

PLANNING & ZONING COMMISSION
Public Hearing & Regular Meeting
September 3, 2013

The Planning & Zoning Commission held a public hearing & regular meeting on Tuesday, September 3, 2013. Chairman Michael DelSanto, called the meeting to order at 7:00 o'clock, p.m.

The following Commissioners were present, viz:

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

Alternates: Susan Locks
Ryan Rogers
Jennifer Clock
Randall Gage

Ex-officio members present were as follows, viz:

David Lavallee, Assistant Town Planner/Acting Town Planner
Keith Hayden, 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:

4. Approval of Minutes

A. Regular Meeting of August 20, 2013

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

5. Public Hearings

Mr. Lavallee read the legal ad into the record.

A. Lancaster Land, LP, proposed zoning text amendment, new section 3-08.22 of the HOD Regulations (ZA #575)

Sev Bovino, Planner with Kratzert, Jones representing the applicant, which specializes in senior housing developments, presented the application.

We do apologize for the confusion with the first application and we want to thank you for the opportunity to present again.

This request is for a proposed text change to the current HOD regulation is made for the purpose of providing more affordable housing opportunities to the over 62 year old population which continues to increase in our town and at the state level. The housing authority director tells me there are 220 individuals on the waiting list with an expected wait period of up to three years.

Any development under this proposed regulation would be restricted by deed or enforceable covenant. It would be part of the current HOD regulation which is a floating zone. This would be a new section: 3-08.22. Subsections b thru e are presented to you and applies only to the HOD that meets the requirement of the subsection which is the first part of the change.

Maximum number of units allowed under our proposal are 10 units per acre versus the current 8 per acre.

This zone would be allowed only within 1500' of I-84, approximately one mile from any town lines and must serve as a transition between a residential and non-residential area. This is an important component of the proposal.

Research indicates that a building like this one that is contemplated in this zone which has all the units in a large building versus multiple buildings service the older tenant population better. It allows preservation of more open space because of a small footprint.

Research also shows these facilities work well with 1 to 1.25 parking spaces per unit however this proposal calls for 1.5 parking spaces per unit.

Discussion.

I would like to submit the following for the record:

- Petition, the application, itself. Cover sheet calls for the text change and it specifically indicates that this regulation is for those 62 years old or older.

- The actual proposed text amendment, the first page, which talks about adding the new section, 3-08.22. Then the last page which goes over the a,b,c,d & e sections. Those sections cover the request that I'm making.
 - Ten acres or more for the parcel versus the 30 acres currently. It's hard to find a 30 acre parcel in Southington for a project like this.
 - Section b will allow for additional units in the zone. The density would be 10 units per acre versus 8. It will contain more than 6 units per building and in our case it would be like 100 units in the building. One single building serving the entire community.
 - Section d would be 1.5 parking spaces instead of 2.5.
 - And, the community center located within the building will not require additional parking as long as there is a proviso there will be handicapped access for the tenants.
- Research submitted shows the number of parking spaces in similar facilities in Southington are approximately 1 per unit or less. And, research for New York State Senior Housing multiple communities. These are included because this company is from New York and they're providing this information on their facilities.
- A letter from George Keeler from the Town of Selina, NY, Director of Planning & Development, and he says the facilities in town has 1.4 parking spaces per unit and they have no problem with the parking at that facility.
- A letter from Chris Travisani (sp), representative from Lancaster Land, LP. He's indicating that there will be no renting out of the community room for parties or events to the general public.
- A letter from the South Central Regional Council who found this proposal not in conflict.
- Tim Malone, Planner at CCRPA, had a few questions for clarification and I've provided the information. He is ready for us to make a presentation on September 5th in front of the CCRPA. Verbally he has indicated he has no problem with this application and it is his opinion this is not in conflict with the regulations.

I'll answer questions.

Mr. Sinclair asked how many of the units are affordable as opposed to general market units. They're all income based - 30% answered Mr. Bovino. Mr. Sinclair asked if they would be willing to bring up the number of affordable units. Mr. Bovino responded he would check with the applicant.

Discussion.

