

PLANNING & ZONING COMMISSION
November 12, 2012 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 Paul Harrington

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 7:10 pm.

II. Roll Call

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

III. Approval of Minutes from the October 9, 2012 Regular Meeting

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (4-0, with Gannuscio Abstaining) that the Planning & Zoning Commission approve the October 9, 2012 minutes.

IV. Public Hearings

A. Public hearing on the special use permit application for internet leasing of used/reconditioned cars for the property located at 2 Ella Grasso Turnpike.

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

The Recording Secretary read the legal notice that was published in the Journal Inquirer on October 30, 2012 and November 7, 2012.

Attorney Thomas Fahey, representing John Barberino, addressed the commission. He reminded the commission that at the last meeting, an informal discussion was held regarding this application when it was accepted, and then the public hearing was scheduled. It was intended to be timed so they would have a ruling from the Wetlands Commission which meets on the first Wednesday, but that meeting was cancelled due to the storm. The Wetlands Commission is not meeting again until November 14, so the Planning & Zoning Commission will not be able to act on this application this evening. Attorney Fahey said the engineering team, based on town staff's comments, has submitted revised plans. He said it appears that Mr. Steele still

has some issues with some of the revisions which might not be handled with conditions of approval should the commission approve the application. Attorney Fahey suggested that since the public hearing has to be continued they wait until the Wetlands Commission has acted and Mr. Steele's concerns have been fully addressed. He asked if the commission would consider holding a special meeting before the December 10 meeting. Chairman Zimnoch said that there is already a special meeting scheduled before the regular December 10 meeting but the meeting is intended to be a workshop with other boards and would be a lengthy meeting. Mr. Steele said he agreed with Attorney Fahey that it would be a better use of time to get the wetlands issues taken care of first. Attorney Fahey handed out copies of maps to commission members.

At this time Chairman Zimnoch opened up the public hearing for comments from the public in favor of this application. There were none. The floor was then opened up for comments in opposition. There were none.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission continue the public hearing on the special use permit application for internet leasing of used/reconditioned cars for the property located at 2 Ella Grasso Turnpike to the December 10, 2012 meeting.

V. **Reviews**

A. **Review of the site plan application for parking area and security employee building for the property located at 2 Ella Grasso Turnpike**

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission move Item V (A), a review of the site plan application for parking area and security employee building for the property located at 2 Ella Grasso Turnpike, to be continued at the December 10, 2012 meeting.

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

VIII. **New Business**

A. **Public Input**

There was no public input at this time.

B. Receive New Applications

i. 482 Spring Street

Angelo D'Aleo, joint owner of 482 Spring Street Plaza, addressed the commission regarding the sign in front of the H&M building. He would like to have the sign refaced. It's now 42 square feet, and it's being reduced to 40 square feet, making it less non-conforming. The posts that are there now will be re-sleeved, and the rusted frame of the sign will be changed to something newer. Ms. Rodriguez said the original application for the sign came in on October 16, 2012, and then on October 29 there was a foundation plan with information about demo and rebuild. Chairman Zimnoch asked if the demo and rebuild would be part of this application. Ms. Rodriguez said the commission could take it up tonight if it wanted to but she was comfortable reviewing it in the office. Mr. D'Aleo explained that the two flat roof structures (liquor store and rear of H&M) would be taken down, leaving the main structure (H&M building), and restructuring it on the same foundation with conventional lumber and a trussed roof rather than a flat roof. They would be adding 100 square feet on the left rear corner, squaring up the building. In the front corner of the parking lot they would be adding 150 square feet of shrubbery/landscaping, making it less non-conforming.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission take up the application regarding the sign for the property located at 482 Spring Street.

Ms. Rodriguez reported that the proposal shows a reface and replace of the beam post for the existing sign. Two existing signs are located on this one property. One sign is currently permitted per property, making the two existing signs non-conforming. The applicant was just to repair the existing beam post and continue to use and reface the divider and main sign area. The total sign area for the property is 67½ square feet. The height of this sign is 16 feet, which is conforming, and the commission would need to determine if the proposed improvements to the signs that are non-conforming meet the intention of chapter six of the zoning regulations. Fire and Police Chief comments were favorable.

