

PLANNING & ZONING COMMISSION
 Public Hearing & Regular Meeting
 January 15, 2013

The Planning & Zoning Commission held a public hearing & regular meeting on Tuesday, January 15, 2013. Chairman Michael DelSanto, called the meeting to order at 7:02 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
 Susan Locks
 Ryan Rogers

Ex-officio members present were as follows, viz:

Robert Librandi, Acting Town Planner
 James A. Grappone, Acting Town Engineer
 Mark J. Sciota, Deputy Town Manager/Town Attorney

A quorum was determined.

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

MICHAEL DELSANTO, Chairman, presiding:

Approval of Minutes:

A. Regular Meeting of January 2, 2013

Mr. Kalkowski made the motion for approval. Mr. Sinclair seconded. Motion passed unanimously on a voice vote.

5. Public Hearings

Mr. Librandi read the legal notice into the record.

A. Lovley Development, Inc., request for Zoning Regulation Amendment of Text, Section 5-01.N of the Zoning Regulations (ZA #570.)

Andrew Denorfia, Attorney, 133 Main Street, representing the applicant. We come before you for a text amendment of Section 5-01.N of the zoning regulations. Mark Lovely is with me tonight as well as Tony Valente of R. Calabrese Agency. He is a real estate appraiser.

Currently in an I-1 zone a hotel is permitted use if the site has 200' of frontage on a state highway and the property is located within 1500 feet of an interstate highway. The regulations also allow an ancillary restaurant as part of the hotel.

The commissions historically have defined an ancillary restaurant as one that is connected to the hotel building.

We've been approached by numerous hotel companies and developers and they've said that nationwide the business needs of hotels have changed and they now want to be on a site with a detached restaurant. Many hotels are no longer offering a restaurant to the customers. And, they have found that many customers do not want to eat in a hotel restaurant for their meals, whether they have a full service sit down meal or just grabbing something to go.

Because of this, we had a meeting with staff on the text amendment to try to come up with something more in line with the current businesses. The text is limited to properties that are within 1500 feet of an interstate highway. This greatly limits the properties in town this affects. Also, the proposed restaurant is limited in size to no more than 3,000 sf. This would be detached and on the same site as the hotel.

Discussion of the ancillary use being site plan. It is not two principle buildings on one site. Site plan, only.

A hotel could have its free breakfast service as they currently have and also have this. They are not mutually exclusive. You can have both, clarified Attorney Sciota.

Discussion of what properties this would affect right now.

Tony Valente from R. Calabrese Agency, Waterbury, CT. Gave two examples of hotels with ancillary restaurants attached. (New Britain and East Hartford)

In the smaller markets we are going to see more of the 125 room hotels being built with some offering of food, continental breakfast or light supper in the evening. An associated restaurant as part of the hotel development is a nice use. A restaurant inside a hotel is kind of a step back in time.

Those speaking in favor of the application:

Arthur Cyr, 103 Berlin Avenue. I speak in favor of this. Two things come to mind: one is economic development. This would enhance our ability for economic development and good development in town. The second is customer friendly. A company can come in and doesn't have to jump through 16 different sets of hoops and hurdles. They can do it in one application. We have not been known to be business friendly over the years. This is a great stride in accomplishing that.

I ask you to approve this text change.

Those speaking against the application:

(No response)

The Chair closed this public hearing item.

B. S. Carpenter Construction Company, 2 lot resubdivision application, 176 Townline Road, Lot #3, Strawberry Fields (S#1259.3)

Stephen Giudice, Harry Cole & Son, represented the application. We have a lot that was part of the Strawberry Fields Subdivision that was subdivided previously. This was Lot # 3. Lot 3-A has been subdivided previously into a front lot and a rear lot. The rear lot was purchased by Jensen Homes and they constructed on that property approximately 1.5 years ago.

Mr. Carpenter still retained the front portion of that property and he has a smaller user interested. So he approached us about trying to subdivide this again into two smaller lots. This is the plan before you.

We did get a variance from the ZBA for a minor frontage variance. Explained.

This is an I-1 zone and it is about 1.5 acres in total. We are proposing to cut that down the middle and create two $\frac{3}{4}$ acre lots. The property is within a G groundwater zone and there are no wetlands on the property. Very good soils, sandy, flat in that area. We have sewer and water services available to the property. The lots we believe will function very well.

We are proposing to utilize an existing driveway for the Jensen property to access these two properties. We have cross easements across the rear and the front of Lot 3-B and 3-A so there are no additional curb cuts along Townline Road.

The ZIRO requirements have been addressed with the subdivision. We think this is a step in the right direction.

Any questions?

