

& ZONING COMMISSION , 2012 Meeting Minutes

Commission Members Present: Vincent Zimnoch, Janet Ramsay, Jim Szepanski and Alan Gannuscio

Town Staff Present: Town Planning Coordinator and Assistant Zoning and Wetlands Officer Jennifer Rodriguez, Town Engineer Dana Steele and Town Planning Consultant Michael O'Leary

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

Commission roll call was taken.

MINUTES:

Chairman Zimnoch referred to the February 13, 2012 meeting minutes and asked the Commission members and staff for any comments or corrections. There were none. Mr. Zimnoch moved to approve the February 13, 2012 meeting minutes, as published. Mr. Szepanski seconded the motion. All were in favor. The vote was 3 – 0 (Mr. Gannuscio was not present for this vote), the motion was approved.

Chairman Zimnoch referred to the March 12, 2012 meeting minutes and suggested that they postpone approval of the minutes until later in the meeting, once Mr. Gannuscio was present. All of the Commission members agreed.

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

Main Street Zoning

Mr. O'Leary stated that he and Ms. Rodriguez had been moving forward and were researching different types of Main Street zoning, but they had then been told to hold off because the Town had submitted a TOB grant and the Town's consultant and Patrick McMahon, Economic and Industrial Development (EIDC) consultant, had suggested that they hold off since that was going to be part of their grant. He went on to say that Chris Ferraro, the Town's consultant, had attended the Commission's meeting in April. Mr. O'Leary commented that he still felt that the Commission should move ahead with some Main Street zoning regulations.

Mr. O'Leary suggested that they utilize a Downtown Overlay District as a first step. He went on to say that it should then be signed off on by the Commission, run by the Town Attorney and then on to a public hearing. Mr. O'Leary then stated that he would move forward with it, if that was what the Commission wanted. Chairman Zimnoch stated that in talking with Ms. Rodriguez they were getting a lot of interest in the Main Street area. He went on to say that they did not want things to take off in that area without having any regulations in place. Mr. Zimnoch then stated that they should move forward with some Main Street zoning regulations. Mr. O'Leary noted that they had already done a lot of work on it and about 95% of it was already there. He went on to say that he could have a draft ready for the Commission's next meeting.

Steven Wawruck, First Selectman, addressed the Commission and stated that, in talking with Chris Ferraro and Patrick McMahon, his understanding was that they wanted to move forward with some type of overlay in order to provide some direction for those inquiries being received by the Building Office regarding the Main Street area. The discussion continued briefly and First Selectman Wawruck stated that they had opened up some discussions with the owner of 2 North Main Street (the former Chuck's Auto site) in order to possibly acquire some Brownstone Remediation money to clean up the site. He then referred to the train platform and noted that the Environmental Impact Study was going to be released on April 17, 2012.

Chairman Zimnoch commented that they needed to be able to direct applicants when they came in with new proposals. The discussion continued briefly and Mr. O'Leary stated that he would clean-up the current draft and get it to the Commission members for the next Commission meeting.



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Chairman Zimnoch referred to the train platform and asked, if the Environmental Impact Study results showed that both locations were favorable, would it be up to the Town to decide which location to use. First Selectman Wawruck replied that the townspeople would be able to comment on it and the Connecticut Department of Transportation (DOT) would use that input to make their decision. He went on to say that the DOT was in favor of bringing the train platform back downtown.

Chairman Zimnoch asked Mr. O'Leary to distribute the proposed Main Street Zoning Regulations to the Commission members via email prior to the next Commission meeting and that they would discuss them at that meeting. Mr. O'Leary agreed.

Alcoholic Beverage Regulations

Mr. O'Leary pointed out that the regulations currently in place in Chapter V had been around for a very long time. He went on to say that Ms. Rodriguez had previously distributed a summary of what other towns had been doing with regard to their alcoholic beverage regulations. He then stated that he had put a draft together which was broken into two main categories; On-premise Consumption and Off-premise Consumption. Mr. O'Leary pointed out that the 1,500 separating distance had been completely removed from the On-premise Consumption section of the regulations, because it made no sense, especially in a Downtown. He then noted that many of the things listed in Item 503.A.e were items typical of any Special permit.

Mr. O'Leary referred to Item 503.A.a and stated, with regard to the serving of alcoholic beverages being subordinate to the restaurant use, that it would now be defined very clearly on the site plan. Item 503.A.a stated

“The retail sale of alcoholic beverages shall be subordinate to the principle use which shall be a restaurant providing table service with hot meals; and, where subordinate shall mean that no more than 20% of the floor area of the restaurant is devoted to a bar or cocktail lounge area.”