There was more discussion about the sign being refaced. Mr. Steele stated it looked like they would be widening the sign six inches on each side, making it non-conforming in regard to setback from the street line, and technically that is increasing its non-conformity. The line of sight would not be affected. Commission members discussed if six inches closer to the property line would be a problem. Mr. Gannuscio felt this would not be a problem because there is no increase in the width of the lower side, it's staying within the confines of the poles, and the height does not pose any sight line problems. The general consensus was that the refaced sign would be a welcome improvement.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission approve the changes for the poles and the sign only for the property located at 482 Spring Street.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission schedule a site plan review for the remaining changes to the building and site for the property located at 482 Spring Street for the December 10, 2012 meeting.

ii. 1394 South Street, Suffield/Windsor Locks (Uncle Bob's Self Storage)

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission accept the site plan application for the property located at 1394 South Street in Suffield/Windsor Locks for review and consideration.

Jim Pretti from Criscuolo Engineering addressed the commission. He explained that the address of this property is in Suffield but the town line bisects the property. They want to construct the buildings that were originally approved but were never built at the time, with some modifications. In 2002 the site plan was reviewed and approved, and buildings A and B were constructed, but the other three were not. They would like now to construct two buildings in lieu of the three, and they would be climate controlled storage buildings similar to the one that is presently there. The limit of the impervious surface is actually being reduced slightly, about 2,000 square feet or so. The building footprint area has gone up slightly, so they're trading what was pavement for floor area, but the net is a reduction from what was originally approved. Mr. Gannuscio asked if Suffield had received a set of these plans. Mr. Pretti said he met with Ms. Rodriguez and Bill Hawkins, Suffield Town Planner, a few months ago, and Mr. Hawkins's opinion was that if Windsor Locks is okay with it, then Suffield's okay with it also, since all of the activity is occurring in Windsor Locks. Mr. Pretti further stated that the Fire and Police Departments have no issues.

Ms. Rodriguez discussed her report with the commission and reported that the Suffield Town Planner and the Fire Marshall and Police Chief had favorable comments regarding this application. Chairman Zimnoch asked about the proposed landscaping. Mr. Pretti replied that the frontage has landscaping that is visible from the street now, and the disturbed area around the pavement behind the buildings would get seeded. Ms. Rodriguez asked if this notation could be added to the site plan for clarification.

Mr. Steele reviewed this plan. He commented that the applicant is making a minor modification to what has already been approved. Instead of three buildings there will now be two, the area is draining to the same storm drain system that was approved before, and the roof drainage is being piped to the detention basin.

He noted that there does not appear to be an area map, and the regulations call for an area map showing property with 300 feet and the various land uses and structures for that area. In some cases the commission has waived that requirement, and perhaps this is that type of situation where the requirement could be waived, since this has been approved once before and they are working within the same pad area. Mr. Steele stated that the lighting plan simply says that they will match existing lighting, but it seems reasonable to him to have a more qualitative definition showing photometrics and intensity and things of that nature. Also, it should be made clear that this facility will be used for just storage and that no businesses will be operating out of there. Mr. Steele suggested an Erosion and Sedimentation bond of \$1,000. He also suggested putting in guide rails at the top of the slope because of the 10-foot drop. Mr. Pretti said he would recommend that to the applicant.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission approve the site plan modification for two additional buildings on the Windsor Locks portion of the property located at 1394 South Street in Suffield with the following conditions: (1) an Erosion and Sedimentation Bond of \$1,000 will be provided, (2) a notation will be made on the final plans that these buildings are for storage use only, and (3) a notation will be made that the lighting will be subject to final review by staff to ensure the full cutoff and intensity are in compliance with our regulations.

iii. 75 Ella Grasso Turnpike

Attorney Daniel Silver of Silver & Silver, 1 Liberty Square, New Britain, addressed the commission. He stated he wanted to introduce himself and said he understands that there is some controversy regarding the nature of this application. Due to the storm, it's less than two weeks that the application has been submitted, but he hoped it could be scheduled for the December 10 meeting. The commission said it would schedule this application for the January meeting, but Attorney Silver replied that he will be out of the country on January 14, 2013. He said he would be willing to waive the 65 day period and would fax a letter to the Planning and Zoning office tomorrow morning.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission hold a public hearing for the site plan modification for the property located at 75 Ella Grasso Turnpike at the February 11, 2013 meeting, with a notation that the applicant has waived the 65-day period.

