

PLANNING & ZONING COMMISSION
July 31, 2014 Special Meeting Minutes

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

Commission Members Present: Vincent Zimnoch, Alan Gannuscio, Jim Szepanski, Alexa Brengi, and Curtis Ruckey

Commission Members Absent: none

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

I. Call to Order

Chairman Zimnoch called the special meeting to order at 7:04 pm.

II. Roll Call

Commission roll call was taken.

III. Approval of Minutes from the May 12, 2014, June 9, 2014, and July 14, 2014 Regular Meetings, and the June 23, 2014 Special Meeting

It was **MOVED** (Zimnoch) and **SECONDED** (Gannuscio) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission approve the May 12, 2014 minutes.

Mr. Szepanski pointed out that for the June 9, 2014 minutes, under III, Approval of Minutes, the motion should be to postpone approving the *May 12, 2014* minutes, not *March 10, 2014*.

It was **MOVED** (Zimnoch) and **SECONDED** (Gannuscio) and **PASSED** (Unanimous, 3-0; Brengi and Ruckey Abstaining) that the Planning and Zoning Commission approve the June 9, 2014 minutes, *with the correction noted above*.

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 4-0; Gannuscio Abstaining) that the Planning and Zoning Commission approve the July 14, 2014 minutes.

It was **MOVED** (Zimnoch) and **SECONDED** (Gannuscio) and **PASSED** (Unanimous, 4-0; Brengi Abstaining) that the Planning and Zoning Commission approve the June 23, 2014 minutes.

IV. Public Hearings

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

Mr. Szepanski pointed out to the commission that the placards were posted for both public hearings A and B, per regulation.

The Recording Secretary read the legal notice that was published in the *Journal Inquirer* on July 18, 2014 and July 25, 2014.

A. Public hearing on the 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

Joshua Robinson, Director of Special Education for Windsor Locks Public Schools, addressed the commission. This year is the first year of the program, which has four students. The program is to help students with varying disabilities build life skills. Some of the students will be going out to job placements during the day. The maximum growth expected would be 8 students. Within the home, they would learn basic things such as how to make a bed, and how to manage the kitchen. There would also be a mock office where students would learn how to work in an office space. All of these students will be going to job sites during the day, so only about 3 or 4 hours of the school day will there actually be anyone on the property. They would be there normal school hours, about 8 to 3. A mini-bus would come and drop them off, and a mini-van would transport them to their job sites.

Mr. Gannuscio asked Mr. Steele if the rectory is subdivided from the rest of the property or if this special permit is going to run for the whole site. Mr. Steele replied that his understanding is the rectory is on a separate parcel and always was. There is an easement in favor of the church on the rectory property, and the church recently submitted an as-built showing those easements. Mr. Steele said he does have a recent survey showing them as separate parcels. He asked Mr. Gannuscio if his concern was if this expanded to include the church building. Mr. Gannuscio replied, "Exactly, it's kind of a special permit for the whole property." There was some discussion about the correct address of the rectory. Ms. Rodriguez said she would go get the most recent site plans. Commission members had some questions for Mr. Robinson. The students would be supervised at all times, activity would be limited to the inside of the home, the hours would be 8:00 to 3:00, and no one will be there on the weekend.

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. Szepanski asked Mr. Robinson if they had a lease or agreement with the church on this. Mr. Robinson responded they have a one-year agreement, to be renewed year by year. He also mentioned that the space is having some updates done to make it ADA compliant, and they are putting in a fire alarm system to make it compliant for education.

Ms. Rodriguez confirmed that the address of the rectory is 52 South Elm Street and the church is 50 South Elm Street.

Ms. Rodriguez discussed her report of July 10, 2014.

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission close the public hearing on the 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.

Chairman Zimnoch asked commission members if they had any concerns with this application. Mr. Gannuscio responded, "One that I see in the narrative--the school's vehicle—so it's not Smith's vehicle, so it looks like there's already been money expended before this is even approved." Chairman Zimnoch commented that the commission just needs to be concerned with if this use fits within the existing neighborhood.

Mr. Gannuscio went on to say that he does not see this as something they should grant a special permit for. You have a town use in a church building, and it is an intermingling that he would question—separation of church and state. Mr. Ruckey said, "This isn't a political thing, this is the use of a building." Mr. Gannuscio responded, "If we're locked into this—we've got Dexter Plaza—we have a church dropped in the middle of Dexter Plaza." He went on to state, "We're granting a special use permit—it runs with the property, so it may be the town using it on a one-year basis, CREC could come in on a ten-year lease and expand it to beyond what's there." Mr. Ruckey asked, "So when you grant a special permit, it stays with the property for the duration?" Chairman Zimnoch said, "That is the concern, yes. But it would be limited to what is stated here (in the narrative)." Mr. Gannuscio pointed out, "Well, say CREC comes in as a state entity and overrides completely whatever we may put in. They could say they're exempt from local regulations."

