

SOUTHINGTON PLANNING AND ZONING COMMISSION
Special Meeting
April 13, 2007
Town Hall Council Chambers, 75 Main Street, Second Floor

MINUTES

Acting Chairman, John DeMello, called the Special Meeting of the Southington Planning & Zoning Commission to order at 1:15 pm with the following members in attendance:

John Carmody, Michael DelSanto and James Sinclair

Lisa Conroy, Alternate
Brian Zaccagnino, Alternate

Others: Mary F. Savage, Town Planner and Mark J. Sciota, Town Attorney

Absent: Zaya Oshana, Chairman
Francis Kenefick, Commissioner
Patrick Saucier, Commissioner
Richard Hart, Alternate Commissioner
Robert Borkowski, Alternate Commissioner

John Weichsel, Town Manager
Anthony Tranquillo, Town Engineer

Acting Chairman DeMello seated Commissioner Conroy for Commissioner Kenefick and Commissioner Zaccagnino in for Commissioner Saucier. A quorum was determined.

John DeMello, Acting Chairman, presiding:

A. Site Plan Application of Queen Street Car Wash proposing to construct an addition to the existing car wash facility, property located at 973 Queen Street (SPR #1457)

MS. SAVAGE: This is a site plan for a proposed car wash that was submitted in conjunction with a proposed special permit use application which the Commission denied at your April 3rd meeting.

ATTORNEY SCIOTA: Mr. Chairman, if I may, this is a procedural issue that's in front of you today. The reason why the special meeting had to be called is the 65-day rule was in

effect for the site plan. This site plan required an SPU under your regulations.

Your SPU, you denied the SPU at your last meeting. The site plan is still pending. That, to the best of my knowledge, the 65 days expires tomorrow. So, therefore, the special meeting had to be called.

The applicant had the opportunity to ask for the extension. The applicant, it's own right, chose not to do that, so therefore, we needed this special meeting.

Under your regulations, the site plan for a car wash cannot be approved if a special permit is not approved. So, therefore, that's why we're here today.

MR. CARMODY: I just had a quick question. What would happen if we did nothing?

We didn't meet today.

ATTORNEY SCIOTA: If you did not meet today, then the, there would be a court case based upon that action because what will happen is, the applicant more than likely, and I can't speak for the applicant, would conclude that the site plan was approved.

The SPU not being approved, no building permits would be issued by the town and therefore we would be involved in a --- not only an SPU appeal but we'd be involved in a lawsuit based upon the nongranteeing of building permits.

I can't speak for the applicant. The applicant may do nothing.

MR. DELSANTO: To that end, Mark, what --- if --- has an SPU ever been denied and a site plan approved?

ATTORNEY SCIOTA: If an SPU is required for a site plan, it is against your regulations for you to approve the site plan.

MR. DELSANTO: Thank you.

Is this ready for action?

MS.SAVAGE: It is ready for action.

MR. DELSANTO: I'd like to make a motion to deny this application because or for the reason that the SPU was denied.

MR.CARMODY: Second.

MR. SINCLAIR: I'd just like to ask the Town --

ACTING CHAIR: We have a motion and we have a second. Any discussion?

MR. SINCLAIR: I'd like to ask the Town Attorney one question: If we go to court, if the applicant chooses to go to court for the SPU and that gets overturned, would this be handled in the same court case? Would it come back for another site plan?

ATTORNEY SCIOTA: What would happen is, if the SPU, if the court says the SPU is improperly granted and the court grants the SPU, then the applicant just simply has to come back and file their site plan.

MR. SINCLAIR: So, would we go through the hearing process again?

ATTORNEY SCIOTA: No. There is no hearing for a site plan. There is no public hearing.

MR. SINCLAIR: Oh, okay, they'd come back to us --

ATTORNEY SCIOTA: Just a regular site plan application. There would be no public hearing because the court would conclude, assuming that's the case, the court would assume for some reason that the site plan (sic) as improperly denied and can do one of two things: can order it to come back here or it can just summarily grant the SPU and therefore all they'd have to do is come back for a site plan.

ACTING CHAIR: Any further discussion?

(No response)

Okay, Mary?

MS. SAVAGE:	Mr. Carmody:	Yes
	Mr. DeMello:	I'm going to pass and go last.
	Mr. DelSanto:	Yes
	Ms. Conroy:	Yes
	Mr. Zaccagnino:	Yes
	Mr. Sinclair:	Yes

Motion passes ---

ATTORNEY SCIOTA: The Chairman.

MS. SAVAGE: Oh, Mr. DeMello?

ACTING CHAIR: Yes.

MS.SAVAGE: I thought you were passing/passing.

ACTING CHAIR: Motion passes six to nothing.

MR. CARMODY: Move to adjourn.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

(Whereupon, the meeting was adjourned at 1:25 o'clock,
p.m.)