

PLANNING & ZONING COMMISSION
September 9, 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, and Alexa Brengi

Commission Members Absent: Paul Harrington (Alternate)

Town Staff Present: Jennifer Rodriguez (Town Planner), and Patrice Carson (Interim Town Planner)

I. Call to Order

Chairman Zimnoch called the meeting to order at 7:03 pm.

II. Roll Call

Commission roll call was taken.

III. Approval of Minutes from the August 12, 2013 Regular Meeting

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission approve the August 12, 2013 minutes.

IV. Public Hearings

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

A. Special use permit application for motor vehicle service station dispensing lubricants and minor service for the property located at 448 Spring Street

The Recording Secretary read the legal notice that was published in the *Journal Inquirer* on August 28, 2013 and September 4, 2013.

Michael Zuraw addressed the commission. He is proposing to use the building at the rear garage at 448 Spring Street for minor vehicle maintenance for fleets of commercial vehicles. The use will be limited to what the DMV considers lubrication of motor vehicles and minor repair. The primary focus will be commercial fleets which will be driven to the facility by an employee, but he is not excluding the possibility of one-offs.

Ms. Carson discussed her report of September 3, 2013. Comments from the Fire Marshall dated August 8, 2013 were read into the record. Ms. Rodriguez stated comments and concerns from WPCA were taken care of. Comments from the Police Chief have not yet been received.

Ms. Rodriguez summarized Mr. Steele's report of September 6, 2013.

Chairman Zimnoch asked the applicant if he had any comments regarding the two reports. Mr. Zuraw stated that the landlord would be re-surfacing the lot and re-stripping in accordance with the Town Engineer's conditions and that he had no problem with the conditions being met.

Mr. Gannuscio pointed out that one of Mr. Steele's conditions stated that the applicant should install a sidewalk, but this should be the property owner's responsibility, not the applicant's. Mr. Szepanski asked about a timetable for the paving. Ms. Carson suggested giving the applicant to the end of this paving season or into the beginning of next season, about six months. Mr. Szepanski said he would like to see the dumpster moved so it is not visible from the street. He also asked about the three or four unregistered vehicles that are on the gravel. Mr. Zuraw stated they will be registered or removed. Another concern Mr. Szepanski had was the condition of the asphalt ramps that go to the rear door of the main building. The ramps have no railings and seem to be falling apart. Mr. Zuraw said this would be taken care of during the paving operation. Mr. Szepanski also thought the vegetation near the road was impeding the line of sight and could cause a safety issue. Mr. Zuraw said it would be taken care of immediately.

Chairman Zimnoch stated that not having the police report was a problem. Ms. Carson suggested adding a condition to the approval to have the vegetation cut back.

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. Douglas Fournier, 466 Spring Street, addressed the commission. He is a property abutter to 448 Spring Street and has a motor vehicle license to repair vehicles and sell used cars. He feels the property is still just a large storage shed with no bathroom and no drains and is concerned about the environmental impact on his property if there were to be any drip, runoff, or spill. He handed out some material to the commission and remarked that information printed on July 16, 2013 from Affordable Autoworks' website shows that the scope of repairs is more than what Mr. Zuraw is indicating. This website has now been taken down. There are nine licensed repair facilities on Spring Street, and they all have to go through a lengthy process to become licensed. Mr. Fournier concluded, "I just want all my competitors on the same playing field and be subject to all the same requirements as all the other licensed shops. I believe if the board were to approve this application, then every backyard mechanic with a two-car garage would be able to do the same thing, and this would set a dangerous precedent for the town. This type of thing would denigrate and degrade the level of service that is already offered to the town by a slew of qualified, licensed shops."

Joseph Scata, from Scata's Auto and Truck Repair, 535 Spring Street, addressed the commission. He commented that the applicant is asking for approval for minor repair which falls under Connecticut State Statute 246, Section 14-51(b), which has been in effect since 1963. This law does not require a business to obtain a license for repair from the State of Connecticut Department of Motor Vehicles, which means that

