

PLANNING & ZONING COMMISSION
Public Hearing & Regular Meeting
September 17, 2013

The Planning & Zoning Commission held a public hearing & regular meeting on Tuesday, September 17, 2013. 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	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 September 3, 2013

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

5. Public Hearings

A. Lancaster Land, LP, proposed zoning text amendment, new Section 3-08.22 of the HOD Regulations ZA #575, continued from September 3rd.

Sev Bovino, Planner with Kratzert, Jones presented on behalf of the applicant. The application is for a text change to current HOD

regulation. Your current regulations restrict the occupancy to 62 years of age or older. We maintain the same restriction on our proposal.

I'd like to request information from the previous hearing be made part of the record.

The current regs in our opinion are intended for families thereby requiring a large tract of land with few units per building and multiple parking spots.

Our proposal targets an older population. It is financed and operated by private enterprise.

We are requesting that:

- (1) Parcel can be ten acres or more.
- (2) Units can be all in one building.
- (3) That the maximum number of units per acre will be ten.

We have received a ruling of not in conflict with the regulation from both regional agencies.

Concerns you had regarding parking I discussed with the applicant and we are willing to modify our proposed Section 3-08.2d to reflect the same language that your Section 12-01.1q of your zoning regulations has in terms of parking requirements for elderly housing. (Read verbatim)

The other area of concern was Section 3-08.22-b. We are interested to work with you and the town attorney to come up with language that you are comfortable with as long as it accomplishes the same result. This is in regard to the number of units in a building.

You wanted to know where this parcel is. It is located on Lazy Lane between Curtiss Street and Queen Street.

The Planner has provided you with a list of parcels as you requested.

I'll answer any questions.

Mr. Lavallee said the map is coming around at this point.

Mr. Chaplinsky asked Mr. Bovino the advantage for the proposal. Why would we do this? Mr. Bovino responded we need this in town because we want to provide more affordable housing to the population of the town. We all want that. We feel that the restriction of the 30 acres is quite restrictive. It's hard to find 30 acres with a willing seller. We have an interested party with private financing looking for a piece of property they can do a certain number of units. They've found a parcel a little bit more than ten acres, so this is

geared toward that and possibly there are other parcels this would be applied to. My opinion is we need the affordable housing. Everybody wants the affordable housing. The goal of the language is to encourage construction of housing that is affordable as defined by the state statute and is consistent with design and construction standards present in the community. Also, to assist the town in comply with state zoning enabling act, CGS 8-2 as amended. Explained.

Mr. Chaplinsky said he wasn't sure if he agreed with the statement we need more low income or affordable housing in town. My question is, understanding the current state regulations, the requirements to meet a minimum threshold for each town/municipality, what is the current number we're at versus the state regulation. Mr. Sciota advised we are substantially below the 10 percent required. I believe we were less than 5 percent.

Mr. Chaplinsky said if they were to put the maximum number of housing units on this parcel, what would do that number? Mr. Sciota said it would not go over 10 percent. Mr. Lavalley said it would certainly help.

Discussion.

Mr. Chaplinsky discussed the feasibility of meeting the requirement set by the state.

Mr. Sinclair reminded Mr. Bovino last time he asked if the applicant would be willing to come up from the 30 percent. Did you get an answer? Mr. Bovino said the applicant's representative said he is willing to come up to 40%.

(Those speaking in favor of the application)

No response.

(Those speaking against the application)

Arthur Cyr, 103 Berlin Avenue. Regarding the state statutes for affordable housing, you keep deleting the important word and that is deeded affordable housing. We have lots of affordable housing in the town but it is not deeded affordable.

Discussion.

No matter what happens, we are "never" going to hit the 10 percent.

Discussion.

Deeded affordable housing was discussed.

This is not for places like Southington. We don't want to see that many more units of deeded affordable housing. It is not something the town needs or wants.

Thank you.

Kathleen LaForest, 160 Wonx Spring Road. I think before any changes to this text are to be made, all areas should be identified. So we know where the changes are the developer wants and not just a target. There is a lot of developing going on and we don't have any committee or group that can help us with the growth of the town, the public and business together. I'm very confused with what is going on with planning & zoning.

Spoke of West Street proposed changes.

She spoke of the Wonx Spring Road proposal.

Before any changes be made to this text, there are more issues that need to be discussed. I hope you all give a great thought to what I have just said.

Thank you.

