

PLANNING & ZONING COMMISSION
December 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: Curtis Ruckey (Alternate)

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

I. Call to Order

Chairman Zimnoch called the meeting to order at 7:06 pm.

II. Roll Call

Commission roll call was taken. It was noted that Curtis Ruckey is now an Alternate member of the Planning & Zoning Commission and has been sworn in at the Town Clerk's office.

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

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

IV. Public Hearings

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

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 November 27, 2013 and December 4, 2013.

Michael Zuraw, the applicant, summarized for the commission his plans for 448 Spring Street: His customers will be mostly commercial customers; he will have one employee who will pick up one vehicle, service it, and return it; his business will be low volume; and any other service will be by appointment only.

Ms. Rodriguez discussed her report dated December 9, 2013. She stated both the Fire Marshall and the Police Chief had no issues.

Mr. Steele summarized his report dated December 9, 2013.

Mr. Gannuscio said that Attorney Stuart Rothenberg, property owner of 448 Spring Street, stated in an email that this building had been used in the past as an auto repair and body shop facility, but Mr. Gannuscio does not remember there being any hearing for a special use permit for this to be done on this site. Mr. Gannuscio was concerned that this would be used as a precedent or attempt to be grandfathered in. Chairman Zimnoch asked if Mr. Zuraw would be willing to comply with the requirement to install sidewalks at a future date if required. Attorney Rothenberg, as the landlord of this property, addressed the commission. He stated that he has owned this property for the last six years, and he was told by the previous owners that the property had previously been used as an auto repair and body shop. He said that no unlawful use has ever occurred on this site since he has owned it, and Mr. Zuraw is not intending to grandfather anything. Attorney Rothenberg has no problem with any of the conditions being imposed by the commission.

Mr. Szepanski had questions for the applicant regarding traffic congestion and commented that this is an odd site for this type of business and doesn't belong there.

There was some discussion about the width of the driveway, visibility, the lack of floor drains in the building, and hours of operation.

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. Joan Scata, Suffield (Scata's Auto and Truck Repair, 535 Spring Street), addressed the commission. She submitted again for the record a copy of a letter from the ASA (Automotive Services Association). Douglas Fournier, 12 Weymouth Road, Enfield (466 Spring Street), spoke in opposition to this application. Joseph Scata, Scata's Auto and Truck Repair, 535 Spring Street, spoke in opposition to this application. Joseph Mason, 58 Broadleaf Lane, Enfield (Spring Street Service Center, 436 Spring Street), spoke in opposition to this application.

Chairman Zimnoch asked the applicant if he would like to respond. Mr. Zuraw addressed the concerns and issues of the people speaking in opposition to his application. Commission members had a few more questions for Mr. Zuraw which he addressed.

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 motor vehicle service station dispensing lubricants and minor service for the property located at 448 Spring Street.

Mr. Gannuscio commented that he feels this is definitely an intensification of use for this site, and with the mixed zone uses in town, what's to stop someone with a big garage in their backyard to start doing alignments in their garages. There was more discussion among commission members about traffic volume.

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

Chairman Zimnoch commented that he does not see this business as being out of character with the Spring Street area. There are a number of these types of businesses right in the area, although it is a little unique location because the building is in the back. The owner has stated all the existing tenants are in favor of this business, so it does seem to fit in with that general location and specific site. Mr. Juszczynski stated he did vote against it last time but feels better about the application now. There are more defined conditions and it can be kept where it won't get out of hand, and both the Town Engineer and Town Planner have given comments where they feel it would be workable with the conditions in play, so Mr. Juszczynski feels it would be an acceptable fit for the location. Chairman Zimnoch added that the DMV and the neighboring service stations would make sure that the applicant complies.

It was **MOVED** (Zimnoch) and **SECONDED** (Brengi) and **PASSED** (3-2; In Favor: Zimnoch, Juszczynski, Brengi; Opposed: Gannuscio, Szepanski) 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 conditions listed in the Town Engineer's report dated December 9, 2013: (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 eight-foot hatched area and handicap parking signage conforming to Connecticut Building Code. (3) No parking or storage of motor vehicles in the gravel area, either registered or unregistered, or any other outside storage *[or materials]* shall be permitted on site unless specifically approved by a modification to this special permit. (4) The property owner shall install a six-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. An agreement to this effect shall be filed on the land records prior to commencement of the special permit use. (5) The bush in the center island on the south side of the property will be removed to improve the line of sight visibility. (6) Any additional signage shall be approved by this commission. (7) No servicing of any kind outside of the building shall be permitted.

Chairman Zimnoch called a five minute recess at 8:50 pm.

FIVE MINUTE RECESS

Chairman Zimnoch called the meeting back to order at 8:57 pm.

B. Amendment of Section 402 Permitted Uses Regarding Sexually Oriented Businesses

The Recording Secretary read the legal notice that was published in the *Journal Inquirer* on November 27, 2013 and December 4, 2013.

Ms. Rodriguez, Town Planner, addressed the commission. The commission has spent the better part of a year taking a look at its zoning regulations with regard to amusement enterprise as it relates to sexually oriented businesses, looking through information provided by Attorney Paul Smith and Attorney Tom Gerarde. Many discussions have taken place with staff and at commission meetings, looking at where the most appropriate place would be for this permitted use and what would be the best way to regulate sexually oriented businesses with regard to the permitted use table. Changes were recommended over the past few weeks to the commission, and as of October 28, the commission was in receipt of a draft regulation. Ms. Rodriguez proceeded to discuss the few changes that were made to this regulation. Comments from the Police Chief were read into the record. An item for public comment was given to Chairman Zimnoch for the Public Input portion of the meeting.

