

PLANNING & ZONING COMMISSION
Public Hearing & Regular Meeting
January 17, 2012

The Planning & Zoning Commission held a regular meeting on Tuesday, January 17, 2012. Chairman Michael DelSanto, called the meeting to order at 7:00 o'clock, p.m.

The following Commissioners were present, viz:

Paul Chaplinsky	Kevin Conroy
Stephen Kalkowski	James Maccio
Paul Champagne	James Sinclair
Michael DelSanto, Chair	

Alternates: Randall Gage
 Susan Locks
 Ryan Rogers *
 Jen Clock **

Ex-officio members present were as follows, viz:

Mary Savage-Dunham, Town Planner
James Grappone, Assistant Town Engineer
Mark J. Sciota, Deputy Town Manager/Town Attorney

* Arrived with meeting in progress.
** Appointed this meeting
A quorum was determined.

The Pledge of Allegiance to the American Flag was recited by everyone in attendance.

The Minutes are being prepared summary style and the video and audio tapes are available for further detail.

MICHAEL DELSANTO, Chairman, presiding:

Appointment of Alternate

Mr. Chaplinsky made a motion to add Jen Clock as an alternate for Republican Party for the Planning and Zoning Commission. Mr. Champagne seconded. Motion passed unanimously on a voice vote.

Jen Clock approached the bench.

Attorney Sciota administered the oath.

(Sworn, sworn)

Congratulations!

Welcome.

Ms. Clock was seated at the bench.

Approval of Minutes - Regular Meeting of January 3, 2012

Mr. Sinclair made a motion to approve which Mr. Kalkowski seconded. Motion passed unanimously on a voice vote.

BUSINESS MEETING

A. Richard Barry, request for rear lot determination and one lot resbudivison application, 389 Marion Avenue, S #1285.

Stephen Giudice, Harry Cole & Son, represented the applicant. He presented this was the subject of a public hearing recently that has been closed. One of the items this commission has to consider is the rear lot determination.

We have gone through the process with staff and we've addressed their comments. We believe that based on the shape of the property and the topography of the property and the limited access that this is definitely the highest and best use for the piece of property being one residential lot.

The Town Planner clarified this is in front of the commission for a rear lot determination. You need to make a finding in accordance with Section 11-14.6. She reviewed the section.

You did hear testimony previously with regard to the limited access to this piece of property and the fact there was two zoning designations on the property.

Any action on the rear lot happens for the resbudivision application. That public hearing was closed. We've been working with the applicant. This had to go to the ZBA for a variance for the separation distance between the rear lot access roads with the adjacent property. Explained.

I passed out to you today some advisory comments from staff with regard to some housekeeping and most of this information we would look for at zoning permit time. We do have a question with regard to ZIRO. Explained it was with regard to the paved access way. We have been advised they're still settling on how best to handle the access drive. They may pave it and share it with the neighbor reducing the impervious area and providing a rain garden. They will provide staff with the final design comps at the time of the plot plan.

Discussion.

This is ready for your consideration and action.

The zone designation was discussed of the parcel. (I-1 and R-20/25)

Discussion of the proposed separation distance between the driveways.

Discussion of the screening on the front yard and western side yard.

Mr. Sinclair made a motion to grant a rear lot with a finding of fact it is in accordance with Section 11-14.6. Mr. Chaplinsky seconded. Motion passed 7 to 0 on a roll call vote.

Mr. Sinclair made a motion to approve S1285 incorporation Commissioner Conroy's stipulation. Mr. Chaplinsky seconded.

Stipulation: Screening on the front yard and western side yard.

Motion passed 7 to 0 on a roll call vote.

B. Nelcon Service Center, site plan application for construction of 9,775 sf industrial building for proposed towing and repair facility, 51 Triano Drive SPR #1608.

Stephen Giudice with Harry Cole & Son. This application is for a towing business. He is looking to expand his North Haven facility to Southington.

We got a special exception from the ZBA for a public garage on this application as he is proposing to have a DMV license here.

It's a 9,775 sf building and the proposed use is a public garage. Its main use is for storing and towing vehicles and hopefully in the future possibly ambulance.

The entire perimeter of the property is to be fenced.

Heavily landscaped screen to the residential user to the south.

We think it is a positive thing and a good application for the Town of Southington.

Mr. Champagne asked about the loading dock on the side. Is there room to back a truck in there? Discussion of the traffic pattern for vehicles as designed. Saline Khan, owner explained the dock was just for emergency transfers. We believe it would work sufficiently.

Discussion.