Mr. Steele asked if the 20% was based on gross square footage. The discussion continued briefly and Mr. O'Leary stated that they would have to look at that and define it. He then asked Ms. Rodriguez to pull some examples that were on file in the Building Office in order to come up with an appropriate percentage.

Mr. O'Leary commented that, if the Commission wanted to allow Tavern or Club permits (which were not restaurants), they were not specifically listed anywhere in the regulations. He then asked if the Commission wanted to list them and, if so, if they wanted them to have a required separating distance. The discussion continued briefly and Mr. Szepanski commented that they needed to take into consideration what the Connecticut Liquor

Commission had to say as well. Mr. O'Leary agreed and stated that they needed to get the Connecticut Liquor Commission's definitions. Ms. Rodriguez stated that she could get the definitions on-line. Chairman Zimnoch stated that they would probably want required separating distances for Taverns/Cafes.

Mr. O'Leary stated that he also had not put anything in the draft regulations regarding separating distances from Churches, schools, libraries, etc. because he was thinking of downtown and that that would not work in the downtown area.

Mr. O'Leary referred to the Off-premise Consumption section and asked if they knew how many liquor stores were currently in town. Mr. Szepanski replied that there were seven liquor stores and two grocery stores that had liquor licenses. He went on to say that State Statute stated that a town was only allowed one liquor store per population of 2,500. Mr. Szepanski pointed out that Windsor Lock was over, but that they were grandfathered in.

Mr. O'Leary stated that he had not changed the separating distances for the off-premise consumption regulations.

Ms. Rodriguez stated that she would make copies of the list of liquor stores for the Commission's next meeting.

Mr. O'Leary stated that he had left the remaining items (Items 504 thru 510) as they were in the current regulations.

Ms. Rodriguez asked how they would handle an existing industrial warehouse that wanted to change their product (non-liquor to liquor) and acquire a liquor license. Mr. O'Leary replied that it would be a change of use application to the Commission. The discussion continued and Mr. O'Leary then commented that he did not see it as anything that the Commission needed to be concerned about.

Mr. Gannuscio arrived at the meeting.

Mr. Steele referred to Section 509 regarding temporary permits for non-profit organizations which read as follows:

öTemporary permits of non-profit organizations are subject only to State Liquor Control Commission requirements.ö

Mr. Steele clarified that that particular use would not need to go before the Planning and Zoning Commission. Mr. O'Leary replied that that was corrected. Mr. Steele then commented that any of the others that did not have that same language would suggest to him that they would be required to go to the Planning and Zoning Commission.



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A discussion regarding Tavern and Café Permits took place.

A brief discussion regarding Brew Pubs then took place.

NEW BUSINESS:

a. Public Input

There was none

b. Receive New Applications

i. Site Plan Review and Special Use Permit application of Brian Summers for the property located at 185 Ella Grasso Turnpike.

There was no one present to discuss the application.

Mr. Gannuscio moved to schedule a public hearing on the site plan review and special use permit application of Brian Summers to operate valet parking on the property located at 183 Ella Grasso Turnpike for May 14, 2012. Mr. Szepanski seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved

ii. Site Plan Modification application of Joseph T. Colla and Colla Construction Company, LLC for the property located at 14 Old County Road.

Joe Colla, owner of Colla Construction, addressed the Commission and stated that he was leasing 14 Old County Road. He went on to say that he had inquired in the Building Office about having a diesel storage tank on the property to be used to refuel his equipment and trucks and that he had been told that he needed to submit a site plan modification application. He then noted that 14 Old County Road was the former site of Windsor Locks Oil.

Ms. Rodriguez stated that she had gone to the site to meet with Mr. Colla and that he was using the office space and storing his equipment behind the building. She then noted that that was very similar to the previous use; the only thing different from the previous use would be the addition of a fuel storage tank. She went on to say that possible future storage of materials on the site would also be different from the previous use.

Chairman Zimnoch asked how big the storage tank was going to be. Mr. Colla replied that he was going to install a 500 gallon tank. Mr. O'Leary asked if it was going to be an above ground tank. Mr. Colla replied that it would be an above ground tank. He went on to say that there was currently a detached garage by the front gate to the property and that he was planning on installing the storage tank behind that garage. Mr. Gannuscio asked if the storage tank would be filled by tanker truck. Mr. Colla stated that a truck similar to an oil truck would fill the tank; he was going to have Andrews Oil install the tank and supply the fuel. Mr. Steele asked if there was a Connecticut Department of Environmental Protection (DEP) permit. Mr. Colla stated that Andrews Oil was going to pull all of the necessary permits.