anyone with a zoning approval is able to conduct a business and perform oil changes, tires, and fluid services without having the same guidelines as a licensed service facility. The State of Connecticut Motor Vehicle Department has set guidelines and requirements for all licensed repairers and dealers who conduct business on the same level to protect the consumer. He discussed two letters (from the ASA, Automotive Services Association, and the ASE, Automotive Service of Excellence) which were included in a packet of information handed out to commission members. The presidents of these associations asked that policymakers recognize the importance of training and proper equipment for all motor vehicle repair facilities, and asked that the commission deny these applications and require that the lube and tire facilities obtain the same licenses and meet the same standards as a general repair facility. Mr. Scata stated a second objection: "According to the Motor Vehicle Department, the licensed dealers and repairers in Windsor Locks, there are 28 auto service businesses; specifically, on Spring Street, there are nine auto services. There is a density of similar businesses on Spring Street, and I would ask the board's consideration on this matter. The addition of the two businesses would impact the already established businesses. If given the approval to the two applicants, this would set the standard and would also set the precedent for any other individual who may want to open a similar business."

Tony Giannelli, Phil's Auto, 457 Spring Street, addressed the commission and said that he agrees with what Mr. Fournier and Mr. Scata stated.

Joan Scata addressed the commission. She stated the density of Windsor Locks is 2.4, which means there are about 12,000 people. There are 28 licensed repair facilities, and she would like to see some consideration be given in regards to capping for the town or changing or altering some rules, since the town already has a number of good facilities.

Chairman Zimnoch asked the applicant if he would like to respond. Mr. Zuraw said the website was created many years ago and has not been maintained for many years. He had forgotten about it until the DMV inspector mentioned it to him. He took the website down, and it will remain down or be put back up with a more accurate description of what they do. He will comply with all DMV regulations. He said there had been complaints to the DMV while he was occupying 448 Spring Street and he is fully complying with everything they are asking him to do. Commission members had a few questions for Mr. Zuraw which he answered. Mr. Zuraw further stated, "I plan to fully comply with all the laws, regulations, zoning, and DMV rules. I'm not looking to get away with anything, I'm looking to run an honest business, make a living, and give back to the town of Windsor Locks." Ms. Carson added that Mr. Zuraw received ZBA approval for location. Chairman Zimnoch commented that the applicant has followed due course under the town requirements and the DMV requirements for this particular statute. Mr. Zuraw stated that he has all of the regulations and insurance that the competition has brought up. He is fully compliant and has \$2 million in liability plus garage keepers' insurance, so he is more than

covered for any type of problem. He uses oil certified tanks that are picked up by the recycler and does everything he possibly can to make sure he is environmentally friendly and that he is compliant with all the regulations and to make sure he provides a good quality service to his customers.

Mr. Gannuscio stated that having comments from the police department is an integral part of the application process. Commission members discussed whether the public hearing for this application should be continued to the next month's meeting. Ms. Rodriguez said she would try to contact the police chief.

Chairman Zimnoch called a five minute recess at 7:54 pm.

FIVE MINUTE RECESS

Chairman Zimnoch called the meeting back to order at 8:05 pm.

Ms. Rodriguez was not able to get in touch with the police chief. Ms. Carson asked if there was a way for the commission to condition approval of this application. Mr. Zuraw commented that he has faced similar issues with other businesses he's been involved in and they've allowed a temporary or partial occupancy and asked if this was something the commission would consider. Chairman Zimnoch responded that the commission's approval process requires that they have reports from the safety people (fire and police) and sometimes Water Pollution Control.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission continue the public hearing on the special use permit application for motor vehicle service station dispensing lubricants and minor service for 448 Spring Street to the October 15, 2013 meeting.

B. Special use permit application for tire sales and service along with oil changes and minor repairs for the property located at 590 Spring Street

The Recording Secretary read the legal notice that was published in the *Journal Inquirer* on August 28, 2013 and September 4, 2013.

Frank Grillo, 152 Turkey Hills Road, East Granby, addressed the commission. He is looking to open another facility for lube and tire. They would be the only tire company in Windsor Locks, and there is a need for it here. He does not need a license for what he wants to do. He feels there should not be any cap on businesses. He currently owns two facilities in East Granby and Granby and is opening another store in Bloomfield. He has been in the business for 32 years and is very familiar with the laws. Mr. Szepanski asked about the 16 unregistered vehicles parked in the back on the grass. Mr. Grillo replied that these cars belong to the car wash and will be detailed.

Ms. Carson discussed her report of September 3, 2013. Favorable comments were received from the Fire Marshall. Comments from the WPCA were addressed by the applicant. Ms. Rodriguez stated she just spoke with the Police Chief who said he has no problem with either site in terms of negative impact to the town. Chairman Zimnoch said they would accept the verbal approval from the Police Chief until the written report is received.

