

PLANNING & ZONING COMMISSION
March 11, 2013 Meeting Minutes

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

Commission Members Present: Vincent Zimnoch, Alan Gannuscio, Jim Szepanski, Peter Juszczynski, Paul Harrington (Alternate), and Alexa Brengi (Alternate)

Commission Members Absent: Anthony Scarfo

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

I. Call to Order

Chairman Zimnoch called the meeting to order at 7:07 pm.

II. Roll Call

Commission roll call was taken. Ms. Brengi was seated for Mr. Scarfo by Chairman Zimnoch.

III. Approval of Minutes from the February 25, 2013 Special Meeting

Some corrections were noted by Mr. Steele and Mr. Juszczynski in the February 25, 2013 minutes.

All references to David Palmer should be changed to *David Palmberg*.

The following three paragraphs should be added in Section IV-A (Public Hearings, St. Robert's Church), just before the motion to approve the site plan application for St. Robert's Church:

Mr. Gannuscio and Chairman Zimnoch felt that since they had waived the datum for the previous applications on this site, it was appropriate to do so again. They discussed whether the as-built should be on the town's datum but it was the Town Engineer's preference that the datum be consistent. Therefore, the commission decided to waive the datum requirement entirely.

In regard to the landscaping requirement for 10-foot islands, the commission felt that overall the proposed landscaping was an improvement to the site and conformed to the regulations proportional to the proposed expansion. They felt the reduced island widths did not conflict with those conclusions. Therefore, the commission decided to waive the island width as well.

Furthermore, the commission felt that the location and number of parking spaces indicated on the plan were sufficient, based on the use of the new building and because the applicant stated during the hearing process that there would not be simultaneous use of the church and the center. Therefore, the commission decided to waive the requirement of additional spaces and accept the number as presented on the plan.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission approve the February 25, 2013 minutes, as amended.

IV. Public Hearings (none)

V. Reviews

A. Site plan modification to modify parking areas and truck docks and change building interior for the property located at 317 Ella Grasso Turnpike

Paul Smith, 27 South Main Street, attorney for the applicant, Crown Park, LLC; Kevin Johnson, civil engineer for Close Jensen & Miller; and Jim Gagne, 38 Maple Hollow Road, New Hartford, representative of Crown Park, LLC, addressed the commission. Attorney Smith noted that this property is actually located on Choice Road. This is an existing building in an Industrial-3 zone on a five-acre parcel. The building comprises a little over 38,000 square feet and is currently empty. The building is undergoing some rehabilitation to make it more palatable for rental as storage and distribution. This parcel is surrounded on all sides by industrial parcels, all of which are active except for the Hertz parcel to the north. Attorney Smith discussed what improvements the applicant is considering and stated they were fairly simple. The loading docks in the rear will be reconstructed, a main entrance will be built in the front of the building, and there will be some improvements to the paved parking area. Improvements to the actual paved parking area will include the creation of a third entranceway on the east end of the property, an entranceway into the rear, and parking areas in the front. They anticipate having three users of the parcel, each taking one-third of the building, and designated 53 parking spaces on the new plan, which they feel is more than adequate. With regard to landscaping, they are proposing adding some trees in the back and on the side. There is not a lot of room in the front of the building for landscaping because of the pavement and Choice Road. They are proposing to make some changes to the lighting by changing the pole configuration. There are currently three 27-foot poles and they are proposing six 25-foot poles with flat lenses. Regulations require 14-foot tall fixtures. Attorney Smith stated they do not look at this as an intensification of the lighting use of the property, but as a reconfiguration. This is an existing site and the new fixtures would be an upgrade and more conforming to the current standards. Also, the proposed lights will be a flat lens rather than a drop lens. Lastly, there was an issue with the Fire Marshall with regard to access and turning radiuses, but this has been resolved.

