

**PLANNING & ZONING COMMISSION**  
**August 9, 2010 Meeting**

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

Town Staff Present: Town Planning Coordinator and Assistant Zoning and Wetlands  
Officer Jennifer Rodriguez, and Town Engineer Dana Steele

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Chairman Gannuscio called the meeting to order at 7:12 pm.

Commission roll call was taken.

Chairman Gannuscio seated Alternate Szepanski for Commissioner Scarfo for all of the evening's proceedings.

**MINUTES:**

Chairman Gannuscio stated that they would pass on the July 12, 2010 meeting minutes until later in the evening. He then noted that they would take up the minutes just before the meeting adjournment.

**PUBLIC HEARINGS:**

- a. Public hearing on the site plan modification application of JSL Asphalt, LLC for the property located at 75 King Spring Road and the adjoining property at 71 King Spring Road.**

Chairman Gannuscio asked Mr. Brown to read the rules for conducting a public hearing. Mr. Brown then did so.

Chairman Gannuscio asked the Recording Secretary to read the legal notice. The Recording Secretary then read the legal notice that had been published in the Journal Inquirer on July 28 and August 5, 2010.

Chairman Gannuscio noted that Town Engineer Steele's letter dated August 4, 2010 had contained a lot of items. He then asked Mr. Steele if most of those items had since been resolved and if it would be worth while to continue with the hearing that evening or not. Mr. Steele stated that he wanted to hear the applicant's presentation first.

Attorney Paul Smith addressed the Commission on behalf of the applicant and stated that also present that evening were:

- Mark Connor, Treasurer; and

- Jeff Hitchings, manager of the Windsor Locks JSL Asphalt plant.  
He went on to say that they could reasonably address most of Mr. Steele's comments.

Attorney Smith stated that the asphalt plant currently operated at 75 King Spring Road, Parcel C, which was a little less than 4 acres. He went on to say that it was located in an Industrial 1 Zone. He then explained that it had been approved by the Planning and Zoning Commission back in the early 1990's and that it had remained substantially the same since that time. Attorney Smith noted that the plant had operated for about 15 years without incident and that it was located in a fairly heavy industrial area.

Attorney Smith stated that the property was bordered by the railroad, the warehouse facility and on the west the Quagliaroli property. He then pointed out that there were fairly heavy industrial uses across the street from the plant.

Commissioner Scarfo arrived at the meeting at 7:15 pm.

Attorney Smith stated that Parcel D was 2.62 acres and that the applicant wanted to combine it with their existing piece (Parcel C). He explained that they were not looking to expand the plant itself, but that they were going to use the area to relocate materials and stockpiles. He then pointed out that it would allow for ease of operation and increased safety; they were trying to segregate the operation itself from the truck traffic. Attorney Smith noted that the proposed expansion would be within the parameters of what was allowed by the Regulations.

Attorney Smith distributed a traffic study and drainage and impervious calculations to the Commission members and noted that they had previously been submitted to staff.

Attorney Smith stated that the applicant was planning on merging the two parcels. He went on to say that they would have no problem with a condition of approval stating that they be required to obtain a Certificate of Merger. He then referred to drainage and impact to wetlands and noted that the applicant had submitted a report which stated that the area in question was not within 100 feet of a regulated area and even further from an actual wetland. Attorney Smith commented that there was a wetland on Parcel E where a 48 inch pipe exited onto the property. He then explained that the pipe carried drainage from King Spring Road and that that created the wetland via a Town easement. He went on to say that the applicant was not proposing any changes in that area. Attorney Smith commented that all of the activity on the site resulted in sheet flow. He then pointed out that over the years the applicant had done some minor maintenance of the rip rap in that area.

Attorney Smith referred to the two trailers that were shown on the plan and stated that they were not proposed; they were existing. He went on to say that Mr. Quagliaroli owned the trailers and that he would be relocating them off the property once the property was sold.

Attorney Smith stated that the applicant was proposing a small bituminous driveway entrance to the site. He then noted that they were not going to close the existing driveway; they would maintain two driveways to the site.

Attorney Smith reiterated that the proposal would improve the operation of the site, improve safety and improve the ease of use of the site. He went on to say that it was a natural fit and that it might serve as an additional buffer to the plant itself. He then pointed out that it was within compliance with both the Zone and the Regulations.

