

PLANNING & ZONING COMMISSION
Regular Meeting
September 2, 2014

The Planning & Zoning Commission held a regular meeting on Tuesday, September 2, 2014. 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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|-----------------|-------------------------|
| Jennifer Clock | James Macchio |
| Steve Kalkowski | Paul Chaplinsky |
| Susan Locks | Michael DelSanto, Chair |

Alternates: Anthony Cervoni
 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, Commissioner

The Chair seated Mr. Cervoni for Mr. Conroy. 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 August 19, 2014

Mr. Kalkowski made a motion to approve as submitted. Mr. Chaplinsky seconded noting he did read the Minutes from the last meeting. Motion passed unanimously on a voice vote.

BUSINESS MEETING

A. James Voisine, Special Permit application to allow outside storage, 1126 Queen Street, SPU #540.

Mr. Phillips advised the applicant is here. Just to update you, we did meet with the applicant since the last meeting and discussed the application and verified the plan submitted as far as the outside storage area. I did a drive by today to view the site. There seems to be a number of items still scattered about the site.

In conclusion, I don't know your fancy on this but if you entertain a motion to approve I'm not sure we want to go with site compliance.

The Chair asked for exactly what is outstanding or is it too much to discuss here? Mr. Phillips said it is pretty much the entire rear of the property that is covered with various materials that I would presume would be included within the outside storage area once it is delineated on the site. I'm not sure if the applicant is waiting for the approval to do that or if you want to condition the approval that it be done in a certain amount of time. Right now, it would still be a zoning enforcement issue for us.

The applicant is clear on what needs to happen added Mr. Phillips. We began dialogue in mid to late winter. This is not a new issue. Throughout the process we want them to come into voluntary compliance. We try to be as understanding as possible given the circumstances.

He is before you because he needs approvals for what he is doing there on site. This is part of the process.

Mr. Chaplinsky noted the applicant has had plenty of opportunity to come forward and try to make things right. There is a lot of stuff going on out there. I think it would be irresponsible of us to expand the use already approved on the site at this time. I will make a motion to deny the application.

Mr. Kalkowski seconded.

Mr. Chaplinsky said this has been brought up a number of times. If somebody is making an effort to work with abutting property owners to reconcile and try to conformance - I don't see a lot of activity moving in that direction. There is non conforming activity going on on the site and it's not fair to the other conforming business owners.

The Chair added the Planner has made it clear to this commission he has spoken to the applicant and the applicant is fully aware of what he needs to do to come into compliance. If at some point in the future he does come into compliance, he's more than welcome to come back and file again for the outside storage. I would recommend that applicant get his business into compliance and try again.

Mr. Phillips asked for direction for staff at this point. The Chair advised it should be treated as any other enforcement issue.
Discussion.

Attorney Sciota continued that his suggestion would be that the ZEO do what he's supposed to do to get the applicant into conformity and then come back with the suggested application.

Mr. Chaplinsky said the applicant should not come back until he is in compliance.
Discussion.

Motion to deny passed 7 to 0 on a roll call vote.

B. James Visine, site plan application to operate a consignment/antique store, 1126 Queen Street, SPR #1676.

This requires the SPU to be approved. The suggestion is to deny the site plan since it can't be approved the way it is.

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

The Chair recused himself from this application. He seated Mr. Coviello in his place and turned the Chair over to Mr. Chaplinsky.

Paul Chaplinsky, Acting Chair:

C. AA Denorfia Building and Development, proposed 31 unit multi-family residential housing development, 42-82 Liberty Street SPR #1674.

Stephen Giudice, Harry Cole & Son, Plantsville, CT here on behalf of AA Denorfia Building and Development for the Liberty Station application.

This application has been before you quite a few times. We have had a couple of meetings with staff and we have addressed 99 percent of the comments satisfactorily. There are a few minor engineering issues that came up today that we are in agreement with and will make revisions. We believe our application is ready for action. I'll be more than happy to answer your questions.

The Town Planner referred to the comments he supplied to the commission this evening noting stipulations. We did get an engineering memo today with one more stipulation.

Stipulations:

1. Concerning engineering checklist comment #11, there is insufficient cover over the proposed 15 inch storm drain in the vicinity of proposed catch basin 36. The top of frame elevation for catch basin #6 is 147.32 and the top of height for the proposed 15 inch HDPE is 147. A portion of the 15 inch pipe will be in the pavement structure. Please redesign the drainage in this area.

