

PLANNING & ZONING COMMISSION
Public Hearing & Regular Meeting
June 18, 2013

The Planning & Zoning Commission held a public hearing & regular meeting on Tuesday, June 18, 2013. Chairman Michael DelSanto, called the meeting to order at 7:00 o'clock, p.m.

The following Commissioners were present, viz:

| | |
|-----------------|-------------------------|
| James Macchio | Paul Champagne |
| James Sinclair | Paul Chaplinsky |
| Steve Kalkowski | Michael DelSanto, Chair |

Alternates: Susan Locks
Ryan Rogers
Jennifer Clock
Randall Gage

Ex-officio members present were as follows, viz:

David Lavalley, Assistant Town Planner/Acting Town Planner
Keith Hayden, Town Engineer
Mark J. Sciota, Deputy Town Manager/Town Attorney

Absent: Kevin Conroy, Commissioner

The Chair seated Ms. Locks for Mr. Conroy. A quorum was determined.

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

MICHAEL DELSANTO, Chairman, presiding:

4. Approval of Minutes

A. Regular Meeting of June 4, 2013

Mr. Chaplinsky made a motion to approve which Mr. Sinclair seconded. Motion passed on a majority voice vote with Mr. Kalkowski abstaining.

Mr. Kalkowski did note for the record he watched the video recording of the meeting.

Mr. Lavallee read the legal notice into the record at this time.

5. Public Hearings

A. Lancaster Land, LP, petition to enact a zoning regulations amendment of text, new Section 3-08.22 of the HOD regulations (ZA #573)

Sev Bovino, Planner for Kratzert, Jones & Associates represented the applicant. This applicant specializes in affordable senior housing. The HOD regulation was enacted to encourage the construction of housing affordable as defined by the state statues, promotes housing choices including housing for low and moderate income households. My client is proposing to amend a certain section of the existing regulation by request a text change to introduce a new age restricted HOD which would be Section 3-08.22. The restriction would be deed or enforceable covenant.

Any development plan will comply with the current Section 3-08 except the areas that we have introduced.

Section 3-08.4 to allow a project to be ten acres or more provided such parcel is located within 1500 of I-84 and serves as a transition zone between residential and non-residential zone.

Section 3-08.5A.2 will allow more than six units to a building which will include a recreational meeting room, accessible to handicapped, within the facility itself. This is to be one building like The Orchards on Hobart Street or like Mulberry Gardens.

Section 3-08.6 the density allowed currently is 8 units per acre and this will be 10 units per acre. One unit for each 5,454 sf and the proposal is 1 unit for each 4,356 sf. Compared to a CB zone where the allowed unit is 1,029 units per acre which is 1,500 sf per unit.

Section 3-08.9 parking requirements will be reduced to 1.25 per unit versus 2.5. The idea is that the units' occupants in this type of facility will have one or no car as it is restricted to age 62 and above. Discussion.

Section 3-08.12 the community center will not require additional parking because it will be internal to the building and there will be not a need to travel via car from one building to another to go to the community center as it is integrated into the large building.

If there is a concern as to the appropriateness of such a building in a given area, if the text change is approved, there are many more steps to take to allow the commission to approve or disapprove the application:

1. Zone change required according to Section 14-03 needing a public hearing with notification to owners within 500 feet.

2. Approval of a site plan and a special permit use according to Section 9 and Section 8 would be required.

To calculate units in a parcel, the ponds, wetlands and steep areas will be reduced. The wetlands, ponds and steep areas will be a reduction to the calculation.

The CCRPA staff found this proposal not in conflict. However, the commission did find it to be in conflict. In speaking to the planner, they had not understood this was an age restricted proposal. It seems the commission is concerned with a floating zone, also, that could possibly be next to other town's boundaries.

As far as I know there is no parcel 10 acres or more next to Plainville or Cheshire. The current HOD zone is also a floating zone.

The other concerns were the allowed number of unit. They did not think there was a maximum however the request clearly states that the density shall not exceed 10 units per acre.