Mr. Champagne noted the pavement ends at the edge of the building with process around the back. And, they are going to be putting tarps underneath the trucks. Remediation was discussed. Mr. Giudice mentioned the Environmental Planner pointed out if there is an issue, the gravel can be picked up and moved along with the contaminated soil. If you have pavement, it's going to go into the drainage system and off site much quicker.

Discussion.

Mr. Champagne noted this is a building of about 10,000 sf. He questioned the parking spaces provided wondering if it was sufficient. Mr. Giudice said there is additional space in the back if we need it but we do not propose to have a lot of employees at the site. It's more for the tow trucks.

The vehicle storage area was discussed. The site is gated with a fence around it. Also, there is additional screening proposed in certain areas.

Discussion.

Mr. Conroy noted this is a specialty use right now. What could we possibly be looking for as a next use if this sold? The Town Planner confirmed it could become a service garage. It has location approval and they are allowed in this zone. The site is designed for this particular user. If somebody else came in later and wanted to use it, they could turn the key and move in. They may need to update their approval with the ZBA.

Discussion.

Mr. Conroy clarified his concern is that if this did change to a different use or similar type of operation, the gravel rear parking area or storage area with a lack of containment of spills? For this use, I don't see it as a big issue. Most everything comes back dry.

Ms. Savage Dunham explained you could stipulate at this point now if you wanted to. That's the safest way to make sure you see this again if another user comes in. You place a stipulation on the site plan.

Attorney Sciota suggested if this is a change of use of any kind; it has to come back for site plan approval.

Mr. Sinclair made a motion to approve with the stipulation suggested. Mr. Chaplinsky seconded.

Stipulation: Any change of use would require PZC approval of site plan.

Motion passed 7 to 0 on a roll call vote.

C. Adam Pio, site plan application for improvements to establish a public garage, 135 Lazy Lane SPR #1607.

(Alternate Gage recused himself from this application and left the room.)

Steve Giudice, represented the applicant. This was presented at your last meeting. Another Triano Drive/Lazy Lane property. It's a .92 acre of parcel at the intersection of Lazy Lane/Triano Drive.

This was part of the South Farms Subdivision. It contains a residential home. At the time of subdivision the applicant agreed to cease the residential use of this house and sell it as industrial use, only.

We have prepared a site plan for a public garage per the regulations. We did go the ZBA for a special exception that was granted.

We're proposing a very small operation. We have a bay and a half located in the basement of the house which we are proposing to use for the general repair of motor vehicles. The upstairs area is for office and storage space. We are proposing to add parking with a handicapped space. There is an existing driveway. We're trying to keep the site minimal in nature. This use we felt would blend in with the surroundings.

A small storm water detention basin proposed was discussed to compensate for the proposed pavement and change in grade proposed on the parking area.

We did receive staff comments and we've addressed them. If you have any questions, I'll answer them.

Mr. Sinclair asked if the ZBA stipulated how many cars could be stored outside the facility. Mr. Giudice said they have six parking spaces and that's what we're limited to. It is not for storage but employees, customer vehicles. We are not proposing to expand the use outside of the six parking spaces. There will be times when a customer's vehicle will sit overnight and he parked there. Mr. Sinclair said that was a concern because at some garages cars seem to accumulate.

Discussion.

Discussion of a proposed stipulation maybe no cars outside of the six parking spaces as the ZBA did.

Mr. Conroy asked about the screening along the western side yard being adequate. The Town Planner said along the Yorski property there is a vinyl fence along the street and we're still anticipating that the developer of the subdivision will be planting a vegetated barrier

as well between the vinyl fence and the road ROW. That's part of the subdivision. Given the limited area, that is the most buffering we can do.

Street trees will also be planted by the site developers. The Planner felt the planting requirements were exceeded.

Expansion of this particular operation in the future would come back before the PZC as it would require site plan modification approval.

The Town Planner said the only item outstanding is paperwork in nature and we're waiting for the final verification on the appropriate abandonment of the existing well. We're satisfied that we will get that prior to the issuance of a building permit. With regard to this action, staff feels it is ready.

Mr. Sinclair made a motion to approve with the stipulation of paperwork on the abandonment of the well prior to zoning permit and no vehicles will be stored outside of parking spaces. Mr. Kalkowski seconded. Motion passed 7 to 0 on a roll call vote.

D. Perillo, reduction of E & S bond from \$11,500 to a new amount of \$3,000, 210 & 218 Queen Street, SPR #1485.

Staff supports this. Mr. Sinclair made a motion to approve. Mr. Chaplinsky seconded. Motion passed unanimously on a voice vote.