Attorney Smith referred to Town Planning Consultant O'Leary's memorandum dated August 6, 2010 which contained six comments. He then addressed those comments as follows:

3. "0" setback proposed for Parcel D  
Attorney Smith reiterated that the two parcels would be merged resolving the issue.
4. Parking areas  
Attorney Smith stated that the applicant would not be adding any additional employees to the site; the existing parking area on Parcel E would continue to be sufficient.
5. Two trailers shown on Parcel D  
Attorney Smith reiterated that the two trailers would be relocated off the property once the property had been sold.
6. Street tree plantings  
Attorney Smith pointed out that the site was located in a fairly heavy industrial area with trucks entering and existing. He went on to say that the applicant would like to keep the area sight line clear for visibility/safety reasons.

Attorney Smith referred to Mr. Steele's comments and stated that the applicant had some questions regarding Mr. Steele's wetland and runoff comments, but that they had no problem with any of the technical issues.

Chairman Gannuscio seated Commissioner Scarfo and reseated Mr. Szepanski for Commissioner Ramsay.

Chairman Gannuscio asked Mr. Steele to summarize his comments. Mr. Steele referred to his letter dated August 4, 2010 which contained twelve items and stated that most were of a technical nature or had been addressed to some extent and needed some further discussion.

1. Dealt with vertical datum.

Attorney Smith stated that the applicant would provide the required vertical datum. Mr. Steele commented that a condition of approval regarding the datum would be fine.

4. Dealt with lighting.

Attorney Smith stated that the applicant proposed no new lighting. Mr. Steele asked if there was any existing lighting on the site. Attorney Smith replied that there was some lighting for security purposes. Mr. Hitchings noted that there were several lights on the outside of the building for security. He then pointed out that the plant did not operate at night. Mr. Connor then noted that the plant was closed down from mid-December through April and that only the office operated during those months. Mr. Steele stated that it would be helpful to have the existing lighting included on the plan. Attorney Smith stated that they would do so.

Mr. Steele summarized all of the items listed in his August 4, 2010 letter as follows:

1. The vertical datum did not match the requirement of Section 1102.2.c.

Mr. Steele noted that the applicant had indicated that they would revise their plan. He went on to say that the Commission could make it a condition of approval.

2. Dealt with the lot merger.

Mr. Steele noted that the applicant had indicated that the two lots would be merged. He then asked when and how they would be merged and what would be provided to indicate that they had been merged. Attorney Smith replied that there would usually be a condition of approval requiring that at some point in the process, before a bond was released, the applicant would submit a Merger Certificate. He then stated that it would be okay to put it as a condition of the release of the bond. Mr. Steele asked if it could be done prior to the signing of the plans. Attorney Smith replied that his only reluctance to doing so would be if there was some sort of appeal pending, because he would not want to merge the lots prematurely. Mr. Steele then asked if they could provide the Merger Certificate once the appeal period had ended. Attorney Smith replied that they could; the applicant was willing to do whatever the Commission was comfortable with. He then suggested that they could submit the Merger Certificate within 30 days of the execution of the plans or that they make it a condition of the release of the bond.

3. Dealt with the trailers.  
Mr. Steele noted that the applicant had indicated that the trailers would not remain on the site. He then suggested that a note be added to the plan and that it also be a condition of approval.
4. Dealt with site lighting.  
Mr. Steele stated that there was no new site lighting proposed, but that there was some existing lighting on the property.
5. Dealt with parking.  
Mr. Steele pointed out that parking was not shown on the plan. He then asked that the applicant show the existing parking on the plan.
6. Dealt with the issue of the potential erosion.  
Mr. Steele referred to Plan G-45, Parcel E, where the limits of the inland wetland were located. He then pointed out that to the west of the westerly boundaries it appeared to be very steep (marked #135 and #138 on the plan). He went on to say that it looked like a ravine discharging into the wetlands which might be eroding it. Mr. Steele commented that he did not believe that the Town's runoff could be contributing to that erosion. He then pointed out that he had not been out to the site yet, but that he would be happy to go and check it out.
7. Dealt with spot grades.  
Mr. Steele stated that there should be more spot grades on the plan to show how the site would drain. He went on to say that it could be a condition of approval.
8. Had asked that the applicant's engineer provide a quantitative drainage analysis.  
Mr. Steele stated that the engineer had provided the requested analysis. He went on to say that their narrative had proposed that the impervious coverage would have no impacts downstream, but that their analysis had shown an increase in runoff from the site which conflicted with the narrative. Mr. Steele stated that it was still a concern of his.
9. Dealt with the zoning data block.  
Mr. Steele referred to Sheet 4 of the plan, Impervious for Lot D, and stated that it showed 0% conflicts. He went on to say that the drainage calculations that had been submitted showed some existing gravel surfaces on the site. Mr. Steele stated that it would be a simple matter to update the data block to reflect those surfaces. He then noted that it should also be included as a condition of approval.
10. Install iron pins at property corners where not found.
11. Provide a typical section detail for gravel surface construction.
12. Recommended that the applicant provide a cash erosion bond in the amount of \$2,500 prior to start of construction.