Mr. Conroy noted the reduction in size from 30 acres to 10 acres and located the parcel within 1500' of I-84 and more than one mile from any town boundary. Do you have any idea as to how many parcels fit that requirement? How many are 30 acres and how many are 10 acres? Mr. Bovino said maybe one or two for the 10 acres.

Discussion.

Mr. Conroy asked how many parcels would qualify if we remove the 1500' and one mile requirement. This has the potential to affect the entire town if those two requirements are deleted. Mr. Bovino will research and provide the answer. Mr. Conroy clarified he wanted the number of parcels for the regulation as existing, as proposed and as proposed minus the two restrictions.

Discussion.

Mr. Chaplinsky asked for the number of parcels that meet the current regulations as written today. Mr. Bovino said for the 30 acres, he found maybe one parcel. Mr. Chaplinsky asked staff to look at that and have an answer for the next meeting.

Discussion.

Mr. Bovino commented a project like this wants to be close to 84 so you have an easy on/off interchange without having to go through other residential neighborhoods. That was the intent. Land on East Street I don't believe is appropriate to have this kind of project. That was the reason why this is proposed like this.

Mr. Conroy mentioned subsection b would be going to an unlimited size building.

Subsection c, the change from 8 units to 10 units per acre maximum increases the density. Can you talk about that? Mr. Bovino explained the more density you have, the more you can do the affordable project. We are proposing 30%, but I am told by the applicant that most of the units are affordable. I'll get back to you on that.

Discussion.

Mr. Gage discussed the correlation between increasing just the dwelling units of six per building and having a recreational meeting room within that building. I don't understand. How does having a meeting room make it unlimited dwelling units? Mr. Bovino explained we don't intend to have that correlation. We're saying instead of requiring additional parking for that meeting room, we want to say that as long as the meeting room is within the structure, you don't need additional parking.

Discussion.

You need to have more than six units to do a project that doesn't propose multiple building. One building with a large number of units. You are allowing the applicant to have more than six units per dwelling. As long as we have handicapped accessibility, this will be allowed.

Discussion.

Mr. Macchio commented we need a cap on that number. You're saying the buildings may contain more than six dwelling units without saying how many. Unlimited. Mr. Bovino said it is based on the acreage, maximum 10 units per acre. Mr. Macchio said he didn't like the wording and was very disappointed in the wording. What does the handicapped accessibility have to do with dwelling units? Nothing. Two issues. Mr. Bovino will do more research and provide more information.

Mr. Chaplinsky asked the reason for the 1500'. Can it be less or more? Mr. Bovino said they have a parcel in mind and that parcel fits this proposal.

(Those speaking in favor of the application)

No response.

(Those speaking against the application)

Arthur Cyr, 103 Berlin Avenue. I speak against this for numerous reasons. I believe when you come in with this kind of extensive text change to your regulations, they should also inform the commission and the town exactly where they're intending to put this.

Discussion.

Spoke about the 200+ persons on the waiting list for the housing authority. You can be last on the list and then they're calling you because those ahead of you had said no and put me at the back of the list thus rotating the list. Waiting lists are deceiving sometimes.

Spoke about the parking requirements and the parking problem in any type of high density residential complex: parking, parking & parking.

Discussion.

With this presentation, possibly 100 units per building, unless somebody is intending to have this gargantuan (sp) building that goes for a lot of yards, I believe they're talking about a two, three or maybe four story building. In this town we can go 40' high. I question: do we really want to allow that kind of density and that kind of excess over the six dwelling units? I have a real problem with someone proposing something that may have 100 units in it.

Discussion.

A community center, whether it's in the building or not, and not rentable to the public, if I lived there and wanted to rent this room, it wouldn't be open to the public but I could rent it for a family event (wedding reception or 25th anniversary party). They would absolutely need the parking.

Discussion.

Listen to what they are not telling us.

I think this is not the kind of text change you should be approving without them telling us the parcel. I don't like sections a,b,d & e. It should be voted down without very explicit details from the applicant.

Thank you.

(Rebuttal)

Mr. Bovino said at the next meeting we'll provide additional information as requested.

I would like to tell you that if this is approved, we have many steps to take before this is implemented. You have a zone change which requires notification of people within 500' and have a public hearing. You have an SPU for the implementation of the plan. A lot of steps where the commission and public will have ample opportunity to discuss and dissect the use and how it fits in in a certain area.