Additional comments were received from the SCCRPA and I just got them this afternoon. Reviewed the comments noting that clarification should be provided if sub section B thru E apply only to HODs that meet the requirements of Section A or to any other issue. The answer is yes, this only applies to areas where they meet sub section A. Explained.

As far as the clarification, the submitted paperwork - I'll submit another for the record --- Page 9 we have 308.22 which clearly says if a HOD should be restricted by deed or enforceable covenant or condition to occupants 62 years of age or older, development plans shall comply with this Section 3-08 with the following exceptions and it describes them.

There seems to be a misunderstanding on the proposal by these two agencies. Discussion.

Mr. Bovino said he would be glad to go back and clarify to them but their meeting is in September and we were not notified of the meeting as we would have been in attendance to explain the proposal.

There is a long waiting list for these types of units. Therefore, it will be very helpful if you approve this request.

At the end of the hearing if you have additional questions, I would like to request you table so we can work with you to provide additional information if needed.

Discussion about the decision by the CCRPA and the SCCRPA between the commissioners and Mr. Bovino and what transpired at their meeting.

Copies of the memos from the planning agencies will be distributed to the commissioners.

Mr. Champagne asked if the community center would be used by the general public. Mr. Bovino said just for the people in the facility. If you want you could put that restriction on the approval.

Discussion.

Discussion of the current HOD regulation having a 30 acre requirement and what the reasoning was between Mr. Sciota and Mr. Chaplinsky.

Mr. Bovino added there is a need in the community as there is a waiting list. The project would be geared to 62 and above. The 10 acres we feel is appropriate because these are not individual units. They are in one building. It gives plenty of space for recreation or parking.

This is company is based in western New York and has developed 12,000 senior housing apartments and manages another 20,000. They have a lot of experience in this type of service to the community.

(Those speaking in favor of the application)

Raymond Yorski, 156 Lazy Lane. I'm in favor of this application. He noted the shortage of elderly housing. I think it's good.

(Those speaking against the application)

Arthur Cyr, 103 Berlin Avenue. I'm speaking in opposition to every aspect of this proposed text change. When somebody comes up without a specific proposal and wants to change the rules without giving us a parcel to say this is the parcel we're interested in and if you tweak it this way or that way this is what I'll do. They want you to change the regulations for everybody and some are significant.

It is significant to take the existing HOD of 30 acres and reduce it to 10. I think is unneeded.

As for the waiting list, that's true, but we're talking the housing authority and that is different than what is being proposed here. I think the list should be provided to prove there is a list of 150 names.

Discussion.

I request in your Minutes you attach the proposed amendment. It should be published ahead of time so people can prepare for the meeting.

I remind you that when you make these kinds of changes, they are permanent. This is not an exception. It could drastically affect a lot more parcels than the one or two these people may be talking about.

I think you should table for more information or kill it quickly.

Discussion of the community room being restricted to eliminate parking.

To reduce the parking need because it is restricted to over 62 is fantasy.

There is more wrong with this presentation and proposal tonight than anyone could list.

When coming before you for a permanent change to the zoning regs, they should be required to state the parcel involved and what is proposed so you have an idea of how it would fit.

Discussion.

If you just guess, it will come back to haunt us as a town.

Kristen Keska, 149 Wonx Spring Road. A few things:

- Where is this?
- I do not agree with the parking requirement change. Sixty-two is not dead. They have multiple cars. They are going to have visitors. Where are you going to park them?
- The community center, if they have a meeting, there is a lot of people going to be there and to have already reduced the parking --- I can see what'll happen if you happen to park in someone else's driveway if it includes the stereotypical older person. Problems. I don't think reducing the parking spaces is a good idea.
- When I hear next to 84, a transitional zone, I'm concerned.
Discussion.
- I do not think there is a need to change the zoning regs. Thirty acres to ten is to make the most profit. They are trying to bend the regs to meet their needs. If that is done easily, what'll stop you from bending to meet other businesses needs down the road.
- Is there any rules for the PZC in terms of signage for a public hearing? Not just the newspaper, but actual visual signs?
Discussion.

I encourage you consider this a big change to the amendment and I think this is tailoring to a business. Just make them follow the rules that are already there. They can still build their property.

