

PLANNING & ZONING COMMISSION
Public Hearing & Regular Meeting
April 21, 2015

The Planning & Zoning Commission held a public hearing & regular meeting on Tuesday, April 21, 2015. Chairman Michael DelSanto, called the meeting to order at 7:00 o'clock, p.m.

The following Commissioners were present, viz:

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

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: Anthony D'Angelo, Alternate Commissioner
James Morelli, Jr., Alternate Commissioner
Steve Leggett, Alternate Commissioner
Joe Coviello, Alternate Commissioner

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 - Regular meeting of April 7, 2015

Mr. Kalkowski so moved the motion for approval. Ms. Clock seconded. Motion passed on a majority voice vote with Mr. Chaplinsky abstaining.

Public Hearings:

Mr. Phillips read the legal ad into the record.

A. West Corp., LLC, Special Permit Use application to construct a multi-family age restricted community of 86 units, property of The Forgione Corp. and MMCSA, LLC, located at Eden Avenue and Main Street, Assessor Map 100, Parcels 16,17,18,19,20 and 21 (SPU #548)

Mr. Phillips advised the audience that the applicant had an issue with the notice to the abutters. About a dozen or so did not get to the intended recipients. They were returned to the office. The applicant has therefore decided to request a table of this hearing to the May 5th meeting.

The Chair asked for anyone speaking for or against the application to come forward and speak.

(No response)

There will be a presentation and full discussion on this at the May 5th meeting.

Mr. Phillips noted the applicant will be resending the notices that came back.

The Chair continued the public hearing until May 5th at 7:00 pm.

B. James Voisine, Special Permit Use application for outside storage in association with a conversion from a public garage to a consignment/antique store, 1126 Queen Street, SPU #549.

Attorney Theodore Poulos of Plainville, CT representing the applicant. This piece of property is on Route 10 in Southington had been owned for over thirty years by my client. He originally used it for motor vehicle repairs. Never had gasoline there.

As he has gotten older, he thought he'd want to get away from repairing motor vehicles, so he had decided to make it a consignment shop. It's kind of a unique plan. As far as I know there is no other consignment shop on Route 10 in Southington anywhere. It is a little something special that is not had anywhere else.

We need a special permit. What happened is my client at the time he was doing repairs, et cetera, was also selling motor vehicle parts, et cetera, to people that wanted to buy them for the car or whatever was going to run. He converted it into a consignment shop. He just thought it was continuing with something that would mix. It didn't

happen. The Town told him he needs to get a special permit. And, with outside storage.

It is my understanding he has proceeded to do so. If you look at the property, the building that was a garage before, you'll notice it is a very clean and neat situation. Very clean and nice looking.

What's been done is he has tried to comply with everything that's been asked of him. The outside storage is in the rear, totally. It was on the side. It's nice to see it in the rear.

There's a lot of room in the rear. From where the storage is to the railroad tracks, it's about 75 feet, at least, to the railroad tracks. Its vacant and has nothing to do with the property.

In the front, there'll be parking for customers coming in. There was parking there previously when he had the garage. And, on the north part of it. This should work out very well, I think.

We are asking approval for the special permit. It's for a consignment shop for the selling of items as people bring them in and any items he has for himself that he is selling there. It's mostly older people that come in bringing articles they've had for years and find it hard to find somebody to come to the home who is interested in the items. He helps the older people who have something they want to sell.

Discussion.

Any questions I can answer?

Mr. Chaplinsky asked for a description of the violations that were on the property and what work has been done to rectify them.

Attorney Poulos stated the storage bin was next to the front of the building and now it's been moved in back. All the storage is in the back where there is plenty of room.

Mr. Chaplinsky referred to the plot plan and here was some discrepancy as to whether there was an addition on the building and if it had gone through the permitting process. Was that a storage component? According to the town records, it doesn't match the building according to the satellite imagery. Can you comment on that?

Mr. Phillips responded. If I could just take a quick step back, I want to be sure it is clear that this is a special permit application for the outside storage component of the change in use which would

then be, if approved, done with a zoning permit. Like we normally would. This is just for outside storage.

Discussion.

Mr. Chaplinsky asked what items would be stored outside and the specific location? James Voisine, 1126 Queen Street, responded. I am requesting two storage containers which I have back there. It's within the 25' perimeter behind the building footprint.

