

PLANNING AND ZONING COMMISSION
TOWN OF SOUTHLINGTON
February 2, 2016

The Planning & Zoning Commission of the Town of Southington held a public hearing & regular meeting on Tuesday, February 2, 2016 at the Municipal Center Assembly Room, 196 North Main Street, Southington, CT. Chairman Michael DelSanto called the meeting to order at 7:00 pm.

The following Commissioners were in attendance:

Paul Chaplinsky	James Sinclair
Jennifer Clock	James Morelli
Susan Locks	James Macchio
Michael DelSanto, Chair	

Alternates: Ted Cabata, Joe Coviello & Kevin Clements

Ex-Officio: James Grappone, Assistant Town Engineer
Robert A. Phillips, Director of Planning &
Community Development
Mark J. Sciota, Deputy Town Mgr./Town Attorney
(Arrived at 7:15 pm)

A quorum was determined.

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

4. APPOINTMENT OF ALTERNATE

The Chair will have a name for the next meeting.

5. APPROVAL OF MINUTES

A. Regular meeting of January 19, 2016

Mr. Sinclair made a motion to approve. Ms. Locks seconded. Motion passed unanimously on a voice vote.

6. PUBLIC HEARINGS

Mr. Phillips read the legal notice into the record.

Mr. Phillips announced the zone change for 423 Laning Street has been withdrawn by the applicant.

A. Steven Gialelis, special permit application for more than 3 garage spaces (30 x 50 detached 4-bay garage) 270 Frost Street SPU #560

Steve Gialelis, Meriden, CT. Trying to build our house this year. We'd like to have a detached, 4-bay garage in back. Between me and my wife to be, we have 7 vehicles and we'd like to have them in the garages.

The garage is going to match the house. Nothing commercial or corrugated metal or some kit put together. (Pictures)

We're looking for 4 bays. It is going to be the same siding and garage doors. Just add another bay. Color the same.

(Those speaking in favor of the application)

Arthur Cyr, 103 Berlin Avenue. I'm of the opinion that if a property owner abides by the side yard requirements, they should be able to use their property. We have more and more families similar to this family, whether they be combined families or they have teenagers with vehicles, a 4-bay garage is not unreasonable. I feel that this commission needs to start looking at this application and others that as long as they're not hugging the side yard or building something terrible looking, they should be allowed to use their property.

It is going to be behind the house and not in the front yard. We need to allow property owners to use their property, in my opinion. I think it is a reasonable request and it should be considered.

(Those speaking against the application)

Jerrie Forrest, 255 Frost Street. I have a couple of questions. I live across the street.

- When we got the letter, it didn't even say they were building a house. It just said a 4-bay garage. I think a lot of us were misled. We didn't know you were building a house, too.

- What does it look like? The garage is cute.

(Showed a rendering)

- What are they going to put in it?

They have 7 vehicles.

- What kind of vehicles? Dump trucks?

- It is still residential and you are not changing the zone?

That's my questions.

Roger Peterson, 285 Frost Street. I'm not really against it. I have questions, as well. We have somebody in the neighborhood who does own a

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pickup truck, a big construction tractor, a cherry picker and what looks like an old electric company truck. Are they allowed in a residential zone?

The Chair indicated they were not. Please contact the planning department and speak with the zoning enforcement officer to voice your complaint.

We want to be sure he's not going to bring any construction type vehicles. Even though it is not allowed, people do it.

We want to make sure that the law gets abided by.

(Applicant Response)

Steve Gialelis stated he had the plot plan. My address is 270 Frost Street. You can see where the garages are going to be in the back and the house is in the front.

I am building a house there.

I have the declaration for insurance for the 5 vehicles I have: 71 VW Beetle, '84 CJ-7, 2011 Silverado, 2016 Subaru and 2104 Corvette. All automobiles.

Stephanie Lorenzo, 242 Carriage Drive East in Meriden. I provided the garage that Steve built in the back of my home. For my three kids for their vehicles. I'm all about curb appeal. Not junk the yard or rubbish. My house in Meriden looks beautiful and I get a lot of compliments on it and it is the way I want our house in Southington to look.