2. Concerning Item 14 of the checklist, original checklist dated July 15, 2014, please be advised the 8 inch clean outs to grade are required at each end of the infiltration systems 1 and 2 as shown on Detail Sheet D-1.

3. Please provide predevelopment and post development watershed maps indicating the design point locations E-1 and E-2.

4. Modify the site plan to be compliant with zoning regulations Section 12-02.04 where there shall be no greater than 10 spaces in a row without being broken by landscaping.

As submitted, the plan would be in violation of the regulations and would require a variance but modifying that plan to be compliant with the regulation on the final revised plan would be sufficient.

Other than that, it is ready for action stated Mr. Phillips.

Mr. Kalkowski made a motion to approve with the four aforementioned stipulations by the town planner. Ms. Locks seconded.

The Acting Chair noted he was supportive. This is a positive thing adding density to that area. It's a nice boost to the area and the businesses down there.

Motion passed 7 to 0 on a roll call vote.

The Acting Chair reseated Mr. DelSanto.

Michael DelSanto, Resuming the Chair:

D. First Hartford Realty Corporation, site plan application for retail store as part of a gasoline and convenience store business, 1978 West Street SPR #1677.

Attorney Benjamin Proto addressed the commission on behalf of Cumberland Farms. We gave a full presentation on the proposal late last month. My understanding is that staff indicated there were no real issues of substance from zoning. Our engineer has communicated with the town engineer and there may be a couple of stipulation which are no problem.

It is my understanding the item is ready for action and we are happy to answer any questions you may have.

Mr. Chaplinsky asked the applicant to walk through the circulation of traffic in and out of the parcel. Attorney Proto explained there are two curb cuts: one on the north side which has an easement with the property to the north. That's at the signalized intersection.

And, at the south side of the property there is an ingress/egress proposed. We have to go to CONNDOT and they don't talk to anybody until you do your job. We are proposing a full in/out access at the southern end of the property.

The traffic flow was discusses in detail.

Fuel delivery traffic circulation was discussed.

Delivery trucks for the convenience store circulation was discussed.

Mr. Chaplinsky asked if we need to have two ins and two outs on this property instead of just one at the signal. Mr. Proto explained it was his opinion we need the second cut on the south side primarily for the delivery trucks (fuel and store delivery) to exit the property. It would make a much safer exit for the trucks.

Discussion.

Mr. Chaplinsky asked staff if there was a reason we had to have two curb cuts here. Other than what was presented about the traffic flow with the trucks? Mr. Hayden said you don't have to have them but he heard the logic for providing the second cut and he couldn't disagree with that.

Discussion.

Mr. Chaplinsky discussed the two curb cuts on one property. We may run into complaints about people coming in/out.

Mr. Proto said there is technically only one curb cut on the property. The other cut is an easement area not owned by Cumberland Farms and utilizes the signal. The property itself contains one curb cut and we utilize the cut on the easement area.

Discussion.

Ease of circulation for the pumper was discussed with having the two curb cuts.

Discussion of making the southern curb cut "exit only". Do we want people turning left prior to the signalization was discussed.

Mr. Phillips noted a staff concern was to make sure we really were doing what we had to do as far as curb cuts and as far as ingress/egress. We still have some questions about the left turn and being able to enter the site from that direction but the traffic study looked at that. Ultimately, it is up to the State DOT whether they would approve that, or not. And, that's where we are right now.

Mr. Chaplinsky asked if it was their opinion it would be safer to have an exit only on the south side of that? Allow entrance and exit on the north side but exit only for the large trailers exiting out of there? Encouraging people to really use the signalized intersection? Traffic moves at a fast clip in that area. Do we have an opinion as to what we think might be safest there?

Mr. Phillips stated as an opinion, he would say that no matter what signage is there, people will do what they want to do. We've witnessed it on Queen Street. Mr. Chaplinsky pointed out that is not a reason to not be diligent with what we're doing here. Is one safer than the other? If we think a left turn only in on the north side is the right way to go, let's put it on the record.

Mr. Hayden said having the left turns protected by the light would be a safer movement.

Mr. Chaplinsky observed we are talking about traffic coming in and out, both ways, on a busy street. Mr. Hayden said if you did a right only and not a left out and make the left turns in use the signal. That would reduce the conflicts.

Discussion.