Ms. Rodriguez said she provided the actual regulations on special use permits if the commission wants to read through those to use as a tool to approve this in such a way to have a certain comfort level. Chairman Zimnoch said the commission could only limit the size and hours of operation, and the point Mr. Gannuscio was making was a year or two down the road someone else could do this program without the commission's approval because it's the same. If it was an expansion they would have to come back. Mr. Ruckey commented that this is a property that does belong to the church, and at any moment they could either take it back or allow someone else to use it with the special permit intact if the commission approves it. Mr. Gannuscio stated that in his mind this doesn't fit the criteria to be granted a special use permit. Mr. Ruckey said that if the parking lot behind this property has been granted an easement in favor of the church, the church will always be able to use the parking lot, and if someone came in and said they wanted to do something else with this special use permit, they would be limited by how much space they could consume. Mr. Steele responded, "They'd have to, within the existing improvements, if they

were to expand the building, build another building, add parking, anything that they would do would be a modification to that special permit, and they would have to come back.” Mr. Ruckey, thinking out loud, said, “We’re looking at a parcel of land and trying to determine if this particular piece of property suits the use for which they’re asking this special permit.” Mr. Gannuscio said, “But there are other factors to consider in a special use--character of the neighborhood, potential conflicts.” Mr. Ruckey asked, “So there could be the conflict between church and state?” Chairman Zimnoch responded, “No, it’s more of a use in a residential area.”

Mr. Szepanski commented that Mr. Gannuscio has got the commission thinking and looking at this from another perspective, and he can see where this could lead down the road, and it may not be the direction in which the commission wants to go. Chairman Zimnoch said he would be more comfortable limiting the program to just four students. Mr. Ruckey asked if the commission can limit it to the quantity of people who can be on the property at one time. Ms. Rodriguez stated that because this is a special use permit, the commission could take the findings that the commission is required to make and list them as proposed or modified. The commission could list where on the property this is located and what the size is and the nature and intensity of the operations connected with it. Those are the kinds of things the commission can list in a motion.

Mr. Gannuscio stated he has not changed his mind regarding the use. Mr. Szepanski said maybe the commission needs to give this more thought and continue the discussion at the next meeting in September. He added, “If we can’t comply with August 26, so be it, we’ll do the best we can.” Chairman Zimnoch commented that the issue brought up by Mr. Gannuscio is one that he hadn’t thought about. Mr. Ruckey agreed he would like to give this more thought also.

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission table the decision on the 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 until the September 8, 2014 meeting.

B. Public hearing on the special use permit for a beer and wine liquor permit for the Windsor Locks Diner at 255 Main Street, Units 6-7

Tayfun Kangal addressed the commission. They are asking for a liquor license because they have received many requests from customers for wine or beer. They have been operating at this location for about a year and a half. Pizza Parlor, Clay Hill package store by the gas station on North Street, and Charles Ten restaurant on Main Street all have liquor permits. Mr. Kangal discussed the floor plan and described the inside of the restaurant. He said the liquor would be stored in a locked cooler in a locked office. Also, there will be no entertainment in the diner.

Mr. Gannuscio commented that this building at one point in time had a liquor permit many years ago when it was a Chinese restaurant, so there is a history of this portion of the plaza having its own liquor permit in the past in this configuration. Chairman Zimnoch summarized: this is a restaurant with an extensive menu seating 89 people, with no bar and no entertainment, with bottled beer and wine.

At this time Chairman Zimnoch opened up the public hearing for comments from the public in favor of this application. Janet Ramsey, 86 Greenwood Road, spoke in favor of this application. The floor was then opened up for comments in opposition. There were none.

It was **MOVED** (Zimnoch) and **SECONDED** (Gannuscio) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission close the public hearing on the special use permit for a beer and wine liquor permit for the Windsor Locks Diner at 255 Main Street, Units 6-7.

Ms. Rodriguez discussed her report dated July 10, 2014.

Mr. Gannuscio commented that there is a history of this specific property in the plaza having a liquor permit in the past; this is something the commission hopes to encourage as part of the Transit Oriented Development and for further development of this site; he does not see any conflict with the area in which it's located because it's a commercial strip; it's a way of keeping this property viable and rented; it's presented as a full-service restaurant with a full menu in place; and, as Chairman Zimnoch pointed out, it's already been operating for almost two years as a full service restaurant.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission approve the special use permit for a beer and wine liquor permit for the Windsor Locks Diner at 255 Main Street, Units 6-7.

V. Action on Closed Public Hearing Items

A. Sidewalk waiver for Daleo subdivision on Center Street

Chairman Zimnoch commented that commission members discussed this issue extensively at the last meeting and asked Mr. Gannuscio if he was up to speed on this. He said he was. Chairman Zimnoch asked Mr. Gannuscio what his thoughts were regarding sidewalks for this subdivision. He responded that he would not approve this subdivision without sidewalks of some sort in the final plan. Mr. Gannuscio stated he wanted to make clear that Section 8-8 of the General Statutes authorizes this planning and zoning commission to grant or deny subdivision waivers.