(Rebuttal)

Mr. Bovino responded said they have no objection to the 30 acres. There is an existing floating zone right now with 30 acres and no one has come forward to propose anything. It's hard to find 30 acres to develop for affordable housing. If we wait, we'll never have affordable housing in town.

Parking, as you know, in all uses the parking has been demonstrated if you drive up and down, there is a lot of space available in paved areas. I'll ask my client to list the facilities he has built and are functioning. The number of units at each facility and the number of parking spaces showing this is a viable approach.

Mr. Sinclair asked for an example of something in the area this applicant had developed.

Mr. Bovino will also compare the parking to The Orchards and Mulberry Gardens.

There will be many steps during which you can say yes or no if it is not a benefit for the town. Public hearings will be required.

Text change is the first step of many. This HOD has to be in a residential zone and can't be in an industrial or business zone. It has to be a transition zone between residential and commercial or industrial. Won't happen all over the place.

The parcel has been identified. But the steps are such you ask for the language first to work with the parcel.

Discussion of the regional planning agency relooking at this in September. How long can we keep this open? Mr. Sciota said there is not enough time to do that without the application being withdrawn and resubmitted. Mr. Bovino said tonight they are not willing to withdraw.

The regional agency is an advisory board and not something that's mandatory. You make the decision based on what is needed in this community and how it fits. I don't think we can wait until September. Multiple steps still we have to take.

Discussion whether to keep the public hearing open or close it.

The Chair left the public hearing open at this point.

6. Business Meeting

A. Lancaster Land, LP, petition to enact a zoning regulation amendment of text, new Section 3-08.22 of the HOD regulations (ZA #573)

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

B. Proposed zoning text amendment, Sections 2-01.A.5 and 2-18 (recreational vehicles) ZA #572.

Mr. Kalkowski explained he reviewed the video of the last meeting and he wanted to address several of the themes and we did have a subcommittee meeting last night and I'll state our revised proposal.

I want to be very clear that the intent of what we're trying to do here is to clarify the existing regulation. The word "storage" was unclear. That was a reason why we were asked to look at this.

Another reason why we looked at this is that there is an existing enforcement against this. I do want to address the enforcement aspect to this. It was stated our regulation was unenforceable but here is a perfect example of our regulations being enforced.

The A-framed signs were looked at because there was an enforcement action against an A-framed sign.

Our town staff does enforce our regulations when they are made aware things are happening. It's up to all of us and our citizenry to be the eyes and ears of our regs and to let our staff know when that happens.

I am not interested in discussing the ability to enforce it now as I think we have very definitive evidence here that our regulations are enforced when brought forward. I don't think it is necessary to discuss that further.

Thirdly, we went back and discussed the 48 hours over 7-day period. The reason we proposed this is we did a lot of research as to what other cities and towns are doing. And, 48 hours over a 7-day period seemed to be what most towns/cities have adopted as far as temporary use within the front yard on the driveway. We thought that was a best practice and the convention to bring forward.

There were concerns about between April and October when the high use of RVs is experienced. Nothing is preventing in our new language we are proposing the homeowner to every 7 days have their RV in their front yard to unload and load for their next trip. That is what we are allowing.

Fourth, we could not reach a consensus on allowing in side yards. We agreed to disagree and that is the reason that is brought forward to you for discussion and decision. Are we going to allow or remove side yard?

Fifth, we took Mr. Giudice's comments to heart and agreed with the comment that RVs and boats are not really aligned to accessory use of a residential property. So we do want to remove them from the accessory and put those into the special regulation section. That'll not require us to go back to the state planning authority for their read out. It is movement of the regulations into a better and appropriate location of our zoning regulations.

Sixth, Attorney Hecht's comments I want to address. For the record, the reason why we did this is because he asked us to look at this regulation. And, we kept him in the loop. We took his feedback and understood his client's situation. We proposed this change to clean up the regulations and make them black and white. I was surprised he spoke totally against the regs when he knew very well what direction we would be going in. I'm a little concerned with that.

He requested we add language about where practical. We have no interest in bring where practical into our regulation language. That is bringing more gray area into a language that is already gray enough.