Mr. Steele stated that most of the items could be conditions of approval. He went on to say that the following two items needed further clarification:

- parking (where the existing parking was located); and
- potential erosion (the condition of the area and whether the increase in run-off would make it worse).

Chairman Gannusco referred to Mr. O'Leary's memorandum dated August 6, 2010 and stated that it had contained six comments. He went on to say that most of the comments were similar to those of Mr. Steele.

Mr. Steele referred to Comment 1 from Mr. O'Leary's memorandum which noted that bulk storage was a use allowed by Special Permit, although the application was only requesting a site plan modification. He then questioned whether there was an issue with the legal notice. Attorney Smith pointed out that it was not just a bulk storage operation; it was an expansion of the plant. He then commented that it would have been a problem if they were not going to merge the two lots.

Attorney Smith stated that the applicant was willing to do Items 1, 2, 3, 4, and 5 from Mr. Steele's August 4, 2010 letter as conditions of approval.

Mr. Hitchings pointed out the existing employee parking on the map. He noted that in the gate on the right were ten parking spaces and that there were three other parking spaces in the front of the building. Mr. Steele commented that it appeared that JSL's pavement was encroaching onto the railroad property. Mr. Hitchings stated that they considered the railroad to be the property line and that they had stayed 10 feet off of that line; there was a 10 foot buffer. Mr. Connor then pointed out that the pavement had already been there when they had purchased the property. Mr. Steele acknowledged that it was an existing nonconformity. The discussion continued briefly and it was noted that originally there may have been a right-of-way and that historically the encroachment may have been to provide access to the railroad.

Attorney Smith referred to Item 6 from Mr. Steele's August 4, 2010 letter and noted that the applicant's engineer had said that they were not putting any run-off into the wetland area from the new site. Mr. Steele stated that that was not correct; the engineer's calculations were showing an increase in run-off from the site, it was all going to the wetland area. The discussion continued briefly and Mr. Hitchings invited Mr. Steele to visit the site and stated that he would take him out to the wetland area. Chairman O'Leary asked Mr. Steele if he was still seeing a conflict in the drainage numbers. Mr. Steele replied that he was.

Attorney Smith referred to Items 8 and 9 and stated that the applicant's engineer did not consider the gravel surface to be bituminous. Mr. Steele disagreed and pointed out that based upon the calculations that had been provided the applicant's engineer had not weighted the gravel as high as the pavement, but it was still considered impervious. The discussion continued briefly and Mr. Steele stated that he needed the applicant's engineer to elaborate a little more. Attorney Smith stated that they would be happy to have the engineer do so.

Attorney Smith referred to Item 7 regarding the spot grades and stated that they would be happy to provide them.

Attorney Smith referred to Items 10, 11 and 12 and stated that they had no objection to any of them.

Attorney Smith stated that the only open issue was the drainage issue referred to in Items 6, 8 and 9. Mr. Steele agreed and noted that they also needed to resolve the merger issue. He went on to say that he had spoken to Ms. Rodriguez and that she felt comfortable making it a condition prior to the start of construction. Attorney Smith then asked if Items 6, 8 and 9 could also be handled as a condition. Mr. Steele replied that they should be addressed. He commented that he did not know how to word a condition to address the issue. He then stated that he would be happy to go out and take a look at the area. Mr. Steele suggested that the Commission continue the public hearing.

Chairman Gannuscio asked Ms. Rodriguez for any questions or concerns. Ms. Rodriguez had none.

Chairman Gannuscio asked if Suffield had received their copy with no comments in response. Ms. Rodriguez replied that they had received it and that they had not contacted her with any comments or concerns.

Chairman Gannuscio stated that they had received comments dated June 18, 2010 from the Water Pollution Control Authority and that they had had no concerns with the application.