Ms. Rodriguez summarized Mr. Steele's report of September 6, 2013.

Chairman Zimnoch asked the applicant if he had any comments regarding the two reports. Mr. Grillo said that he had no problems and agreed to all the proposed conditions. Ms. Carson stated that the Planning Office received a letter from Grasso Materials that says they are scheduled to pave Stateline Oil Carwash project on Spring Street on September 11, 2013.

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. Joseph Scata, from Scata's Auto and Truck Repair, 535 Spring Street, addressed the commission. He referred back to the ASA letter which Mr. Fournier submitted for the previous application. He mentioned a concern that Mr. Steele brought up at the July 9, 2012 zoning meeting regarding the catch basins and the disposal of armorall that gets sprayed on the tires and wondered if there are DEEP regulations for this. Also, if there is oil spilled on the floor after oil changes, what regulations do they have to contain the oil if it's on the floor, because they have no drains. Mr. Scata again mentioned the nine businesses that are currently on Spring Street, which he thinks is plenty. He believes that when you have no license, there is no safety net for consumers to go back to if there is a problem.

Chairman Zimnoch asked the applicant if he would like to respond. Mr. Grillo commented that he has \$2.5 million in liability insurance in case there is a spill. There is a water/oil separator on his property in case of a catastrophe, and the waste oil is kept inside, surrounded by sandbags. They do the same thing that licensed repairers do. They run a very clean operation and are very cautious and aware of what they do.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission close the public hearing on the special use permit application for tire sales and service along with oil changes and minor repairs for the 590 Spring Street property.

Mr. Szepanski would like staff to check on the 16 registered vehicles on the property to see if the car wash is allowed to park them on the grass.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission approve the special use permit application of Express Lube & Tire LLC for tire sales and service along with oil changes and minor repairs for the property located at 590 Spring Street with the following conditions: (a) Repair operations shall be limited to the lubricating of motor vehicles, adding or changing of oil or other motor vehicle fluids, changing of tires and tubes, including the balancing of wheels, or installing of batteries or light bulbs, windshield wiper blades or drive belts; (b) No parking or storage of unregistered motor vehicles or any other outside storage shall be permitted on site unless specifically approved by a modification to this special permit; and (c) This special permit approval is conditioned upon the completion of paving requirements for the site. If paving is not completed to the satisfaction of the Town Engineer within 15 days of the date of this approval, the approval shall be revoked.

A. Special use permit application for motor vehicle service station dispensing lubricants and minor service for the property located at 448 Spring Street

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission reopen the motion made regarding the special use permit application for 448 Spring Street, having now received a report from the Town Planner that the Police Chief has no objection or safety concerns with the site, and vote on this application.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission close the public hearing on the special use permit application for motor vehicle service station dispensing lubricants and minor service for the property at 448 Spring Street.

It was **MOVED** (Zimnoch) and **SECONDED** (Brenge) and **DENIED** (3-2; Opposed: Gannuscio, Szepanski, Juszczynski; In Favor: Zimnoch, Brenge) that the Planning & Zoning Commission approve the special use permit application for motor vehicle service station dispensing lubricants and minor service for the property located at 448 Spring Street with the following conditions: (1) Repair operations shall be limited to the lubricating of motor vehicles, adding or changing of oil or other motor vehicle fluids, changing of tires and tubes, including the balancing of wheels, or installing of batteries or light bulbs, windshield wiper blades or drive belts. (2) The parking striping abutting the east side of the building shall be eradicated and the first parking space at the southeast corner of the building shall be expanded to include an 8-foot hatched area and handicap parking signage conforming to Connecticut Building Code. The timetable for paving shall be until May 1, 2014. (3) No parking or storage of motor vehicles in the gravel area, either registered or unregistered, or any other outside storage shall be permitted on site unless specifically approved by a modification to this special permit. (4) The owner shall install a 6-foot wide concrete sidewalk along its road frontage (excluding driveway cuts) within six months of being so directed by the Commission. The sidewalk shall conform to town specifications. The installation of said sidewalk shall be deferred until similar walks are planned for installation along Spring Street. (5) The dumpster that is currently located on the property shall be moved so it is not visible from the street. (6) The landscaping will be trimmed to provide an adequate line of sight.