We did bring our dec pages from the insurance company to show what cars are going to be in the detached garage. No construction equipment. Showed pictures of the garage built for the kids.

We're not here to break any laws or zoning violations.

Mr. Phillips interjected if the commission desired more information, you can ask for it, but anything submitted for the public hearing will be on file for public inspection. Unless you need to see the declarations, just go by the testimony.

The Chair stated you cannot operation business there or have any living space there.

The reason for the garage was for the size of the garage and the number of units and not for the house. Residential zone, single family homes are a permitted use and there are no restrictions. He's filing a building/zoning permit and we look at it from a setback standpoint. Mr. Phillips further added the applicant has provided a sworn statement that the garage won't be used for commercial purposes.

Mr. Clements asked if there would be auto body or automotive work out of the garage. The applicant said nothing besides changing the oil or something to his own vehicle.

Mr. Clements asked if there were other 3 or 4 bay garages on the street. The applicant said maybe a couple of houses down, but I don't really know.

Is the garage going to be heated? The applicant said maybe.

Mr. Clements asked if there was an intent do any other activities other than parking vehicles in the garage. The applicant said no. Just the normal garage as every household would have.

(Attorney Sciota arrived at the meeting.)

The Chair closed the public hearing.

B. Subdivision Regulation amendment, Section 6 – Open Space (SA #25)

(Please refer to the video recording to hear the full 2-hour public hearing content.)

Mr. Phillips introduced the item stating that in response to concepts discussed through the POCD and also recent concern about development proposals and subdivision proposals in town, I reviewed the subdivision open space section of the subdivision regulations and identified two areas that are a little inconsistent from what I see around the state.

One is right now our current regulations require any residential subdivision containing ten or more lots meet the open space requirements. The existing regulations are in a subdivision if you less than ten lots you are not subject to open space dedication or provisions. That is one area that is inconsistent with what is seen around the state. It means you have to have a larger subdivision before you concern yourself with open space dedication and the balance between preservation and development.

The other area I found problematic myself as far as from an interpretation standpoint is that subdivisions areas when they are applied are to be a ratio of not less than one acre for each twenty-five lots with no area required containing less than one-half acre except in the case of a playground or tot lot.

The interpretation is, do you apply one half acre after you get through twenty-five lots or are you doing a ratio? It's problematic. It's not consistent with what I think we need to have in preservation from a development standpoint.

In response to those features, I went through the regulations, reorganized them, borrowed the language we have in places where it made sense and also brought in some other language that makes sense from other applications in our area.

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There are four main changes that need to be discussed:

- A proposal to increase from 10 to 20 percent for the open space dedication. State statute is explicit in stating that a fee in lieu of open space which is another option can be no more than 10 percent of the predevelopment value of the land. But it is silent as to the amount of open space dedicated. The proposal is go from 10 to 20 percent.

There could be a combination of open space and fee in lieu or just a straight up fee in lieu of. A smaller subdivision, you'll probably want to take the fee in lieu of as the open space wouldn't amount to anything tremendously useful. Case by case example.

- A proposal to have a standard that the open space, if dedicated, needs to be a similar ratio of buildable land to unbuildable land. So you are not getting land that would be unusable or impractical for open space. The flexibility is there if you find a sensitive wetland area, for example, that you could consider that as the open space protection or by way of a deed restriction or fee simple or conservation easement or anything of that matter. It leaves the flexibility for the commission, the developer and the land owner to determine what the best form of the open space is.

- If there is a situation where the town through the POCD there is an area suitable for a municipal facility, that would be something that could be a replacement of that open space. It is used for a municipal purpose.

Those are the main issues, trying to move away from only applying open space dedication for subdivisions of ten or more lots and also to get away from basically a strange open space area as far as what the minimum requirements are.

I think it is a big improvement and it is an opportunity for the town to try to balance the development and preservation that's been out of balance for some time here in Southington.

The Chair announced the public hearing probably would not be closed this evening and no decision would be made this evening. It will be open for a dialogue and we'll take information and process and reconvene possibly at our next meeting and maybe make some decisions at that point. I don't think any decisions are going to be made this evening.

(Those speaking in favor of the application.)

No response.