Mr. Gage asked about the use of the Jensen's property which is they use it for the maintenance facility.

(Those speaking in favor of the application)

No response.

(Those speaking against the application)

No response.

Mr. Giudice added he had received staff comments and was in the process of addressing those.

The Chair closed the public hearing item for this evening.

6. Business Meeting

A. Lovley Development, Inc., request for Zoning Regulation Amendment of Text, Section 5-01.N of the Zoning Regulations (ZA #570.)

Mr. Librandi advised staff has reviewed the application and it is ready for action.

Mr. Sinclair made a motion to approve. This is a step forward for economic development in industrial zones and I think it will beneficial for the town. Mr. Chaplinsky seconded.

Mr. Kalkowski commented on the process more than the change. We have a continuous improvement committee and I would prefer that we try to drive changes such s this through that committee so we can do due diligence of what other towns are doing to make sure it is in the best interest of our town going forward.

Motion passed 7 to 0 on a roll call vote.

B. S. Carpenter Construction Company, 2 lot resubdivision application, 176 Townline Road, Lot #3, Strawberry Fields (S#1259.3)

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

C. Southington-Cheshire Community YMCA, site plan modification for parking improvements and building expansion, 108, 110, 116, 118 & 130 North Main Street and High Street (SPR #1629).

Stephen Giudice with Harry Cole & Son represented the applicant. This is the site plan portion of the YMCA expansion. We did get a positive vote on the SPU at the last meeting.

The main issue left open is maintaining the existing curb cut on North Main Street, which is the existing southerly curb cut at the TD Bank property.

Discussion.

We really feel that we have presented a good plan. We do like the plan presented. We feel that Mr. Hesketh did a good job with his presentation. And, we also feel that this plan will go to the DOT and the STC for their consideration. The curb cut will definitely be addressed with those agencies. We would like you to seriously consider the application presented.

Regarding the temporary use of the parking lot that is on the site currently, this was constructed right around the Apple Harvest Festival time for use. At that time a cease & desist order was given to the Y to stop using that. We are requesting that the commission allow us to temporarily use that during construction and until we can get started with this facility. We anticipate that start in the spring. It would be used for employees and overflow for certain events. We are asking you to consider that, as well.

Attorney Sciota said the administration supports that. Employee parking only until it is completed. We supported it back in December, also. The cease & desist is lifted for Y employee parking as it is not paved and not improved.

Discussion.

Mr. Giudice reiterated the only other issue is the curb cut and I know it is hotly contested. We feel and we would request that if the commission cannot come to a consensus on what is presented, our fallback position would be to eliminate this connection (indicating) if that is the way the plan has to be. We also would like if you decide to go that route, we would like to have the opportunity to come back in a year or two, once completed, to re-evaluate that.

Discussion.

Mr. Conroy said you are not looking to maintain, but you are looking to modify the existing curb cut. Secondly, the state's oversight as it is Route 10, referring to the State Highway Administration that body requires as part of its application process an approved site plan from the local planning board, which is us. They also take into consideration the wishes of that planning board when it comes to access and other issues related to traffic. We have a great deal of input as to how that body views these issues.

As to the curb cut, as explained numerous times, I'm supportive of the alternate you presented which is to separate the two lots by closing off that cut through. Your traffic

consultant has stated that nobody is going to use it. If that is the case, why is it so important then?

Mr. Giudice responded it is a focal point. It's located in the center of the property and if you look at the Y it is located technically on North Main Street with the access off of High Street. We feel it has a lot to do with the brick building staying, our intent would be to lease this building to another user and they would want direct access from North Main Street for that property.

Mr. Conroy led an extensive discussion with Mr. Giudice regarding the curb cut and providing access from the entire parking lot to the unsignalized intersection with North Main Street. Several options are to eliminate the curb cut entirely or simply allow that access to be for the building itself. Either is acceptable. He brought up the fact that three access points are not necessary in a parking lot this size. Why insist on an access that is going to cause considerable safety concerns when you are talking about that much traffic going through that one point.

Mr. Chaplinsky suggested allowing the curb cut in question to stay but put some Do Not Enter signs at the existing passageway internally where don't allow people from the main Y facility to access. So it is a very clear marking. That'll deter 95% of the people who are thinking about using that.

Discussion.

Mr. Giudice said he felt that would be acceptable.

Mr. Conroy said he didn't see that as a viable option. If you are going to put up signage to restrict the access, then just restrict the access. I don't know why this is such a hard thing to understand.

Discussion.

The Chair at this time call for other comments or suggestions.

Mr. Champagne brought up the temporary use of the other lot. Mr. Giudice acknowledged that. It was for employees of the Y only. Mr. Champagne felt that was a good test case as to whether it would work or not.

