

PLANNING & ZONING COMMISSION
August 13, 2012 Meeting Minutes

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

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

Commission Members Absent: Vincent Zimnoch, and Anthony Scarfo

Town Staff Present: Jennifer Rodriguez (Town Planner/Assistant Zoning Enforcement Officer), and Dana Steele (Town Engineer)

Several members of the public were present at the meeting as well as a reporter from Patch.com.

I. Call to Order

Vice Chairman Gannuscio, acting in Chairman Zimnoch's absence, called the meeting to order at 7:05 pm.

II. Roll Call

Commission roll call was taken. Mr. Harrington was seated for Chairman Zimnoch by Vice Chairman Gannuscio.

III. Approval of Minutes from the July 9, 2012 Meeting

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 4-0) that the Planning & Zoning Commission move the approval of the July 9, 2012 meeting minutes to September 10, 2012.

IV. Public Hearings

A. Public hearing of the special use permit/liquor application of PHO 75 for the property located at 209 Ella Grasso Turnpike.

The Recording Secretary read the legal notice that was published in the Journal Inquirer on August 1, 2012 and August 8, 2012.

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

Khoa Nguyen, owner of the PHO 75 restaurant, was present to answer the commission's questions. Mr. Nguyen stated the type of liquor permit he was asking approval for was for beer and wine, and it was a restaurant permit. He commented that he has received many requests from his customers for beer or wine and wanted to be able to accommodate those requests. There are 48 chairs and 15 tables in the restaurant, and the square footage of seating area is approximately 22 feet by 50 feet. Mr. Szepanski stated this meets the requirements of the liquor commission. Mr. Szepanski asked what the anticipated split would be between food and wine/beer

sales. Mr. Nguyen did not know. Mr. Szepanski asked if food sales would be greater than liquor sales. Mr. Nguyen replied yes. He stated wine would be sold by the bottle and beer by the can or bottle. Mr. Juszczynski asked if he was losing business by not selling liquor, and Mr. Nguyen replied yes. Ms. Rodriguez discussed her report for this application. Acting Police Chief DeGray and Fire Marshall Sinsigalli had no objections to this application. Vice Chairman Gannuscio pointed out that there were two drive-thru lanes in that area, but PHO 75 has access to neither one of those. The 1,500 foot abutters printout was discussed briefly. Mr. Nguyen further stated that he believes his request for the liquor permit is reasonable and the purpose is to make the dining experience more enjoyable for his customers. Vice Chairman Gannuscio asked for confirmation that this was a request for a *restaurant* permit, not a café permit. Mr. Nguyen replied affirmatively.

At this time Vice Chairman Gannuscio opened up the public hearing for comments from the public in favor of this application. Paula Taylor of 44 Center Street spoke in favor of this application. At this time the floor was opened up for comments in opposition. There were no comments in opposition of this application. Commission members had no concerns or issues with this application.

It was **MOVED** (Gannuscio) and **SECONDED** (Juszczynski) and **PASSED** (Unanimous, 4-0) that the Planning & Zoning Commission close the public hearing on the special use permit/liquor application of PHO 75 for the property located at 209 Ella Grasso Turnpike.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 4-0) that the Planning & Zoning Commission approve the special use permit/liquor application of PHO 75 restaurant at 209 Ella Grasso Turnpike and also find that it is worthy of the waiver of the 1,500 square foot direct line measuring and that the commission is within its rights to safely decrease the distance for this application given the nature of the permits of neighboring package stores, hotels, bars, and restaurants.

B. Public hearing of the proposed amendment to the commission's zoning regulations to add a Section 511 which would impose a temporary moratorium on the approval and/or issuance of any new liquor permits or the modification or changing of any existing liquor permits for the period September 2012 to March 2013.

The Recording Secretary read the legal notice that was published in the Journal Inquirer on August 1, 2012 and August 8, 2012.

Vice Chairman Gannuscio stated there were two purposes behind this proposed amendment. (1) "We have a set of regulations that are in dire need of revision and/or updating, and this would give us the time that we need to revise, change, or repeal different sections and get this in place without dealing with what has been a large volume of business for us lately (requests for approvals of new permits and changing

permits).” (2) “We are in the process of trying to come up with a new set of regulations for what we are calling the downtown zone, or Main Street Overlay Zone, and in order to have some flexibility to work with that new set of regulations and that new concept of zoning, I think we have even more reason to change what is currently on the books. I know liquor regulations were updated quite some time ago, and time is showing that changes to the town and changes to the business models and activities dictate some kind of need for the upgrade. This would buy us a period of time to conduct a proper public hearing and change the regulations and integrate them with what we’re trying to do with Main Street, and that’s the main purpose for the drafting that I did of this regulation last month. We’re in a transition, we have a new planning staff on board that’s present in town hall every day, and we want to allow some space to think and draft some of these regulations by town staff.”