(Those speaking against the application)

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The following speakers spoke against the application citing and discussion among other issues the following:

Speakers against: Sev Bovino, Planner with Kratzert, Jones & Associates
Mark Lovley, Lovley Development, 710 Main Street,
Plantsville
Ray Kastner, Copper Ridge
Tom Curtiss, South End Road
Andrew Quirk, Kratzert, Jones & Associates
Tony Denorfia, 137 Williamsburg Drive
Steve Giudice, Deerbrooke Circle
Arthur Cyr, 103 Berlin Avenue
Monica Cusano
Attorney Bruce Diamond on behalf of Woodruff Street
Associates (Mr. Florian)
Attorney Jeffrey Houle on behalf of Michael & Diane
Karabin
Nathan Primus

- Discussion about the change in percentage from 10 to 20 for the amount of land to be dedicated to open space.

- Discussion about fees in lieu of.

- Discussion of the dedication of land to be at least a similar ratio of buildable land to unbuildable land. Unbuildable land shall be defined as to but not limited to wetlands, slopes in excess of 25 percent, flood plain and any necessary storm water structures or basins.

- All open space shall abut or have direct access to a street through a right of way dedicated for public use. The right of way shall not be included in the required open space area, shall be at least 25 feet wide and suitable for foot traffic with landscaping, fencing or berms and appropriate markings.

- Parking areas for vehicles of those who want to access the open space.

- Regulation is not hurting the developer or the engineers but it is hurting the property owners who may have this land put aside for future monies for retirement, college, medical expenses, et cetera.

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- Discussion about using land for other municipal purposes.
- Small little pieces of open space scattered around the town pose liability issues for the town.

The Chair apologized to Ms. Cusano for the comments made during her discussion of the items.

The Chair said the information would be processed that was taken in. The public hearing will remain open. Two weeks from tonight we'll be back here.

Sev Bovino added and clarified. He agreed with the speakers that the requirement for open space is not 10 percent. The 20 percent, the fee in lieu of, you are applying it to the entire property. If you go along with this, it should not be applied to the entire value of the property but should be based on what the 20 percent is. Explained.

The requirement should be applied not to gross area, but applied after you take out the road, the wetlands, the steep grades. If we are discounting those things, why are we putting those into the mix?

The access to the open space, we should look at easements versus fee simple.

In regard to the data Mr. Denorfia referred to, if you look at the pre-2006 POD, all the tables are in the book. Explained the maximum build out information.

Mr. Chaplinksy wanted on the record that he doesn't see the intention the way he read the regulation as to take land. If that's the way the wording is written, that's how it is said, that wasn't my interpretation. If we do need to change language in the future, we should change that as that is not the intention we want to go forward with --- the taking of land.

Attorney Sciota said we are in the middle of a public hearing and we do not get involved in interpretation as we don't know what the language will end up being.

Mr. Phillips wanted to make sure --- a couple of things I heard a few things that maybe have been a little bit misunderstood. One had to do with the ratio of buildable to unbuildable land. Storm water structures and basins would have been part of the unbuildable land. That would be excluded completely. The language says it is to be treated as unbuildable land.

The other thing is we are not talking about open space dedication on small lots and that's the only thing you can do. There is the fee in lieu of provision that's available. The commission has the authority to choose the fee in lieu of. It is expressed and not a misunderstanding. It's backed by state statute. The commission has the ability to choose the form of the open space. Explained you could have a conservation easement to achieve the same

goal.

Discussion.

Build out study was not part of the budget for the POCD.

Updating the table could be done. Not a small, easy project. Would require a lot of GIS work. Cost to that.

Many paths to getting to the end outcome. This is just one very simple proposal without getting into the complexities of a density based change, which I fully support. Flexible residential design (FRED) was discussed as a model.

Thought and input has been fantastic.

Attorney Sciota again reminded everyone this is a public hearing. Please continue the public hearing to the next meeting.

The Chair moved on to the Business Meeting.

7. BUSINESS MEETING

A. Steven Gialelis, special permit application for more than 3 garage spaces (30 x 50 detached 4-bay garage) 270 Frost Street SPU #560

This is ready for action. We have a sworn affidavit from the applicant saying he is not going to conduct a business there. No other outstanding issues.

