go-kart track. He then asked if there was enough of a modification to require another public hearing process or if they could just submit a plan. Chairman Gannuscio commented that he did not see the need for another Special Use hearing, just something showing more specifics for the particular use being proposed. Mr. Steele stated that the survey that had been submitted had been done in 2000; it was fairly recent. Chairman Gannuscio asked if any of the adjoining properties were in Windsor. Attorney Kervick replied that Windsor did not come into play.

Attorney Kervick stated that they would submit a revised plan similar to the one that had been distributed that evening, but revised to include delineation of the fence, the character of its construction and the field locations. Mr. Steele stated that they should also identify what each field was going to be used for. Attorney Kervick commented that, if there was anything else that would be useful information regarding how the property was going to be used, they would include that information on the plan as well.

Mr. Steele pointed out that there was quite a bit of parking in the back in addition to what was in the front. He went on to say that there was no parking calculation, but that he also did recall any parking issues associated with the previous recreational uses. Chairman Gannuscio agreed.

Chairman Gannuscio stated that they should come back to the Commission with those revised plans. Mr. Steele asked if the Commission wanted to review the revised plan or if staff should just review it. Mr. Gannuscio replied that staff review would be enough. Mr. Steele then asked what concerns the Commission wanted staff to look at. Mr. Gannuscio stated that he was looking information on the plan so that, if someone were to come to Ms. Rodriguez with a complaint, she would have something to refer to that would specify where the activity should be taking place.

Mr. DeJesus reiterated that there would be a 12 foot buffer between the fence and the property line; they were going to set the fence 12 feet in from the property line. He went on to say that for insurance purposes signage was required all over both the inside and outside of the fence.

Chairman Gannuscio asked the Commission members and staff if they had received the Certified mailing that he had received. They had not. He then explained that it was a declaration from Alhstrom regarding an environmental land use restriction and grant easement. He then gave the mailing to Mr. Steele to review. He also suggested that Mr. Steele and Ms. Rodriguez each keep a copy of it.

After briefly reviewing the document, Mr. Steele stated that it appeared as though Alhstrom was giving up certain rights to their property, because of environmental concerns. Chairman Gannuscio asked if there was a “cc” on the document. Mr. Steele replied that it had been sent to Chairman Gannuscio, First Selectman Wawruck and the North Central Health District.

Chairman Gannuscio reiterated that Mr. Steele and Ms. Rodriguez should each keep a copy of the document. Mr. Steele pointed out that the document had been sent by Attorney Thomas Fahey and that he had indicated that there was a regulation that required that he send it to the Commission. Mr. Steele noted that it was for the area along the Connecticut River and that it probably had something to do with contamination issues and the impact to the river.

NEW BUSINESS:

a. Public Input

There was none.

b. Receive New Applications

There were none.

COMMUNICATION AND BILLS:

There was none.

Mr. Brown moved to adjourn the meeting. Ms. Ramsay seconded the motion. All were in favor. The vote was 6 – 0, the meeting was adjourned at 8:05 pm.

Respectfully submitted,

Diane Ferrari
Recording Secretary

THIS IS A DRAFT

Please check the following month's meeting minutes for official approval of these minutes and any amendments or corrections that were made.