Ms. Rodriguez stated that over the past few days, following the last October draft of the regulation, one question that came up was the definition of sexually oriented business. She went on to discuss this definition which was added to give more clarification.

Ms. Rodriguez and Mr. Steele then discussed how the Industrial 1 zone was chosen to allow this type of use. Maps were displayed showing each of the I-1 zones in town and which parcels appear to be eligible.

Chairman Zimnoch stated for the record that all commission members received and read through the documentation that was provided to them regarding secondary effects of these types of businesses. Mr. Gannuscio noted that finding an acceptable percentage of eligible parcels required an enormous amount of work on the part of Ms. Rodriguez and Mr. Steele because Windsor Locks presents a challenge, being a tightly packed town with regard to residences, churches, and daycares, and at least one-third of the town's acreage is beyond our control because it's the airport and it belongs to the state. Chairman Zimnoch agreed with Mr. Gannuscio that the unique footprint of Windsor Locks made it difficult, and he thanked Ms. Rodriguez and Mr. Steele for their hard work.

At this time Chairman Zimnoch opened up the public hearing for comments from the public in favor of the changes to this regulation. Attorney Paul Smith, representing Windsor Locks Citizens for a Safe Community, addressed the commission. He stated that he has reviewed the proposed ordinance and fully supports it. He recognizes that the goal is not to prohibit or ban this activity but regulate it in a reasonable way, given the legitimate concerns that the town has with regard to this type of activity. In reviewing the ordinance, they feel staff and commission members have done an excellent job in terms of trying to frame that in a way which is sensitive to the rights

of people who conduct this type of activity but at the same time protect the interests of the property owners, citizens, and residents of the town. The ordinance seems well drafted and tries to thread that needle between regulating something reasonably and at the same time not prohibiting it. Attorney Smith stated that he previously submitted a packet of materials to the commission which is part of the record going forward.

Kevin Flannery (15 Village Lane), senior pastor of the Congregational Church in Windsor Locks, spoke in support of this ordinance. He said a number of people in the faith community have formed an alliance, and together they stand in support of what has been drafted. Dennis Gagnolati, 25 Roberts Street, also spoke in support of this ordinance and thanked everyone for all of their work.

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 amendment of Section 402 Permitted Uses Regarding Sexually Oriented Businesses.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission approve these changes to the regulation entitled Section 402 and the other Use table regarding sexually oriented businesses to include the initial set and the changes brought forward tonight, to be effective on December 20, 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**

Mr. Steele stated that the developer has not produced the documents needed for these roads and open space to be handed over to the town. In an effort to expedite this process, the Town Attorney put together the documents himself that are needed and submitted them to Mr. Steele's office for review. In reviewing them, the surveyors found a number of errors that needed to be corrected. They've been working on retyping the documents over the last month, and hopefully in a week they will be given back to the Town Attorney so he can then forward the package to the developer's attorney. From there, it will be up to the developer to take action, execute the documents, and file the necessary maps on the land records, so then a recommendation can be made to the commission to recommend to the Board of Selectmen that the roads be accepted. Mr. Steele remarked that he

realizes residents have been waiting a long time and the process has been frustrating. Mr. Szepanski suggested giving the developer a bill for the time spent on this by the Town Engineer and Town Attorney and asked how to make that happen. The answer was to put this bill in the Town Attorney's in-basket.

VIII. New Business

A. Public Input (email from Bonnie Karkowski, 1852 Poquonock Avenue, Windsor, regarding the new Town Ordinance on Sexually Oriented Businesses, was submitted for the record by Ms. Rodriguez)

B. Calendar of Meetings

A calendar of Planning and Zoning Commission meetings for 2014 was distributed to commission members.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (5-0) that the Planning & Zoning Commission approve the Calendar of Meetings for 2014.

C. Election of Officers

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (4-0, with Zimnoch Abstaining) that the Planning & Zoning Commission elect Vincent Zimnoch for another term as Chairman of the Planning & Zoning Commission.

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (4-0, with Gannuscio Abstaining) that the Planning & Zoning Commission elect Alan Gannuscio for another term as Vice Chairman of the Planning & Zoning Commission.

It was **MOVED** (Zimnoch) and **SECONDED** (Gannuscio) and **PASSED** (4-0, with Szepanski Abstaining) that the Planning & Zoning Commission elect Jim Szepanski for another term as Secretary of the Planning & Zoning Commission.

IX. Communications and Bills

Chairman Zimnoch noted that Paul Harrington resigned from the Planning & Zoning Commission and Curtis Ruckey is now the alternate. Mr. Ruckey was a member of the Zoning Board of Appeals for many years.

OTHER

Ms. Rodriguez gave an update on 590 Spring Street. One of the conditions of approval was to remove an apron and pavement area, and that has not been done yet. Ms. Rodriguez has been working with the Town Attorney on whether to call the bond or hold up the final C.O. She received a phone call from Frank Grillo, the applicant, who told her that he will have a contract by tomorrow morning to put in a curb, a grassy area, and a sidewalk.

Miscellaneous:

- The massage parlor is back on Route 75.
- The used car operation in Old County plaza is now spreading to Halfway House Road across from 7/11.

X. Adjournment

It was **MOVED** (Zimnoch) and **SECONDED** (Gannuscio) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission adjourn the December 9, 2013 meeting at 9:40 pm.

Respectfully submitted,

Debbie Seymour
Recording Secretary