

PLANNING & ZONING COMMISSION
September 10, 2012 Meeting Minutes

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

Commission Members Present: Vincent Zimnoch, Alan Gannuscio (arrived at 8:00 pm), Jim Szepanski, Anthony Scarfo, Peter Juszczynski, and Paul Harrington

Commission Members Absent: None

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

I. Call to Order

Chairman Zimnoch called the meeting to order at 7:10 pm.

II. Roll Call

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

III. Approval of Minutes from the July 9, 2012 Meeting and August 13, 2012 Meeting

Chairman Zimnoch suggested the approval of minutes be deferred until Mr. Gannuscio arrived at the meeting. All commission members agreed.

It was **MOVED** (Zimnoch) and **SECONDED** (Scarfo) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission move Items VIII (B) i and ii, to be discussed as the next items.

VIII. New Business

B. Receive New Applications

i. Site plan modification for floor plan modification and text clarification of Pool Table Magic for the property located at 75 Ella Grasso Turnpike

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission schedule Item VIII (B) i, *site plan modification for floor plan modification and text clarification of Pool Table Magic for the property located at 75 Ella Grasso Turnpike*, to the October 9, 2012 Planning and Zoning meeting unless the applicant, Mr. Kulungian, appears at tonight's meeting.

ii. Special use permit for lighting of Pride Companies, Inc. for the property located at 77 Ella Grasso Turnpike

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission schedule Item VIII (B) ii, *special use permit for lighting of Pride Companies, Inc. for the property located at 77 Ella Grasso Turnpike*, to the October 9, 2012 Planning and Zoning meeting.

IV. Public Hearings

A. Public hearing on proposed revisions to the plan of conservation and development to incorporate portions of the Windsor Locks Main Street Study

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

Chairman Zimnoch commented that the proposed changes to the plan of conservation and development (POCD) have been on record in the Town Hall and also on the Town website. He went on to read from the cover page of the Main Street Study document which explains why these changes are being proposed.

Ms. Rodriguez stated, "Tonight there is a public hearing on the proposed amendment to the town plan of conservation and development. The chairman provided a good summary of the types of things that a main street overlay zone could provide. Before that big step is taken, it's good to step back, look at your overall plan of conservation and development that is used as a guide for all of the town--the residents, the staff, the departments--and prepare that plan of conservation and development to be in keeping with any new regulations that are proposed. This is a first step to make appropriate changes, to recognize the Main Street study and the types of recommendations that were just summarized." Next she discussed her procedural notes. She then read for the record the specific changes that are being proposed. She noted that the Main Street Study that is referred to is a large document but could be brought up on the computer screen if the commission wanted to take a look at anything.

At this time Chairman Zimnoch opened up the public hearing for comments from the public in favor of the proposed revisions to the POCD. Martha Jarvis of 18 Maple Avenue spoke in favor of the changes to the plan and stated she would like to have her property included in the overlay zone. Mickey Danyluk of 18 Maple Avenue commented that the castle, or mansion, at 18 Maple Avenue would be a wonderful asset to the historical district for the town and mentioned that at one point there was a walkway from the old train station up to the house, which could be used in the plan. Jason W. Smith of 55 Dove Court spoke in favor of the proposed changes and added that the increased density would improve the vibrancy of Main Street as well as utilize the unique historical character of the town and fit well with other proposed changes such as the Montgomery building and train station. John Barberino of 2 North Main Street asked if the commission was voting on the plan tonight.

Mr. Szepanski clarified that the commission was not voting on the overlay plan itself but voting on making changes to the POCD. Joe Calsetta of 121 Orchard Hill Drive is in favor of the changes but suggested that rather than prohibit all drive-thru windows the commission should consider having drive-thru's as a special use permit so then the commission could consider them on a case-by-case basis. He also commented that he does not agree with the sign regulations.

At this time the floor was opened up for comments in opposition. There were no comments in opposition to the proposed revisions.

Ms. Rodriguez discussed with the commission a conversation she had with Jaimie Mantie, Executive Director of the Windsor Locks Housing Authority. Ms. Mantie had some questions about what was in the Main Street study to begin with and incorporating them into the POCD. Specifically, the parcel as it sits now has a color over it that says mixed use, so there was concern whether the town had some plan to take over their property or completely change it. In correspondence with Ms. Rodriguez, Ms. Mantie said she would be eager to work with the Town of Windsor Locks to develop more affordable housing. Ms. Rodriguez explained to her that the Main Street study was just a guide and preliminary tool right now. She also told her, "There hasn't been any talk that I am aware of that the town has plans for the housing authority property." Ms. Rodriguez told Ms. Mantie that she would be sure to include the Housing Authority in future workshops and looked forward to getting together with them to discuss short term and long term goals.