(Rebuttal)

Mr. Bovino stated in regard to affordable housing, the case on Meriden Waterbury Road went to court and the town was told they need to have affordable housing in town. We are trying to follow the regulation that you put in place after that court case. We are asking to modify it so that we can find a piece that we can build on. The 30 acres is not available.

These are deed restricted. That's why your current regulation has it that way. We want to provide housing to people who don't make \$100,000 to \$200,000 a year. The affordable housing can go to teachers, policemen. The threshold to quality is not \$20,000/year.

This is the procedure for a text change we are following. Then there is a zone change. And, we have additional public hearings the public and commission can be involved in. We are asking for an opportunity to have that possibility on a parcel of land. We'll present the design as it sits on the property. When you have all the units in one building you preserve lot space.

Only 40% is affordable units. Other units will be available to other people.

Total units proposed is 119. The design isn't complete yet, but over 100.

Mr. Conroy discussed deed restricted affordable housing and the two levels. (80% of the market rate and 60% of the market rate.)
Discussion.

Mr. Conroy said he would like to see a map showing all the parcels that would potentially comply whether or not they are built on.

No further questions/comments, the Chair closed the public hearing at this time.

6. BUSINESS MEETING

The Chair moved Item D to the top of the agenda.

D. 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. Ms. Locks was seated for Mr. Sinclair.

Mr. Champagne made a motion based on the input he has received either face to face, phone or e-mails, from the public and what we've learned from previous applications recently that we put this to a public input session on October 15th where more people can be here and we can get the public's input on this.

Mr. Kalkowski seconded.

Mr. Sciota explained the regulations call for a public input session which means the Chair would set the parameters of the session that night, but the public is allowed to come and speak to this particular application. It is not a public hearing and we do not go through that process.

If you wish we could put it on the website. And, on the agenda.

The Chair noted that meeting will be held at the town hall council chambers. There is a conflict with the town council that night and we'll be over at the chambers.

Attorney Denorfia commented on this issue. Anthony, Denorfia, 133 Main Street, Southington. As you know there are three different levels of review that this commission does. One is site plan. One is special permit use and one is a zone change application.

When you act on a site plan application, the only level of review that I believe case law requires is whether or not the application meets the four corners of the regulations. Therefore, if we meet the regulations, there is no discretion on whether or not it can be approved.

In reading Section 9=02, the only thing you can delve on at this hearing is traffic access, circulation of parking, landscaping and screening, illumination, character and appearance and size of the building.

He cited what Professor Tondra (sp) wrote concerning site plan applications.

I know with modern technology we all have access to e-mail and I'm wondering how this all fits in. Any information that you base your decision on is supposed to be through this hearing and I'm sure you received e-mails the town planner didn't have copies of and I didn't. I think that is kind of inappropriate.

Basically, this particular application, we met all four corners. We've met all staff comments and review. The only thing remaining was a couple of issues with regards to drainage on the site plan revisions asked yesterday by the engineering staff. The comments were done today.

If you're going to open this up to basically a profiling section and people getting absolutely with comments that kind of inappropriate, I think you are doing a disservice not only to the citizens who think these applications, these statement would influence your decision, which shouldn't, and also to the great members of this board of this fine Bread for Life that have to sit here and listen to that.

I respectfully request you follow your regulations and you follow case law. If we meet the site plan regulations, it should be approved. If not, then it should be denied.

Motion passed 7 to 0 on a roll call vote. Public Input Session October 15th at the town hall council chambers.

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

Mr. Sinclair was reseated at this time.

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

Mr.Lavallee clarified that as to the affordability, it is actually based on the income - 80% and 60%. But it still would have to be sold at levels or prices that preserve the affordable and it is set by the CGS.

Discussion.

Mr. Sinclair asked staff to delineate every parcel above ten acres on the map. And, if staff had researched the actual prices currently.

Mr. Champagne wanted the stipulation that this is ten acres of usable land with no wetlands included.

With the distance restriction to 84, we had asked for a breakdown of those parcels which would be affected by this amendment as proposed, reminded Mr. Conroy. We're looking for two maps.

Mr. Kalkowski said we've heard quite a bit on this one. It started out with a spot zoning requirement and a request for us to look at one parcel. Now we are taking a more holistic approach. I think the map we were provided today is a telling sign that in our town we have plenty of opportunities. Fifteen sites we know of right now and may be when we get the other maps.

At this point in time, I am not supportive of this text amendment change and I'll make a motion to deny. Mr. Macchio seconded.