At this time Vice Chairman Gannuscio opened up the public hearing for comments from the public in favor of this application. Gina Pastula of Skyline Restaurant, 106 Ella Grasso Turnpike, spoke in favor of the moratorium. Ms. Pastula stated she was glad the commission was giving itself time to research the change in regulations and encouraged the commission to listen to the people who are affected by the moratorium. Frank D’Amato of Skyline Restaurant also stated he was in favor of the moratorium, but he had some reservations. He felt that having a lot of liquor permits in one spot is dangerous and asked that the commission consider safety when reviewing the regulations. Vice Chairman Gannuscio clarified that before any new liquor regulations are written there will be one or more public hearings so the public can give their input. Ms. Rodriguez stated that she brought Public Notice Registry forms to the meeting for anyone who wishes to fill one out. If you are a property owner, a resident, or the staff of a non-profit organization, you can be on this registry, which means you will automatically be sent a letter whenever the town proposes a regulation change.

At this time Vice Chairman Gannuscio opened up the public hearing for comments from the public in opposition of this application. There were none.

Vice Chairman Gannuscio stated that when he drafted the proposed amendment, he thought it was better to make the language broader (making it easier to cut it back if need be) rather than narrower (and have to re-do the process). While he sees the need for a moratorium on any *new* liquor permits, he asked the commission if applying this moratorium to *existing* permits makes it too limiting for existing businesses. Mr. Szepanski replied that it would be for a very short period of time, since the normal process would take a couple of months anyway, and felt it should stay the way it is. Mr. Juszczynski voiced a concern about not finishing the new regulations in six months. Vice Chairman Gannuscio replied that the commission could extend the moratorium, and that an ending date has to be noted on any moratoriums. Mr. Juszczynski pointed out that if the moratorium goes on for an extended period of time, if a new business was considering starting up in Windsor Locks, this might be a detriment. Vice Chairman Gannuscio commented that if the commission was at a

point where the regulations were coming into place, then the moratorium could always be terminated sooner. Mr. Juszczynski asked if there was a plan in place for additional meetings. Ms. Rodriguez stated that by September or early October a special meeting could be held, and she would work with any new businesses to help them understand why the moratorium was important. Vice Chairman Gannuscio asked Ms. Rodriguez if there was any input from Attorney Storms on this moratorium, and she replied he had seen it but had no concerns. Commission members stated they were comfortable with voting on this moratorium without Chairman Zimnoch's presence.

Vice Chairman Gannuscio asked the public one more time for comments. Mr. D'Amato asked why the commission felt it necessary to change the regulations. He feels they've been on the books for many years and seem to work, and they are as good as they can be. Vice Chairman Gannuscio replied that the thinking of the town planner and town consultants for the plan of downtown was for a high density commercial/residential zone with a real mixture of uses on Main Street, with regulations that basically set a hard and fast 1,500 foot radius for other applications. They would like to push the businesses closer to the street and increase foot traffic and are hoping that a relocated train station will push cluster development (with four or five new restaurants or some kind of venue where people would be able to have a drink and a meal while waiting for a train). They would like to have a tighter space but at the same time a flexible development pattern, with liquor regulations that allow for a more orderly approval and application process. Mr. D'Amato asked if they could be done by particular zone and take one section a time. Ms. Pastula suggested trying Main Street as a test area, see how it works, then expand it to other areas. Mr. Szepanski interjected that many suggestions have been brought up but asked that the public give the commission a chance. The commission is not re-writing that particular regulation at this meeting--it's in the initial stages--but it's prudent to change it. Tonight the commission is just putting a moratorium on it and saying it is going to re-write the regulation. When the time comes, he urged the public to attend the meeting and offer suggestions to the commission.

Mark Kulungian, owner of Pool Time Magic, 75 Ella Grasso Turnpike, addressed the commission about the impact of the moratorium on existing businesses. He stated the moratorium would have a detrimental effect on his business since his liquor permit renewal is in November and would fall under the moratorium. He explained that because he is changing his use it is considered a new application. He asked the commission to consider removing the sentence, "This moratorium shall also apply to any changes or modifications of any existing permits for the sale of alcoholic beverages." He believes that removing this sentence is not detrimental to the overall cause of what the commission is trying to achieve.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 4-0) that the Planning & Zoning Commission close the public hearing regarding the commission's proposed amendment #511 to the regulations.