Chairman Gannuscio stated that they had received comments dated June 18, 2010 from Public Works and that they had had no concerns with the application.

Chairman Gannuscio stated that they had received a memorandum from the Police Chief dated July 21, 2010 and that he had had no concerns with the application.

Chairman Gannuscio asked if they had received a letter from the Fire Department. Ms. Rodriguez replied that she had received a letter from the Fire Marshal dated July 19, 2010 stating that they had no issues with site access for fire apparatus.

Chairman Gannuscio asked for any public comments in favor of the application. There were none.

Chairman Gannuscio asked for any public comments in opposition to the application. There were none.

**Chairman Gannuscio moved to continue the public hearing on the site plan modification application of JSL Asphalt, LLC for the property located at 75 King Spring Road and the adjoining property at 71 King Spring Road to the September 13, 2010 meeting. Mr. Szepanski seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.**

#### **REVIEWS:**

**a. Review of the site plan modification application of Dairy Cream International, Inc. for the property located at 359 Ella T. Grasso Turnpike.**

Attorney Paul Smith addressed the Commission on behalf of the applicant and proceeded to distribute a copy of the Variance Certificate that they had recently obtained for the site. He then stated that they had operated the ice cream shop in Windsor Locks since 1954 (first at the corner of Elm Street and Route 75 and then at the present location). He noted that it had been at its current location since 1965. He then pointed out that the current building had been built in 1965 as well.

Attorney Smith commented that the idea was to modernize the existing building. He then stated that the applicant's proposal was to take the existing 24x20 foot building and expand it by adding a 12x26 foot addition onto it. He noted that the site was located in an Industrial Zone, but that they had received a Variance from the Zoning Board of Appeals to expand the building.

Attorney Smith explained that the property was triangular, pie-shaped and that it was bordered on the south side by U.S. Government property (the Air National Guard facility) and on the north was vacant land owned by Daniel Christian. He went on to say that the State property for the airport was located across the street from the site.

Attorney Smith stated, with regard to the proposed use, that the intent was not to increase the business model. He then pointed out that it was a seasonal operation that began in April and ended some time in October with no customer service inside the building. He reiterated that all customer service took place at the outside windows and that there was no intent to change that.

Attorney Smith explained that the expansion would be to provide a fourth customer service window; there were currently only three windows. He went on to say that they also wanted to change how the customers queued up to the windows. Attorney Smith explained that the customers currently lined up straight out into the parking lot and that the owners had been very uncomfortable with that for fear that someone would get injured. He then referred to a schematic that had been included in the application package and stated that customers would no longer be able to line up out into the parking lot. He explained that there would be an elevated concrete sidewalk (9 to 15 inches above the pavement) for customers to line up on which would run along the front of the building and along the side with stairs, a handicap ramp and a rail.

Attorney Smith stated that Mr. O'Leary had raised an issue regarding the proposed walk-in cooler attached to the back of the building because it had been proposed within the setback line to the southern border of the property. He went on to say that they could relocate the cooler outside the side yard area as a condition of approval. Attorney Smith then explained that the reason that the applicant had wanted it where it had been proposed was for the safety of their employees who were mostly teenagers. He pointed out that they typically did not close until 10:00 pm. He stated that if they could move the cooler over without impeding on the building's exit door they would do so. Attorney Smith explained that if they had to move the building's exit door to accommodate the cooler it would end up being in between the cooler and the air conditioning unit which would be blocked off from the parking lot. He went on to say that if they could not move the cooler and keep the exit door in place they would probably seek a variance to leave the cooler where they had originally proposed it.

Attorney Smith stated that they were not proposing any new parking. He explained that it operated with four to five employees and that they had more spaces than were required by the Regulations. He pointed out that they got very busy during the summer months, but that they had over 50 parking spaces and had never had a parking problem on the site.

Attorney Smith pointed out that the applicant had not provided an asphalt plan, topography, a site plan and lighting because they had felt that it was such a small change to the site (they were going from a 600 square foot building to about a 950 square foot building). He went on to say that they would be eliminating three parking spaces from the side of the building. Attorney Smith asked the Commission to consider waiving the topography map and the site map given that they would not be changing the topography at all. He then noted that they were just going to be cutting out some pavement and adding the building to where the pavement had been.

Attorney Smith stated that there was some existing lighting on the site and that they were not proposing any changes or additions to that lighting.