Mr. Sinclair made a motion to table. Mr. Conroy seconded.

Roll call:	Sinclair:	Yes	
	Macchio:	No	
	Conroy:	Yes	
	Champagne:	Yes	
	Kalkowski:	No	
	Chaplinsky:		No
	DelSanto:	No	

Motion to table fails.

Mr. Conroy noted we haven't been given all the information requested at the last meeting. We do have an interest in increasing affordable housing. I would like to have a better idea of how our existing housing supply meets these requirements. There may be an opportunity here to do some good for the town. I'm not prepared to shoot this down at this point. There is more information I would like. I want to have a good understanding of what it is we are actually changing. I would like to explore it a little more.

Mr. Kalkowski said he didn't want to go forward with the current process and would want to recommend this go to the continuous improvement subcommittee and we can look at it holistically.

Mr. Sinclair stated we have a process. This is the process. They went through the legal channels. We're asking for two more weeks for more information.

Motion to deny and a second on the floor.

Roll Call:	Sinclair:	No
	Maccio:	Yes
	Conroy:	No
	Champagne:	Yes

Kalkowski: Yes
Chaplinsky: Yes
DelSanto: Yes

Motion to deny carries 5 to 2.

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

Mr.Lavallee noted this should be tabled as wetlands is still awaiting the review by the state.

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

C. 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 Greenalch, Branford, CT represented the application. We were here two weeks ago and presented our application. I believe you have the revised plans and we have worked out all the details as far as I know with the engineering department. They might have a couple of conditions of approval.

I'm open to questions.

Mr. Chaplinsky brought up the applicant's ability to take into consideration the new West Street Zone regulations with respect to the site plan understanding there are some things you could do to the building façade to give it the New England look and feel with peaked roofs. Did you have a chance to do that? Can you put forward any additional renderings?

Mr. Greenalch said the elevations shows a more modern looking building which is what the owner requested. I'm not aware your regulations specifically require meeting a particular type of look for a building. If they do, I'm sorry, I missed that.

Mr. Chaplinsky referred to the new regulations, recognizing it is a new zone in this area. Explained the amenities outlined in the regulations. Would you be open to those stipulations?

Discussion.

Mr. Greenalch pointed out this parcel shares the driveway with the parcel to the south. You can go from this parcel to the one to the south. To the north, that would certainly be possible. It is the garden center and if they were to develop something there differently,

the layout is such that there would be cross access all across the front.

Discussion.

As to the peaked roof instead of a flat roof on the building, that would change the building design completely and we'd have to go back to the drawing board. The applicant wants to get this project moving and it would delay the project considerably and I don't know what it would do to the cost, to be honest.

Discussion.

Mr. Sciota said you are asking the applicant to work with you on this but it has to be voluntary.

Mr. Greenalch said he would have to consult with his client. I don't have the authority to make that change here tonight.

Discussion.

Christopher (Inaudible), I am the gentleman that is going to be using the facility for the liquor permit which the ZBA granted.

We had that in place prior to any new regulations. My question is where does this stop and end? Three buildings down there is a flat roof. The mosque is next door.

We can change the entryway and put colonial columns and we can make it look colonial, but to change the roof pitch at this point you would literary kill my business. I need to be open by January. We are up against doing the first course of blacktop and every two weeks we're out, we're done. I've been working on this for 1.5 year.

Mr. Greenalch said they could agree to make a peaked section at the entryway.

Mr. Chaplinsky suggested some changes that could be made to give the look and feel but not necessarily change the whole pitch of the roof. I would propose to go forward, ask that you sit down with staff and come up with a couple of small cosmetic type things that might help us along. Mr. Greenalch said that would be agreeable. We'll give it a try.

Mr. Lavallee noted three outstanding items:

- Relocate the light poles out of the easement area. They can be relocated to the sides of the area to create the same intent.

- Plans show an elevated drainage basin it is envisioned with proper maintenance and soil condition the water will drain from the basin. Staff will review this issue during construction prior to the issuance of CO the need for a permanent chain link fence around the basin per the regs.

- Please be advised that the typical trench detail will need to conform to the Town of Southington standards. The envelope for sanitary piping shall include a 6" $\frac{3}{4}$ " stone foundation up to the top of the pipe. Standard notes.

- Review of the design to staff satisfaction.

Mr. Greenalch agreed to all the conditions.