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

VIII. New Business

C. Informal Discussions

i. **Passport Café property located at 584 North Street/345-355 Ella Grasso Turnpike**

Attorney Thomas Fahey, representing John Barberino, addressed the commission. He said he would like to explain what Mr. Barberino's intentions are regarding the property and also to get some guidance from the commission. Lot line revision plans were handed out to commission members. Attorney Fahey stated that experts have looked at the property, and they and Mr. Barberino are of the opinion that the restaurant has no future. The property is actually three parcels of land, and Mr. Barberino's idea is to break this parcel out and put in 10 one-bedroom apartment units. The building would not be made any larger. The parcel right now is about .27 acres, and by relocating the lot lines it would become over 1¼ acres. The property is in a Business 1 zone. Attorney Fahey pointed out that there are three different regulations that deal with adaptive reuse situations dealing with parcels that are functionally obsolete or unutilized buildings, but none of these regulations apply in this situation. The most applicable one is Section 407, which is the Adaptive Reuse provision, which applies to several zoning areas but does not apply to the B-1 zone. It applies to Residence A and B, Business Downtown Redevelopment (B-DRD), and Residence Downtown Redevelopment (R-DRD), and it allows the commission after a public hearing to grant a special permit for the rehabilitation or adaptive reuse of vacant, deteriorated, or underutilized buildings, if the proposed use would be of substantial benefit to the town, be compatible with the surrounding area, and if there's a substantial inability to develop the property under the provision of any other zoning district. Attorney Fahey feels that this is the situation now if you consider the parcel as it is now—the North Street parcel which is only on .27 acres, with a building straddling the property line. Also, if the building is converted to one-bedroom apartments, it would minimize the truck traffic on North Street, which the town has wanted to do for years. Attorney Fahey suggested creating a new regulation for this kind of situation which might be useful to this and other projects that might come along, or amending this regulation with a text amendment so it would apply to the business zone. Another possible solution would be to request a change of zone to Residence B, which would eliminate the need for creating new text language.

There was discussion among staff and commission members regarding text amendments and zone changing. Mr. Gannuscio felt the simplest thing to do would be a text revision to Section 407. The general consensus was to tweak the language. Attorney Fahey said he would start working on that with Ms. Rodriguez. Mr. Steele suggested taking a look at the Plan of Development

so the language would be consistent. He also commented that another site plan issue that might have to be worked out is what type of buffering transition would be required between the commercial and residential uses at the North Street property.

ii. Cornerstone property located at 317 Ella Grasso Turnpike

No one was present to discuss this item.

iii. Mike's Blue Collar Bar

Neal Kwort, 86 Sunny Ridge Drive in East Hartford, addressed the commission. He has vacated his location at 5 National Drive and intends to move his bar to 482 Spring Street. He would like to get permission to apply for a liquor license since his application with the state runs out on March 26, 2013. He needs to get signed papers from the commission to get them to the state. He understands this would be considered a new application but nothing has changed except the location. He asked if a public hearing could be held during the moratorium. Chairman Zimnoch explained that the commission legally cannot act on any liquor permits during the moratorium. Mr. Gannuscio further explained that the outside extent of the moratorium is March 1, 2013, and the intent of the moratorium is to stay in place until the new liquor regulations have been adopted. Mr. Kwort asked if he could get on the agenda and make application for the March 11, 2013 meeting. Commission members were not sure if they could accept an application when there was a moratorium. Ms. Rodriguez suggested that Mr. Kwort keep in touch with her office to see how the liquor regulations are proceeding.

VII. Old Business

A. Discussion with Commission and Staff regarding:

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

Mr. Steele stated there was nothing new to report regarding T&M. The Town Attorney was going to initiate a discussion with T&M but Mr. Steele has not heard anything yet.

iv. Main Street zoning

Ms. Rodriguez discussed with the commission the recommended changes to the Main Street Overlay Zone regulations. The first item discussed was on page 2, under "Prohibited Uses," item d, prohibiting drive-through windows. One option for opening up the possibility of drive-through's is specifying or defining Main Street, which might open an option for 2 North Main Street. To make this less of a legal issue, the Town Attorney may need to define an area that is Main Street.

Ms. Rodriguez asked if commission members had any interest in allowing drive-through's throughout all of Main Street or the entire zone. Mr. Gannuscio remarked that by having the language in the regulations with the limitation of Main Street, then it becomes part of the discussion at public hearings and workshops. Chairman Zimnoch commented that he had a chance to walk the property at 2 North Main Street and concluded that it would be possible to have a drive-through at that location if it was done properly. Mr. Szepanski suggested that street signs be placed on North Main and South Main Streets to look more official. Mr. Juszczynski also suggested an Entering Main Street District sign. Additional language regarding clothing bins was also added as item g under Prohibited Uses.

The next recommended change was on page 6 under "Parking Standards," item 7, which discussed shared parking. Ms. Rodriguez stated that one of the goals of this language was to be able to use parking that was on another lot. Right now the way the regulation is written is all parking has to be on the lot for the business it serves.