Attorney Smith referred to the landscaping and stated that the applicant's position was that their parking worked pretty well and they did not want to start adding trees and shrubs that might hinder how well the parking had worked in the past.

Attorney Smith referred to sidewalks and stated that they did not see where it would make any sense for the site in question to have sidewalks, because the property to the south was owned by the U.S. Government and it did not have any sidewalks nor did they expect that it would ever have sidewalks. He went on to say that he did not view Route 75 as a place where they should encourage pedestrian traffic. Attorney Smith then stated that, if the Commission wanted sidewalks, the applicant would put them in.

Chairman Gannuscio asked Mr. Steele to summarize his comments. Mr. Steele stated that he had submitted a letter dated August 3, 2010 which had contained 13 items. He then summarized those items as follows:

1. The copy of the plan that he had received was not a valid plan; it was not sealed and signed by a professional engineer. There was also no P.E. stamp on the plan.
2. The plan showed no topography.

Mr. Steele noted that the applicant had indicated that they were not proposing any changes to the topography; therefore it might be appropriate to waive the topography requirement. He went on to say that his only concern was that when putting a structure in an area that was already paved and where the water was currently draining it would be intercepted possibly causing water to build-up against the building. He then suggested that the applicant's engineer confirm that what was being proposed would work properly. Mr. Steele noted that it was going to be such a minor increase that perhaps a report from the engineer would be sufficient.

3. The applicant had not submitted an area map with the application.  
Mr. Steele pointed out that the Regulations required that an area map be submitted, but that the Commission had the right to waive that requirement if they were to determine that it was not necessary for determining zoning requirements. He then pointed out that they had submitted a Locality Map giving the general location of the site.
5. There were a number of parking spaces shown on the site, but it was unclear if they were striped or not. He noted that on the plan they were depicted like boxes, not just lines like would typically indicate a parking space.  
Mr. Szepanski stated that he had been to the site and that the parking spaces were striped with no line on the end (not boxes).  
Mr. Steele commented that 55 parking spaces seemed like enough for the use. He then pointed out that in the Regulations the number of parking spaces was based upon the number of seats, but that there were no seats at the site in question.
6. The site is totally nonconforming with regard to any of the requirements for parking lots.  
Mr. Steele stated that the Regulations did allow the Commission to require removal of pavement to provide for additional landscaping, etc. He also noted that it was a minor expansion and the Regulations acknowledged that it was reasonable to waive such items in certain circumstances.
7. There is lighting on the site, but there was no proposed new lighting.  
Mr. Steele pointed out that the existing lighting may not conform to the Regulations.
8. The plans do not indicate an exterior grease trap.  
Mr. Steele asked Chairman Gannuscio if he had received comments from the Water Pollution Control Authority (WPCA). Mr. Gannuscio replied that he had and that they had not asked for anything (no grease trap had been requested). Mr. Steele pointed out that the floor plan showed a fryer and a griddle. Attorney Smith stated that they did not have either a fryer or a griddle and that they were not proposing them. The discussion continued briefly and Mr. Steele stated that if they were not going to be producing grease then they would not need a grease trap. He then reiterated that the plans indicated that they would be producing grease, but that the plans might not be accurate. Mr. Gannuscio stated that the comments from the WPCA were dated December 18, 2009. Mr. Steele stated that he had spoken with Gary Kuzarski from the WPCA after that. After a brief discussion Mr. Steele suggested that there could be a condition that if a grease trap was required by the WPCA then it would have to be added to the plan.
9. Some pavement restoration will likely be required for the improvements.  
Mr. Steele stated that a standard detail should be included with the plan.  
Chairman Gannuscio asked about the four parking spaces that encroached onto the Christian property. Mr. Steele confirmed that there were existing parking

spaces over the property. He went on to say that the Commission had the opportunity to require that changes be made to the plan if they so chose to. Mr. Steele then stated that at the very least those spaces should not be included in any parking calculation.

10. The location of the existing water service should be shown on the plan.
11. The submitted elevation and floor plan do not appear to be specific to the site. Mr. Steele stated that the elevation plan, the floor plan and the site plan did not all seem to agree. Attorney Smith agreed. Mr. Steele stated that the proposed walkway should be shown on the site plan. Attorney Smith agreed to do so. Mr. Steele also pointed out that the elevation plan did not show the proposed ramp area.
12. The proposed exterior freezer in the rear of the building conflicts with the existing air conditioner pad. Mr. Steele questioned whether the air conditioner unit was going to be relocated. Attorney Smith stated that he would have the applicant show where the unit was going to be located on the plan. Mr. Steele then stated that he agreed with Mr. O'Leary's comments regarding the side yard setback.