(Alternate Gage re-entered the room.)

E. Yarde Metals, reduction of E & S Bond from \$24,300 to a new amount of \$2,000, Newell Street SPR #1524 / 1524.1.

Staff supports this. Mr. Sinclair made a motion to approve. Mr. Champagne seconded. Motion passed unanimously on a voice vote.

F. Timbercrest Estates, release of \$285,000 subdivision bond, Timberwood Drive S #1264.

Staff supports this. Mr. Sinclair so moved the motion. Mr. Macchio seconded. Motion passed unanimously on a voice vote.

G. Informal discussion: Security agreement language

Attorney Sciota advised this may come up for a public hearing. It's really Mr. Meccariello explaining to you what he is looking for.

You have several choices. You can send it to committee or you can give feedback. This is not the time for an extensive discussion because if it does move forward, we are going to have a public hearing.

Attorney Bryan Meccariello, 142 North Main Street, Southington. In dealing with a client of mine with the security agreement recently, I looked at the purpose and intent of the language. I get it from the town's point of view. I am offering this from the developer's point of view.

The purpose of a security agreement is to allow a developer in an approved subdivision to do work to public improve the property without posting the bond, a performance bond.

What I would suggest to propose is a deletion of two words which would allow the developer to actually not only publicly improve but privately improve while the performance bond is not yet posted. Under the security agreement, still maintaining that the developer could not ask for a CO and could not assign or sell disposable lots that were approved by this commission. It is simply to allow a developer while the road is being improved or other issues on the site being improved under the spirit you would allow them also to put a foundation in and start building a house. It would allow a builder to have all their resources available simultaneously from a public improvement point of view and also the private. This will allow the property actually to get on the town tax rolls quicker. In this economy I think it is important to consider this. That's the purpose of this request.

The rationale for the security agreement was explained by Attorney Sciota. The reason why we weren't dealing with the building permit aspect of it as we want the public improvements done. We didn't want structures being built. You don't want a house sitting there without any road whatsoever. We also had some issues with public safety.

Discussion.

We did want the developer to be able to put a road in and that sort of thing without having to put a bond up at that time.

Attorney Meccariello expanded a little bit as to the reason why he is asking for this.

Discussion.

The Town Planner advised the concerns for towns having structures built without completed or mostly completed public improvements is not new. Under this scenario, you could start building a road or building a house with well and septic. And, the money gets tied up and the town gets caught in the position between a house that is done and there's no access for public safety. The town is in the middle because we issued permits to allow the construction but yet we're not issuing a CO or allowing sale to go forward and there is now an even more significant investment with the construction of the house.

That's a legitimate concern and that's why the rules are the way they are here.

Discussion.

The Chair referred it to the Continuous Improvement Committee and Mr. Kalkowski will take a look at it.

ITEMS TO SCHEDULE FOR PUBLIC HEARING

None.

ADMINISTRATIVE REPORTS

None.

RECEIPT OF NEW APPLICATIONS

1. Floodplain filling application for DC Development & Construction at 827 Meriden Avenue.

2. Subdivision Application #1286 - 7 lot subdivision application for the same property at 827 Meriden Avenue.

PZC SUBCOMMITTEES

Mr. Macchio reported on the Turf Committee. We had representatives from three different firms with their presentations. We did go out to see some sites (Cheshire, Durham and Newington) all three different turf types.

We all like the idea of the field. Now it is how do we do this? We are trying to get a report to the Town Council in February.

Mr. Gage said the Blue Ribbon Committee is meeting tomorrow at 4:30 in the Chambers. It's the first meeting to speak about the leagues and the use of the parks.

Mr. Champagne said the open space committee meeting is Thursday at 4:00 pm. I'll have a report next meeting.

Mr. Kalkowski will have his first meeting of the Continuous Improvement Committee next week with something to report next meeting.

Mr. Chaplinsky explained the West Street Subcommittee had a meeting with some new members. The two items are we are including a resident and a couple of business owners from the West Street on the committee.

We are going to be having public input sessions at the end of March and beginning of April. We'll be looking for people to come out and give their input on their visions and concerns with respect to the development of West Street. Public hearing dates will be forthcoming.

Mr. Conroy said the Planning Review Process Committee (Application Process Committee) met last week.

ADJOURNMENT

Mr. Chaplinsky made a motion to adjourn which was seconded by Mr. Sinclair. Motion passed unanimously on a voice vote.

(Whereupon, the meeting was adjourned at 7:57 o'clock, p.m.)