Mr. Sinclair made a motion to approve with the aforementioned stipulations. Mr. Macchio seconded.

Mr. Chaplinsky asked if there was any reason why the parking could not be moved to the side. Mr. Greenalch said the reason is this lot is going to be developed eventually for a second building adjacent to it and because of the fact that the hill falls off and the question of whether that would be reasonably usable by anybody in a retail sense.

Motion passed 7 to 0 on a roll call vote.

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

Sev Bovino, Planner with Kratzert, Jones representing the applicant. I've provided the copy of this rendering to the planning department and hopefully they've provided it to you.

The last time we spoke about walks and the client is willing to show the walks on the project as requested.

He does want you to take a consensus on the driveway coming off of West Street. His thought was to propose that driveway as right in, only. It would allow clients coming from the south to enter the facility without going through the intersection.

With that consensus, we'll revise the plans to address all staff comments.

Mr. Conroy explained he was concerned about this being used as a cut through to bypass the signal. My thinking was the access could be only from West Queen Street. It doesn't serve a purpose to do right in only from West Street as that is the movement we're trying to prevent. I think the left turn from West Street is probably not a good idea, either. If we have a right turn on West Street, I would suggest it be configured in such a way you can't make that turn.

No one had a differing opinion on the commission.

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

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

Stephen Giudice, Harry Cole & Son presented on behalf of the applicant. This is a proposed site plan application for an I-2 zoned property served by public water and sewer.

We're proposing to put an addition on to an existing house. A metal building with proposed parking on the upper level that would attach to Triano Drive which is an industrial drive built years back with the help of the town.

We did receive comments from staff. We revised the plans and addressed the comments to their satisfaction.

I know Mr. Sinclair did ask for building elevations and I did supply them. It is a metal building. We did try to add a little detail around the base with some stonework. But it is a metal industrial building we are proposing to construct. The house will remain and the building will be connected to the house.

Mr. Lavalley concurred it is ready for action.

The proposed use is he does some auto repair and storage of vehicle in the building. Part of his special exception did require that he did not store vehicles outside of the building.

Discussion of why this building is attached.

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

G. Pike Realty Co., site plan application for a 5,000 sf addition and expansion of storage area associated with an existing 17,240 sf facility, 95 Corporate Drive SPR #1651.

Mr. Bovino represented the application. The property is located at 95 Corporate Drive. It is an I-2 zone. It is an ongoing facility there and we are looking to do a 5,000 square foot addition.

This addition was previously approved and the approval was extended twice. We are running out of extensions, so we're back here to get reapproval of this facility.

We'll be in front of the wetlands commission and we have comments to address from staff.

The property is 9.5 acres. Lot coverage proposed 5.35 acres and we're allowed 50% coverage. It is served by public water and sewer.

This is a metal fabricating facility and the storage we are asking to expand is to be used for storage of manufactured product or stock (steel, aluminum).

It will be on crushed stone, not paving.

Mr. Lavallee added the applicant expressed a willingness to meet the checklist.

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

H. William and Jerry Blocher, 20 lot subdivision application, Steeplechase Drive (Map 56, Parcel 42) S #1298.

Stephen Giudice represented the application. This is a proposed subdivision near Steeple Chase Drive. It's a 45.9 acre parcel. It is zoned R-20/25. It is served by public water and public sewer. We are proposing 20 residential lots on this extension to Steeple Chase Drive of approximately 1400 feet.

All lots will be served by water and sewer. Lots range in size from 22,500 sf to 130,000 sf.

We have two detention basins and we have some wetlands impacts with a small wetland crossing and our sewer connection is out to an existing main that runs on the other side of Misery Brook.

We've submitted a planning & zoning application and a wetlands application. We have not been before wetlands, yet.

We did receive staff comments and we'll be working to revise those plans in the next few weeks and after wetlands, we'll be back here.

House sizes proposed range between 2,500 sf and 3,500 sf.

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

I. Request for extension for site improvements, 146/150 Center Street SPR #1554.

Attorney Sciota stated as he applicant, Mr. Person steps up, we have a letter from his attorney to read into the record.

The Chair read the letter into the record from Attorney Pasquale Young. (Letter on file in the town planner's office.)

Mr. Sciota advised this was a site plan approved by this board which required a municipal parking lot. The parking lot and the placement of it may not fall into Mr. Pearson's plans when he buys the property. Working together with Mr. Perillo and myself he has been anxious to go over with us what he plans on doing. We felt and we fully approve him coming forward to give him time to think about what he wants to do there. There is no sense going forward with an enforcement action, putting in a parking lot that will be ripped up next year when his plans come in.