Steve Savaria, Fuss & O'Neill, traffic engineer spoke about the design, why that's there and what they may or may not be entitled to on that street as it is a state road.

Discussion.

CONNDOT's encroachment permit process was discussed. Mr. Savaria felt it would be better not to impose those restrictions at this level so they can make their determination based on the site plan as it stands.

He discussed the flow through the gas station sites as being one directional. That is why we prefer to allow left turns in at the southerly end. Right turns past the signal, probably not that necessary. We didn't assume demand for that movement.

We have the opportunity when we file our application with CONNDOT to extend that northbound left turn lane further south that will allow vehicles waiting to turn left into the southerly driveway to have that lane so they could stop without obstructing northbound thru traffic.

Discussion.

The distance between the two driveways is about 180 feet.

A fueling truck has a wheelbase of 50 feet.

Mr. Kalkowski recalled with this applicant and the next applicant, we had a little bit of a conflict with the easement. Our recommendation was the two applicants get together. Did that happen? Are we going to see a conflict in the next application?

Attorney Sciota said you take one application at a time and if this one is approved as is --- in this case, where you are on the agenda makes a difference.

Mr. Phillips noted they control the point of access and the other site has to work off that for the most part. The access easement for the application coming up lies over their entranceway.

For clarification, there was an overlay of the plans. Patrick O'Leary, our engineer, from VHB did have a conversation and there was overlay of the plans. The plans now match up for the two sites. The entrance at the easement area for the plans. Our traffic engineer has been in contact with the GHIO Family traffic engineering and have had discussions regarding traffic counts and they do not seem to be in conflict, either. All this was offered by Attorney Proto. The overlays were done and the site easement works for both sites. The access ingress/egress works for both sites.

Patrick O'Leary, PE in the State of Connecticut with VHB in Wethersfield, CT. We did have communications with Kratzert, Jones prior to the last meeting. Plans were shared and we developed an overlay of the two plans and the site access points entering into the GHIO property to the right and the Cumberland Farms property. It was concurred between both engineers that for all intents and purposes the access points lined up. There was a 1 foot or 1.5 foot difference. We recognized as professionals in dealing with DOT, they'll have some comments on the application and rather than redraw two sets of plans, once DOT offers comments on the signalized intersection plan, we'll incorporate the comments. I do believe a copy of the overlay was provided as part of the response to comments to the planning department, as well.

The Chair asked Mr. Hayden if he was satisfied with the design of the plan. Mr. Hayden said he was. I think the suggestion of lengthening the left turn lane would be a viable solution but I think the DOT ultimately will drive the way it goes.

As to the pump layout and the store layout on the property, Mr. Hayden said he was absolutely okay with it.

Mr. Chaplinsky said he was still wrangling with the entrance. I made a commitment to try minimizing these kinds of situations. To me, having in/out at both locations has a safety concern. I don't know if you can reposition the pumps, to me, I am not comfortable with the in/out at both locations.

I prefer the signalization. I prefer the out at the southerly cut. If we said exit only or right turn only out of the southerly location, if the DOT felt they wanted to override us, is that going to happen? Mr. Hayden said he didn't think they would override.

Discussion.

Mr. Chaplinsky said if we say right turn only, they'll take that into consideration. That'll help the situation by providing a longer left turn lane. Right only will eliminate a left turn that will fight queuing traffic.

Mr. Hayden said the scrutiny with the DOT is considerable and I feel confident the DOT is not going to allow them to do anything they feel is unsafe. They'll be rigorous in the analysis of that on their highway.

Queen Street was briefly described where DOT allows left turns out.

Mr. O'Leary noted the applicant is entitled to access and egress from their property. They have property on the state highway. There is not a non access line associated with that. Explained.

This is a free standing lot that houses the Cumberland Farms and they're entitled to a curb cut for that. We've gone to the adjacent property owners and acquired rights over that property in what would be the access serving the rear property and over the easement associated with the property to the right. They'd like to have free flowing, safe access at egress points for their customers.

They are entitled to a curb cut for their property. They are going the extra mile to provide signalized upgrades and obtaining the rights over that land that will provide better access/egress for their customers. DOT will restrict accordingly as they deem necessary and require the offsite improvements. Explained they may mandate extending the left hand turn lane into the site for future queues. They'll change the geometry at the signalized intersection.

Cumberland Farms is looking at not only themselves but the property to the right and the property to the rear for future development.

