

PLANNING & ZONING COMMISSION
June 9, 2014 Meeting Minutes

These minutes are not official until approved at a subsequent meeting.

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

Commission Members Absent: Alexa Brengi, and Curtis Ruckey

Town Staff Present: Jennifer Rodriguez (Town Planner), and Dana Steele (Town Engineer)

I. Call to Order

Chairman Zimnoch called the meeting to order at 7:02 pm.

II. Roll Call

Commission roll call was taken.

III. Approval of Minutes from the May 12, 2014 Regular Meeting

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 3-0) that the Planning and Zoning Commission postpone approving the March 10, 2014 minutes to the July 14, 2014 meeting.

IV. Public Hearings

Mr. Szepanski read the rules for conducting a public hearing.

A. Three-lot subdivision on Center Street

The Recording Secretary read the legal notice that was published in the *Journal Inquirer* on May 28, 2014 and June 4, 2014.

Todd Clark of Aeschliman Land Surveying, representing Angelo Daleo, addressed the commission. At last month's meeting this application was gone over in great detail, and comments were made by staff and the commission. These comments have been addressed, and a revised set of plans dated 5/27/14 have been distributed. With only four tenths of an acre and no open space abutting this property, the applicant has opted for the Fee in Lieu of Open Space route. Mr. Daleo plans to transfer two of the lots to his children, so that fee may not apply, but they will probably end up putting that note on the plans with the assessed amount in case he does not transfer the lots to his children. The final documents from the bank for the Tillotson land swap have not been executed yet. Since the last meeting they have shown a conservation easement, as directed by a wetlands agent, which encompasses all the wetlands and the 40-foot buffer.

Ms. Rodriguez discussed her report with a revised date of June 5, 2014. She read comments from the Police Chief dated May 19, 2014 and clarified that “four-way intersection” was meant to be “two-way intersection.”

Mr. Steele discussed his report dated June 6, 2014 (with attached bond calculation form), and his memo of recommended conditions dated June 9, 2014.

Mr. Clark responded that addressing these conditions would not be a problem.

Mr. Szepanski asked the applicant about the appraisal report, because he got a different appraisal number, which came from the Town Assessor. Mr. Daleo responded that when they valued the property no one took into consideration the length of the road or driveway that has to be put in. Mr. Szepanski replied that it's the value of the land before you start the development. There was some discussion about the appraisal value. Mr. Daleo reiterated that these lots will be turned over to his children, so there will not be an open space fee for those two properties. He said he has no problem with using the Town Assessor's number, but asked in the future that if the commission is going to use just the assessor's number that they do not require the applicant to hire an appraiser. There was a brief discussion about gifting the land to children.

At this time Chairman Zimnoch opened up the public hearing for comments from the public in favor of this application. John Tillotson, 44 Center Street, spoke in favor of this application. He commented that all the paperwork has been submitted to the bank and he is just waiting for the lender to get back to him.

The floor was then opened up for comments in opposition. There were none.

Joseph Flynn, 59 Church Street, stated he had some questions for the applicant regarding landscaping, existing driveways, grading rights, ownership of land, and written contracts for transfer of land.

Ms. Rodriguez stated for the record that she received signed Temporary Construction Easement agreements from Olga King and John and Lisa Tillotson. Mr. Clark stated for the record that both Mrs. King and Mr. Tillotson were present at last month's meeting and spoke in favor of this subdivision.

Commission members discussed keeping the public hearing open. It was noted that only three commission members were present at tonight's meeting, and Connecticut statute states that a three-quarter vote of all the members of the commission for approval must be received, and with a five member commission, that equals 3.75, or 4 members. Mr. Steele pointed out that the commission could have a discussion with the applicant about the waivers, but a formal decision could not be made tonight.

Commission members went on to discuss the waivers the applicant was requesting. The Fee In Lieu Of was calculated to be \$3,271.33 per lot (10% of the appraised value of \$98,140, per lot). Mr. Gannuscio stated that the statute requires that the Fee in Lieu Of proposal come from the applicant, and this condition has been met at the start here. The request for a reduced road pavement width from 30 to 26 feet is acceptable to the Town Engineer. Mr. Steele explained that the first lot on the right does not have the required depth, but the commission is allowed to waive and reduce that by 10%. Mr. Szepanski felt sidewalks should be considered for this subdivision, on both sides of Daleo Drive. Both Chairman Zimnoch and Mr. Gannuscio agreed that sidewalks should be installed.

