

PLANNING & ZONING COMMISSION
Public Hearing & Regular Meeting
June 5, 2012

The Planning & Zoning Commission held a public hearing & regular meeting on Tuesday, June 5, 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*
Kevin Conroy	Michael DelSanto, Chair

Alternates: Jennifer Clock
 Susan Locks
 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

(*Arrived at 7:03 pm)

Absent: James Sinclair, Commissioner
 Randall Gage, Alternate

The Chair seated Ms. Locks for Mr. Sinclair and Ms. Clock until Mr. Chaplinsky's arrival.

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:

4. Approval of Minutes

Regular Meeting of May 15, 2012

Mr. Kalkowski made a motion to approve the Minutes as submitted. Mr. Champagne seconded. Motion passed unanimously on a voice vote.

Presentation of Town of Southington Pins

Chairman Michael DelSanto presented the Town of Southington pins to: Jennifer Clock, James Macchio, James Champagne, Kevin Conroy, Susan Locks and Ryan Rogers.

Congratulations!

(Mr. Chaplinsky entered the meeting at this time.)

5. Public Hearings

Ms. Savage Dunham read the legal notice into the record.

A. New text on electronic signs; Section 13-10-4C (ZA #563)

Ms. Savage Dunham explained the new text which had been previously been distributed to the commissioners. She did note one change and that is instead of saying the numerical price of gasoline, I believe we want to say the numerical price of motor vehicle fuel.

Staff did refer this matter out and we do have correspondence back from the South Central and the Central Connecticut Regional Agencies saying there is no conflict with the proposal.

(Those speaking in favor of the application)

No response.

(Those speaking against the application)

No response.

The Chair closed this section of the public hearings.

B. Special Permit Use Application of George Rompe for the Expansion of a Non-Conforming Use, 196 Clark Street, Map 31, Parcel 11 (SPU #509)

Jim Jones, Jones Engineering, 92 North Summit Street in Southington represented the applicant, C and R Freedom Enterprises located at 196 Clark Street, a trucking terminal. They are here for an SPU to expand the nonconforming use of the parcel. What they are really looking to expand is the size of the building. The building was burned to the ground in January. They have the right to replace the building at its previous size, but they are looking to make the building 3' wider and 14' deeper. The 14' deeper gives them a depth of 80' and you can actually fit a tractor trailer inside of the building. And, the 3' makes it an even 100' for 4 25' bays. This expansion is mainly is to allow them to fit the trucks inside.

Mr. Jones explained the history of the property for the past 100 years. It was always used for industrial purposes.

They're also asking for an addition to the building south of the building of 920 sf. It's a building existing already. The total expansion would be 22.4%.

Mr. Kalkowski asked about additional truck traffic. Mr. Jones said this is the business they have. It's there and it's functioning. It's really not to increase the work or truck traffic but to house their trucks in a more efficient manner.

Mr. Chaplinsky reviewed the use.

Tom Charboneau, owner. He said the building is actually used for the maintenance of the vehicles and to store them inside so they wouldn't have to be outside. Mostly maintenance.

Discussion.

Mr. Chaplinsky noted the outside would look more aesthetically pleasing.

Discussion.

This is a trucking business and we haul materials for customers. There is no loading or unloading on the property. They go out, get loaded and come in. Most of the time they're gone all week long and they're only there on the weekends explained Mr. Charboneau.

Discussion.

(Those speaking in favor of this application)

No response.

(Those speaking against the application)

Sev Bovino. I'm a property owner within the radius of 500'. My property is 161 Clark Street. He referred to the regulations for trucking terminals which actually just refers to service centers. He noted that indicated no overnight parking on the property.

Truck service centers are allowed in the I-2 zone and not the I-1 zone which makes this site nonconforming. There are all kinds of restrictions and buffering requirements for this kind of use.

Under the expansion of a nonconforming use, there shall not be parking in the front or side yards and no outside storage of materials. The commission can impose even more restrictions.

I've lived in this neighborhood for the past 42 years. The old business dealt with truck repairs and a welding shop. Now it is a trucking operation dedicated to the transport of materials. Trucks

are parking everywhere and overnight. It has been an evolution from the old business to the new one.

I do not think in 2002 the PZC expected this kind of operation.

To prevent the spread of the use, buffering and stipulations needs to be looked at carefully and trucks should not park in the B zone which this property has for about 200' in the front. (Indicating)

Spoke about the rebuilding of a nonconforming use and I support that.

However, I am opposed to the plan in its current form. Surrounding residential uses need buffering from Clark Street where the B zone bisects the property. Explained.

Appropriate stipulations need to be looked at for the use within the I-1 zone.

Thank you.