Commission members had questions. Mr. Johnson clarified that there are three existing poles that are 27 feet (including the two-foot concrete base), but one will be removed to allow for the maneuvering of the trucks. Four new 27-foot poles will be put in. Mr. Juszczynski was concerned about the substantial reduction in parking. Attorney Smith stated they have a pretty high comfort level for a building of about 38,000 square feet with an industrial use that 45 parking spaces for employees is adequate. Mr. Szepanski asked how one service entrance for the entire building would work if there were multiple tenants. Attorney Smith stated an extra door would be added if necessary. Mr. Szepanski stated he would like to see more landscaping in the front to make the building more attractive.

Jen Rodriguez, Town Planner, discussed her report of March 5, 2013 for 317 Ella Grasso Turnpike.

Dana Steele, Town Engineer, discussed his report of March 6, 2013 for 317 Ella Grasso Turnpike.

There was more discussion about why the applicant felt this plan was an improvement to the existing lighting. Attorney Smith stated that the rationale for not going to a special use permit is they are improving the light situation in the sense that what's there now on the poles are not cutoff fixtures at all, and they are not expanding the area they're lighting. They are adding some poles for safety purposes and keeping the fixtures that are on the building, but basically the lighting scheme is the same. The photometric plan that was submitted pretty much meets the new requirements. Chairman Zimnoch stated that the height of the proposed lights are 27 feet but there is a current limit of 14 feet, and asked Attorney Smith for a rationale for this.

Attorney Smith responded: There are three existing poles now which are 27 feet. One of these poles is being moved. The proposal for the other four lights is a 25-foot light pole with a two-foot base, bringing the total height to 27 feet. The two-foot concrete base is necessary to protect the light from being hit. It's a site that has 27-foot poles on it, and we're proposing to light the same area with poles no higher than 27 feet. We are replacing two of the poles, we're moving a third, and we're adding three others, for a total of six poles. But in terms of lighting itself, it meets the new requirements of actual lumens except for several hot spots under the poles themselves. The light spillage offsite meets your new regulation, so the rationale is, you have an existing use of lighting, and we're modifying that, but we're not increasing the usage, and we're not building a bigger parking lot. We're lighting it differently but in a way that's more in conformity with your regulation. The second way the commission can look at it is to have our lighting plan approved separately, and do a separate special use permit application that says why we want to go higher than 14-foot light poles, but in order to light this properly with 14-foot poles, there

would be a lot of poles within the parking lot, which does not make sense operationally when you're trying to maneuver tractor trailer trucks. We are satisfying the requirements with the poles we are proposing in terms of lumens, i.e., virtually no light trespass. We are meeting the intent of the regulation and at the same time we are modifying what's there but not expanding it.

Mr. Steele commented that he's not sure what would be accomplished by going through a special use permit process (which would include a public hearing to notify surrounding neighbors) since this site is in an industrial area surrounded by all industrial uses. He also noted that the commission could request that any new poles be conforming to the 14-foot height. Chairman Zimnoch commented that this lighting plan does not appear to be creating any additional spillage.

The commission discussed the conditions which would be part of the approval. Attorney Smith said they had no problems with any of the conditions. Commission members had no objections to waiving the sidewalk requirement.

There was a discussion about the landscaping. Mr. Szepanski felt more landscaping should be added to the front of the building to make it more attractive. Mr. Gagne was agreeable to putting in a 10-foot by 180-foot landscaped area along the south side of the building, subject to review by town staff.

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission waive the requirement for sidewalks for the property located at 317 Ella Grasso Turnpike, as this is an industrial road and there are no sidewalks to connect to.