The Chair left the public hearing open.

6. Business Meeting

A. Lancaster Land, LP, proposed zoning text amendment, new section 3-08.22 of the HOD Regulations (ZA #575)

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

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

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

C. Baldwin Estates, LLC, subdivision application for 9 lots, property of Joseph F. Albrycht, Jr., 229 Wonx Spring Road S #1296.

Stephen Giudice, Harry Cole & Son, 876 South Main Street, represented the application.

This was before you at the last meeting. We had some outstanding issues that were brought up prior to the meeting. At that time you tabled. We did make revisions to the plan and resubmitted. I guess we are now in good shape.

Mr. Chaplinsky asked about traffic concerns in the area. Mr. Giudice didn't believe this application has a traffic concern. There was a traffic report on the record. Mr. Lavallee stated cars can move a lot better than trucks in that area.

Discussion.

Mr. Sciota pointed out it is zoned residential, it is a residential subdivision, so if there is traffic issue, it is not an issue for this particular applicant.

Mr. Champagne said the advantage of this location is you can use the other side of the horseshoe where truck traffic cannot make the turn. We have three points to go out: Wonx Spring Road, Sunnydale or all the way to the end. People'll find the easiest way out.

Mr. Lavallee said this is ready for action.

Mr. Chaplinsky made a motion to approve this subdivision application. Mr. Champagne seconded. Motion passed 7 to 0 on a roll call vote.

D. Sanjay and Gimisha Patel, site plan application for construction of a 3,065 sf building to be used as a package store, 1700 West Street SPR #1647.

Richard Greenwalch (sp), professional engineer represented the applicants. The building is at 1700 West Street. It is located in a business zone. It's a 1.36 acre parcel. It requires a special exception and we did receive that from the ZBA. That is per your regulations. Regulations require 12 parking spaces. We are providing 16. We have a loading space on the side of the building which will allow them to load and unload trucks. They won't be trailer trucks. They'll be smaller trucks - beverage delivery as beer, wine and liquor. They can load and unload through the side door without disturbing any parking customers in the front. We have a fenced in dumpster location. And, the air conditioning condenser would be within that area so it is not visible from the street.

We meet all B zone requirements.

The common entry presently existing that is shared with the property to the south (insurance agency) and that will serve both properties. There are cross easements in place allowing the use.

I have received comments from the town planner and I have addressed them to him. He reviewed the comments and responses to let the commission know where the application stands.

He passed in photos showing the site which indicate the growth between this property and the residential property. Explained that is the reason for asking not to have to plant a row of evergreens.

He explained, referring to the plan for the building, that the intent is that sometime in the future we might be able to add another 3,000 sf to the north as this property would be underdeveloped with only a 3,000 sf building. That would be retail and served by the same driveway. A fence could be put up temporarily so any headlights wouldn't shine into the residential property somewhat downhill and across the street.

As to Item 11, I was asked to review Section 9.10 of the zoning regulations which is the business overlay zone. We do not meet those requirements. The problem is because of the topography of the site, we are not able keep the building as far backs as the regulations require. The three areas are:

- 25% maximum parking in the first 40' front yard and we have about half our spaces within that 40'.
- Front yard landscaping of 30' and we're proposing 10'.
- The setback to the building, they'd like 100' and we're 80' back from the property line to the building.

While we don't meet those, we do feel that the plan that we've proposed is the only practical way to put this building on the site without falling off the hill in the back. The building is situated at the same distance from the street as the two properties to the south and the parking is the same as those two properties.

He passed around a picture showing the parking on the lot to the south 80' back from the street. We're trying to conform to the other buildings.

Attorney Sciota pointed out this meets the underlying zone. Discussion. You don't need to discuss the business overlay zone.

Mr. Chaplinsky pointed out this is a business zone which is a little bit different. I looked through the permitted uses. Our business overlay zone says permitted uses are those in the business zone and it puts a size restriction on the business but it does not specify package stores. Explained it mentions restaurants and restaurants and not selling alcohol. Where does a package store fit in. Attorney Sciota said he would check it, but we do allow package stores in the CB zone. Mr. Lavalley agreed they certainly do fit.