We would request Cumberland Farms not be restricted on their curb cut that goes with their property as there is not a non access line imposed by DOT.

Attorney Sciota reviewed the DOT approval process.

Ms. Locks commented she couldn't imagine taking a left turn past 8:00 am on that road. Traffic is horrific. It's unsafe.

Mr. Chaplinsky made a motion to approve the site plan with the southerly access exit only, right turn only. Ms. Locks seconded.

Mr. Phillips suggested also including: (1) final approval by the town attorney for proposed sidewalk easement (2) including approval of the concrete sidewalk design and (3) filter fabric required over stone envelope within all paved areas for the proposed sewer lateral.

Mr. Chaplinsky said he would amend his motion to add the stipulations. Ms. Locks amended her second.

Motion passed 5 to 2 with Mr. Macchio and Mr. Cervoni opposed.

E. GHIO Family Partnership, site plan modification for commercial use with drive-thru and gas station, 2004 West Street SPR #1673.

Attorney Timothy Furey, Bristol, CT represented the applicant. I do wish to confirm that after the last meeting we did review the site plans, comparing them to each other and they do match up at the entrance very well. We have a lot of room to the north side of our own easement if it has to be adjusted a foot or two. There's a lot of room on the other side, as well.

Depending on who builds first, the second guy to the table will have to break into the side curb and but in the appropriate radius designs. But they match up and can be done without great difficulty.

There was communication and we did resolve those issues.

We do not have rights inferior to anybody's rights over this site. When we bought our lot the easement area was a part of the front piece and there must've been amendments to shift the lot lines and make that driveway part of the rear piece.

Discussion.

Sev Bovino, Planner with Kratzert, Jones, representing the applicant.

Explained his conversation with the engineer for the previous application discussing the curb cut. Our traffic engineer contacted their engineer to get the two reports together. The report provided by Scott Hesketh reflects that conversation and indicates the two work together.

Discussion.

This property is at 2004 West Street. The land area is 42,132 sf with a 100 by 100 access easement over the land of West Side Associates, LLC. This easement is to accommodate this driveway.

The property is served by public water and sewer. Zoned B. The land area requirement in this zone for a gas station is 30,000 sf. The lot frontage is 100. The subject property has 163 feet frontage and the 100 foot access easement. This is at an existing signal.

The property slopes east to west. No trees on the property. It is a filled site from a previous activity.

The proposal is for a 3,500 sf building, convenience store, with a drive-thru and six gas pumps.

The entrance to the facility is at the light. The proposed building is located 170 feet from the street line to allow plenty of movement within the site. The canopy is 85 feet to the property line.

This arrangement allows for plenty of room for circulation and allows a lane for the drive thru and also a bypass lane. And, a lane that goes to the pumps.

The lighting is proposed to be full cut off designed to shine down on the ground. (Note #13 referred to.)

The lot coverage proposed is 8.3% and 25% is allowed in this zone.

The sidewalks are proposed along West Street and across the driveway to reach the end of our easement at that location, total frontage.

A landscaped berm along West Street is proposed in addition to other shrubs and trees throughout the site. Explained.

The drainage system was described.

Green space requirement is 420 sf. We've provided 3,000 sf.

Proposed building is slab on grade. Explained it is a typical Hess Gas Station. However, the applicant has agreed to modify the building design and go with a colonial looking building. (Passed around rendering.)

Canopy detail was provided to the Planner. Explained.

A traffic report was provided by Scott Hesketh and his analysis indicates that the proposed development will not have a significant effect on the local roadway network.

DOT will have the final say. We are coming out to a light. We don't have an additional curb cut. If we are first to build, the northerly left turn lane will be done by us.

Showed photo renderings of the building.

Responses to town staff comments have been provided.

I'll answer questions.

Signage was discussed.

The Town Planner added the application is ready for action with two suggested stipulations:

- Final site access is based upon the layout as shown on SPR #1677 as amended by State DOT upon review.
- Engineering has requested that the final plans should show the minimum six inch building sewer service line.

Mr. Chaplinsky made a motion to approve with the town planner's suggested stipulations. But just for clarification, the approval is for access for this site plan at the existing signalization that exists today. Mr. Kalkowski seconded.

Motion passed 7 to 0 on a roll call vote.