Mr. Chaplinsky made a motion to approve. We revised the regulations to allow for more flexible use. Mr. Sinclair seconded. Motion passed 7 to 0 on a roll call vote.

B. Subdivision Regulation amendment, Section 6 – Open Space (SA #25)

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

C. Lovley Development, LLC, site plan application for the construction of a new clubhouse, 300 Welch Road, in an R-40 zone (SPR #1710).

Andrew Quirk, professional engineer and principle with Kratzert, Jones & Associates. I am here with Mark Lovley of Lovley Development. I am here to discuss the site plan for the new clubhouse as part of the renovation of the North Ridge Golf Club to a 9-hole executive golf course.

The conceptual layout for the club house was included in the overall Northridge Open Space Preservation Subdivision plans. Now you have the detailed site plans that represent the actual construction for that club house.

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The proposed site is at the intersection of Welch Road and Northridge Court which is under construction right now. The club house will be right between the first Tee and the 9th green. It lies within a portion of a 5.7-acre parcel owned by North Ridge Golf Club as well as lots 91 & 92 of the subdivision. All lying entirely within the R-40 zone.

Served by public water and private septic.

The layout calls for the club house to be angled and faced the intersection as you come down Welch Road towards Northridge Court. It'll be facing the intersection. There is a 77 space parking lot that flanks the property to the south adjacent to the club house. A proposed community pool to the rear. And, a separate bathhouse and cabanas.

The storm water will be managed as part of the storm water basin located adjacent across the street as part of the subdivision development. ZIRO is achieved through the 100-year storm event.

Attractive landscaping in accordance with town regulations throughout the parking areas and streetscape.

Clubhouse building consist of a kitchen area, bar, dining, restrooms and the Pro Shop. Approximately 58 indoor seats and 24 outdoor patio seats to the rear of the building.

The building architecture is a residential style in harmony with the residential development adjacent to this site. Combination of siding and cultured stone. Approximately 3,285 sf between the 2.5 stories of the construction - basement and 1.5 stories.

We did receive staff comments that we have addressed. (Reviewed comments.)

The applicant is requesting a waiver of sidewalks for a portion of the property adjacent to Welch Road. We are building sidewalks on Northridge Court as part of the subdivision development and the sidewalks will connect to that. But we are requesting a waiver for the portion along Welch Road in accordance with Section 9-3.9C the roadway shelf along Welch Road doesn't meet the grade standards and would need to be regraded. There is a number of large oak trees that create a buffer between the fairway and the road and a good portion would have to be taken down to construct the sidewalks. There are no sidewalks on Welch Road between Mt. Vernon Road and West Street or any of the side streets in the residential development (Westover or Cloverdale). All of the undeveloped property to the north of Welch Road is rezoned I-1 where sidewalks would not be constructed as part of an I-1 subdivision.

I think the club house would be an asset to the town and it is vitally important for the success of the golf course as it goes through this renovation process to 9 holes. We've answered staff comments. We are here to answer questions.

Mr. Sinclair noted the oak trees would form a natural buffer between the fairway and the road. I understand why that would be important.

This item is ready for action reported Mr. Phillips. Engineering is satisfied, as well.

Mr. Sinclair said he hates sidewalk waivers, but I think this one makes sense, so I will make a motion to waive the sidewalk on Welch Road. Mr. Macchio seconded. Motion passed 7 to 0 on a roll call vote.

Mr. Sinclair made a motion to approve the application for the club house. Ms. Locks seconded. Motion passed 7 to 0 on a roll call vote.

D. Request for 5-year extension of site plan approval, 1198 West Street (SPR #1444) tabled from January 19

Keith Keegan, 1198 West Street, Southington. We need the extension because we had the approval to build out the full building and I was told you had some questions so I came to listen to your questions.

Mr. Chaplinsky asked about the business operated there. Mr. Keegan said it was engineering construction that operates out of there. We own and operate it. It's a construction company.

The Chair said there was a question on the outside storage on the property. You are allowed some but what you have there is above and beyond what is allowed. Mr. Keegan said they understood it was an I-2 zone and what was represented to us, I guess, that's my question to you: Is there a problem with it? The Chair said it is not within the regulations for the amount of outside storage that you have. I think you've put this board in an awkward spot. You are asking for an extension and you're not following the regulations as they stand.