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission approve the site plan application to modify parking areas and truck docks for the property located at 317 Ella Grasso Turnpike with the following conditions listed in the Town Engineer's report of March 6, 2013: (Item 3) Siltation protection shall be provided at the double catch basin in the northeast corner of the site; (Item 4) An anti-tracking pad shall be provided at the new Choice Road curb cut if the driveway will be used as an egress during construction; (Item 5) Lighting details shall be provided to town staff for approval; (Item 7) The applicant shall submit mylars of sheets 2 and 4 and three complete paper sets incorporating all conditions of approval prior to start of construction; (Item 8) Prior to start of construction, the applicant's engineer shall provide an estimate for site erosion control and restoration costs and an E&S bond shall be provided in an amount acceptable to the Town Engineer and in a form acceptable to the Town Attorney; and (Item 9) Prior to issuance of a certificate of occupancy, the applicant shall provide an as-built survey of the completed site improvements per section 705.F.10. In addition, (1) per the fire marshal, both gates shall be removed at the Choice Road curb cuts; (2) prior to issuance of a certificate of occupancy, parking calculations shall be provided to town staff for each tenant space; and (3) a 10-foot by 180-foot landscape strip shall be installed in front of the building, subject to town staff approval.

VI. Action on Closed Public Hearing Items

A. Special use permit and motor vehicle license location approval application for used car sales for the property located at 477 Spring Street

Attorney Paul Smith stated that George Wihbey, the applicant, was not able to be at tonight's meeting and asked him to sit in for him.

Mr. Gannuscio noted that the public hearing for this application was closed at the February 25, 2013 meeting due to the lateness of the hour. Mr. Steele and Ms. Rodriguez consulted and drafted a potential motion to both deny and approve this application with reasons for both. Chairman Zimnoch read the proposed conditions for approval.

There was a brief discussion regarding the concerns mentioned in Mr. Steele's report of February 21, 2013, especially Item 14, the E&S bond.

Mr. Gannuscio commented on this special use application: This is not going to impact Spring Street because it's a rear parcel; it is going to regenerate this property in terms of sprucing it up; it is not an intensification of the use; it is not in a residential area; it offers a three-prong benefit in that it puts this building into an improved state, it removes a lot of the parking on the Ella Grasso Turnpike site that has been going on in violation and is now being moved to this site, and it offers to the town and not at town expense the benefit of cleaning up and restoring a portion of Spring Park. It is something that will work and will not offer any kind of detrimental use, so it is worth granting with the conditions that we are proposing. Commission members agreed with Mr. Gannuscio's statement.

It was **MOVED** (Zimnoch) and **SECONDED** (Gannuscio) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission approve the special use permit and motor vehicle license location approval application for used car sales for the property located at 477 Spring Street with the following conditions: (1) A maximum of 12 used cars shall be stored on the property at one time; (2) Used cars shall only be stored in the area designated on the approved plan; (3) Spring Park must be restored and an as-built must be provided for such restoration prior to occupancy or start of business. Gravel shall be removed, area scarified, loamed, and seeded, and trees shall be planted to complete restoration. Depending on the season, a bond (amount acceptable to the Town Engineer) may be submitted prior to a certificate of occupancy to cover restoration and an as-built; (4) A Hold Harmless Agreement must be submitted and found acceptable to the Town Attorney prior to any work associated with such restoration; and (5) Any new signs, additions to existing signs, or refacing of existing signs shall be subject to staff review, and a building permit must be obtained in the Building Department.

VII. Old Business

A. Discussion with Commission and Staff regarding:

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

Mr. Steele spoke with the Town Attorney who said he was in the process of coordinating with the applicant's attorney and requested time to bring that to resolution.

ii. Zoning regulations (none)

iii. Subdivision regulations (none)

iv. Main Street zoning

Chairman Zimnoch noted that there are some timeline issues to consider. Ms. Rodriguez stated she sent the referral to CRCOG so the language and text is in their hands if the commission wanted to take it up in April. She noted that the commission has worked on this for a long time, the materials have been available, and a number of public workshops have been held. The commission agreed that a public hearing should be scheduled for April.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission set a public hearing on the Main Street Overlay Zone at the April 8, 2013 meeting.

VIII. New Business

A. Public Input (none)

B. Receive New Applications

i. Mike's Blue Collar Bar (special use permit/site plan application)

Neal Kwort, 86 Sunnyreach Drive, East Hartford, addressed the commission.

