

PLANNING & ZONING COMMISSION
Public Hearing and Regular Meeting
April 1, 2014

The Planning & Zoning Commission held a public hearing & regular meeting on Tuesday, April 1, 2014. Chairman Michael DeSanto, called the meeting to order at 7:00 o'clock, p.m.

The following Commissioners were present, viz:

Paul Chaplinsky	Jennifer Clock
James Macchio	Steve Kalkowski
Kevin Conroy	Susan Locks
Michael DeSanto, Chair	

Alternates: Ryan Rogers
Joe Coviello
James Morelli, Jr.

Ex-officio members present were as follows, viz?

Robert Phillips, Director of Planning & Community Development
Keith Hayden, Town Engineer
Mark Sciota, Deputy Town Manager/ Town Attorney

Absent: Kevin Conroy, Regular Member
Anthony Cervoni, Alternate Member

The Chair seated Alternate Ryan Rogers for Kevin Conroy for this evening's meeting. A quorum was determined.

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

MICHAEL DELSANTO, Chair, presiding:

Approval of Minutes

A. Regular Meeting of March 18, 2014

Mr. Chaplinsky made a motion to approve. Mr. Macchio seconded. Motion passed on a majority voice vote with Mr. Kalkowski abstaining. However, he did note for the record he viewed the video.

Mr. Phillips read the legal notice into the record regarding the public hearing item.

5. Public hearings

A. Magnoli Enterprises, 6 lot resubdivision application, Loper Street (Assessor's Map 158, Parcel 51) S #1305

Stephen Giudice, Harry Cole & Son, 876 South Main Street, Plantsville, CT represented the application this evening. He noted Mr. Magnoli of Magnoli Enterprises was here as well.

This is a resubdivision of a single building lot. We were before you approximately two months ago and we did subdivide this property off of the Egan parcel which is a larger parcel on Loper Street into one building lot of 3.62 acres. I mentioned we would be coming back to further subdivide this. The original subdivision was to cut the piece out to allow the applicant to purchase the property. We did propose one house on Lot #1 stays and we are proposing additional development of the subdivision.

The resubdivision takes that piece and cuts it into six residential building lots. R-20/25 zone, half acre lots, with public water and public sewer service. The laterals are already in Loper Street.

We left a 50' ROW strip that will be deeded back to Ms. Egan for a future use of her property if she ever decides to further develop her property. This 50' ROW can be used for a roadway.

We verified all sight distances from the driveways and the future road location which are sufficient.

In order to address ZIRO, each house will have ground infiltration units connected to the roof leaders and that will address any runoff issues we might otherwise have.

We did try to leave some trees along the front of each lot. A natural look to the property. Bring the driveways in, leave a nice little buffer along the street. We pushed the houses back further than typical in an R-20/25 zone just to allow for some existing vegetation along the front of the properties.

We did receive comments from staff. We did address those comments and we have submitted revised plans along with written responses to the comments.

I believe we are in good shape for tonight.

Mr. Chaplinsky asked about the overall plan here. Mr. Giudice said to be honest; Ms. Egan doesn't have any master plans to develop her property. I looked at it when we laid this out to be sure that where I laid the road out would work for future development. There is an additional connection from an existing roadway to the east of us but there is additional frontage on Loper Street to the west. This is it for Mr. Magnoli. If Ms. Egan decides in the future to move forward, we would come back to see you. At this point there are no plans to move forward with an additional subdivision.

Mr. Chaplinsky asked the driveways on the ROW. Mr. Giudice said: sight distance. That's the best location for sight distance at that point. If the road ever comes to fruition, those driveways would just be tied into the existing road. It minimizes the amount of curb cuts on Loper Street. Combining them in that location is the safest alternative.

Discussion.