Mr. Chaplinsky verified you are asking to have two storage containers at the rear of the parcel and you will only be storing items in the containers, nothing outside of the containers. Mr. Voisine said there are a few outside but it is within the footprint of the building.

Mr. Phillips advised for outside storage, the way it is measured, you are allowed outside storage to the extent of the building footprint itself.

Mr. Chaplinsky wanted to be clear for the record: What you are saying is the storage is within the allowed area and not necessarily within the footprint of the building. So it's outside, but it is within the allowed area. Mr. Phillips said that was correct as did Mr. Voisine.

Mr. Chaplinsky asked if there were vehicles parked to the rear of the property. Mr. Voisine said he had his plow truck and his own personal vehicle. Mr. Chaplinsky asked town staff if that was acceptable for parking, are there parking spaces back there? Mr. Phillips said there were no prohibitions on that, as long as they are registered.

The issues were the outside storage, the screening, the parking of an unregistered vehicle in the front, kind of used as a sign, and there was the structure container that was on the side that was brought in the back. And, some display items in the front were cleaned up. It's all within the confines of the regs.

Discussion.

Mr. Voisine said he put his chairs or bicycle outside during the day for display.

Mr. Chaplinsky noted a watercourse in the area. Are there any wetland issues? Mr. Phillips was not aware of that. Dave Lavallee, the staff's wetlands commissioner was working with us along the way and didn't uncover anything.

The process is the applicant is seeking outside storage and for the record, is it change of use from a repair shop to a consignment shop, asked Mr. Chaplinsky. Mr. Phillips said it was implied with the application that is where he is going but the actual formal approval would be the zoning permit. No site plan required. It was just clean up response to the violations uncovered through the enforcement process.

(Those speaking in favor of the application)

None.

(Those speaking against the application)

None.

The Chair closed the public hearing.

BUSINESS MEETING:

A. West Corp., LLC, Special Permit Use application to construct a multi-family age restricted community of 86 units, property of The Forgione Corp. and MMCSA, LLC, located at Eden Avenue and Main Street, Assessor Map 100, Parcels 16,17,18,19,20 and 21 (SPU #548)

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

B. James Voisine, Special Permit Use application for outside storage in association with a conversion from a public garage to a consignment/antique store, 1126 Queen Street, SPU #549.

Mr. Phillips advised this is ready for action if the commission so chooses.

Mr. Chaplinsky asked, for the record, are there any open complaints by abutting neighbors, with respect to fences, properties, do we have anything open right now?

Mr. Phillips responded no, outside of a complaint, I think by Mr. Voisine that his neighbor had damaged the fence that he had placed, but that is a real civil issue. Nothing with response to zoning enforcement. Everything identified has been resolved at this point.

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

Mr. Conroy asked about stipulations on this approval. Should there be a limit to the two storage containers asked for? It has to be behind the building? Mr. Phillips said as long as it is in the identified area allocated for outside storage with the regulations, I don't think there are any stipulations necessary.

Mr. Phillips also stated the applicant needs to know he has to maintain the site in compliance with the regulations at all times. Any time it falls out of compliance and we receive a complaint, we'll have to start a new enforcement investigation process.

Mr. Conroy was concerned about consistency on the storage containers. Is there a need to limit it or does the area take care of that?

Discussion.

Mr. Chaplinsky felt the commission should entertain the stipulation even though it might be redundant given the history of the property. And, I'd like the commission to consider again, because of the issues on the property, oil trucks, unregistered vehicles, I think it's worthy of a stipulation that the property shouldn't be used for storing oil trucks. It's a significant issue brought up in the past.

Ms. Locks commented there should be proper signage usage also. Not just off the sides of a truck. The Chair added the sign regulation covers that. Mr. Chaplinsky said now is an opportunity to put that stipulation in if you feel it's appropriate.

Discussion.

Mr. Kalkowski said he didn't agree with stipulating your own regulations. Let's follow our regulations and let this application go forward if everyone is so inclined and that's why we have zoning enforcement. That's my perspective on that. I appreciate the commissioner's concern but I prefer we follow zoning enforcement in that regard.

