

PLANNING & ZONING COMMISSION  
Public Hearing & Regular Meeting  
May 15, 2012

The Planning & Zoning Commission held a public hearing & regular meeting on Tuesday, May 15, 2012. Chairman Michael DelSanto, called the meeting to order at 7:00 o'clock, p.m.

The following Commissioners were present, viz:

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

Alternates: Jennifer Clock  
Randall Gage  
Ryan Rogers

Ex-officio members present were as follows, viz:

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

Absent: Susan Locks, Alternate

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:**

**Approval of Minutes**

**Regular meeting of May 1, 2012**

Mr. Kalkowski so moved the motion for approval. Mr. Champagne seconded. Motion passed unanimously on a voice vote.

Mr. Sinclair indicated for the record he had missed the last several meetings for family illness, he did read the Minutes and keep up with the meetings.

The Chair welcomed him back.

The Town Planner read the legal notice in the record.

**5. Public Hearings**

**1. Maria Garay and Alba Rivaben, special permit use application for parent/grandparent apartment, 9 Stonegate Road (SPU #508)**

Maria Garay, 9 Stonegate Road, told the commissioners that she bought the house in 2005 and the permit should have been applied for and it wasn't. I'm trying to refinance and someone came to appraise it and found the permit had not been pulled.

There is no new construction. No addition. My Mom's still there and it is the intention to have my Mom in the house.

The Planner advised it is not an uncommon situation. When people do come through to appraise, they check the permits. We see a lot of this when the house is transferred. The new owners are supposed to get the permit but the new owners don't really know that.

We always encourage people in this situation that it is very normal and come on it and submit the paperwork and we're happy to help them.

(Those speaking in favor of the application)

None

(Those speaking against the application)

None

The Chair closed the public hearing.

7:05 pm

**REGULAR MEETING**

**6. Business Meeting**

**1. Maria Garay and Alba Rivaben, special permit use application for parent/grandparent apartment, 9 Stonegate Road (SPU #508)**

The application is in order and the property is being used in conformance with the requirements. It's ready for action.

Mr. Kalkowski made a motion to approve. Mr. Sinclair seconded. Motion passed 7 to 0 on a roll call vote.

**2. Discussion: Cease & Desist Order, 500 Queen Street**

The Town Planner advised this is Rite-Aid. And, the manager of the Rite-Aid has come to represent the corporation.

Jeannine Yuransky(sp), 48 Peter Parley Road, Berlin. We have an electronic sign board that from time to time gets information from corporate which causes it to run ads. According to our permit, we are not allowed to do so.

The Chair said the regulations state that the only thing allowed is time and date.

The Town Planner noted the dates of violations on this property. (Five separate occasions)

The Chair noted this has been frequently advertising sales. I know it's unplugged now. The Manager said they noticed it and they shut the breakers off.

Discussion of whether this is done by corporate or if this can be localized.

The Manager said it is controlled by corporate and from time to time a mistake is made and the wrong information is sent down.

Discussion.

Attorney Sciota said if you can't do it from an IT standpoint, then it has to be turned off and nobody wants to do that. There has to be a way your IT people can have it so it just shows time and temperature.

Discussion.

Mr. Chaplinsky said the town is trying to maintain a look and feel within the town that has been set by the regulations. So the issue is if you are displaying things other than time and temperature in a manner that's against the regulations that opens the door for a lot of other people to do that. How do you propose we proceed in this matter?

The Manager said when the ads run; we try to resolve it as quickly as we can. I can inquire but I am 98% sure there is no way that we can control what that sign says at store level.

Discussion.

Mr. Conroy said if a handle can't be gotten on this, we are going to have to ask it be turned off or have that connection severed.

Mr. Kalkowski summed it by saying we are formally asking you to go back to corporate and get a statement that either they will comply with our requirements or if not, we're going to have to keep the sign off. The Manager said she would do that.

Redocket this item for the next meeting (June 5<sup>th</sup>). We'd like something in writing from corporate saying they've acknowledged the problem.

**3. AA Denorfia Building & Development, LLC site plan application for the construction of a 14 unit multi-family development, 45 Carter Lane & 595 Main Street (SPR #1614).**

Stephen Giudice, Harry Cole & Son, represented the applicant. I'm happy to say we've revised the plans in accordance with all staff comments. I think the plans are in order and we are ready to move forward.

The Town Planner stated it is ready for action.

Mr. Kalkowski made a motion to approve which Mr. Chaplinsky seconded.