There was a brief discussion regarding keeping the public hearing open or closing it. Mr. Steele stated he could update the bond to include sidewalks on both sides. He further stated that if the commission is comfortable with staff reviewing the addition of sidewalks, then this would not need to come back to the commission, so if the hearing is closed, this would just become a matter of staff review.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 3-0) that the Planning and Zoning Commission close the public hearing on the three-lot subdivision on Center Street.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 3-0) that the Planning and Zoning Commission table any decision on the subdivision application until the July 14, 2014 meeting.

B. Special use permit with site plan review to change the use from auto repairs to auto repairs with an accessory used car sales component for 4 National Drive, Heavys Automotive

The Recording Secretary read the legal notice that was published in the *Journal Inquirer* on May 28, 2014 and June 4, 2014.

Attorney Tom Fahey and Dave Mikalonis addressed the commission. The applicant is seeking to remove its mechanical/motor vehicle repair business from East Windsor to 4 National Drive, former site of Chief Automotive, and is seeking dealer and repairers license to include used car sales license limited to, and no more than, three vehicles on an as needed basis, with used car sales being accessory to its primary use of motor vehicle repair—i.e., engines, brakes, transmissions, etc. The DMV allows this use under a used car license which includes general repairs. The three car limitation can be imposed by the commission as a condition of approval. The 4 National Drive site was approved as an Auto Spa for various motor vehicle uses in 1987 and has been completely developed primarily for motor vehicle uses since that time. The applicant does not propose any expansion to the building but will do interior modifications for the proposed use. There will be no additional paving and the proposed use will not expand any existing non-conformities. Attorney Fahey

noted that this site has always been approved for auto related uses, and because of the nature of the interrelated uses, the parking works. Also, Valvoline is known as 4A, Subway is 4B, Absolut Services is 4C, and Heavys is 4D. The demarcation on the plan is incorrect and should be ten feet more to the south.

Ms. Rodriguez discussed her report of June 6, 2014. She noted that clarification is needed on what is considered a stall versus a bay. On the top right of the plan there is a floor plan for Heavys showing space for 4 cars, but there's another area on the bottom left, so an explanation is also needed of what is in each of these tenant's spaces. She stated that Section 705 I 4.6 of the regulations says "other uses," and in the past the commission has had to consider multiple uses on one site, so this is a regulation that the commission has used in the past. Mr. Steele said, "So you're saying because the uses are multiple uses as opposed to separate standalone, that the commission can have some discretion to come up with a different parking requirement, based on the fact that it's more than one." Ms. Rodriguez distributed to the commission a photo that was taken which shows where the parking spaces are now.

Attorney Fahey commented further on the parking situation. A brief discussion took place regarding the number of stalls or bays actually needed and also the appropriate number of parking spaces needed for the three automotive services. Mr. Szepanski pointed out that the parking schedule shows four stalls but there are actually six. He suggested taking the parking schedule off the plans.

At this time Chairman Zimnoch opened up the public hearing for comments from the public in favor of this application. There were none. The floor was then opened up for comments in opposition. There were none.

Mr. Gannuscio stated he had one concern about the special use nature of this application; specifically, if there's the condition put on it that it is limited to three vehicles, then you are limiting any successor to three also. The applicant responded that he understands that.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 3-0) that the Planning and Zoning Commission close the public hearing for Heavys Automotive at 4 National Drive.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 3-0) that the Planning and Zoning Commission approve the special use permit and site plan review changing the use of auto repairs to auto repairs with an accessory used car sales component for 4 National Drive, Heavys Automotive, with the additional conditions that the extent of the auto sales component will be limited to three vehicles at any one time on-site, and the plan will be updated with the parking schedule removed and parking spaces moved over to where they should be.