Mary Rush, 160 Clark Street, homeowner. Being where we live we don't abut exactly up against as I'm on the corner of Clark and Jennifer Lynn. We have a great many families with children and buses that come along Clark Street. We have walkers and people with dogs all along Clark Street. A very old area of town but a very pretty area of town.

I can appreciate the rebuilding. She spoke of noise from trucks running all night long and beepers going off when they back up --- a great many trucks. She spoke of the speed that the 18 wheelers travel.

It would be nice if the traffic could be diverted to the other end to come out and make a right to access 84 and Route 10 that way as opposed to going up Clark Street. It would eliminate the traffic in the residential area and that would be helpful. Only allow trucks to go one way.

How many trucks will this new facility house at one time?

Is there a possibility of diverting traffic in the other direction?

My concern is traffic and the safety of the families that live there.

Clarification: She is looking for traffic to go one way south to the Meriden Waterbury Turnpike instead of north towards the residential zone.

(Rebuttal)

Mr. Jones explained he had the discussion regarding the traffic direction leaving the site and I was told that approximately 80% of the traffic goes to the Meriden Waterbury Road and 20% down to 84, down Clark Street to the north.

The facility will be able to store four inside the building.
Discussion.

There is another business that operates at the front of the site in the business zoned area. Some of the vehicles you see might be related to that business. (Picture submitted)

Mr. Jones pointed out in 2002 the applicant came before the then PZC to have the commission tell them if they were going to be okay with this application of a trucking terminal. The purpose was for them to determine whether they should purchase the property, or not. They purchased the property figuring it could be used as a truck terminal. The commission voted unanimously on that and there was never any mention of what they could do or couldn't do in the different zones. This parcel has always been used as one parcel for whatever use is going on there.

Discussion.

Tom Charboneau explained they have 15 total trucks. A lot of the truck traffic on that street is trucks that don't belong to our facility. Its trucks that come off Exit 3 going to the Truck Stop.

Discussion.

As far as the trucking going to the right to 322 and 84, I mean, that's something that we can do. Most of the trucks do run that way. We could definitely work with everybody and have them go that way to 322.

Mr. Kalkowski asked the official hours of operation. Mr. Charboneau said most of the trucks leave usually around 5:00 am, 4:30 am or 5:00 am. They're all back in, if they're coming back that day, they're in 5:00, 6:00, 7:00. It ain't all hours of the night. Some come in off the road at 3:00 or 4:00 in the morning, but we emphasize to the drivers about speed. There are other trucks that go down there and they're flying down that road. We could emphasize the importance of this to the people that use our facility. Hopefully, that would definitely help out.

The business in front of the property in the B zone is an office use for a brokerage. Thoroughly separate.

Mr. Jones pointed out the parcel in red which is the parcel this application is relative to.

Discussion of buffers and stipulations per the regulations.

The Town Planner pointed out this property has been an industrial use for years and years and years. It's a nonconforming use and a nonconforming building because the property is I-1. That is what prompted them to come in before they purchased and have a conversation with the then PZC about operating this use and the continuation of the use. At that time the commission made a determination that this operation was acceptable to this location.

Discussion.

Attorney Sciota said if not for the expansion, they would rebuild and wouldn't be here. The operation is not changing. The structure is changing and that's what is in front of you. They want to make the building a little bigger to include their operation which has not changed.

Discussion.

The Town Planner advised as to buffering, the applicant is going to be submitting a site plan for review. The existing conditions on the property, most of it is paved. By the road there is some grass area. As to the property that's before you now, where there is some grass, you could choose to require or stipulate some kind of evergreen plantings in that grass area. Staff did not suggest buffering as the operation is not changing just the structure is changing.

Discussion.

Mr. Jones added as to the buffer, the applicant said they'd plant a buffer to the back. This is 85' back from the edge of pavement. And, they are talking about an evergreen buffer along the whole length of it.

Attorney Sciota confirmed the applicant has no problem with a Right Turn Only sign. Mr. Jones said that is what he said.

The Chair closed the public hearing at this time.

6. Business Meeting

A. New text on electronic signs; Section 13-10-4C (ZA #563)

The Town Planner advised it is ready for action. Mr. Chaplinsky asked about the NIT intensity. Do we have a means to measure that? The Town Planner said when somebody comes in for a sign permit, they have to give us their cut sheet with the specifications and those call out the intensity. Attorney Sciota said if there is a dispute, then we'll have to buy a NIT meter.

Discussion.

Mr. Conroy asked if one of the members would enlighten us as to why they chose 10" and 25" and 5,000 NITS vs 3,000 NITS. Mr.

Kalkowski responded the subcommittee actually viewed several different sign manufacturing firms and did a lot of research online. We came out with the average sign profiles. Also, we wanted to limit it to 8" displays. And, then if you take the width of 4 digits, it would be about 25". Those were the profiles of signs we saw offered thru internet sales.