Vice Chairman Gannuscio stated that Mr. Kulungian raised a valid point regarding the language of the regulation. Mr. Szepanski agreed that Mr. Kulungian had a legitimate concern and felt the commission should strike the language from the regulation. Mr. Juszczynski agreed, stating that six months to a business could mean life or death. Mr. Harrington also agreed. Vice Chairman Gannuscio also agreed. He stated that by removing the second sentence from the regulation, the commission is not making this regulation any broader than what was initially proposed; therefore, no one would be prejudiced by the commission putting something more restrictive in place. He said that removing the second sentence would affect a smaller class of individuals and businesses and does not see any downside to removing the second sentence. Ms. Rodriguez asked for clarification that nonprofit organizations would still be allowed to do fundraisers. Vice Chairman Gannuscio stated that there was no intention for this regulation to affect nonprofit organizations.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 4-0) that the Planning & Zoning Commission approve proposed Section 511 of the Windsor Locks zoning regulations with the language reading, "Effective September 1, 2012, a moratorium is imposed on the approval and/or issuance of any new permits for the sale of alcoholic beverages. This moratorium shall be in effect until March 1, 2013 unless terminated at an earlier date by this commission."

Vice Chairman Gannuscio called a five minute break at 8:20 pm.

FIVE MINUTE BREAK

Vice Chairman Gannuscio called the meeting back to order at 8:25 pm.

V. Reviews

A. Continued review of the site plan application of Pride Companies, Inc. for the property located at 77 Ella Grasso Turnpike.

Mr. Robert Bolduc, CEO of Pride Companies, Inc., and Ms. Athene Zaleski, Director of Facilities Permitting for Pride Companies, Inc., addressed the commission. Mr. Bolduc stated that deficiencies noted by commission and staff members at the previous meeting have been corrected and then proceeded to discuss the updated Proposed Site Condition Plan dated 7/17/12, the Sign Elevation and Details plan dated 7/18/12, and the photometric Lighting Plan dated 7/9/12. The updated Proposed Site Condition Plan shows the 15 foot fire lane, all of the tanks, eight parking areas, unloading area, No Parking fire lane, and a six-foot setback for the sign. The updated Sign Elevation and Details Plan now shows the signs to scale and in color, and indicates that the signs meet all size requirements. The Lighting Plan shows an additional two lights, for a total of 8, despite the almost double increase of canopy. Mr. Bolduc referred to Section IVB (ii) in the regulations and commented

that a Special Permit for the lighting may have to be requested since six-foot candles at ground level are being exceeded. Mr. Bolduc replied that they are not planning to put up any building mounted lights because they don't think they're necessary--just canopy lights and the required area lights.

Mr. Steele discussed his report dated August 10, 2012 regarding 77 Ella Grasso Turnpike. For purposes of clarity, his discussion referred to the plans that he reviewed on or before that date, not the plans with additional revisions submitted this evening, August 13, 2012. Mr. Steele noted that the proposed lighting would be a higher intensity than what is standard for regulation, which would require a special permit application. He stated that the regulations seem clear that the expectation is that uses like gas stations would have higher levels of lighting. He asked Mr. Bolduc what his minimum preferences are for light levels for foot candles for the property. Mr. Bolduc replied that he had spoken to the engineers at LSI, who recommended 14 feet on center between the lights in both directions under the canopies. He remarked that the light poles are no problem because they provide the full cutoff in the back that is asked for. Mr. Steele asked Mr. Bolduc what would happen if the intensity of the lights was reduced. He replied that he didn't know because these lights are not measured like the lights we are used to (e.g., 1,000 watts). Mr. Bolduc said they do not have different intensities for canopy lights, and the engineer recommended 14 feet on center both ways, which is what they are proposing. He pointed out that after the first month or so the intensity tapers off.

Ms. Rodriguez discussed her updated report dated August 13, 2012 regarding 77 Ella Grasso Turnpike. She noted that she is in agreement with Mr. Steele that a special use permit would be required in this instance if the applicant does not lower the levels of lighting intensity. She also noted that the Fire Marshall had requests which have been added to the plan.