V. **Reviews** (none)

VI. Action on Closed Public Hearing Items (none)

VII. Old Business

A. Discussion with Commission and Staff regarding:

i. T&M and North Group, LLC request for acceptance of roads

Mr. Steele stated that they are waiting for one more deed from T&M's attorney.

ii. Zoning regulations

a. Form Based Code

Ms. Rodriguez said there will be a workshop on Form Based Code on June 23, 2014 at 7:00 pm. Sarah Lewis from Fuss & O'Neill will be speaking.

b. Sidewalks

Chairman Zimnoch asked that this item be continued on next month's agenda.

iii. Subdivision regulations

Ms. Rodriguez said she did not find any further updates for reduction of road width other than the one that was proposed but withdrawn in 1998. Ms. Rodriguez suggested proposing new language and going through the process again. She and Mr. Steele will have some text for the commission to look at for the next meeting.

VIII. New Business

A. Public Input (none)

B. Receive New Applications

i. Site plan modification for additional lighting for Carite of Connecticut, located at 584 North Street

Attorney Tom Fahey and Guy Hesketh, Professional Engineer, addressed the commission. Mr. Hesketh stated that the plan presented tonight is the same basic plan that was approved last fall by the commission with a few minor modifications; specifically, the photometric analysis and the location of the light poles have been included. This plan is to illuminate the gravel parking area which was previously approved. The regulations indicate there is a maximum of a 14-foot fixture height for the lighting fixtures. This is what they are proposing: On a concrete base 30 inches high, the mounting height they are requesting is a 16 ½

foot height, which they believe is in conformance with the regulations. This plan provides for a lower level of light with LED lighting, which uses less energy and is more efficient. Mr. Hesketh added that there are currently seven light poles that are more than 30 years old and mounted on wooden utility poles. They would like to remove the old, higher fixtures and replace them with shorter, newer LED lighting. Attorney Fahey commented that he felt this is pretty straightforward and asked if the commission would consider delegating this to staff for review. He also mentioned that Mr. Barberino would like to have two more 30 x 50 storage sheds in the back for parts for the vehicles. He asked if there was going to be administrative review for the lighting that the storage sheds also be reviewed administratively.

Mr. Gannuscio commented that the heavy work has already been done on this back in the fall in terms of commission review, and he felt that staff could handle this application. Mr. Hesketh stated they would do another lighting plan and re-submit it to staff.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 3-0) that the Planning and Zoning Commission refer the application of Carite, 584 North Street, regarding modifications to the lighting plan and the addition of two storage sheds to staff for administrative review.

ii. Special use permit for Windsor Locks Public Schools for a special education transition program at 52 South Elm Street for 18-21 year olds to learn life/home skills

The applicant was not present.

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 3-0) that the Planning and Zoning Commission schedule a public hearing for a special use permit for Windsor Locks Public Schools for a special education transition program at 52 South Elm Street for 18-21 year olds to learn life/home skills for July 14, 2014.

iii. Special use permit for Rhythms Dance Studio at 2 North Main Street

Ms. Rodriguez pointed out that the use that is being proposed for 2 North Main Street is a wonderful use, especially compared to what was there before. However, this use is not listed expressly as a permitted use under Section 402. Therefore, in cases such as this, it is in the regulations that the commission could consider this use as similar to other uses and make that determination. The commission may want to consider what was there before and that this use is less impactful. Mr. Gannuscio commented that the only comparable use he could think of was the dance studio (formerly Annmarie's) on Spring Street, but he doesn't recall Annmarie ever applying for a special use permit. He stated that there you probably have a more varied and more intensive use than you would

have at 2 North Main Street. Attorney Fahey replied that this is not a prohibited use, and you should be able to use a less intensive use that doesn't make any changes to the building, parking, or site plan. Mr. Gannuscio stated the general thought at the time of the site plan presentation was to encourage a non-automotive, business use, so this proposed use would fit within a business use.

Barbara and Haley from Rhythms Dance Studio briefly described their business. Mr. Gannuscio commented that this potential use would be less intensive and more in line with the residential use, and he sees this as just a site plan review without the special use permit. He further stated that we have the Spring Street use (formerly Annmarie's Dance Studio) in this type of setting, and he doesn't believe the commission is doing anything that is out of line with the regulations. This is a defensible and recommended step at this point, and he believes the commission should go forward with a site plan review. Both Chairman Zimnoch and Mr. Szepanski agreed with Mr. Gannuscio.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 3-0) that the Planning and Zoning Commission add this application for Rhythms Dance Studio at 2 North Main Street to the agenda for consideration as a site plan review.