Ms. Rodriguez commented on 18 Maple Avenue. She said that she mentioned that property to the consultant who was working on the draft some months ago, but there was a staff change, and so that may have been the reason for the delay in getting that property onto the map. She also commented on the Main Street Overlay Zone. She said they will be talking about that at future workshops and she could certainly work with the residents and the commission to see if that is a compatible property for inclusion in one of the two zones. Prohibiting drive-thru's will be something they will be talking about when they have a workshop on the zoning regulations, but it's not being taken up tonight. None of those details are going to be part of the POCD, so questions about drive-thru's and sign regulations can be discussed at future workshops.

Chairman Zimnoch reiterated that tonight's meeting is just for the adoption of revisions to the POCD. Details will be captured later in the regulations which will include the actual map and whether drive-thru's will be approved or not.

Mr. Szepanski suggested a word change on page two of the POCD, under Objective 8. He would like to replace the word "and" with "also" to start the second sentence.

Mr. Calsetta asked the commission for clarification about the purpose of tonight's meeting. He and others were under the impression that tonight's meeting was for the approval of the Main Street Study and POCD.

The Recording Secretary read the legal notice that was published in the Journal Inquirer on August 30, 2012 and September 6, 2012.

Ms. Rodriguez read into the record the Public Notice which was sent to people on the Public Registry on June 26, 2012.

Attorney Fahey asked if the Main Street Overlay Zone document posted on the Town website was the latest version and if this was the document that would be discussed at subsequent public hearings. Chairman Zimnoch answered affirmatively.

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission close the public hearing on the proposed revisions to the plan of conservation and development to incorporate portions of the Windsor Locks Main Street Study.

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission approve the proposed revisions to the plan of conservation and development to incorporate portions of the Windsor Locks Main Street Study, as detailed in Jennifer Rodriguez's memo dated June 9, 2012 and revised June 21, 2012. This was the document that was read into the record earlier and includes a one word substitution in Item #8, substituting "also" for "and" in the third line. These revisions are recommended by the studies that have been done to improve the vitality of the Windsor Locks Main Street and are referred to in the Planning & Zoning Commission's minutes. This will provide the commission with the first step in moving forward and changing the regulations.

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission move Item VIII (B) i, to be discussed as the next item.

VIII. New Business

B. Receive New Applications

i. Site plan modification for floor plan modification and text clarification of Pool Table Magic for the property located at 75 Ella Grasso Turnpike

Mark Kulungian, owner of Pool Table Magic, addressed the commission. He is requesting approval for a floor plan modification, a site plan modification, and a text clarification changing "amusement enterprise use with café liquor permit" to "restaurant use with existing café liquor permit." He stated that the purpose of this application meets all requirements for approval.

Mr. Steele asked for clarification from Mr. Kulungian that the only change to the plan was a change to the parking calculation and a change from 13 billiard tables to 8 tables, which reduced the required parking spots from 51 to 41, showing more than they need. Mr. Kulungian explained that the 10 additional parking spaces are for his Banquet Room. The restaurant area will be expanded. Mr. Steele summarized that Mr. Kulungian previously indicated 54 seats but now it should be 84 seats, an additional 30 seats, which would require an additional 10 parking spaces, raising the number of parking spaces back up to 51. He suggested that he revise the parking schedule to show 84 seats at one space per 3 seats, requiring 28 spaces, bringing the total of parking spaces to 51.

Mr. Gannuscio arrived at this point in the meeting (approximately 8:00 pm).

Ms. Rodriguez read into the record her report dated September 6, 2012. She commented that modifying the plan to suggest the 84 seats with the final requirement of 51 spaces would be sufficient.

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 6-0) that the Planning & Zoning Commission approve the site plan modification for floor plan modification and text clarification of Pool Table Magic for the property located at 75 Ella Grasso Turnpike with the condition that the blueprint table be modified to reflect the parking spaces as discussed at 84 seats, 51 parking spaces.