Attorney Sciota reiterated staff would review it and be sure that we're all comfortable based on the fact that the wording you have in the BL zone allows liquor stores which we allow in a CB Zone.

Mr. Champagne noted a lot of Budweiser trucks are tractor trailers that come into these places and not small box trucks. Is the spot 12 x 25 big enough? You should sign it to accommodate them.

Kenneth Madalena, 777 Mount Vernon Road, Southington. The concern about the trucks, most of them will be able to fit the loading zone. They're usually 40' trucks and not tractor trailers per say. They should be able to get right up onto our dock, unload and go out again without impeding on the traffic or parking. Mr. Champagne pointed out the depth of the loading zone is 25' x 12' wide. The project engineer noted that is what the regulations require. It would accommodate a longer truck.

Mr. Conroy asked about a truck of that size and how it would maneuver in, unload and get out. Would it back in or drive straight in? The project engineer said it would drive in and go north and back into the loading space. Discussion.

Comments have not been received yet from the town engineer.

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

E. Bread for Life, site plan application for proposed building for food services, associated parking, utility connections and storm water management infrastructure, property of Sarjac Partners, LLC 296 Main Street SPR #1648.

Mr. Sinclair recused himself from this application. The Chair seated Mr. Rogers in his stead.

Stephen Giudice, Harry Cole & Son, presented the application. This is a half acre parcel on 296 Main Street, Southington. We are proposing a small building to be used for Bread for Life. It's zoned business and has frontage on Main Street. It is serviced by public water and sewer. No wetlands soils on site.

The proposal is to build a 2400 sf building. We have 14 parking spaces and 1 handicapped space for a total of 15.

The building would be approximately 1.5 stories in height. Showed the renderings.

We have a handicapped ramp to the main entry way. We have a gravel driveway to the lower level for access to the basement and a dumpster pad in the corner. We have a very small storm water management basin located on the corner of the property, as well. The site has mostly surface water runoff so we have one catch proposed at the entrance location. We have a sign identified on the plan. We are proposing grading and landscaping. A small site with a modest building proposed. It fits very well. We are proposing to relocate one telephone pole as part of the application.

We have received some comments from planning. We are anticipating the engineering comments shortly.

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

F. Frank and Mary Fragola, site plan application for a proposed 4,980 sf office building, 1829 West Street SPR #1650.

Sev Bovino, Planner with Kratzert, Jones & Associates represented the application.

Property is located at 1829 West Street at the corner of West Queen Street. This is in the southeast quadrant of the intersection. It's served by public water and sewer. It is zoned I-1.

The proposal is for a 4,980 sf office building, one story. The land area is 34,161 sf. The regulation requires 20,000 sf. The proposed lot coverage is 14.6% versus the 35% allowed.

The application is based on the I-1 zone, Section 5-01 which is the underlying zone. There is an overlay but we are proposing this project under the Section, 5-01.

We received planning department comments and we revised the plans. We are waiting for engineering comments at this time.

We are looking for a waiver of the 35' buffer on the south side of the property because we are next to a resident use but it is not a residential zone but it is a residential use. In lieu of that 35' buffer we are requesting to be allowed to have installation of a fence with evergreen plantings all along which will generate the same effect. The property to the south will be protected from car lights impact and things of that nature by the fence with the plantings in front of it.

Additionally, we request, in the I-1 zone, sidewalks are optional. We request this because on West Street there is brown stonewall just south of the property. It is a substantial wall and there is no room to install the sidewalks. These sidewalks will go nowhere and it will not be possible to extend the sidewalks. On this intersection, there are no sidewalks on the north side and the south side of West Queen Street. This is a destination use and not something that people're going to walk to.

Showed the elevation of the proposed building. It looks more like a house and will blend with the neighborhood.

I checked planning department comments and I don't see any major concerns that could not be addressed other than the waivers we just discussed.

The Chair seated Mr. Sinclair in place of Mr. Rogers at this time.

Mr. Bovino is waiting for engineering comments and then he will revise the plans and resubmit.