F. Bagno, LLC, 6 lot subdivision application, West Pines Drive, Assessor's Map 155, Parcel 018 S #1307.

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

Reviewed the site location for the commission. A presentation was made at the last meeting and we are in front of the Conservation Commission now. Unless you have any questions, I did provide additional plans and responses to the comments. We are providing the conservation easement along the northerly line to provide additional screening. I will ask for a table as we need the Wetlands Commission to act before you can approve it.

Access was discussed.

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

G. Applegate, site plan modification to convert duplexes to single units, 90 Applegate (SPR #1350.3)

Mr. Bovino represented the applicant. This is a small section of a large over 55 community that was approved in 2005 and revised in 2007. The total development is 94 units. The approval granted in the southwest corner of the property had 5 duplexes. The marketplace just doesn't call for duplexes. We modified the layout. The total number of units is the same. But we have 4 single family and 3 duplexes. Same number of units. Everything else is the same.

Mr. Phillips advised this is ready for action.

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

H. HQ Dumpsters and Recycling, LLC site plan application for a 17,200 sf building with associated parking, 64 Triano Drive SPR #1678.

Stephen Giuidice, represented the applicant. The proposal is for Lot 5 at the end of Triano Drive.

This lot was part of the South Farms Subdivision and you approved that approximately three or four years ago. The cul de sac has been constructed and we've had site plans for Lots 1 thru 4, 6, 7, 8 & 9. A lot of site plan activity but not a lot of construction activity.

The applicant is proposing to construct a 17,000 sf building, 80 x 215 feet. Access would be via driveway at the end of the cul de sac. A common driveway between Lots 5 and 6. We have an existing detention basin constructed as part of the subdivision and a large floodplain storage area also constructed as part of the subdivision.

ZIRO is by way of the floodplain storage and detention basins constructed as part of the overall subdivision. There is no individual on site detention with this lot.

The building will be serviced by public water and sewer. Utility poles run along the driveway for tying in electricity and cable telephone.

We are before the wetland commission. We did have a site walk last week. We're before them this Thursday. We are currently working with staff on revised plans for the comments.

We will be requesting a table at the end of the presentation. Kurt Holyst is here if you have any questions for him.

The use is for storage of his recycling equipment/trucks.

The front area and the driveway will be paved. Stone around the back side of the building.

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

I. ESPN, request for release of \$38,000 Earth Excavation Bond, EE #136.

This is ready for action. Mr. Chaplinsky made a motion to approve and Mr. Kalkowski seconded. Motion passed unanimously on a voice vote.

J. CT Land and Homes, request for release of \$5,200 E & S bond, Mountain View Farms (S #1241)

Ready for action. Mr. Kalkowski made a motion to approve and Mr. Chaplinsky seconded. Motion passed unanimously on a voice vote.

6. PLAN OF CONSERVATION AND DEVELOPMENT

Mr. Phillips advised the next meeting is Wednesday, September 24th, 2014, 7:00 pm for the public. We had a kickoff meeting tonight and spoke with the consultant. It's exciting.

7. ITEMS TO BE SCHEDULED FOR PUBLIC HEARING

- Anthony M. and Deborah Pizzitol, Jr., Special Permit Application for a 54 x 40' garage which will bring the total number of garage spaces to more than three, 72 Village Gate Drive SPU #541. September 16

- Proposed Zoning Test Amendment, Sections 2-01 A5 and 2-18 (recreational vehicles) ZA #581. October 7

The Chair said both could be scheduled for the noted dates.

8. ADMINISTRATIVE REPORTS

Mr. Phillips had nothing to report.

However, there is a public informational meeting for a Verizon Cell Tower for Town of Southington East Street property. September 18, 2014 at 7:00 pm here in this room.

9. RECEIPT OF NEW APPLICATIONS

- 44 Robert Porter Road, Car-Sue Realty, LLC for a 3,000 sf addition to an existing building.

- Public Hearing item.

Mr. Chaplinsky brought up the internally illuminated sign moratorium and what is the date of expiration. Its three months from July. Mr. Phillips said he'd have to count it off and get it to you.

Mr. Chaplinsky asked if the timing was still good. Mr. Phillips said yes. We don't want the moratorium to run out. We'll figure it out.

Two more meetings before it expires.

The Chair said he had met with Rob and a sign company representative who is going to give us some ideas and some case law and things happening in surrounding areas. Mr. Phillips will follow up on that.

10. ADJOURNMENT

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

(Whereupon, the meeting was adjourned at 8:14 o'clock, p.m.)