Mr. Phillips interjected that the reality of the situation right now is that we have an unfinished, approved site plan. It's not necessarily the aerial extent of the outside storage but the fact that we're looking at a situation where there is supposed to be a build out of the building and we're only about 25% done and in place of the build out is some outside storage area that is not part of the approved original site plan.

If he gets the extension, he can continue to take whatever extension time it is to complete the build out of the building but we are really looking at a compliance with the site plan approval at this point in time. That's the real issue here.

The Chair asked the applicant: What assurances can you give us that you'll follow through?

Mr. Keegan said maybe Mr. Grappone can assure you of that. He was up there with Mary Dunham Savage. Explained her comments and stated she requested a fence. We did erect the fence without hesitation. That's the kind of people that we are.

The Chair asked the timeline. You're asking for a 5-year extension. Mr. Keegan said if the economy turns around, I'd love to build it out. I'd love to rent it out.

Attorney Sciota suggested that the commission can give less than five years and the applicant puts together the schedule for building.

Discussion.

Mr. Keegan explained the intent was --- the original designer didn't give us what we needed. That was an issue from the beginning and I thought we worked through it with the fencing and screening. Our intent is we always needed to have outside storage. That's why we purchased in I-2. We confirmed before purchasing that we'd be able to do it. We want to build it out. We can't put everything inside and we never intended to.

The site plan has an approved area for outside storage noted Attorney Sciota. Mr. Keegan said they always thought I-2 you were able to with the adequate screen --- it's impossible to do what was shown. That's the thing. There was a dedicated area.

Attorney Sciota said the question becomes, eventually you are going to do a total build out. You're asking for 5 more years. Maybe they could grant two years and then you come back and say where you are at that point.

In the meantime, you have an unfinished site plan right now. Everybody wants you to build the rest of those buildings. And, the ultimate goal is to build the building and use the approved area for outside storage? Mr. Giudice said the ultimate goal is to build the building but also use the remaining portion of the land for outside storage. We talked about getting a 2-year extension that'd give us time to submit a site plan modification.

Attorney Sciota suggested the extension for 2 years. They come in with a modification if that is what they wish to do.

The Chair said we want you to continue in business and succeed. We're not trying to inhibit you or prohibit you from doing business. But you have to follow the regulations. Steve will work with you. If we grant the 2-year extension, hopefully within 2 years we can come to a resolution.

Mr. Keegan said they are an end user here. We're not looking to sell the property. We want a good relationship with our neighbors.

Ms. Clock made a motion to grant a 2-year extension. Mr. Maccio seconded. Motion passed 7 to 0 on a roll call vote.

8. PLAN OF CONSERVATION AND DEVELOPMENT

Ms. Clock had nothing to report. Glenn is going to have a session next meet. The Chair reminded everyone to come prepared with some questions. I don't think he'll have to come out much more than the next meeting. He's done a wonderful job answering our questions.

Attorney Sciota said you guys are almost prepared to send this to the council before budget time. There's time prior to the budget.

9. ITEMS TO BE SCHEDULED FOR PUBLIC HEARING

- **Sandy Fields, LLC, Special Permit Application for Open Space Subdivision, 233 Dunham Street, in an R-20/25 zone (SPU #561)-February 16**

10. ADMINISTRATIVE REPORTS

Mr. Phillips said perusing the regulations, somebody came in for a dealer & repair license, automobile. The statutes and what we were doing in the past was sending them to ZBA. Things have changed. Any municipality over 20,000 population, it's supposed to go to the zoning commission. So, the town attorney and I agreed that the 14-54's, location approval, would be coming before the PZC. We have one coming up.

The ZBA has been notified they no longer have jurisdiction over this and it is this board.

11. RECEIPT OF NEW APPLICATIONS

The Sandy Fields, that's it. But apparently today we just received another subdivision application. It's Laning Street. Just came in today and probably will be on in March.

12. ADJOURNMENT

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

(Whereupon, the meeting was adjourned at 9:35 o'clock, p.m.)