Mr. Gannuscio stated that the difference between these two applications is 590 Spring has a definite plan in terms of location and siting, and he believes 448 Spring is not suited for a heavy volume operation with its narrower isles and no rear way out of the garage.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (3-2; In Favor: Gannuscio, Szepanski, Juszczynski; Opposed: Zimnoch, Brengi) that the Planning & Zoning Commission deny the special use permit application for 448 Spring Street.

C. Extension of moratorium on Section 1108, Sexually Oriented Businesses, to December 31, 2013

The Recording Secretary read the legal notice that was published in the *Journal Inquirer* on August 28, 2013 and September 4, 2013.

Mr. Gannuscio stated the Board of Selectmen has come up with a final draft of an ordinance regarding sexually oriented businesses, but this commission has not started the work that needs to be done with a use table, zoning map, and specific language.

At this time Chairman Zimnoch opened up the public hearing for comments from the public in favor of the extension of the moratorium on Section 1108, Sexually Oriented Businesses. There were none. The floor was then opened up for comments in opposition. There were none.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission close the public hearing on the extension of the moratorium as set forth in Section 1108 of the Planning & Zoning Commission's regulations regarding Sexually Oriented Businesses.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission extend the moratorium as set forth in Section 1108 of the Planning & Zoning Commission's regulations regarding Sexually Oriented Businesses, with that moratorium being extended through midnight, December 31, 2013.

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

Ms. Rodriguez said she, Mr. Steele, and Attorney Storms will meet tomorrow to discuss the easements which were submitted by T&M. This item will remain on the agenda for next month.

ii. Zoning regulations

(a) Temporary off-premises signs for temporary events in an industrial zone

Language was discussed in the new Section 606 of the regulations regarding temporary off-premises signs. Two changes were proposed: the verb “may” will be changed to “shall” and “two weeks” will be changed to “30 days.”

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission schedule a public hearing at the October 15, 2013 meeting on the adoption of a new regulation Section 606 regarding the temporary placement of off-site signs for events in an industrial zone.

(b) Signs in MSOZ

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission continue this item on the agenda for the October 15, 2013 meeting.

VIII. New Business

A. Public Input

Joe Calsetta asked the commission to discuss at the next meeting that businesses in the MSOZ be allowed to use their corporate logo or their nationally registered trademark as an architectural feature via a special use permit and not be counted under the town’s sign regulations.

B. Receive New Applications

i. Special use permit application for religious institution at 20 Main Street

Sudikar _____(last name unintelligible), architect for the applicant, addressed the commission. To clarify, he stated that 20 Main Street used to be a bank and before that it was a Baptist Church. Mr. Gannuscio said at one time it was deeded to the church by the owners of the plaza and then foreclosed on,

which is something that needs to be researched, because there was never an approval for the prior use of the church. Mr. Sudikar stated he was under the impression that it had the approval but he does not have any documents to back that up. He went on to say that the space they are asking to occupy for prayer services is space that was occupied previously by the bank. The services are usually five times a day but hardly anyone is there. The only large gathering would be at the 1:00 service on Friday. People start arriving around 1:00, it takes about 20-25 minutes to gather, there is 10 minutes of service, and then it takes about 20 minutes for people to disperse. There will be no birthday parties or classrooms, just a place for them to gather to pray. The capacity is 108. He pointed out that there is an Islamic center at 5 National Drive, and he has heard no negative comments about them. Also, he would be happy to address the Fire Marshall's comments. Ms. Rodriguez asked if he would submit a short narrative as part of their application to her office as well as hours of operation.

Chairman Zimnoch asked the applicant, Fared Saleh, what the name of the organization was. He replied that they have not decided on a formal name yet, but they are calling it Islamic Center for now. There was some confusion about the address. Mr. Saleh said the Assessor's Office did not show an L but the real estate listing did show 20L.

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission schedule a public hearing on the special use permit application for Fared Saleh for an Islamic Center at 20L Main Street at the October 15, 2013 meeting.

ii. Site plan review application for retail store at 5 National Drive

Mr. Kelly, 181 Chestnut Street, Springfield, and Chester Ardolino, 279 Sunrise Terrace, Springfield, addressed the commission. Mr. Kelly stated the space they wish to occupy is located at 5 National Drive, Unit 6, and will be a computer work center similar to Staples with computers, computer repair, sales of phones, and phone accessories. Mr. Kelly clarified that the August 23, 2013 letter that was submitted stated they plan to file a permit to add 28 outlets and bring in 20 desks, but that should say 28 desks, not 20.