Mr. Chaplinsky said he would like a copy of the draft language to revisit.

(Pause)

Mr. Chaplinsky asked the town attorney for the procedure on enforcement. Mr. Sciota outlined the procedure followed when a violation is found.

Discussion.

Mr. Kalkowski continued. The last point I would like to make is when we look at potential regulation changes, we're not looking at the 96 RV owners, we're looking at 40,000+ citizens of the Town of Southington who pay property taxes on their residence and have an expectation of full use and view within their residences.

For the record, very clearly, I was not in favor of side yards. We didn't reach a consensus but I'll ask for your recommendation on that. You'll see the language that the only way they can store it in a side yard is if the rear yard has insufficient space.

Discussion for a definition of insufficient space. Mr. Sciota said the clear answer is it is the enforcement officer, the police officer's opinion and it is called: discretion.

Mr. Kalkowski recapped:

We are going to propose we leave the 48 hours over a 7 day period.

We are going to ask for your recommendation on whether we allow side yard if there is insufficient space in the rear yard.

We'll ask for a decision this evening if you are all comfortable.

Mr. Chaplinsky reviewed the RV definition and asked if we purposely excluded quads and snowmobiles. Mr. Kalkowski said ATVs are going to be addressed next but they are not included in a RV definition.

Discussion.

Discussion on side yards. Mr. Kalkowski felt it could become very intrusive. Explained side yard in his opinion in most housing locations would be intrusive to the abutting neighbors.

Mr. Rogers stated he felt it was to the point they need to put their RV in the side yard, then your view may not be that great when you look out your window and you're looking right at their house and they have no other place to put it. It's technically their view, too.

Mr. Macchio said he was most vocal on this. It is the homeowner's property and when we define side yard that in itself is nebulous because the side yard, could be 100 yards apart. But have no back lot. Very large yard with all side and no back. Yes, you'll see my RV out your window, but it is 100 yards away. I feel very strongly in the sense that it is my property where my home is and it's my property, the RV. Why can't I park my own vehicle on my own property? Why do I have to pay to put my property somewhere else?

Why it must be on the side yard, to answer that, my feelings on that are again if my backyard is only 20' but I have a 26' RV, I can't put it any place so it will extend into a side yard. Pay to put my RV some place?

And, I use my RV. Monday to Friday I use it. On Saturday and Sunday, I clean it and restock it and that's where the 48 hours comes in. Those are my opinions about that.

Mr. Champagne asked how side lots were addressed when the driveway is on a corner lot with a side entrance. Mr. Kalkowski said it is based on the side yard regulation.

Discussion.

Mr. Champagne felt the say way about a vehicle you pay taxes on. You can drive it any place or any time.

Discussion.

Mr. Kalkowski clarified all we are saying is follow the regulation and we're proposing potentially allowing side yard.
Discussion.

After a further lively discussion on opinions and comments offered by all the commissioners, the Chair called for a motion.

By consensus, the side yard language passes noted the Chair.

Mr. Sinclair made a motion to approve this with the amendment that 201 A 5 B be rewritten to in the side yard, period. Ms.Locks seconded.

Mr.Kalkowski noted it is saying the same thing. If you have sufficient space in the rear yard why wouldn't we want them in the rear yard?

Discussion.

Clarification: The motion is to approve but instead of B, A should say: in the rear and side yard.

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| Vote: | Locks: | Yes |
| | Sinclair: | Yes |
| | Macchio: | No |
| | Champagne: | No |
| | Kalkowski: | No |
| | Chaplinsky: | No |
| | DelSanto: | No |

(Motion fails 2 to 5)

Mr. Kalkowski made a motion to approve as documented. Mr. Macchio seconded.

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| Vote: | Locks: | No |
| | Sinclair: | No |
| | Macchio: | Yes |
| | Champagne: | No |
| | Kalkowski: | Yes |
| | Chaplinsky: | No |
| | DelSanto: | Yes |

Motion fails 3 to 4.

Mr. Sinclair made a motion to table and send back to committee.

(No second)

Mr. Chaplinsky made a motion to approve without B. Mr. Sinclair seconded.