The Chair asked staff, regards to the driveways going to the driveway, we are not going to run into a responsibility thing as to who is going to shovel and maintain them? Mr. Sciota said the only issue you are going to have down the road is that these property owners will have established houses there and then years from now there is a subdivision back there with a town road going through and they're going to say I had no idea there was a town road there. Mr. Magnoli will tell the people at the closing. They'll forget. It happens all the time.

Discussion.

Mr. Chaplinsky talked about the sidewalks. Is there an objection to putting sidewalks in this area along the frontage on Pleasant Street? I see that if you go further east a few houses, there is existing sidewalk at the next intersection. If you go further west, you get down towards a business zone. Eventually, we'll have more houses along the way, if we have a sidewalk now - -- It may it not go anywhere today, but it is planning for the future.

Mr. Giudice said he wanted to state that it was not that there was opposition to the sidewalks. There is obviously a significant cost to putting in sidewalks. That's the first issue.

The second issue is historically in this town and the state there has been a lot of battling of sidewalks on existing roadways. In the past, this commission would insist developers put sidewalks on town roads. That was challenged through the courts and the courts have said it is considered an offsite improvement and the commission could not force developers to put in

sidewalks off of their property. There is a long history. Attorney Sciota pointed out no one is disputing that. He is asking from a development standpoint would the developer do that.

Discussion.

Mr. Chaplinsky asked: Is the developer willing to do that? Mr. Giudice said he didn't believe he is willing to do that. We understand the concern. The land cost in town is great and it is very difficult to incur that expense in a development like this.

The trees were discussed. Mr. Giudice said the intention was to utilize vegetation if acceptable to staff or this commission in lieu of street trees. If the ZEO felt a tree was needed in a certain spot to fill in an area, we would propose street trees. These houses are going to be approximately 80-90 feet back from the roadway. It is the intent to keep the existing trees along the street line.

Discussion.

Mr. Phillips asked if the future ROW was going to stay in the ownership of Egan. Mr. Giudice said right now it is in ownership of Magnoli but it will be deeded back to Egan. Mr. Phillip suggested an easement for lots 4 and 5 over that. A note will be put on the plan to that affect.

(Those speaking in favor of the application)

Arthur Cyr, 103 Berlin Avenue. I'm in favor of this application in all respects except for the sidewalks. Referred to the comments by the Oshana's who always in the past said: sidewalks, sidewalks. He discussed the sidewalks up on West Street on the corner of Churchill Street.

Loper Street, two houses past this is an intersection with Woodberry Hill --- there are sidewalks there that connect that whole area. We just redeveloped the corner where Panera Bread went in. No reason why the people at the top of Loper Street can't walk down to Queen Street. Except there are no sidewalks.

I would ask this commission to not waive the sidewalks. Not for this development or any future development.

Discussion.

Attorney Sciota interjected there is no mechanism for having the sidewalks put in by the developer.

Mr. Cyr continued he felt this commission should look long and hard at this, whether they approve it, because I think it's important. He spoke of West Pines Drive sidewalks not being installed. I think they're important.

I am in favor of this with stipulations.

(Those speaking against the application)

No response.

Hearing no further comments, the Chair closed the public hearing.

6. Business Meeting

A. Magnoli Enterprises, 6 lot resubdivision application, Loper Street (Assessor's Map 158, Parcel 51) S #1305

Mr. Phillips advised this is ready for action. He noted the requirement of having the easement on the plan in favor of lot 4 & 5 over the future ROW and also add there is missing note on the survey notes. The total area should state: 3.84 acres.

Mr. Kalkowski made a motion to approve with the two stipulations. Mr. Macchio seconded.

Mr. Chaplinsky referred to Section 4-06.1, sidewalks. What is a thru street and do we have a definition? Attorney Sciota said we were sued on point on exactly this case. It went all the way and the town lost it. The law is of the State of Connecticut that this is an offsite improvement.