Site plan review for Rhythms Dance Studio at 2 North Main Street

Attorney Fahey stated he would like to incorporate the comments he made earlier for this site plan review. The site plan previously approved by the commission is identical in terms of parking space and drainage. There are no changes proposed to the building, and there is no added parking planned. A sign with the studio name will probably go on the front and side of the building. Mr. Gannuscio commented that there was extensive previous review of this site and asked if staff had any concerns. They had no issues.

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 3-0) that the Planning and Zoning Commission approve the site plan review for Rhythms Dance Studio at 2 North Main Street with the condition that any signage will come back for staff approval.

iv. Special use permit for a beer and wine liquor permit at 255 Main Street, Units 6-7

The applicant was not present.

Mr. Gannuscio stated he believed that at one point there was a liquor permit for the Chinese restaurant which was previously at that location.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 3-0) that the Planning and Zoning Commission schedule a public hearing for a special use permit for a liquor license for the Windsor Locks Diner, 255 Main Street, Units 6-7, for July 14, 2014.

C. Informal Discussions (none)

IX. Communications and Bills

Chairman Zimnoch read for the record an unsigned letter he received regarding McNamara Landscaping, 45 Fairview Street, running a business out of a residential home.

Ms. Rodriguez stated she received correspondence today, June 9, 2014, from Michael Zuraw, 448 Spring Street, and summarized for the commission what was said in the letter. She said he went to the Zoning Board of Appeals, which is the statutory process when you want to get any kind of repairer license. He has already been before this commission to do minor repairs. She asked him to put something in writing saying what would be the change, if any, once he has a repairer license through the DMV to help determine whether or not he would then have to come back again to the Planning and Zoning Commission. Chairman Zimnoch proceeded to read for the record the letter from Mr. Zuraw.

Mr. Zuraw stated that he could get a repair license for what he's already been approved to do, but he is requesting that the scope of the services allowed at this facility be expanded to align with a repair license; however, as explained in his narrative, his focus of customers will not change, there will be no traffic in and out, and it will still be the commercial fleet that is brought to the facility to be serviced. Ms. Rodriguez read Section 402 for clarification. Although there is a lot of that type of repairs on Spring Street, a lot of it is legal, but it is not conforming. The types of repairs just mentioned in Section 402 are by special use permit only in industrial zones. Mr. Zuraw explained that he would not bring in a vehicle that will take days to service. All his vehicles will be in and out the same day, with minimum time involved. He mentioned that one concern of the ZBA was the parking, so he had the landlord put in writing that he is allowed to use the three spaces, but he does not see a need to use any spaces for his ongoing service.

Ms. Rodriguez asked Mr. Zuraw if the DMV has different kinds of licenses for things like welding and engine work versus minor services. Mr. Zuraw responded there are two licenses allowed by the state—one with a one-bay facility and one with a two-bay facility. He stated that he has had the site surveyed and provided a survey map to the ZBA for their approval, which is a requirement by the DMV. There was some discussion as to how to proceed. Ms. Rodriguez said she would work with Mr. Zuraw and talk to the DMV regarding what is considered minor or major work if the commission feels moving forward for an application makes sense. Mr. Steele commented that it sounds like the commission needs to make a determination if the specific activities that will be done are permitted in the business. Mr. Gannuscio said the only way to do that is a

revised special use permit with an attended public hearing. Ms. Rodriguez pointed out that it was a special use permit that was granted before, so it's the modification of a previous special use permit. She will talk with Mr. Zuraw and then be in touch with the commission about helpful information in determining minor and major repairs.

Chairman Zimnoch said he has a bill from the *Journal Inquirer*.

X. Adjournment

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 3-0) that the Planning and Zoning Commission adjourn the June 9, 2014 meeting at 9:44 pm.

Respectfully submitted,

*Debbie Seymour
Recording Secretary*