The intensity was discussed. These were pulled from other zoning regulations in other towns. The NIT levels were documented within the sign manufacturers. Some adjustable for day and night. We feel these are the right limitations and size.

Discussion.

Mr. Chaplinsky discussed the red and green lighting as opposed to something less obtrusive with Mr. Kalkowski. He stated his hang up is the aesthetics of the sign.

Discussion.

Mr. Champagne made a motion to accept the proposal from the continuous improvement subcommittee. Mr. Macchio seconded.

The Town Attorney asked for it to be modified to say the motion is to approve the regulation as amended. Mr. Macchio seconded. Motion passed 6 to 1 with Mr. Chaplinsky opposed.

B. Special Permit Use Application of George Rompe for the Expansion of a Non-Conforming Use, 196 Clark Street, Map 31, (SPU #509)

Ms. Savage Dunham advised this is ready for action. Mr. Kalkowski made a motion to approve. Mr. Chaplinsky seconded.

Mr. Chaplinsky said the owner seemed to be willing to add in the buffer and it is not required but it is a good gesture on his part. And, he agreed to the right turn only for trucks out of the parking lot.

Mr. Kalkowski amended his motion to include the two previous items. Mr. Chaplinsky seconded. Motion passed 7 to 0 on a roll call vote.

C. 500 Queen Street - discussion on sign

The Town Planner noted there was nobody here representing this application for Rite Aid. The sign is turned back on but I have had no communication added Ms. Savage Dunham.

The Town Attorney said we should follow up with a letter from them saying their IT people looked at it and the problem is corrected.

Mr. Conroy confirmed we asked for a formal acknowledgement from the district office that they acknowledge the problem and they will correct the problem.

Discussion.

Mr. Macchio confirmed at the last meeting the representative was advised we want an answer from the next level up from her at this meeting.

Discussion.

The Town Planner will follow up. In two weeks if we don't have a response, we can take action through the zoning permit.

The Chair wanted it on record that he was disappointed in Rite-Aid. They have a cavalierish attitude toward this and they're not taking it seriously. I expect a big organization like Rite Aid to come to the meeting and face us and get us answers to questions we asked for two weeks.

D. Cava Restaurant, site plan modification for rooftop dining, 1615 West Street (SPR #1487.3)

Sev Bovino, Planner with Kratzert, Jones & Associates represented the applicant. The property is located at 1615 West Street, Cava Restaurant. It is served by public water and sewer.

The proposal is for rooftop dining. Gross area 1500 sf with maximum occupancy for the rooftop is 50 people. A bar area with 16 stools, five tables of four and seven tables of two.

The site plan indicates the table arrangement and where the bar is going to be. It will be accessed by an elevator on the external part of the building. And, internal and external staircases.

Discussion.

The area will have new decking and appropriate safety railing in addition to the existing parapet which is about 4' in height. He showed the architectural plan and discussed.

Parking spaces required were discussed. The applicant has an agreement with the church to the south to allow parking for employees.

Discussion.

We received comments from staff and we responded to them in writing. The applicant knows he needs to apply to the ZBA for modification of the liquor license.

This effort on the part of the applicant is to attract business during the slow time of the year for him. We ask for your approval of this proposal for rooftop dining.

Mr. Conroy asked about the noise issue.

Stavros Papachristos said there would not be any entertainment on the rooftop. It's for fine dining.

Discussion.

The restaurant will close by 10:00 pm. We don't have too many neighbors. White cloth restaurant and not a bar.

Mr. Conroy asked about the parking requirements. The Town Planner replied staff is supportive of the applicant. The applicant feels the parking is sufficient and he will suffer if they have inadequate parking.

Discussion.

Mr. Chaplinsky asked about the employee parking. The owner said they use it on the weekends.

Discussion.

The elevator proposed was discussed.

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

E. Staebler, request for release of \$5,900 E & S bond, 409 Canal Street (SPR #1398.1)

Staff supports this. Mr. Chaplinsky seconded. Motion passed unanimously on a voice vote.

F. Staebler, request for release of \$1,000 E & S bond, 409 Canal Street (SPR #1398.2)

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

7. Items to Schedule for Public Hearing

A. Lovley Development, Inc., 13 lot resubdivision application, 593 Flanders Road and Smith Street (S #1287.1) June 19

B. Bagno, LLC, Earth Excavation, Filling and Grading application to fill 118.314 cubic yards, West Street (Map 143, Parcel 016) (EE #137) June 19

C. Chris Fields (King 33 LLC) special permit use application for defense training and consulting, 75 Aircraft Road (SPU #510), June 19

The Chair asked for all three to be scheduled on the 19th. The Town Planner advised the chickens will also be on for the 19th.

8. Administrative Reports

None this evening.