Another recommended change was on page 8 under "Site Design Standards" regarding outdoor seating (number 3). Items b through g were added. Ms. Rodriguez said item g was a combination of examples from several surrounding towns. Number 6, language about bicycle racks, was added because one of the purposes of the zone was to connect the Main Street district to the surrounding neighborhoods and to encourage community pedestrian and bicycle access. Language regarding outdoor display items was added as number 7 (a-f). This section was a combination of examples from surrounding towns. Mr. Steele suggested that the length of the continuous path be changed from a five foot minimum to six feet to be consistent with the sidewalk width. Mr. Harrington commented that in some towns business owners have to get permits for outdoor displays and there is a limit for the length of time the displays can be up. Ms. Rodriguez asked if he meant seasonal (three months) or 15 days. She clarified that outdoor display items would be something that the owner normally sells in his building but he's letting it spill outside. Mr. Harrington asked if we could add, "items are moved back inside at the end of the business day." Item 7e was discussed and it was decided to delete "The Commission may determine that" and add at the end of the sentence "as determined by the Commission."

In the Permitted Use table, a MSOZ column has been added, and in the row marked "Drive Through Facilities/Drive Up Lanes," the prohibited use was changed to special use in the MSOZ column. On the third page of the Permitted Use table, second row, language was added regarding a multi-modal facility, rail or bus passenger station or waiting station.

In the Section 403 table, the side yard and rear yard requirements in the MSOZ are marked 10 feet, but an asterisk was added to both with a notation that the requirement would be 50 feet from residential property lines.

Mr. Gannuscio suggested adding the Liquor Regulations to the agenda for the special workshop on December 5, 2012. Commission members agreed that this would be a good idea.

Mr. Steele passed out new maps of the MSOZ and then discussed the changes to the MSOZ map. All the properties with frontage on Elm Street were added to the Main Street Village Area, including a parcel on Elm Terrace. There was discussion regarding the Maple Avenue area. The general consensus was to put 18 Maple Avenue into the Village Area. Ms. Rodriguez said she would print out a large map in color and post it in the lobby of Town Hall.

v. Alcoholic Beverage Regulations

Ms. Rodriguez stated she did not update Section 402 because she wanted to meet with the commission to see how it felt about 402 as it pertains to Main Street. She said she drafted a section that would include café permits and then met with the first selectman, chief of police, and town attorney, who thought this section would be problematic. She then went back and looked at the kinds of things the town would be excluding by not permitting café permits, like hotels, and included Section B on page two, which is a liquor permit specifically for a hotel. Section C is for a café liquor permit associated with a museum, performing arts theater, or amusement enterprise. A paragraph was added throughout that would allow the commission to consider certain conditions when determining the appropriateness of the use. There was some discussion about adding “for hotel guests only” in Section B and about the definition of museum, performing arts theater, and amusement enterprise in Section C. There was also discussion about the differences between the hotel liquor permit and the café liquor permit. Ms. Rodriguez said she wanted to put Section C in so the commission would have the opportunity to see what it would look like by specifically allowing certain types of uses. However, if the commission was not comfortable saying that a bar that had some side attractions was an amusement enterprise then maybe taking this section out makes sense. Chairman Zimnoch asked if the chief of police and town attorney were comfortable keeping Section C in the regulations. Ms. Rodriguez replied that she thought it had more to do with the commission’s comfort level in defining those things. A lengthy discussion took place about the definition of a bar and whether the downtown area could become an attractive, vibrant place without the small cafes which would require café permits. The general consensus of the commission was that by not allowing café permits we would attract the right businesses and clientele to the downtown area. However, Mr. Szepanski suggested leaving the language of Section C in the regulations for now for public input.

Ms. Rodriguez read Section 508 regarding the sale of alcoholic beverages in gift baskets which had been added. Mr. Szepanski asked if the retail establishments would need a liquor permit to do that. Ms. Rodriguez replied that they would not, that they would have to purchase the liquor from a package store.

Mr. Szepanski handed out copies of articles from the Hartford Courant and the Journal Inquirer regarding chickens.

Mr. Szepanski asked about Colla Construction. Ms. Rodriguez said she had contacted Mr. Colla by phone and email saying that if she did not get a response by the next meeting then she would be notifying the town attorney.

Chairman Zimnoch stated that a list of 2013 meeting dates for the Planning and Zoning Commission had been put together by the recording secretary and distributed to the commission and staff. It was noted that all meetings will be on a Monday except the October and November meetings, which will be held on a Tuesday.

Chairman Zimnoch asked Mr. Szepanski to read the piece he had written for the Annual Town Report.

X. Adjournment

It was **MOVED** (Zimnoch) and **SECONDED** (Gannuscio) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission adjourn the November 12, 2012 meeting at 10:43 pm.

Respectfully submitted,

Debbie Seymour
Recording Secretary