Vice Chairman Gannuscio asked Mr. Bolduc about the construction process. The station would be closed for two or three months and the tanks would be dug up. He asked Mr. Bolduc about the display on the monument sign. Mr. Bolduc replied that the gas prices would be on the canopy, and the display on the monument sign would have their name (Pride), Dunkin Donuts, and any special sales, but it would be digital and non-blinking, and changed every day. Vice Chairman Gannuscio and all commission members felt that the monument sign is more than a reasonable and attractive compromise in this situation. Vice Chairman Gannuscio commented that everything seemed to be nailed down except for the lighting, which could be dealt with by a separate special application, and he believes there is no need to delay the construction which will ultimately improve the site. He said he would be willing to vote this evening with the statement in the motion that the lighting would be subject to a special permit application under Section 705. Mr. Szepanski asked Mr. Bolduc if he has ever developed a Pride station with such a small footprint to work with in such a tight space. Mr. Bolduc replied he has done a lot of these and is very confident it will work.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 4-0) that the Planning & Zoning Commission approve the site plan application of Pride Companies, Inc. for the property located at 77 Ella Grasso Turnpike, and that the approval would reference and include the Town Engineer's recommendations in his letter dated August 10, 2012, items 1 through 5, with the condition that a separate special permit, which the regulations allow for in this type of situation, will be filed regarding a final lighting plan for this application.

B. Review of the site plan modification of Hamilton Sundstrand (UTC Aerospace Systems) for their property signs at 1 Hamilton Road.

Robert Kuszpa, of Lauretano Sign Group, on behalf of Hamilton Sundstrand, addressed the commission regarding the proposed sign replacements for Hamilton Sundstrand, now known as UTC Aerospace. He stated that two of the three signs are on airport property. The sign on the back of the property towards Route 20 is on UTC's property. They are proposing a double-sided sign at 60 square feet each for a total of 120 square feet, with a height of 8 feet 5 inches. These are internally lit signs. The faces are solid aluminum, so only the letters would be illuminated. Mr. Steele asked if the address would be illuminated, and Mr. Kuszpa stated he believed that was only in vinyl. Mr. Kuszpa said at this point in time, they have received verbal approval from the Connecticut Department of Transportation (DOT) for the other two signs. Ms. Rodriguez stated that the proposed freestanding sign is larger than what is required by the regulations, but also more attractive and less non-conforming than the existing signs, so the commission could consider that if they felt it was appropriate. She has also reviewed the longstanding agreement with Bradley International Airport for the rights to locate the other two signs. Vice Chairman Gannuscio clarified that no commission or staff members were currently employed by UTC Aerospace, eliminating any potential conflicts of interest.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 4-0) that the Planning & Zoning Commission approve the site plan modification of Hamilton Sundstrand, now called UTC Aerospace, for the one sign that the commission has jurisdiction over located at 1 Hamilton Road.

VIII. New Business

B. Informal discussion regarding the request of Phillip Savino for a home office at 63 Elm Street.

Phillip Savino of 63 Elm Street addressed the commission regarding his request for a home office and a sign for his nutrition business at 63 Elm Street. Ms. Rodriguez discussed her report of August 13, 2012 regarding this request. She questioned the four parking spaces that the applicant claims there is space for and stated there only appears to be space for two vehicles. Mr. Savino stated that if necessary clients could park on the side or in the front yard. A discussion took place about the maximum

number of parking spaces his driveway would accommodate and the type of sign the commission would like to see displayed. Mr. Savino asked what the height requirement was for signs. Ms. Rodriguez replied that ground signs including support shall not exceed ten feet in a residential district and should be four square feet, one per lot, back of street line. There was discussion about whether a site plan was necessary to show specific driveway and lot dimensions. Mr. Steele pointed out that a site plan may not solve the problem, it would just identify the problem. He felt the real question was if the site could accommodate two, three, or four spaces. Mr. Steele stated that in his opinion two spaces would not be an issue. Mr. Savino said he would be agreeable to scheduling his clients far enough apart so there would only be one client's car in the driveway at one time. Vice Chairman Gannuscio summarized by stating that Mr. Savino's vehicle and one other parked in the driveway would be agreeable with the commission, but if it becomes more than that it may become an enforcement issue. He went on to say that he would prefer to see a sign *not* on stilts. He would prefer it to be porch mounted or the L type post like a real estate sign (like the orthodontist on the corner of Spring and Center). Mr. Savino agreed to consider that type of sign. Vice Chairman Gannuscio stated that the commission will waive the site plan and see how it goes.