Chairman Gannuscio questioned what he would really be acting on that evening when looking at the plans. Mr. Steele stated that the site plan did not depict what the applicant was actually going to be doing on the site.

Attorney Smith commented that Mr. O'Leary had referred to a sign in his comments, but that the applicant was not proposing any signage. Mr. Steele asked if the sign indicated on the elevation plan already existed. Attorney Smith replied that he was not sure.

Attorney Smith asked, if the Commission were to continue the review, if he needed to include sidewalk detail on the plans. Mr. Steele replied that they did need to include the sidewalk detail as well as some topography. Attorney Smith then asked if they were supposed to put the sidewalk within the right-of-way. Mr. Steele replied that they should place the sidewalk in the right-of-way.

Chairman Gannuscio stated that he had received a memorandum from the Police Chief and that he had no issues with the proposed application, except for the issue of sidewalks.

Chairman Gannuscio asked the Commission members for any questions. Mr. Szepanski stated that he had gone to the site and had counted the parking spaces; on the north side of the property there were eight space , one double parking space and then four more spaces in addition to a dirt road to the Christian property. He then

noted that the plans showed 14 parking spaces in that area. Mr. Szepanski asked if the dirt road was a right-of-way. Attorney Smith replied that he was not aware of any right-of-way, but that he would look into further.

Mr. Scarfo clarified that they would strictly be serving from four windows in the front of the building and not on the sides of the building. Attorney Smith stated that that was correct. Mr. Scarfo then clarified that they only sold hotdogs and ice cream products. Attorney Smith stated that that was incorrect; they only served ice cream/dairy products, but that he would confirm that.

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

Chairman Gannuscio asked Ms. Rodriguez for any comments or concerns. Ms. Rodriguez stated that she definitely needed some things regarding a free standing sign and a copy of the menu. Attorney Smith stated that he would be happy to provide her with the information that she needed. Ms. Rodriguez then clarified that there would be no new building lighting. Attorney Smith stated that that was correct. Mr. Steele then asked if it was currently lit. Attorney Smith stated that there was lighting on the building and some on poles. Mr. Steele then stated that that existing lighting should be shown on the plans. Attorney Smith stated that they would do so.

Chairman Gannuscio suggested that they continue the review to the September 13, 2010 meeting. A brief discussion followed and it was agreed that the following information was still needed:

- more specifics on the elevation;
- Item 1 from Mr. Steele's August 3, 2010 letter;
- Item 2 from Mr. Steele's August 3, 2010 letter;
- an area map, topography and the sidewalk indicated on the plan;
- details of the elevated walkway, stairs and ramp;
- clarification of the grease trap issue;
- clarification of signage;
- the equipment list should be updated;
- the floorplan should be updated; and
- a copy of the menu.

Attorney Smith asked what the Commission wanted the applicant to do with regard to the sidewalks in the front of the site. Mr. Steele then asked what the Commission was going to require with regard to the landscaping and/or buffers. Chairman Gannuscio stated that given that the building had existed prior to those requirements it would be

unfair to now require them. Mr. Steele agreed and pointed out that it was a really small addition/modification. Mr. Gannuscio then stated that the applicant should show the sidewalks on the plan and noted that the Commission had deferred installation of sidewalks in the past.

**Chairman Gannuscio moved to continue the review of the site plan modification application of Dairy Cream International, Inc. for the property located at 359 Ella T. Grasso Turnpike to September 13, 2010. Mr. Szepanski seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.**

**ACTION ON CLOSED PUBLIC HEARING ITEMS:**

There were none.

**NEW BUSINESS:**

**c. Informal discussion regarding the Sluzinski parcel.**

Attorney Paul Smith addressed the Commission and stated that he was there that evening regarding the Sluzinski parcel located on North Street. He went on to say that it consisted of two pieces. He explained that the front piece bordered North Street and the 32 acre rear piece abutted Northgate. Attorney Smith pointed out that anything that they were to do on the property would put traffic (in particularly truck traffic) onto North Street.