A. Public Input

Robin Veit of 120 Bel Aire Circle passed out material to commission members and then addressed them regarding amending the regulations for the housing of hens in Windsor Locks. The current regulations state that hens, which are considered livestock, are not allowed within 100 feet of any property line. Ms. Veit stated that the average size of properties in Windsor Locks is approximately one-third of an acre, which provides little opportunity for residents to have hens. There is a big trend to go green all across the country. Farmers markets and organic gardening have become very popular, and many people are interested in raising hens as pets. Ms. Veit and five other families in town are interested in having hens. She referred to letters and news articles that she had brought with her. She contacted both the Department of Agriculture and UConn to ask if hens could convey illnesses to humans, and she was told there was no real threat. Many cities and towns have amended their regulations to more easily allow for the housing of hens. She referred to a list that was passed out to commission members of major cities that allow hens. Some of these cities include New York City, New Haven, and Hartford. Enfield is currently in the process of changing their regulations to allow the housing of hens. Ms. Veit stated that every zoning town official that she contacted said they were receiving multiple calls from families interested in pursuing this. She read some of the conditions for regulations of towns that she researched. Her favorite recommendation came from New Haven,

with the following conditions: hens have to be 25 feet from the street, 15 feet from any residential dwelling, and 5 feet from the property line, a maximum of 6 hens, and no roosters. She talked about permits versus licenses and how some towns handle this. She stated that she would like to be involved with any new regulations that could be written regarding the housing of hens. Some commission members were concerned about lack of time, money, and manpower. Chairman Zimnoch thanked Ms. Veit for her presentation and said the commission would discuss these concerns at some other time at a meeting.

C. Informal discussion regarding the bond release for the property located at 590 Spring Street

Ms. Rodriguez stated that both she and Mr. Steele have gone out to the property at 590 Spring Street, and there are a number of items that have not been completed for their site plan approval. In the spring the owner had asked for release of the bond, which alerted her to the things that were not done on the property. Mr. Steele said the most obvious thing was that there was no second course of pavement. The drain structures are elevated above the pavement, causing puddling to occur, and some areas have sink holes and cracked pavement. The current owner has been non-responsive. Mr. Gannuscio asked about the catch basins and the disposal of the ArmorAll that is sprayed on the tires after the cars are washed. Mr. Steele said the runoff from that is going into the infiltration basin in the back of the site and then into the ground. Mr. Steele commented there could be DEEP regulations about cleaning vehicles and chemicals that are not being followed and that could be addressed through the DEEP enforcement process. He offered to research this further with the DEEP and report back to the commission. Commission members held a discussion and then agreed that the Town Attorney should send a letter to the owner and initiate the process of calling the bond.

III. Approval of Minutes from the July 9, 2012 Meeting and August 13, 2012 Meeting

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (5-0, with Harrington Abstaining) that the Planning & Zoning Commission approve the July 9, 2012 minutes.

It was **MOVED** (Gannuscio) and **SECONDED** (Juszczynski) and **PASSED** (4-0, with Zimnoch and Scarfo Abstaining) that the Planning & Zoning Commission approve the August 13, 2012 minutes.

VIII. New Business

D. Informal discussion with Attorney Fahey and John Barberino regarding properties owned by Mr. Barberino.

Attorney Fahey and John Barberino addressed the commission. Attorney Fahey stated he would like to give the commission a status report on several pieces of property owned by Mr. Barberino and also to ask for direction on one particular property. The property located at 24 King Spring Road was recently appraised at 1.3 million dollars and now employs 25 people. Mr. Barberino is in the process of buying a 5.2 acre parcel behind Enterprise Rent-a-Car on Ella Grasso Turnpike which will be used for internet leasing of used cars. A home on Olive Street which was in disrepair will be rehabbed by Mr. Barberino's wife. Mr. Barberino is in the process of buying the Passport property on North Street. He is not sure if that will continue to be a restaurant. He may subdivide the property and make it a business office park.

The old house at 2 North Main Street has been taken down and the site remediated. Attorney Fahey stated that Mr. Barberino is considering two different uses for this property—automotive and banking. He commented that with the present regulations which prohibit drive-thru's, no bank would consider locating there without a drive-thru. Attorney Fahey said he is in favor of amending the regulations to require special permit use for bank drive-thru's. If a branch bank were to be put on that property, the zoning would have to be changed. Attorney Fahey asked the commission for guidance on this decision.