Ms. Rodriguez asked what the hours of operation would be. Mr. Kelly responded that they would be 10:00 am to 10:00 pm, seven days a week, but on Sunday they would probably open about 11:00 or 12:00. Ms. Rodriguez asked if they would be putting up a new sign, and they said they would replace what is there, putting a new piece of plexi with the store's name into the existing frame.

It was **MOVED** (Zimnoch) and **SECONDED** (Gannuscio) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission schedule a site plan review for the computer retail and service store at 5 National Drive at the October 15, 2013 meeting.

iii. Site plan review/special use permit application for motor vehicle dealers license for sale of used motor vehicles at 584 North Street/345-355 Ella Grasso Turnpike

John Barberino and Attorney Thomas Fahey addressed the commission. He stated that at a previous meeting the commission approved a site plan for 584 North Street showing all the existing parking and the office building which will house two tenants. One of them is Mr. Barberino's company, Carite, and the other tenant may be Enterprise. Carite is internet only, no sales people, and price driven. The site plan before the commission tonight received location approval from the zoning board. Enterprise will just be long term storage, not rental. Because of the amount of cars this will demand, there are not enough spaces at 584 alone, so they would like to incorporate the rear sections of 345 and 355 Ella Grasso into this site plan, which is what ZBA approved. They are asking this commission for the site plan and special permit approval for the operation, a kind of a unified site plan of the two operations, which is required by the regulations. On the original approval, Mr. Barberino asked to put a metal building on the 584 site for two-car storage, and they are hoping this can be handled administratively so the building can be ordered. Mr. Barberino said the storage building was not approved on the Passport site. Ms. Carson said the fencing, pavement, and parking for 584 North Street was approved by staff. The Carite use is already approved, and the only thing that is not approved by this commission is the rear sections of 345 and 355. Mr. Gannuscio stated he would agree and allow that portion of that structure at the 584 portion of the site to also be subject to staff approval. Chairman Zimnoch asked if it would be a metal building or shed. Attorney Fahey replied yes and said Ms. Rodriguez has a copy of where it is located and has to come out and inspect it.

Mr. Gannuscio asked if there is any kind of re-subdivision that is required as part of this 584-345-355. Attorney Fahey responded no, because they would like to treat them as a unified site plan, but there's a question they have to work out with Mr. Steele. He said, "As you may recall, there was already a fully paved lot on the Passport property, which had a coverage of approximately 90%, and the coverage requirement in this zone if you were to start from scratch, is 65% in the zone, so the question that we have is that we think that in viewing the coverage for the other properties that we're bringing into this, the 345-355, that we can use 65% for that and we won't have to reduce that because the pre-existing non-conforming use was 90% on that front parcel. So I think the way the engineer has set it up is they are separate parcels but a unified site plan."

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission schedule a public hearing on the site plan review/special use permit application for motor vehicle dealers license for sale of used motor vehicles at 584 North Street/345-355 Ella Grasso Turnpike at the October 15, 2013 meeting.

iv. Site plan review/special use permit application for dealers license for used vehicles and equipment at 51 Lawnacre Road

Attorney Thomas Fahey addressed the commission. He stated that they have obtained location approval from the ZBA for this application and are asking the commission to set this for the October 15, 2013 meeting. He explained that Paganelli Construction is asking to sell their own equipment. In state jobs, when you respond to their RFP's, you have to commit to have all of your equipment be less than a certain year of age and have to buy this equipment, so when you finish a two-year job, you usually end up with more equipment than you need. The state will only allow you to sell three pieces of equipment in a year without getting a license, and this license is a used dealers license. Attorney Fahey stated that they are requesting this license, but it will only be for selling their own vehicles and equipment. He added that it is an existing site and nothing is changing on site.

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission schedule a public hearing on the site plan review/special use permit application for dealers license for used vehicles and equipment for the property located at 51 Lawnacre Road at the October 15, 2013 meeting.