Discussion.

Ms. Clock asked about right in/right out only at the curb cut. Mr. Giudice said that was a possibility but he didn't feel the commission felt that was a viable option. It is an option, though.

Mr. Kalkowski said he appreciated all of Mr. Conroy's comments and weighed them very extensively. He liked Mr. Chaplinsky looking for a potential alternative. But I feel maintaining direct access off of North Main Street is important. At the end of the day, the Y has a process on how they want to leverage and use the building which they are using for office space at the current time. And, depending on what happens with the brick how and a decision on that. I have had concerns about High Street all along. And, using that exit/entrance exclusively. That's a horrible intersection there trying to go to North Main Street. I am very supportive of the plan as is.

Mr. Sinclair agreed with Mr. Conroy. He would like to see the North Main Street curb cut eliminated totally. My concern is safety being paramount with people coming in/out of there. With employee parking there as Mr. Champagne said, if it is not an issue, let's cut it off now and have them come back for a modification if there are no issues down the road. I am not in favor of cutting off the internal curb cut. My concern is people from North Main Street find out they're trapped there and pulling back out on to North Main Street. If it came to a vote, I'd be only in favor of this if North Main Street was cut off and they come back and modify once their employees start using the parking lot.

Mr. Chaplinsky said we have to respect the professionals. We have a temporary solution for safety concerns and still allows the applicant to do what they want and have an entrance. I am going to make a motion to approve the site plan with the curb cut and allow for one way thru with the internal by-pass there with a couple of Do Not Enter signs going northbound. If you want to come back and alleviate that in the future, we can entertain that at a later time with updated data.

Mr. Macchio seconded.

Mr. Gage said his concern is that by closing off the curb cut you are also limiting direct access and we are hamstringing a community organization that doesn't really know what they have to do to another building. I feel this is a compromise that seems to fit and I would vote in favor were I able to vote.

Discussion.

Mr. Chaplinsky clarified his motion was for two way access on North Main. So, in/out for that building, only.

Discussion.

Mr. Macchio said he liked what Ms. Clock said, one way in/one way out. That would alleviate the left turn on to North Main and the travel north which would alleviate a safety problem,

I think. Mr. Conroy noted that does require modifications to the curb which I don't think they have room for.

Discussion.

Mr. Conroy further pointed out it is an existing curb cut for that building and not for the Y. An important distinction.

Extensive discussion led by Mr. Conroy on safety and traffic and public interest issues which must be reviewed by this commission.

Mr. Librandi reviewed the stipulation:

- With the existing curb cut as proposed on the site plan. Also Do Not Enter signs and one way entering to the primary YMCA parking lot.

Motion passed 5 to 2 on a roll call vote with Mr. Conroy and Mr. Sinclair opposed.

D. AA Denorfia Building and Development, floodplain filling application, 76 Liberty Street (FF #235).

Mr. Librandi noted the proposed activities are to fill the floodplain in the amount of (inaudible) cubic yard and floodplain compensation in the amount of (inaudible) to permit construction of the buildings. The IW Agency sent back a favorable recommendation for FF 235 after discussion. Copy of approved letter is in the town planner's office as well as checklist with responses.

Stephen Giudice represented the application. We had our special permit for the use of this property approved at the last meeting. We are proposing a mixed use of active adult apartments with commercial use on the first floor.

We are required as part of this application to fill a portion of the floodplain. There is an area of 100 year flood elevation that kind of comes through the property. Explained.

Prior to site plan we wanted to address this issue. The original proposal was to propose floodplain compensation and ZIRO for the site plan that will be coming before you shortly off site on property off of High Tower Road, also in the Quinnipiac River flood area.

Since then, we've modified our proposal to provide ZIRO on site for the actual development (pavement & building). But the floodplain compensation will be on property owned by the town, the former Primus property. Explained the design.

He pointed to and explained this portion of the compensation which is 1.5 times. We are providing more storage than we are filling

but we are providing storage at elevations closer to the typical flow of the Quinnipiac River and up to the 100 year flood elevation.

Discussion.

Mr. Conroy asked the acting town engineer: with the filling of this particular site, without a site plan, I'm not sure how we can do that. Are you intending to tie the drainage system into this watershed at all? Mr. Giudice explained right now we have a field and this application would maintain that surface. We have a pipe that connects from one side to the other which allows water to flow thru the site and if there were to be flooding, it would flood back through the pipe into the northern property. What happens currently off site would continue.

Extensive discussion on the pipe.

Mr. Conroy pointed out two concerns: One is that the condition that you have you are still going to get water coming out of the catch basin and now that it can no longer drain into the bowl is going to go somewhere else.