Mr. Chaplinsky said he would like to see the developer go back and see how we can compromise on the sidewalks here. It is a very busy road. I see people walking up the street from Queen Street. I agree with the comment that this is just an opportunity for us to work with the developer and try to come to some mutual agreement and have a little bit of give and take here. I'd like to see a little bit more time spent to see how we can make this easier and more amenable to bringing sidewalks to this area. This area is going to continue to be built all the way to Queen Street and we have to think about the safety of the people who are going to be living in these houses and in future houses down the road. I understand we're talking about a cost but there is no cost on the safety of people. We should have more of a dialogue with the developer and come to some agreement on that.

I make a motion to table so we can have that dialogue. Mr. Rogers seconded. Roll call vote:

Commissioner	Clock:	Yes
	Kalkowski:	No
	Locks:	No
	Macchio:	No
	Rogers:	Yes
	Chaplinsky:	Yes
	DelSanto:	No

Motion to table fails. 3 yes, 4 no.

So, we have a motion and a second with the two stipulations for approval on the table.

Mr. Kalkowski applauded Mr. Chaplinsky’s viewpoint on the sidewalk. I agree with your viewpoint. But we have heard on the record from the agent that the owner is not willing to do this at t his point. It sounds like they’ve already discussed it and it came back as a no. At this point in time I don’t think we should hold this application up. That’s why I made the motion to approve. However, I do applaud your viewpoints and I tend to share them.

Extensive discussion on time to have a dialogue.

Mr. Phillips said the public hearing is closed so we can’t take in additional dialogue on this application. Attorney Sciota had no other ideas about what they town could do, other than the 60/40 program, but certainly they could talk with staff.

Mr. Phillips continued as a second part of this, this is a tough situation. We have subdivision, administrative action. It meets the regulations; you really have to approve it. This offsite improvement has kind of been ironed out.

Discussion.

Mr. Chaplinsky said he is not forcing this on the applicant. He is just asking for a dialogue with staff. Maybe we can do something.

Discussion.

Mr. Phillips explained at pre application meetings we sit down with the applicant and discuss the proposal. That is the point in time when we offer up the thought of putting in sidewalks. A negotiation process. We encourage it if we cannot require it. We did talk about that with this applicant’s agent.

Discussion.

The Chair pointed out the motion to table was denied. We can continue to discuss the motion and second on the floor for approval.

Attorney Sciota said it was his understanding the applicant would like to have an approval with the understanding they will discuss with staff possibly coming back and putting in sidewalks with a sharing mechanism with a percentage that needs to be discussed.

Discussion.

Mr. Chaplinsky advised he is supportive of the project. He appreciates the dialogue. One of our regulations is to consider current development and future development of the surrounding area. Clearly, there is future development that will occur in this area. That's for traffic and pedestrian traffic. I will vote in favor of the application with the understanding there will be a serious dialogue with staff.

The Chair echoed everyone's sentiments. Everyone has safety in mind. We've heard from the legal authority we are barking up the wrong tree. I'm curious as to what other mechanisms we have to encourage this. Maybe something will come to fruition. My feeling has always been that I don't think we should jam it down people's throats.

Discussion.

Motion to approve with stipulations passed 7 to 0 on a roll call vote.

B. Request for approval under 8-24 for placement of a cell tower on town owned property located on East Street, known as Assessor's Map 066, Parcel 053, (MR#483)

Attorney Sciota explained this is a request of the town council. Through the years we've been trying to get as many towers on town property as possible. If we can put them in the right area, it's a very good income for the town. We're excited about the placement of this one. It is on East Street where our leaf site is. It's the northeasterly quadrant of it over by the tree line. It's going to be approximately 80 to 90 feet. The top 10 feet is going to be used by the town for public safety purposes. Verizon is going to have one site and there could be as many as three, to four, to five more sites which the town would receive half the proceeds for. It's income producing for the town.

The trees are very tall over there. There are also power lines that are quite tall in that area. I think, of all the areas in town, this would be the most beneficial for a tower. I don't think there'll be a lot of neighborhood issues in this case.