The Chair said he has been by the property and it looks good. It's cleaned up and he has done what we have asked him to do and it has to stay that way. I agree with Steve. We have regulations in

place and the ZEO knows this property fairly well. We want the property to be maintained the way it is right now and it has to be.

No stipulations on the motion. Motion passed 6 to 1 on a roll call vote with Mr. Chaplinsky opposed.

C. Proposed zoning regulations changes in Section 11-18 (ZA #584)

Mr. Phillips reviewed this is a regulation that has been rendered obsolete by the Siting Council for telecommunications facilities. The commission wanted to retain some level of acknowledgement that you have the ability to have a say in anything that goes before the Siting Council. I created a small section which would be as follows:

Section 11-18: The planning and zoning commission may hold a public hearing at its discretion on any new telecommunication facility or new tower location for the purposes of public input and may send such testimony to the CT Siting Council for their review and consideration. This provision does not apply to any co-location facilities.

Attorney Sciota added we wanted to put something in there so they'll be coming in front of you and it's your choice if you want to have a public hearing or not. It establishes a record you can send to the Siting Council which will include when the neighbors come and talk about it. It gives you the ability which you have under state statute codified in the regulation.

Mr. Conroy said he felt this does exactly what we want.

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

D. Southington Water Department, site plan application for the construction of a storage tank, pump station, water mains and appurtenances that will serve a new pressure zone, 720 Pleasant Street, 271 Chesterwood Terrace and Smith Street (SPR #1691)

We are still awaiting final revised plans and state health department approval. We have to table this one.

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

E. Town of Southington, site plan application for parking lot improvements, South Center Street SPR #1692.

Attorney Sciota stated, on behalf of the town, this came to you on an 8-24. It went back to the council who had some input on adding more landscaping. This is now drafted by our engineering department. It's gone through the planning department. No issues with it.

We wanted to do this plan probably ten years ago but we didn't have funding. So the property owner did speak with me about twelve months ago and we started the process yet again. I am not guaranteeing the money is there, but we are moving forward to get it approved. The lease has been signed. Hopefully, we can get this going in the next twelve to eighteen months.

This is on South Center Street. Informal parking now. This will make it formal municipal parking.

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.

Chairman DelSanto relinquished the Chair to Vice Chairman Chaplinsky due to a potential conflict of interest. He recused himself and left the dais.

MR.CHAPLINSKY, Assuming the Chair:

F. Town of Southington, site plan application for parking lot improvements, 36 Liberty Street, 136 Center Street, 142 Center Street and 148 Center Street SPR #1693

Attorney Sciota explained this is the area that is going to be adjacent to our current municipal parking lot behind Paul Gregory's. This is the brainchild of this commission. When you approved the site

plan for the property next door, you reserved the right for the town to come in and put in a municipal parking lot. About six years ago.

The property next door is part of the municipal parking and in an easterly direction, the property owner has agreed to allow us to do some work on his property and the town has a strip. There is not a great net of parking here. We are adding twelve but taking away four due to the access, so it is a net/net of eight. It actually gives us the ingress/egress and flow you want for the parking lot to be behind the buildings.

It's part of our master plan for parking which we did in the 90's. In the future hopefully some other properties will come into play when they come in.

The Acting Chair felt it was great in that we are going to have access on Liberty Street from the municipal lot.

This is ready for action.

Mr. Kalkowski made a motion to approve and Mr. Macchio seconded. Motion passed 6 to 0 on a roll call vote.

Acting Chair Chaplinsky returned the Chair to Mr. DelSanto.

MR. DELSANTO, resuming the Chair:

G. Kenneth D. Delohery, FF application seeking to construct an addition on piers to a mobile home with the floodplain of the Quinnipiac River, 43 Riverside Drive, FF #244.

Mr. Phillips advised it is ready for approval with the stipulations:

1. Assure that the finished floor elevation of the home and addition are matched on the application for zoning permit so that the entire structure remains outside of the 100 year flood.

2. The piers/column attachments shall be designed by a registered PE in Connecticut and verified at zoning permit application.

3. Excavate (floodplain compensation) below the addition for compensatory storage and restore all disturbances to the satisfaction of the Town Wetlands Agent.

Mr. Kalkowski made a motion to approve with the three noted stipulations. Mr. Chaplinsky seconded. Motion passed 7 to 0 on a roll call vote.