Secondly, based on the drawing here, water currently flowing into the bowl from the north now has nowhere to go but it gets up at that inlet and it's limited by the capacity of the inlet.

Can that pipe under a flood condition carry all that water through that pipe and if not, where is it going to go to? And, do you have the numbers to prove this?

Discussion.

Extensive discussion by Mr. Conroy on his concerns regarding the head water issue.

The Chair interjected and asked staff about the comments the IW Agency had. Mr. Grappone responded we had comments we set forth under their presentation. We brought up the head water issue and it was relayed they would provide onsite ZIRO and separate out the offsite storage for the floodplain compensation.

Anthony Denorfia explained the compensation is being made up for somewhere else.

Discussion.

Mr. Grappone explained staff has always been supportive of floodplain storage compensation elsewhere.

Mr. Librandi advised this application is ready for action.

Mr. Chaplinsky made a motion to approve. Mr. Kalkowski seconded. Motion passed 5 to 2 with Mr. Conroy and Mr. Sinclair opposed.

E. Joseph Albrycht, 5 lot subdivision application (Albrycht Meadow), 40 Old Mill Road and Marion Avenue (S#1394).

Stephen Giudice represented the application. This is a 5-lot subdivision we are proposing on the corner of Marion Avenue and Old Mill Road. There is an existing house located on the location and there is a small barn.

This is located in an R-12 zone. It's 2.01 acres. We are proposing five building lots three fronting on Marion Avenue and three fronting on Old Mill Road. One of the three on Old Mill Road is the existing house we are proposing to maintain.

It's a GA groundwater zone. There are no wetlands located on site.

The property is relatively level. Explained.

Public sewers and public water.

We are proposing to extend the sewers from the end of Old Mill Road up across the property frontage to tie in two lots on Marion Avenue. Explained.

We have staff comments and we are in the process of revising the plan. We're looking for a table tonight.

Discussion on the shape of Lot 5. Access to Knox Drive was discussed. A suggested stipulation would be no access to Knox Drive from that property.

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

F. Alkesh & Alpa Patel, request for release of \$3,000 Earth Excavation Bond, 555 Winding Ridge (EE #138).

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

7. Items to Schedule for Public Hearing

A. Betty J. Cole, request for proposed zoning district boundary change, 28 Werking Street, from B to R-12 (ZC#542) February 5

B. Gugliotti, earth excavation application for removal of approximately 32,500 cy, 117 Crescent Avenue, Map 64, Parcel 106 (EE #140), February 5

C. Southington - Cheshire Community YMCA, earth excavation application for the removal of approximately 125,912 cy of material, 1000 East Street (EE #141), February 5 or 19.

All can b scheduled for February 5th.

8. Administrative Reports

Mr. Librandi had nothing to comment on.

Attorney Sciota advised about an 8-24 approved before. You don't have to vote on it but I do want to bring you up to speed on it. It's for the improvements at both Kennedy and DePaolo Middle schools for \$85 million. We are going to modify the bond ordinance to add an additional \$4,725 million. It's going to go to the council and the BOF and then back to the Council for a public hearing. The referendum is March 19th if all goes well.

West Street Subcommittee

Mr. Chaplinsky reported he would be scheduling a meeting for next week with staff to talk about moving forward with the writing of the West Street regulations. I have some specific information to discuss with them regarding frontage, the depth of lots, land areas, size of the buildings, typical uses, parking requests. The hope is that from there the staff will determine whether they'll be writing the draft regulations for the commission or possibly seeking external support. We want to bring this before the commission or discussion and get the West Street Business Zone referred out shortly. I'll report back at our next meeting.

Mr. Kalkowski should have an update on his committee at the next meeting. However, at the last meeting, regarding signs, we had added a stipulation wherein the town council would be responsible for setting a fee. That is incorrect. That'll come back to us for discussion at the next meeting the actual fee for the signs.

Mr. Chaplinsky asked regarding the signs, we talked about but I don't know if we created a standard for the signs ie: typical permitted materials. I know we have sizes. I'd like to see us start to get to the enforcement part of this. Spoke about the cold beer sign outside of the Taco Bell plaza. I don't think that conforms to the type of A-frame sign we're looking for.

Discussion.

Mr. Kalkowski said that should be looked at as far as design standards around this. We felt it was important to get the right regulations in place and we can take it now to the next level and look at design standards.

9. Receipt of New Applications

Mr. Librandi had nothing new.

10. Adjournment

Mr. Sinclair made a motion to adjourn with a second by Mr. Chaplinsky. Motion passed unanimously on a voice vote.

(Whereupon, the meeting was adjourned at 8:18 o'clock, p.m.)_