Chairman Zimnoch asked what type of material was going to be stored on the site. Mr. Colla replied that he was going to store gravel and asphalt in concrete bins.

Mr. O'Leary noted that there were two things that the Commission needed to look at:

- the Table of Uses, what was allowed in the Business Zone; and
- what was on the site previously.

Mr. O'Leary pointed out that the proposed use was much more in sync now that Mr. Colla was leasing the office space. He went on to say that, as long as Mr. Colla met the Fire Code requirements, a diesel tank was pretty typical for anyone who had a fleet of vehicles. He then commented that the only thing that might not fit the regulations for the zone was the storage of materials; that was truly an Industrial use.

Mr. Steele asked Mr. Colla if he had a repair garage on the property to repair his equipment. Mr. Colla replied that he did not. Mr. Steele as if he did any outside repairs. Mr. Colla stated that he only did very minor repairs. He went on to say that Fleetmasters handled his repairs. Mr. Steele asked how he handled any spills. Mr. Colla replied that he used Speedy Dry to clean-up any spills.

Mr. O'Leary suggested that the Commission schedule the application for the next meeting and get comments from the Fire Marshall as well as staff input for that meeting.

Mr. Gannuscio moved to schedule a review of the site plan modification application of Joseph T. Colla and Colla Construction Company, LLC for the property located at 14 Old County Road for May 14, 2012. Ms. Ramsay seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.



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c. Informal discussion regarding the T&M and North Group, LLC request for acceptance of roads.

Mr. Steele stated that he had spoken with the surveyor, Ed Lally, earlier that day and was promised that he would have the as-built within two weeks. He then recommended that they not take any action at that time, but continue to wait for the as-built.

A brief discussion regarding future agendas took place and Chairman Zimnoch asked the Recording Secretary to remove "by-laws" and "sign regulations" from all future agendas and to keep "Zoning Regulations," "Subdivision Regulations," "Main Street Zoning" and "Alcoholic Beverage Regulations" on.

COMMUNICATIONS AND BILLS:

There were none.

Chairman Zimnoch asked if the Commission wanted to discuss 492 Spring Street. Ms. Rodriguez stated that she had had a neighboring property owner come in to her office with general questions about how 492 Spring Street was looking. She went on to say that she had visited the site and that it appeared as though they were not complying with the approved site plan. She then noted that the extension that had been granted had just expired the day before. Ms. Rodriguez stated that she and Mr. Steele had visited the site again and that they had put together a list of issues that needed to be resolved. She went on to say that they had received a reply from Attorney Kervick with the hope that he would have a response to each of the staff concerns by the next meeting. Mr. Steele noted that the issues were mainly housekeeping items, but that the main issue was that they had paved more than they were supposed to. Mr. O'Leary pointed out that there were contractors that could cut out and remove pavement as well as landscapers that could be hired in order to adhere to the approved site plan. The discussion continued briefly and Ms. Rodriguez reiterated that they were awaiting Attorney Kervick's response to staff concerns.

Mr. Gannuscio mentioned that the Commission had approved a site plan for Roncari and that they were now going to the Zoning Board of Appeals regarding the lighting on the site. A brief discussion then followed.



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Ms. Rodriguez mentioned that some folks from the Muslim Center in town had come in to her office earlier that day asking about appealing Mike's Blue Collar Bar. She went on to say that she had informed them of the appeal process and that the appeal period had expired. She had then told them that they could speak with their attorney if they wished to. The discussion continued briefly.

MINUTES:

Chairman Zimnoch referred to the March 12, 2012 meeting minutes and asked the Commission members and staff for any comments or corrections. He then noted that Mr. Gannuscio, Mr. Scarfo and Mr. Juszczynski were present for that meeting.

Mr. Gannuscio moved to carrying over any vote on the March 12, 2012 meeting minutes to the May 14, 2012 meeting. Mr. Szepanski seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.

Ms. Rodriguez referred to Section 415 and stated that there were a few references in that section that were incorrect. She went on to say that she would email them to the Commission members.

Mr. Szepanski moved to adjourn the meeting. Mr. Gannuscio seconded the motion. All were in favor. The vote was 4 – 0, the meeting was adjourned at 8:36 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.