Commission members discussed their positions on sidewalks for this subdivision. The discussion continued, and a consensus was reached. Mr. Steele offered suggestions for the wording of the motion.

It was **MOVED** (Ruckey) and **SECONDED** (Brenge) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission waive the sidewalk from the driveway of property one through the cul-de-sac to the driveway of property three, requiring that the sidewalk be installed on both sides of Daleo Drive from Center Street to the driveways of lots one and three.

B. Action on Daleo subdivision on Center Street

Chairman Zimnoch asked commission members if they had additional concerns. They did not.

Mr. Steele discussed his memo to the commission from himself and Ms. Rodriguez dated July 31, 2014 regarding the 13 recommended conditions for subdivision approval.

It was **MOVED** (Zimnoch) and **SECONDED** (Gannuscio) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission approve the Daleo subdivision on Center Street with the 13 conditions listed in a memo from Dana Steele and Jen Rodriguez dated July 31, 2014, with additional modifications to condition 7: *44 Center Street to the driveway on lot 1 and 40 Center Street to the driveway on lot 3*; condition 9: \$229,500.00 and \$76,500.00; and condition 13c: \$22,950.00.

VI. New Business

A. Public Input (none)

B. Receive New Applications

i. Modification to the previously approved General Plan of Development for M&L Development Corp., AIOZ Plan Lot 2, Old County Road, in order to change the use from Office to Assisted Living Community

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission schedule a public hearing for the modification to the previously approved General Plan of Development for M&L Development Corp., AIOZ Plan Lot 2, Old County Road, for September 8, 2014.

ii. Modification to the current special use permit approved for 448 Spring Street in order to allow minor servicing with limited repair on site per application to the DMV for a license for limited repair as defined by CGS 14-51 Definitions (4) Limited Repairer

It was **MOVED** (Zimnoch) and **SECONDED** (Gannuscio) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission schedule a public hearing for a special use permit to allow minor servicing with limited repair on site for 448 Spring Street, for September 8, 2014.

C. Schedule public hearing for amendment to Section 608, Signs in Business and Industrial Districts, to add a reference to the MSOZ sign regulations

Ms. Rodriguez explained that this chapter on signs does not reference MSOZ, so if someone references the regulations, they're looking under the underlying zone versus the MSOZ, which is in a separate section. This amendment would correct this and make a proper reference.

It was **MOVED** (Zimnoch) and **SECONDED** (Gannuscio) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission schedule a public hearing for an amendment to Section 608, Signs in Business and Industrial Districts, to add a reference to the MSOZ sign regulations for September 8, 2014.

VII. Recommendation to Accept Improvements to Windsor Locks Farms/North Wind Estates

Mr. Steele informed the commission that Public Works has confirmed that the sinkhole in the road has been repaired. In a letter to the Planning and Zoning Commission dated July 31, 2014, he stated that both subdivisions are in substantial compliance with the final plan of subdivision. He is recommending release of the bonds for the subdivision roads, providing the applicant submits the required maintenance bonds in the amount of \$218,100 for Windsor Locks Farms and \$201,480 for North Wind Estates. He believes all other requirements have been met, so the next step is for the commission to make a recommendation at this point for acceptance of the public improvements to the Board of Selectman. Mr. Gannuscio asked if the open space has been properly deeded and the proper coordinates listed. Mr. Steele responded yes. To clarify, Mr. Steele said, "The commission should make a recommendation to the Board of Selectmen that they accept the public improvements in the open space." Mr. Gannuscio added, "and set the bonds at the amounts recommended by the Town Engineer." Mr. Steele explained to the commission, "This is all related to the release of bonds, so this is your function, you control the bonds, so you're agreeing to release those bonds, provided they provide the maintenance bonds to replace them. You just don't want a gap in there—you release them and then the maintenance bond never shows up."

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission release the bonds for Windsor Locks Farms and North Wind Estates currently in existence upon the posting of the maintenance bonds in the amount recommended by the Town Engineer in his letter dated July 31, 2014.

It was **MOVED** (Zimnoch) and **SECONDED** (Gannuscio) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission recommend to the Board of Selectmen acceptance of the public improvements for Windsor Locks Farms and North Wind Estates, which includes the roads and the open space.

VIII. Adjournment

It was **MOVED** (Gannuscio) and **SECONDED** (Ruckey) and **PASSED** (Unanimous, 5-0) that the Planning and Zoning Commission adjourn the July 31, 2014 special meeting at 9:06 pm.

Respectfully submitted,

Debbie Seymour
Recording Secretary