Attorney Smith stated that his client had an interest in subdividing the property into two large lots via a rear lot. He then noted that the property was located in an Industrial 3 Zone and that 400 feet of frontage was required. He went on to say that the property existed as a nonconforming parcel. Attorney Smith commented that the ultimate end user of the property would generate a lot of truck traffic on Northgate and North Street. He then noted that they could institute a right hand turn only onto North Street.

Attorney Smith asked the Commission and staff if the division via a rear lot seemed to fit to how the Commission would define a rear lot in the Regulations (could it fit the definition of a rear lot?). He explained that they had 75 feet of frontage. He then asked if each lot would be required to have 50 feet of frontage. Mr. Steele and Chairman Gannuscio both replied that both lots would be required to have 50 feet of frontage. Mr. Steele then pointed out that they did not have enough frontage to meet the requirement.

Chairman Gannuscio suggested that Attorney Smith and his client have an informal discussion with Town Planning Consultant O'Leary to get his feedback.

Mr. Steele suggested that they might be able to extend Northgate in order to get the required 50 feet of frontage for each lot.

Attorney Smith pointed out that the Commission could require more and control more with a Special Use for the two parcels, but that if his client were to come in with a proposal for the one parcel only a site plan review would be required and that the Commission would have less control. He then stated that he would talk with Mr. O'Leary.

**OLD BUSINESS:**

**a. Discussion with Commission and Staff**

Chairman Gannuscio suggested that they carry the discussion forward to the following month's meeting so that Mr. O'Leary could be present for the discussion.

Ms. Rodriguez stated that she had received something from Town Attorney Scott Chadwick earlier that day regarding Mr. O'Leary's possible Sign Regulation amendment. She then distributed the material that she had received from Attorney Chadwick to the Commission members. She noted that Mr. O'Leary had not even received it yet. Ms. Rodriguez stated that Attorney Chadwick had suggested that rather than just adding language onto Section 604 there should be a new separate Section 605. She went on to say that Attorney Chadwick had had a couple of concerns and that he had wanted a little more time to look at it further before the Commission took any action on it.

**NEW BUSINESS:**

**d. Informal discussion regarding 159 Old County Road**

Charles Merkowitz of 159 Old County Road addressed the Commission and stated that he owned the farm located at 159 Old County Road. He explained that the farm consisted 18.2 acres and that he had rented out 2.7 acres of the farm to the Parking Company of America for parking. He went on to say that the parking company had not been parking any vehicles on the property for the past 18 months; the company had gone bankrupt. Mr. Merkowitz stated that he wanted to return the 2.7 acres back to farmland.

Mr. Merkowitz stated that the 2.7 acres had been assessed so that the taxes on it were over \$900 per month. He went on to say that as a retired, disabled veteran he could not afford to pay those taxes if he were not getting any income from the property. He then pointed out that he could not rent it out to anyone else because it was a landlocked piece of land with a ravine on one side and a wetland on the other.

Chairman Gannuscio asked how long Mr. Merkowitz had rented the land to the Parking Company of America. Mr. Merkowitz replied that he had rented the land to them for five or six years. Mr. Gannuscio then asked when he had filed an application to use the land as a parking lot. Mr. Merkowitz replied that he had filed an application in 1999. Mr. Gannuscio disagreed and noted that he had never come before the Commission. The discussion continued further and Mr. Gannuscio questioned how the land had been used for valet parking when there had been a ban on any expansion of valet parking. Mr. Merkowitz reiterated that the land was no longer used for parking; it was now farmland.

Mary Jane Parrier, Mr. Merkowitz' niece, addressed the Commission and stated that while he had been renting the land to the parking company they had used it strictly for overflow. She then noted that the land had never been paved. She went on to say that it had been used for parking for a short amount of time and that it would be a financial hardship for Mr. Merkowitz to continue to pay the taxes on the property as it was currently assessed. Ms. Parrier reiterated that Mr. Merkowitz was a farmer who sold corn at a roadside stand and that he had always paid his taxes. She then commented that Mr. Merkowitz had received very minimal income from the parking company. Mr. Merkowitz reiterated that the parking company had not parked any vehicles on the property for the past 18 months and that when they had used it it had been as a temporary lot for when all of their lots were full.

Mr. Merkowitz explained that the parking company was supposed to have paid the taxes on the land, but that they had not done so. He went on to say that he had gotten stuck with a \$10,000 tax bill.