Mr. Kalkowski said we are not going to take this back. If this fails, we are not taking it back. The regulation will stay as is and we'll have all kinds of upset people. We can't come to a consensus on this board and we can't agree on a simple text change of allowing a side yard. It's dying. I want to be clear on this.

The Chair added it shows it is a tough issue in town.

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| Vote: | Locks: | No |
| | Sinclair: | No |
| | Macchio: | No |
| | Champagne: | No |
| | Kalkowski: | Yes |
| | Chaplinsky: | Yes |
| | DelSanto: | No |

(Motion fails 2 to 5.)

C. Wonk Road Partnership, 9 lot subdivision application, Wonx Spring Road, assessor's map 062, Parcel 142 S #1295

Stephen Giudice representing the applicant said this is with the Conservation Commission for a public hearing. I would request a table.

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

D. Zoning Text Amendment, Section 4-00 (new 4-05 - West Street Business Zone) ZA #571

Mr. Lavallee said the language was refined to address the concern from some residents. And, the zoning boundary amendment is up for the next meeting as a public hearing.

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

E. Pergjioni Family Jewelers, site plan application for proposed retail building and parking lot, 834 & 848 South Main Street SPR #1645.

Stephen Giudice, represented the applicants. We have received approval from the Conservation Commission and we did make a few minor revisions to this plan based on their comments. We did move the

parking further away from the wetlands. We eliminated a small retaining wall. We have extended the sidewalk down past the building to the parking lot for access.

We thought we were ready for action tonight but I did receive comments from the Ass't Town Engineer this afternoon. I'll ask you to table this so we can address these comments. And, I would request a continuance for 30 days to get to the next meeting on July 16th.

Mr. Sinclair made a motion to grant the 30-day extension. Mr. Macchio seconded. Motion passed unanimously on a voice vote.

Mr. Sinclair discussed the impetus behind this was to alleviate parking concerns at the deli next door owned by the same family. I know this is an offsite improvement, but can you talk to them about trying to make it look contiguous? Mr. Giudice said they are planning improvements to the Napoli site, parking improvements. Hopefully I'll be back with a connection between the two parking areas. We'll have a pedestrian but not necessarily vehicular connection. I'll so advise my client.

Discussion.

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

F. Lake Compounce, reduction of EE bond from \$347,000 to a new amount of \$130,000 Mt. Vernon Road EE #119.1.

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

G. Baby's World, release of \$2,400 E & S bond, 971 M & W Rd SPR #1589

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

H. Yarde Metals, release of \$2,000 E & S bond, 189 Newell Street SPR #1524/1524.1.

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

I. Yarde Metals, release of \$34,000 floodplain filling bond, 189 Newell Street, SPR #1524.

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

ITEMS TO BE SCHEDULED FOR PUBLIC HEARING

Proposed zoning district change, proposed West Street Business Zone ZC #543, July 16

ADMINISTRATIVE REPORTS

Mr. Lavallee advised of two administrative approvals for site modifications to site plans. Mount Southington wants to add a 10 x 18 electrical shed to an approved building for a compressor.

The second one was on DePaolo Drive, they wanted to split the one large building they have approval for into three buildings which would be two garages and an office and they are accessory to the principle use. No issue with that.

RECEIPT OF NEW APPLICATIONS

No new applications at this point.

Mr. Kalkowski said in a couple of meetings we'll be coming to you to talk about poultry and livestock regulations. We discussed that last night for the first time. I'll be sending you a document to review. A good guide to poultry, livestock and husbandry, et cetera.

Before November, we'll try to wrap up the RVs and garage sizes.

The Chair noted no meeting on July 2nd. Our next meeting will be Tuesday, July 16th at 7:00 pm.

Mr. Gage stated regarding the Galaxy Development site, if we could just call them as it looks like the sight line is getting out of control. Weeds are growing. The sign is causing issues. Mr. Lavallee will follow up.

HAPPY 4TH OF JULY EVERYONE! WE WILL SEE YOU ON JULY 16TH.

ADJOURNMENT

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

(Whereupon, the meeting was adjourned at 8:20 o'clock, p.m.)