As long as the town is fully secure, we are comfortable with that. That's the set up where we are.

The bond is \$106,000 and change. The June 30th date is fine. He is in town to stay and we're happy working with him on this.

Discussion of the parking lot condition.

Niles Pearson, owner of Paul Gregory's at 148 Center Street. Like the letter said and Attorney Sciota said, I have now just executed a purchase agreement with the current owner to purchase the property. I fully understand it comes with both an obligation to pave the property as well as to subdivide the property and create 150 Center Street.

We've been going back and forth on the conditions of the sale and it just came to fruition. I understand the current owner is delinquent in her promise to fulfill the obligation. I understand the obligation. I am just asking for some time to be able to solicit some bids. I plan at the time of closure on the sale to secure the promise to fulfill.

Lou Perillo, Town of Southington Economic Development Coordinator. We appreciate your listening and we support this extension request. There is quite a bit of activity just to the south and it is our hope with this new owner operator to provide for greater build out, more tax revenue and more job opportunities.

Now with adjacent properties being developed, this is somewhat of a vision, and we feel this might be a better use for the properties combined or with shared access. We'd like to some extra opportunity to look into that.

It does provide significant benefit to the town. The property is being used for parking now.

Thank you.

Mr. Sinclair made a motion to approve. Mr. Chaplinsky seconded. It is through June 30, 2014. With the bond amount as set forth by the town attorney's office.

Motion passed unanimously on a voice vote.

J. Format, LLC, request for release of \$9,500 Earth Excavation / E & S bond, 303 Main Street EE #129.

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

K. 1st Summit, LLC, request for release of \$1,000 E & S bond, 92 North Summit Street SPR #1557.

This is ready for action. Motion to approve by Mr. Sinclair, second by Mr. Kalkowski. Motion passed unanimously on a voice vote.

7. ITEMS TO BE SCHEDULED FOR PUBLIC HEARING

Nothing at this time.

8. ADMINISTRATIVE REPORTS

Three administrative approvals:

- Patio extension for Hearthstone Pub, just to right as you are facing the building.

- 891 West Queen Street, 45 x 15 pre-engineered building attached.

- 142 Center Street, stair expansion off the back of the building. It won't affect the parking.

9. RECEIPT OF NEW APPLICATIONS

20 Lot Subdivision for Steeple Chase Drive.

COMMISSIONER CONCERNS:

Mr. Chaplinsky requested to ask staff to begin to work on the interchange commercial zone and the mixed use transition zone regulation writings in the next month or so. Just begin the process.

I'd like to get a draft to the commission here before the end of the year.

Mr. Kalkowski brought up the application that came before us this evening and the request to alter the design; I don't think we'll get to where your visions are with West Street. Should we start looking at specific design standard?

Mr. Chaplinsky said as to the last application; there were no design standards that were written like the West Street Business Zone. Either there is no design review or there are guidelines that I think unclear. That applicant did not have to adhere to the standards.

The Chair commented every other review the topic of a review board comes up on design standards. Attorney Sciota said the district is a better idea. That's the way to do it. You cannot possibly do this town wide. A certain district they have to look a certain way that makes sense.

Mr. Sinclair brought up businesses in town who violate our regulations, get a letter and a few days or weeks later they violate again. As opposed to just saying okay, we'll send you letter and home you comply. After three strikes we should start fining them. I am talking habitual offenders.

Discussion.

Mr. Lavallee cited Section 14-03 where we can do that now. The ZEO can do it. Attorney Sciota cautioned when doing a law enforcement issue such as writing tickets and going on their property and handing them tickets, I don't mind the ZEO having that power, but you must give the ZEO the ability to get any other support he needs for something like that.

Discussion.

Mr. Gage added for the design standards, a lot of the answers from developers was we don't mind complying, but give us some guidance. They don't like review boards. Put something down and publish it and they'll follow up as long as they know up front what to do. It was disappointing that tonight's application got in without following the designs.

For continuous improvement, we see a nice industrial subdivision and then that's what we did on the end of it. I wonder, how did that get there. We have a new metal building attached to a house in brand new commercial subdivision --- other's may be wondering how that got

there. We need to look at something in the regs so we don't have that.

10. ADJOURNMENT

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

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