Mr. Chaplinsky asked if he reviewed the West Street Business zone with respect to the setbacks to determine if your building will be consistent with the look and feel of the zone. Mr. Bovino pointed out they are applying under the current I-1 zone. Mr. Chaplinsky asked if they were trying to harmonize their proposal with the West Street Business Zone so it doesn't stick out like a sore thumb. Mr. Bovino said it is a corner lot with perfect visibility. There's only 34,000 sf of land area. Discussion about the parking and buffer requirements.

Discussion of the driveway and if there is access from West Queen Street, only. Staff should consider that as a discussion point for future meetings, Mr. Chaplinsky added. Right in, only will be discussed with the client Mr. Bovino answered. It would take pressure off the light.

Mr. Conroy agreed strongly with removing the access from West Street. He was concerned about this being a cut thru as it is such a small parcel in the corner. Discussion.

Sidewalk waiver request was discussed. Mr. Chaplinsky favored sidewalks on the frontage because of traffic in the area now and in the future. We should consider this as not just a single parcel but as a larger part of the West Street vision and require the sidewalks. Mr. Conroy agreed.

Discussion.

Attorney Sciota said the procedure is the applicant puts it on the plan and this board would have to waive it. I suggest it be put on the plan and ask for the waiver next time.

Mr. Chaplinsky requested when reviewing this, the materials of building, highway presence, that's all part of the site plan. It looks like the elevation appears consistent with the look and feel of the West Street Business Zone. As far as the building materials proposed, I'd like to specify that to make those in harmony with what the rest of the zone will look like. Cut off lighting, et cetera.

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

G. Adam M. Pio, site plan modification for proposed addition to existing building and associated driveway, 135 Lazy Lane SPR #1607.1.

Stephen Giudice represented the applicant. You remember this application. We had been here before this a site plan application for an existing house which is located in the industrial zone. This is part of the South Farms Industrial Subdivision. Triano Drive has been completed. We had proposed at that time to do a commercial use out of this commercial use --- or an industrial use, rather. It is the repair of automobiles. We went before the ZBA.

The applicant is proposing to expand this building with an addition at this location and provide additional parking. We're proposing to add storm drainage, modify the detention basin. We have proposed landscaping berm around the perimeter of the property.

We are in the process right now. We've received comments from planning and we are anticipating comments from the engineer shortly.

It's an industrial building in an industrial zone. We have another industrial user to the north. And, then we had a couple of industrial users on Triano Drive. We think the building would fit in with the other properties.

Mr. Conroy asked about maintaining both driveways and Mr. Giudice explained that is the intent. There is a lower level access to this house and that's where the original application allowed parking and have a small office use in the basement of the house. Then we have the second floor used for office space. The topo drops off considerably and grading was a challenge on this site. To get this access down into the lower level, it would be very difficult. Very small driveway. Doesn't get used that much now and we don't propose to increase the use of that driveway.

No outside storage is allowed.

Parking spaces were discussed.

Mr. Sinclair asked what it would look like. Mr. Giudice will bring an elevation to the next meeting. It is a metal building.

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

H. To accept Porriello Drive from Meriden Avenue to its terminus.

Mr.Lavallee advised this is ready for action. Mr. Kalkowski made a motion to approve Mr. Sinclair seconded. Motion passed unanimously on a voice vote.

I. To accept Nicolo Way from Porriello Drive to its terminus.

Mr. Lavallee advised this is ready for action. Mr. Sinclair made a motion to approve and Mr.Kalkowski seconded. Motion passed unanimously on a voice vote.

ITEMS TO SCHEDULE FOR PUBLIC HEARING

Just the item continued from tonight.

ADMINISTRATIVE REPORTS

Nothing to report.

RECEIPT OF NEW APPLICATIONS

95 Corporate Drive, 5,000 sf addition for storage on an existing facility.

COMMISSIONER COMMENTS

Mr. Chaplinsky said in Mr. Patel's application, 1647, if you'll apply the same site plan look and feel. I think there were proposed sidewalks, but insure we have sidewalks. Also the proposed elevation is a flat roof. I would suggest peaked roofs in line with what the rest of the area will look like. Materials consistent with the West Street Business Zone. At least consider these comments with the applicant. Mr. Lavallee agreed.

ADJOURNMENT

Mr. Sinclair so moved a motion to adjourn. Mr.Kalkowski seconded. Motion passed unanimously on a voice vote.

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