Attorney Fahey stated that Mr. Barberino has an option to purchase 252 Main Street, which is on the blighted list. There is a retaining wall which is in disrepair, and he would like to reconstruct this wall before winter. Mr. Barberino is concerned about substantial delays with site plan approvals, and Attorney Fahey asked if the commission would allow this (reconstructing the retaining wall) to be done administratively through the supervision and approval of Ms. Rodriguez and Mr. Steele. Mr. Steele asked why a site plan approval would be required if the wall is reconstructed. Attorney Fahey responded that it may not be, but Mr. Barberino was being cautious. The A-2 survey will be completed by Thursday. Ms. Rodriguez commented that it was difficult to advise when they didn't know what the scope of the work would be. Mr. Steele commented that it sounded more like a maintenance issue than a site plan modification. Further discussion took place regarding the retaining wall and the buffer zone. Attorney Fahey summarized that as long as Mr. Barberino observes the 10 foot residential buffer, he should be okay with just getting a building permit from the Building Inspector. Mr. Barberino stated he felt comfortable with this.

Mr. Barberino explained further his plans for the land on North Street where the Passport Café is. Attorney Fahey asked for clarification of the moratorium on liquor permits for existing restaurants that have liquor licenses. Mr. Gannuscio stated that there is already an existing liquor permit for this location that goes with the land. Ms. Rodriguez asked for clarification about the tree removal for that site. Mr. Barberino stated that he would just be removing the trees and clearing brush and removing the grass coming up through the asphalt. No grading would be done at this time.

Hoping to provide more guidance regarding the retaining wall at 252 Main Street, Ms. Rodriguez proceeded to read the definition of a buffer. Mr. Steele stated that Ms. Rodriguez's question for the commission is, "If you have a 10-foot buffer requirement and a wall that's encroaching into that so that your area for planting is less than 10 feet, does that still meet your regulations?" Mr. Gannuscio replied, "As I read the definition, the buffer can contain the wall." Mr. Steele asked, "So the actual planting portion would be less than 10 feet?" Mr. Gannuscio stated, "In this particular site, you have to have the wall as an integral part of the buffer just to maintain the integrity of the two properties. In this particular instance, since you can have the retaining wall within the buffer, it can lead to a reduction of the actual 10-foot buffer requirement." Mr. Steele commented that the language Mr. Gannuscio is describing sounds like a commission decision. He also commented that it sounds like what Mr. Barberino is asking is this: assuming the Building Department wasn't comfortable issuing the permit and wanted input from Planning & Zoning, if Mr. Barberino had something in two weeks before the next meeting, would the commission consider taking action on it at the next meeting? All commission members answered affirmatively.

Chairman Zimnoch pointed out that a special workshop meeting needed to be held to take a look at the proposed changes in the regulations and the alcohol regulations. Ms. Rodriguez stated that Mr. Juszczynski collected additional information from other towns that she would like to summarize and send out to commission members. One of the things she has noticed that is different from town to town is whether or not they permit a tavern. By definition, you don't need food, just a straight bar. This is not addressed in the draft and should be considered at the next meeting. A date of **Thursday, September 20, 2012 at 7:00 pm** was set. Mr. Steele has a conflict with that date but is comfortable sharing his comments with Ms. Rodriguez, who can report back to the commission. The location is yet to be determined. Mr. Gannuscio noted that no legal notice of the meeting is necessary, but the notice of the meeting needs to be posted in the Town Clerk's office 24 hours before the meeting. This meeting is open to the public.

Mr. Juszczynski asked if Colla Construction had contacted Ms. Rodriguez. She replied that they had submitted a preliminary plan which needs a variance. She anticipates they will come before the commission at next month's meeting.

Mr. Szepanski asked about the progress of St. Robert's work. Mr. Steele said they did soil investigation and discovered the access drive out to Sutton Drive has clay, which is not conducive for infiltration and would require additional drainage. This would add to the cost of the project, and now they are rethinking whether they want to have this driveway.

Mr. Steele received an email from T&M's attorney, who sent him some draft deeds for the rights of way and open space. He sent comments back to T&M and also to the Town Attorney but has not heard back from him yet.

X. Adjournment

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 6-0) that the Planning & Zoning Commission adjourn the September 10, 2012 meeting at 9:45 pm.

Respectfully submitted,

Debbie Seymour
Recording Secretary