9. Receipt of New Applications

- Lovley Development subdivision S1287.1. This is back for the public hearing. You authorized an open space subdivision.

- SPU for Clark Street which you voted on tonight.

- Aircraft Road, SPU 510 - for defense training and consulting occupying a vacant building on the Pratt & Whitney site. That'll be on the 19th.

- Bagno, LLC earth excavation and grading application to fill 118,314 cy along West Street, EE 137. That is on the 19th.

- Pack Tracks, SPU for 24 hour kennel operation for 1177 West Street. That's not scheduled for public hearing as we're waiting an accompanying site plan application coming with that. Maybe for July 17th.

Mr. Chaplinsky asked the Town Planner to get a report from the police department on Spring Street and West Street and West Pines Drive. I think Officer Watson is looking into that for us.

And, on Burritt Street, looking west, just before the Trail, there is a business on the side, maybe a landscaping business. There's a box truck parked very close to Burritt Street and close to the stop sign. My concern is the safety when you are heading west on Burritt Street, it's difficult to see people on the Trail entering the road. There is no stop sign for the Trail there. I'd like to see if we can have the truck moved so we can have a clear line of sight for people walking that Trail. And, there's a stop sign up the road, is there a better way to slow traffic, i.e.: speed bumps.

Even in the easterly direction there are some areas that cut the line of sight down. Walkers, not such a big issue, but bicyclists and roller bladders I am concerned about.

The Town Planner advising taking the immediate fix and addressing the box truck. And, the traffic calming opportunities at that location are between the Director of Public Works and the Traffic Authority. We can look into that.

Rumble strips were discussed as not being favorable.

Mr. Conroy suggested a stop sign on the Trail for bicycles. You can highlight the intersection with various stripings and patterns.

The Town Planner will look into it and submit a report for further dialogue.

The Chair brought up the Valentin Karate signs all over town. If we allow businesses to hand their customers a sign for their front yard, we're going to have a mess on our hands. What disappoints me the most is that Valentin Karate is getting free advertising. He doesn't realize his customers are in violation of our regulations by putting the signs on their front yard. We need to have Rob stop up and see Mr. Valentin and tell him he needs to stop. I also want to refer this to Steve's committee this has to be regulated and done in a way that this is not like Las Vegas. We have to get a handle on this.

The Town Planner advised regarding some regulations she got from other communities regarding these types of signs. Some towns say you can have them for a short period, but you have to come in and get a temporary sign. It has to be on your own premise and not all over town. We have a mechanism and be sure they're not a sight line problem or a distraction.

Discussion.

Mr. Chaplinsky asked to have a sign regulation overhaul done on the regulations. We're doing it piecemeal. We need to look at the sign regulations as a whole. Mr. Kalkowski said his committee intends to do in the future.

10. PZC Subcommittees

- Artificial Turf Committee

Mr. Macchio advised the Turf Committee did go in front of the Council and got approval to go to the BOF and then to us for an 8-24.

- Open Space Committee

Mr. Champagne stated this committee has not had a meeting since the last time I reported.

- Continuous Improvements Committee

Mr. Kalkowski advised there was a public input session on the medical marijuana legislation. We did take all input into account. The three of us did draft some very high level proposed text around the medical marijuana. We have provided it to the Mary and Mark and they'll help us draft some regulations. We'd like to target no later than the July 17th meeting to have it in front of you and then schedule a public hearing.

Then we are going to look at the poultry and livestock regulations.

- West Street Subcommittee:

Mr. Chaplinsky said they had their final meeting and will be presenting to the PZC at the next meeting.

- Process Review Committee

Mr. Conroy reported this committee completed its work. Mark is drafting the particulars and we should be presenting those to the commission in the near future. I think we got a couple of good things.

Mr. Rogers reiterated what Steve just said about the medical marijuana which has the potential to be a very challenging issue in town. We are definitely doing our due diligence to make sure that everything possible is done to enact language that addresses the issues.

- Economic Development Strike Committee

The Chair advised a great meeting was held a couple of weeks ago. We talked about possibly a local news organization doing some advertising that would advertise Southington on a major network, FOX.

A gentleman came up and talked about possibly doing a solar farm here in town where the town could reap some benefits.

Discussion about the downtown lighting project. It looks wonderful.

We talked about Plantsville Center and West Main Street. That's up and coming as well and we'll be devoting some efforts down there.

Beaton & Corbin came up. It's been around for a long time, a Brownfield site. We need some parties to possibly take that piece of property over.

We talked about some stuff in executive session which I can't speak about.

We get a lot accomplished and we always have Southington in mind.

Mr. Chaplinsky asked for additional information on the Ideal Forge site. The Town Planner indicated she had none.

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

(Whereupon, the meeting was adjourned at 8:14 o'clock, p.m.)