We're looking for an 8-24 back to the council.

Mr. Chaplinsky questioned the safety of the cell tower and the aesthetics. Discussion followed.

Discussion of the splitting of the fees for the sites on the tower. The money aspect of it is not minimal. It's up to the council on how they wish to use the money.

Mr. Chaplinsky made a motion to send back a favorable 8-24 to the town council. Mr. Kalkowski seconded. Motion passed 7 to 0 on a roll call vote.

C. Fee schedule revision- SPU – Private Garages Greater than three spaces - \$280,000

Mr. Phillips reviewed the item. When we passed the private garage amendment, we discovered two issues. One issue is the fee schedule which is not in the regulations but is executed by the planning & zoning commission and we've had people come in and it seems unreasonable to charge them the full \$560 special permit fee. What I consider the private garage regulations to be is something similar to the grandparent/parent apartment and things of that nature. I am proposing that the commission endorses a new subsection under the fee schedule that matches the special permit fees for the other one which is \$280.

The second portion is more of an FYI at this time. When you look at the regulations under notice, right now we would have to have the applicant notice all abutters within 500' and that seems a little excessive for a private garage, as well. It should be something similar to home occupation or the grandparent/parent apartment. One of them has a 250' limitation requirement and the other is direct abutters. The question is which one? I think 500' is a little excessive, concluded Mr. Phillips.

After discussion, it was decided as a consensus of the commission to go with the 250' for notice and setting the fee at \$ 280.

D. LePage Homes, reduction of E& S bond to anew amount of \$5,000, Millcrest Condominiums, 500/514 Mill Street (SPR #1595)

Mr. Phillips reported this is ready for action. Mr. Kalkowski so moved the motion for approval. Mr. Chaplinsky seconded. Motion passed unanimously on a voice vote.

E. LePage Homes, \$30,000 bond in lieu of site plan compliance, Millcrest Condominiums, 500/514 Mill Street (SPR #1595)

Mr. Phillips advised this is ready for action. Mr. Kalkowski so moved the motion for approval. Mr. Chaplinsky seconded. Motion passed unanimously on a voice vote.

7. Plan of Conservation and Development

Mr. Phillips stated that all were provided with a copy of the RFQ that went out. That's FYI. It is active and I've fielded four inquiries to date. The closing is April 15th which is your next meeting.

I've been speaking with Jen as far as how we're going to program the start up of this and we came to the conclusion that if we can get the members available about a half hour before the next meeting, we'll meet and distribute the RFQs and then we'll decide when we'll meet again to discuss the priority list, who to bring in for interviews.

Then we'll have another meeting, have those interviews and reconvene, recommend and select the consultant. Then we'll come back to you. We'll work with Mark on that.

Brief discussion about what is in the RFQ about how the candidates will be selected. General evaluations, current workload, who would be in charge of the project, close proximity to the town, et cetera.

Discussion.

Discussion of the 2006 Plan, who did the plan, and the effectiveness of the plan.

Ms. Clock noted that we are looking for two resident members. She sent out an email to the conservation commission. We're still waiting for a response.

8. Items to be scheduled for public hearing

- Proposed zoning district boundary change from R-12 to B, 33 Buckland Street (ZC #545) – April 15

The Chair advised this should be scheduled for April 15th.

9. Administrative Reports

Mr. Phillips brought up Hawks Landing. They came in with another revision to their site plan and they're proposing to add a 300 sf outdoor kitchen and they're still working with the health department on the size. And, also they're proposing to just jog the pro shop that was previously administratively approved a little bit closer to the parking lot.

We've given them the instruction that they should think about exactly what they want to do over a period of time and come in and do a site plan modification instead of incremental changes along the way.

Discussion on what the committee decided would be for administrative approval. Mr. Phillips noted it would be for anything 100 sf or less that could be administratively approved. On a PZC level application, anything that doesn't substantially alter the parking, circulation and/or aesthetics can be administratively approved. Since this is a judgment call, staff would reserve the right to forward any application to the commission should we feel it is not appropriate for admin level approval for any reason. Not cut and dry thresholds.