H. Tilcon Connecticut, Inc., request for a 2 year extension of ongoing Earth Excavation operation, known as West Queen Street and Welch Road EE #24.14.

Sev Bovino, Planner, with Kratzert, Jones & Associates represented the applicant. This application is request for a three (sic) year extension. It has been an ongoing operation for quite a few years. The property is 187 acres, plus or minus. The area of activity is around 18 acre. The hours of operation are 8:00 to 5:00. No overtime hours, no weekends, no holidays.

Very little activity on the site for the past couple of years with the slow economy. The truck route is the same. DePaolo Drive to the West Street signal. The water truck is on site for dust control at all times.

The proposal is represented on Sheet 2-A as an overall. The grading is represented on Sheet 4-A.

We received comments from the engineering department. One is the excavation number. They commented on the fact we have some old numbers on the map. Those are the original numbers used when this was started. The other is a comment in regard to some additional spot grades for the topography and we can definitely provide those with no problem.

I'll answer any questions.

Mr. Phillips advised it is ready for action with two suggested stipulations:

- Revised plans to be submitted with accurate map references and topography spot elevations showing current extent of activity.

- Posting of current bonding requirements a calculated by the engineering department.

Mr. Chaplinsky made a motion to approve a two year extension with the two stipulations. Mr. Kalkowski seconded. Motion passed 7 to 0 on a roll call vote.

PLAN OF CONSERVATION AND DEVELOPMENT

Ms. Clock said the meeting went great. We did discuss development strategies. A lot of interesting discussion. Lou Perillo has been such an important part of this process. I can't tell you. He is at every meeting and his input is so important. It is helping the process. We had some interesting discussions on encouraging business development and our industrial regulations.

The Chair advised they are good meetings. Mr. Phillips said they are entering hour number five of booklet number five.

Next meeting: Thursday, May 21st at 7:00 pm. In the little conference room here in the municipal center.

ITEMS TO BE SCHEDULED FOR PUBLIC HEARING

None.

ADMINISTRATIVE REPORTS

Mr. Phillips said the new policy resulted in 286 Berlin Avenue approved for a rear lot determination. It was part of a first free cut.

The medical office building on Queen Street, the state OSTA made changes to the ingress/egress on Queen Street. So essentially, they retain the ability to turn left out of the site and now they have, instead of having two exit lanes, they have one exit lane --- a 15 foot wide, straight left/right turn combination. One lane out.

Discussion.

Mr. Hayden explained the reason they had to do that is because there is a heavily loaded utility pole and they had to maintain a ten foot island around it. That fixed the center point of the

intersection.

Discussion.

They didn't want a double lane exit noted Mr. Hayden. They were afraid the vehicle that's waiting to turn left would block the sight line for the vehicles going straight and right and cause a T-bone.

Mr. Phillips brought up Chromebooks. We are trying to go digital and be more environmentally friendly. We could request the information from applicants ahead of time, load it to the Google drive and download on to the tables. We could look at tablets instead of paper copies. We'll still need one or two full size copies for our use.

Discussion.

Attorney Sciota advised these are shared. We will buy approximately 16 Chromebooks for all three boards that meet here.

Discussion.

Mr. Phillips asked if anybody had any issues with that, they should let him know.

The Chair commented it is the way of the future.

We have to get the applicants' professionals to get on it pointed out Attorney Sciota.

Discussion.

The last thing is the GID (Gateway Interchange Design zone). That's tentatively scheduled for a public hearing on May 19th.

RECEIPT OF NEW APPLICATIONS

Two additions coming up next meeting: 214 Canal and 175 Spring Street.

Two ground mount arrays associated with the schools at the end of the May. We're sending courtesy letters to the immediate abutters that are not town property.

Special permit for greater than three car garage spaces.

And, as you saw tonight, the two year extension of the earth excavation operation.

Attorney Sciota advised when we are doing solar panels on the roofs of existing buildings that does not come in front of you. The reason why these others are is because we're putting in a small solar farm next to the buildings.

The solar farm brought up for Old Turnpike is still in discussion.

ADJOURNMENT

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

(Whereupon, the meeting was adjourned at 7:43 o'clock, p.m.)