C. Informal Discussions

i. Appropriate use classification (Lawnacre Road/Attorney Fahey)

Attorney Thomas Fahey and Tom Novac, Vice President of Business Development for Schnitzer Steel, addressed the commission. Schnitzer Steel is a publicly traded corporation which is a vertically integrated metals recycler. There are three divisions—an auto parts division (known as Pick 'n Pull), a metals recycling division, and a steel manufacturing division. They start with parts which are taken from end-of-life vehicles, and at the auto parts division, these parts are taken from the vehicles, and eventually the vehicles are flattened, taken away on flatbeds to another of their recycling facilities, and then are used in the process of manufacturing steel. It is an environmentally sensitive business with 62 facilities throughout the United States. They are looking at sites in the Hartford area and are particularly interested in the Lawnacre site. Attorney Fahey stated they would like to discuss where this fits in the zoning context because it is an automotive recycling facility but has a retail component as well because they sell used auto parts. He and Mr. Novac went on to briefly discuss the operation. They handed out to the commission a picture showing an existing facility.

Mr. Gannuscio asked how this was different from what is prohibited in Section 205 of the regulations (junkyard). Mr. Novac responded that there a number of characteristics that separate their business from a junkyard. They have state-of-the-art environmental practices, their ground is suitable (flat) for customers, they manage storm water with best practices, they have oil/water separators where necessary, they drain all fluids in internal garages and keep all those in secondary

containment outside, they use vacuums to drain all the fluid, and they turn their inventory in 45 to 60 days. Because they turn their inventory quickly, when they pull up a whole row they dig up all the oil spots, throw all the rock into a 50 gallon drum, then pay for it to be removed and handled properly. All of these practices separate them from a junkyard. Attorney Fahey added that the reason they move the vehicles so quickly is because they use the product in their steel fabrication. In most of the communities, they've either fit it under their industrial code or they've done a text amendment and recognized it as auto recycling, because the sale of auto parts is probably 50% of their business. It is different from a junkyard because there is the Pick 'n Pull component and all the environmentally sensitive material is manifested. Mr. Novac added another clear distinction of auto recycling versus junkyard is they view these vehicles as their inventory and do everything they can to recycle everything off that vehicle and they pride themselves on the efforts they go through to harvest the vehicles. They view it as an automobile that is a product that they disassemble and send to the shredder to be recycled. Mr. Novac went on to describe the recycling process.

A discussion took place regarding the best way to deal with this application. Some possibilities mentioned were: a text amendment; extending the Airport Interchange Overlay Zone (AIOZ) to the Main Street exchange to include Lawnacre Road; and creating a separate section in the regulation with specific language. Attorney Fahey commented that this is a unique use and when the permitted charts were created recycling was in its infancy. He also said that there is an existing building on the site and they may be able to operate within the confines of the existing building.

Mr. Gannuscio stated that he would rather see a specific amendment to the regulations to allow the automobile recycling rather than expand the AIOZ. Ms. Rodriguez agreed. Attorney Fahey would be willing to gather text language used in other towns and share it with Ms. Rodriguez. She asked what types of state permits are needed. Mr. Gannuscio asked about the flood plain. Attorney Fahey asked commission members if the applicant is wasting his time in addressing this and if they are dead set against this. Mr. Gannuscio replied that he does not see it as a waste of time, but at some point in the process the draft would have to be screened. Attorney Fahey said he would come up with a draft proposal for the commission's review. Mr. Novac pointed out that within their corporation there are a number of environmental professionals to help them maintain their best management practices, and they take a lot of pride in what they do. He suggested commission members go to their website, picknpull.com, to get more background on who they are and how they operate. Ms. Rodriguez mentioned it might be worth looking at the definitions of a junkyard to differentiate the two. Chairman Zimnoch asked about how many cars they would have on this site. Mr. Novac responded that it was hard to say because they haven't done the wetlands study, but they were hoping to get at least 7 to 8 useable acres, and they can usually get about 175 cars per acre, so for 4 to 5 acres it would be roughly 700 or 800 cars.

IX. Communications and Bills

Chairman Zimnoch said they received a notice of a lawsuit from “Q”-Lungian Enterprises from the District Court.

Ms. Rodriguez commented that Hamilton is going to be repaving on the UTC site. They are adding islands and full cutoff fixtures, but there are no building changes. Mr. Steel looked at it and is comfortable reviewing it. Commission members agreed that staff review is fine.

Ms. Carson said this would probably be her last night and it was a pleasure working with everyone. Mr. Szepanski and others thanked Ms. Carson for her support.

X. Adjournment

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission adjourn the September 9, 2013 meeting at 10:23 pm.

Respectfully submitted,

*Debbie Seymour
Recording Secretary*