I need to be comfortable with what you like to see, advised Mr. Phillips. The Chair agreed that Hawks Landing needs to sit down, take a breath, and figure out exactly what they want to do.

Attorney Sciota said on the committee, it came up that we didn't want to be bled to death. We said it was not the policy to have some guy come in with 100 here and 100 there. The policy is that the minor applications we want to go through, most industrial and commercial, those could be done administratively and wouldn't have the lag time. It was not to get a full blown application done piecemeal.

Mr. Phillips said he discussed this with one member which is another point. I like to work with one contact. When you get more than one, it's not good.

Mr. Phillips stated the continuous improvement subcommittee met last Thursday. We started working on an RV definition and regulations. I passed around a draft form for your review only.

Mr. Kalkowski said he was looking for feedback on this. We tried to improve on our last attempt based on the feedback. This really focused on RVs and the parking of RVs. Just one change, on the second to the last bullet, we were going to remove the "for more than six months" section.

There is also a typo: Optionsal.

Mr. Kalkowski said what the committee is looking is to do is allow the parking of RVs either in the rear or the side yard, preserving all of the appropriate boundary offsets, also insuring that the RVs are buffered, screened or are located in such a way to minimize their visual impact on abutting residential properties or from the public right of way.

As far as the optional one, again, we batted this around. Do we never allow it in the front yard? But we just have to allow people to be able to load and unload them. We felt that a temporary use within the front yard or anywhere on the property to unload, clean, season it for longer term storage would be acceptable.

We'll take it back and tighten it up based on your feedback. Then we'll bring this forward again for a vote.

This is addressing just strictly RVs at this point. We have a current trailer regulation.

Mr. Chaplinsky brought up buffering. A natural buffer is more aesthetically pleasing. A row of evergreen-type things. It should be in there.

Mr. Chaplinsky brought up the setback restriction. Mr. Kalkowski clarified it cannot be in the setback area. Side yard, rear yard, front yard.

Discussion

10. Receipt of New Applications

The Bread for Life is a site plan review and the second one, Buckland Street, will have a public hearing.

11. Executive Session: re: pending litigation

The Chair said we are looking for a motion to go into executive session bring the press and public but including the entire board, the town attorney, the town engineer, the town planner and the economic development coordinator. Mr. Rogers so moved the motion and Mr. Macchio seconded. Motion passed unanimously on a voice vote.

(Whereupon, the meeting adjourned to executive session at 7:58 o'clock, p.m.)

EXECUTIVE SESSION

The Southington Planning & Zoning Commission entered executive session immediately following their meeting with the following in attendance in order to discuss pending litigation.

The following Commissioners were present, viz:

Paul Chaplinsky	Jennifer Clock
James Macchio	Steve Kalkowski
Kevin Conroy	Susan Locks
Michael DelSanto, Chair	

Alternates: Ryan Rogers
 Joe Coviello
 James Morelli, Jr.

Ex-officio members present were as follows, viz:

Louis Perillo, Economic Development Coordinator
 Robert Phillips, Director of Planning & Community Development
 Keith Hayden, Town Engineer
 Mark Sciota, Deputy Town Manager/ Town Attorney

Absent: Kevin Conroy, Regular Member
 Anthony Cervoni, Alternate Member

No motions were made or votes taken during executive session.

Mr. Chaplinsky made a motion to adjourn from executive session. Mr. Kalkowski seconded. Motion passed unanimously.

(Executive session was adjourned at 8:50 o'clock, p.m.)

REGULAR SESSION

Mr.Kalkowski made a motion to adjourn the meeting which was seconded by Mr. Chaplinsky. Motion passed unanimously.

(Meeting was adjourned at 8:51 o'clock, p.m.)

Mark J. Sciota
 Acting Secretary