Chairman Gannuscio asked if there was still a lease recorded on the land records so that it had not been abandoned. Ms. Rodriguez replied that she was not sure about that. She then distributed some copies of aerial photographs of the area to the Commission members.

Ms. Rodriguez explained that the Assessor's Office had called her asking for some assistance regarding a call that they had received. She went on to say that some of the Town staff members had had the following concerns:

- there were small bits of pavement, gravel and stone on the property which would need to be removed.; and
- it was located in a Business 1 Zone, therefore there were certain rights that Mr. Merkwitz would have to return it to a business use.

Ms. Rodriguez stated that in order to assess the property as farming Mr. Merkwitz would have to put something in writing to abandon the business use and to change it to farming.

Ms. Rodriguez stated that the Town Attorney had recommended that they abandon the business use. She went on to say that the Town Attorney would need a copy of the deed and that he would then draft something up for Mr. Merkwitz to sign.

The discussion continued further and Chairman Gannuscio stated that Mr. Merkwitz should find someone (possibly an attorney) to fill out the proper application to the Planning and Zoning Commission. He went on to say that the application form could be obtained at the Building Office. Mr. Scarfo noted that the application was also on-line on the Town's website. Ms. Parrier stated that she would obtain the proper application, assist Mr. Merkwitz in completing the application and then contact Ms. Rodriguez.

**e. Informal discussion regarding H & M Grinder property on Spring Street.**

Mohammed Hussain was present for the discussion.

Ms. Rodriguez stated that a lot of people had been inquiring and complaining about a couple of properties located on Spring Street. She explained that one of those was on either side of the grinder shop; a vacant dry cleaning operation on one side and on the other a restaurant. She went on to say that a site plan had been approved by the Commission for the restaurant, but that it had since expired. Ms. Rodriguez commented that the thing that most people seemed to complain about was that the site was not finished; it was very sandy and weedy (no lawn had been established). She went on to say that she had gone out to the site with the Police Chief and that there had been some other issues as well, such as unregistered vehicles and excess vehicles. She then pointed out that some of those had been removed.

Ms. Rodriguez stated that, with regard to the site itself, the site plan approval would need to be extended. She then noted that she could help Mr. Hussain with the site plan approval extension process. She went on to say that in the mean time she felt that it would be helpful to discuss the things that should be done such as establishing the lawn, weeding, putting curtains up in the windows and not using the building for

storage. Mr. Hussain stated that he would take care of it. He went on to say that he had a plan to use the property, but that he had discovered that it had no city water. Chairman Gannuscio asked Mr. Hussain if he had found a way to obtain water. Mr. Hussain replied that he had since obtained water. He went on to say that the only thing remaining to do inside were the hoods; everything else had been done. He explained that he was currently looking for someone to do the hoods for him.

Ms. Rodriguez stated that Mr. Hussain should stop by her office to fill out an application to renew his site plan approval. Mr. Hussain stated that he would finish the site and renew his site plan approval.

Mr. Steele pointed out that there had been some changes to the Regulations since the site plan had been approved back in 2001. He went on to say that he should take a look at the plans to see if any changes needed to be made to them.

#### **NEW BUSINESS:**

##### **a. Public Input**

There was none.

##### **b. Receive New Applications**

###### **i. Site plan review application of Jin Hospitality, LLC for the property located at 4 Loten Drive.**

Chairman Gannuscio commented that he assumed that there would be a liquor permit with the application. Mr. Steele stated that the applicant had submitted the application as a site plan, not a special use permit. He went on to say that they had also referenced the AIOZ Zone. He commented that there might be some confusion on the part of the applicant with regard to the AIOZ Zone. The discussion then continued briefly.

**Chairman Gannuscio moved to schedule a public hearing on the site plan review application of Jin Hospitality, LLC for the property located at 4 Loten Drive on September 13, 2010. Mr. Scarfo seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.**

#### **COMMUNICATIONS AND BILLS:**

There were none.

**MINUTES:**

**Chairman Gannuscio referred to the July 12, 2010 meeting minutes and noted that he, Mr. Zimnoch, Mr. Brown and Mr. Szepanski 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 July 12, 2010 meeting minutes, as published. Mr. Szepanski seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.**

**Mr. Brown moved to adjourn the meeting. Mr. Scarfo seconded the motion. All were in favor. The vote was 5 – 0, the meeting was adjourned at 10:08 pm.**

Respectfully submitted,

Diane Ferrari  
Recording Secretary

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**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.**