Mr. Champagne thanked Mr. Grappone for the work he did on this. He did his due diligence. A lot of questions on drainage and the area surrounding. I know we put you through the wringer on this one, but I think it was necessary. We're not picking on you. We are just trying to do our job. Mr. Grappone did a wonderful job on this. Thank you.

Motion passed 6 to 1 with Mr. Sinclair opposed.

**4. Ideals Outlet, site plan application for proposed gravel parking lot for overflow parking, 2165 Meriden Waterbury Turnpike (SPR #1615.)**

Stephen Giudice with Harry Cole & Son represented the applicant. We've revised this plan according to comments from town staff. At the last meeting here was discussion about getting to this parking area.

Talking to applicant a little more, what he is proposing to do is actually keep this area gated off so they'd use it for a specific event. At that time when they have a flea market or car show, all the vehicles would come in at one time and then when it's over all the vehicles would leave at one time. That would avoid issues with cars coming/going out of that connection between the gravel and paved parking lot.

All other issues have been addressed.

If you have any questions for me?

The Town Planner advised it is ready for action.

Mr. Kalkowski made a motion to approve and a second by Mr. Sinclair.

Motion passed 7 to 0 on a roll call vote.

**5. Zingarella's Pizza, site plan modification for building addition, 83 West Main Street (SPR #1547.2)**

Sev Bovino, Planner with Kratzert, Jones representing the applicant. On March 12, 2012, we received an approval for 370 sq. ft. After review, the client realized that the ice cream serving area needs a little bit more room. We are back here for 153 sq. ft. addition to the front of the building. On the lower left side of the sheet, you'll see the architectural rendering of what it is going to look like.

Everything remains the same. The parking is within 100' of a municipal lot so a 100% waiver is allowed. If you wish to take action on that. The spaces are the same.

This area is dedicated to the employees.

The Town Planner stated we are excited that the applicant is interested in expanding their restaurant and enlarging the rooftop area. It's wonderful.

The Chair noted downtown Plantsville is doing great things. On a Friday or Saturday night it is hopping down there. Nice.

Mr. Bovino said there is no rooftop on this addition. It was on the previous addition.

Mr. Chaplinsky made a motion to approve and Mr. Sinclair seconded. Motion passed 7 to 0 on a roll call vote.

**6. Northstar, request for reduction of \$150,000 E & S bond to a new amount of \$128,500 (SPR #1461)**

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

**7. DC Development and Construction, LLC, request for 90-day extension to file mylar, 827 Meriden Avenue (S#1286)**

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

**8. YMCA program building, request for release of \$1,000 E & S bond (SPR #1519.1)**

Staff supports this. So moved by Mr. Chaplinsky and seconded by Mr. Kalkowski. Motion passed unanimously on a voice vote.

**9. Apple Blossom Estates, request for release of \$3,000 E & S bond (S #1135)**

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

**10. Apple Blossom Estates, request for release of \$2,500 Grading / restoration bond, Laning Street (S#1135)**

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

**11. Apple Blossom Estates, request for release of \$2,100 Public Improvement bond, Laning Street (S#1135)**

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

**12. Calco Construction, request for release of \$ 5,200 E & S bond, 312 Queen Street (FF#179)**

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

**13. Calco Construction, request for release of \$3,100 Public Improvement bond, 312 Queen Street (SPR #1277)**

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

**14. Request for Release of \$25,000 Public Improvement bond, Cider Mill Estates (S #1192)**

Staff supports this. Mr. Kalkowski so moved the motion which Mr. Macchio seconded. Motion passed on a majority voice vote with Mr. Chaplinsky abstaining.

**15. Request for Release of \$16,000 Supplemental bond, Cider Mill Estates (S #1192)**

Staff supports this. Mr. Kalkowski so moved the motion which Mr. Macchio seconded. Motion passed on a majority voice vote with Mr. Chaplinsky abstaining.

**16. Request for Release of \$45,000 maintenance bond, Knights Crossing (S#1167)**

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

**17. Carpenter Construction, request for reduction of \$150,000 subdivision bond to a new amount of \$46,200, Lazy Lane (S#1211.3)**

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

#### **7. Items to Schedule for Public Hearing**

- **ZA #563 - New Text on electronic signs - Section 13-10.4C, June 5<sup>th</sup>.**

- **ZA #564 - New text on chickens - Section 3-01.31.B.3 and 4, June 19<sup>th</sup>**

The Chair noted these dates are good.

#### **8. Administrative Reports**

The Town Planner passed around a couple of letters that were sent out.

- Violation on 172 Lazy Lane

- Letter on 79 LePage Drive. We've had complaints about someone running a business in a residential zone. The letter is kind of an inquiry letter. We'll keep you posted.