Informal discussion regarding the grading and site preparation for future development of St. Robert Bellarmine Church located at 52 South Elm Street.

Attorney Joseph Flynn, representing St. Mary's Church and St. Robert's Church, and David Palmberg of 264 Hazard Avenue in Enfield, land surveyor, addressed the commission. Attorney Flynn stated they are proposing an Erosion and Sedimentation Control Plan prior to a formal presentation of the site plan modification which will be submitted in the very near future. In the plan marked "Current" that was submitted, this commission approved a site plan modification back in 2009 for 70 additional parking spaces on the south side of the church. There was some drainage reconfiguration culminating in a detention basin which is located adjacent to those new parking spaces. The site plan modification which will be submitted calls for the construction of a 10,000 square foot meeting hall to be located directly behind the church, which will necessitate new parking spaces to replace those that exist, and perhaps an undetermined amount of additional parking spaces. Also necessary will be major drainage revisions eliminating the current detention basin and moving a larger one into the northeast portion of the property. The terrain of the actual portion of the land that will be altered will require tree removal and grading soil. In summary, their request and intent is to allow St. Robert's to continue its current schedule of masses and supporting services. This would be jeopardized if the time-consuming work of outlining and grading the new parking areas and some of the drainage work were not done before the actual construction of the meeting hall was underway. Without the plan, traffic flow would be adversely affected more than it has to be, parking would overflow, drainage would be more of a problem than it has to be, and they would be deviating from the design that was approved in 2009, so they would like to mitigate these problems before they become more intense.

Mr. Palmberg discussed the plan in more detail. A good amount of tree clearing and site grading will be required, and they would like to start this work now, pending commission site plan approval, with the understanding that they do so at their risk. If work has to be stopped for the winter, everything would be stabilized for the winter with seeding and erosion control measures. To summarize, they are looking tonight to get permission from the commission to proceed with the tree clearing and the earth work, with no construction of drainage facilities such as catch basins or piping, with the exception of a detention pond which would be excavated and used as a sedimentation pond now.

Ms. Rodriguez referred to Section 1006 (A) of the regulations, Issuance or Denial of Certification, which states that the commission or “their designee” could certify that the Soil Erosion and Sediment Control Plan complies or does not comply with the regulations, and asked the commission if they would like to designate staff to review this site plan. Vice Chairman Gannuscio stated it made sense to appoint Mr. Steele and Ms. Rodriguez as the designees to review this site plan.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 4-0) that the Planning & Zoning Commission authorize Dana Steele, Town Engineer, and Jennifer Rodriguez, Town Planner and Zoning Officer, as their designees for the review of and contact for the Erosion and Sedimentation Control Plan for the interim plans for St. Robert Bellarmine Church.

A. Public Input

There was no public input at this time.

C. Informal discussion regarding the appointment of a member of the Planning and Zoning Commission to sit on the Transit Oriented Development (TOD) Grant Steering Committee.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 4-0) that the Planning & Zoning Commission appoint Chairman Zimnoch to sit on the Transit Oriented Development (TOD) Grant Steering Committee.

VII. Old Business

A. Discussion with Commission and Staff regarding:

- i. the T&M and North Group, LLC request for acceptance of roads**
- ii. zoning regulations**
- iii. subdivision regulations**
- iv. Main Street zoning**
- v. Alcoholic Beverage Regulations**

Vice Chairman Gannuscio asked the recording secretary to carry over to next month's meeting items A (i) through (v) under Old Business.

Mr. Szepanski pointed out that the Pet Spa at 592 Elm Street did not fence in the dumpster on all sides, leaving it open when you turn onto Elm Street from Route 75, and remarked that it is an eyesore.

Mr. Szepanski noted that the gas station at Chuck's has been torn down. Ms. Rodriguez stated the taxes had been paid. She said someone offered to take out the oil tank and some piping in the house, but some of the oil went down the floor drain and across the street to Windsor Locks Commons, and DEEP had to put a boom on the river. The project is costing a lot more money than anticipated.

Mr. Szepanski asked about an area on Halfway House Road and Route 75 behind Beckers, where there are cars without license plates. Ms. Rodriguez replied that it's a holding place, it's not permitted, and it has been an outgoing violation.

X. Adjournment

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 4-0) that the Planning & Zoning Commission adjourn the August 13, 2012 meeting at 10:30 pm.

Respectfully submitted,

Debbie Seymour
Recording Secretary