Mr. Steele stated he received a package from the applicant but no professionally prepared site plan had been submitted. He noted that a professional site plan needs to be prepared by a surveyor and engineer. Mr. Szepanski asked if the commission can receive the application if it's not complete. Mr. Gannuscio said the commission has to receive the application whether it's complete or not. The applicant felt he could get the materials together two weeks before the next meeting, but the Town Engineer and the commission felt that would not be enough time and decided to schedule the public hearing for this application for the May 13, 2013 meeting.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission accept the application for a site plan modification, special use permit, and liquor permit for the property located at 482 Spring Street and schedule a public hearing for the May 13, 2013 meeting.

ii. Pool Table Magic, 75 Ella Grasso Turnpike (special use permit/site plan modification)

Chairman Zimnoch stated there appears to be a question whether the liquor permit has to be changed for this particular application.

Attorney Daniel Silver, representing the applicant, Mark Kulungian, addressed the commission. For the record, he stated that at approximately 4:30 this afternoon an email was sent to him from Ms. Rodriguez. He did not receive it until about 6:30 pm, as he was in a meeting, and has not had an opportunity to review it. He offered to give his initial reaction to the email. "My position is I don't think anything has to be amended. You did amend your regulations effective February 1, but this is a liquor permit which has been in existence in a non-conforming use and should not be subjected to any new regulations." He stated that he would get back to Ms. Rodriguez with comments when he had an opportunity to look at her email. He further stated, "We are prepared to go forward and have a public hearing set on the basis of what has been submitted to the commission." Chairman Zimnoch stated the commission would like to review that requirement as well and would like to schedule this application for a May 13 hearing. Mr. Gannuscio stated he feels the liquor permit portion of it has been changed from what was initially granted to a restaurant permit, and believes there needs to be a modification in the type of permit once again. He also recommends the May 13 date for a public hearing so there is enough time to discuss whatever needs to be reviewed or changed.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission hold a public hearing at the May 13, 2013 meeting for a special use permit, site plan modification, and possible modification of liquor permit for Pool Table Magic, 75 Ella Grasso Turnpike.

C. Informal Discussions

i. Bradley Off Track Betting Sports Bar (interior renovations and exterior site plan modification including outdoor seating areas)

Cormac Byrne, with the architectural firm of Jones Byrne Margeotes, 245 Mill Street, Greenwich, and co-owner of Bradley Teletheater; Ted Taylor, 39 Prospect Street, Milford, manager and director of Sport Tech and co-owner of Bradley Teletheater; and Barbara O'Brien, general manager of Bradley Teletheater,

addressed the commission. They made a brief presentation and asked the commission for feedback. In summary, they would like to convert Bradley Teletheater to a high end sports bar with lots of screens and integrated dining to re-energize the building. They are proposing two outside terraces on the south side of the building with an exterior bar and an outside dining area. There will be some modifications to the driveways and parking on that side of the building. Mr. Gannuscio confirmed that this is an existing bar with an existing liquor permit. Steve Wawruck (First Selectman) and commission members had favorable comments and urged the applicants to proceed with this application and work with town staff.

IX. Communications and Bills (none)

Mr. Gannuscio stated that this year the Planning & Zoning Commission has had numerous additional meetings which has created an unprecedented workload for the recording secretary with the extra minutes and legal ads. There is a specifically allotted amount in the budget which only covers regular meetings, not special meetings, and Mr. Gannuscio stated he does not believe this fairly compensates for the work that has been done so far this year. Mr. Wawruck also agreed that there should be compensation for any extra meetings and noted that this commission pays their recording secretary more because of the intricacy of the minutes, the many required legal notices, and the lengthy meetings. There was some discussion about transferring funds. Mr. Wawruck said he would talk to the Finance Director regarding this.

X. Adjournment

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission adjourn the March 11, 2013 meeting at 9:48 pm.

Respectfully submitted,

*Debbie Seymour
Recording Secretary*