#### **9. Subcommittee Reports**

Ryan Rogers reported that we'll talk about it on June 5<sup>th</sup>.

Jim Sinclair is not assigned to any subcommittee.

Kevin Conroy said the Process Review Committee is having their final meeting on Thursday, May 17<sup>th</sup>. Hopefully, we'll have some recommendations.

Paul Chaplinsky said he is on two subcommittees:

(1) Gura Building Subcommittee. We're hoping that in the next month or so we will be gathering some additional input from one of the proposals. More to come on that. Our hope is finish by the end of June or early July with respect to making a recommendation to the Town Council.

(2) On the West Street Subcommittee we've had a lot of activity. And, there has been some actions and agreements by the subcommittee with respect to a West Street business zone. Action with respect to the proposed I-2. And, action with respect to the proposed affordable/workforce house - both were not supported by the subcommittee.

Also, there was a favorable support for a mixed use transition zone on the east side of West Street. These are all things that will be part of the recommendation to this PZC. I'm hoping some time in June but certainly in July.

There are with the West Street business zone some recommendations with respect to traffic studies and parking and building, architecture. Hopefully, you'll think about what you'd like to see there once the recommendations come.

Steve Kalkowski reported on the Continuous Improvement Subcommittee. As we saw, we'll be bringing the LED motor vehicle fuel text changes to a public hearing next meeting.

And, then regarding our chicken regulations. We are actually going to look at poultry and livestock in total. But we felt that we wanted to make a tactical change quickly and then we'll follow it up with a complete new set of poultry and livestock regulations. We'll be talking about that on June 19<sup>th</sup>.

Regarding medical marijuana, that is certainly a priority for us, as well. We are going to schedule a public input session on Thursday, May 31<sup>st</sup>, 7:00 pm here in the Town Council Chambers. We are going to talk about dispensing and production. We'll hear what our citizens are concerned about and recommendations and we'll take it forward from there.

Paul Champagne reported on activity on the Open Space Committee.

Jim Macchio reported on the Artificial Turf Committee. Prior we were to go out and get estimates from at least 3 copies which was done. Three different companies: \$889,000, \$882,000 and \$880,000.

The next step will be to have a public hearing which the Council will hold at DePaolo Middle School on the 29<sup>th</sup> at 7:00 pm. We'll take our direction from there.

Randy Gage advised the Blue Ribbon Parks Committee will be meeting tomorrow at 4:30 pm. We'll be discussing recommendations and draft reports for proposal to the full Council.

Jen Clock is not assigned to a subcommittee.

The Chair reported he is on the Economic Development Strike subcommittee. We cancelled our meeting last month. Our next meeting is next week. I'll report at our next meeting.

## **10. Receipt of New Applications**

- (1) Zingarella Pizza which you acted on tonight.
- (2) Site plan modification for Cava Restaurant. They're looking to add some rooftop dining.

**Commission comments:**

Mr. Chaplinsky added that related to West Street but not the subcommittee, it was several weeks ago we talked about asking the Southington Police Department to pull some data and do an analysis of the intersections of West and Spring and West and West Pines Drive.

I did have some follow up conversation with the department. Officer Watson is heading that. I gave him the feedback we were given and he can take that information and consider while he is doing his study. He was supportive of doing that. He's hoping in the next few weeks to have information back to us to review.

As an extension of that, I am anticipating that with the West Street Subcommittee activity this commission might want to consider asking staff to pull traffic information readily available - some data could be available from the state on line and also from the SPD - with respect to traffic counts and accidents on West Street.

We need to start to prepare for a larger traffic study of the West Street corridor to go along with any type of regulation revisions that may come down the road.

I think it would be good to pull readily available data as a first step.

Attorney Sciota said that the traffic study when Lowes & Target came in is relatively new. Engineering and Planning has that document. There is a summary page.

Mr. Chaplinsky asked about the burned down building on Darling Street. What can be done? Attorney Sciota spoke with Jim Butler and they pulled a demolition permit. The property, my understanding is that the project is moving forward. They have an approval for elderly housing, assisted living. The bond commission put the money through. They're waiting for the money from the grant. A nonprofit is putting this through. We'll stay on top of it.

The Chair said it is never plowed in the wintertime or mowed in the summertime. He has complaints all the time. The sidewalks are impassable.

The Town Planner will try to find out a potential timeline seeing they've pulled the permit.

- 11. Adjournment** - Mr. Sinclair made a motion to adjourn. Mr. Chaplinsky seconded. Motion passed unanimously on a voice vote.

(Whereupon, the meeting was adjourned at 7:35 o'clock, p.m.)

