

PLANNING AND ZONING COMMISSION
TOWN OF SOUTHTON
SEPTEMBER 6, 2016

The Planning & Zoning Commission of the Town of Southington held a public hearing & regular meeting on Tuesday, September 6, 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:

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

Alternates: Ted Cabata, Bob Hammersley & Ross Hart

Ex-Officio: Robert Phillips, Director of Planning & Community Development
James Grappone, Assistant Town Engineer
Mark J. Sciota, Deputy Town Mgr./Town Attorney

Absent: Joe Coviello, Alternate

A quorum was determined.

(*Left early where noted in the Minutes.)

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

4. Approval of Minutes

A. Regular meeting of August 16, 2016

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

5. Public Hearings

(Mr. Phillips read the legal notice into the record.)

A. Proposed Zone Boundary Change: "I-1 to "Mixed Use Transition (MUT)" Zone District, properties located at 1865 West Street (Map 179, Parcel 015); 1881 West Street (Map 179, Parcel 014); 1901 West Street (Map 179, Parcel 013); 1911 West Street (Map 179, Parcel 012); 1919 West Street (Map 179, Parcel011); 1927 West Street

(Map 191, Parcel 046); 1945 West Street (Map 191, Parcel 045) 1955 West Street (Map 191, Parcel 044); 751 West Queen Street (Map 179, Parcel 016); West Queen Street (Map 179, Parcel 017) (ZC #556)

Mr. Phillips introduced the item. At the request of the commission we submitted a zone map change for the area that is basically the corner of West Queen Street and West Street. It encompasses a 20-acre property that is currently vacant and it also encompasses what is known as the self-storage facility at the corner and also a handful or so of frontage of existing residential homes.

This MUT zone is consistent with what was approved by the commission previously this year down between Curtiss Street and Spring Street.

It is essentially trying to set up a zoning scheme for the development of mixed uses, commercially based basically, office, restaurant, retail, similar type uses and accompanies residential uses that could be separated by a multifamily development, perhaps behind the commercial areas that would be located with more visibility on the major roadways or through development of a mixed use building where you may have residential on the second floor and commercial type uses on the first floor.

Everything is subject to a special permit use permit for a master plan of the area by the commission and then subsequently site plan reviews for any subsequent site plan development after that.

That's it in a nutshell.

Mr. Chaplinsky added this was kind of the closure of the West Street Business Zone that was presented to the commission a couple of years ago. It was part of the recent POCD. The commission had requested this about a year and a half to two years ago.

The MUT zone south of the current West Street Business Zone and then voted also to include it north of the West Street Business Zone at that time as well. The Planner has been working on putting the language together and the maps.

Mr. Phillips went over what is in the regulations and what are allowable uses in the MUT zone.

Uses allowed in the current I-1 zone were reviewed.

The map change is what is being voted on today.

The change in zone would not require the existing uses anywhere in that zone to cease to exist. They would become a nonconforming use and they can continue basically until they are legally abandoned.

This puts in place the zoning framework for development or redevelopment of those properties. It is future planning for future development.

(Those speaking in favor of the application.)

(Minutes are summary style and you can refer to the video on the website for the full presentation by the speakers.)

The following spoke in favor of the application with questions regarding the traffic patterns, and noting there is no proposal with any specifics, concerns about the protection for Ridgeview Condominium residents. Questions on buffers and concerns for the buffer size. Concern for the residents on West Street and their protection, i.e.: buffer. Before voting on the zone change we need to see an actual proposal. Building heights and location of the buildings were a concern. Studies done to address the impact on West Street traffic, et cetera. Traffic speed on West Street was discussed. The removal of the industrial use is very important.

The POCD is on line for review. The West Street Corridor Study was referenced.

1. Arthur Cyr, 105 Berlin Avenue
2. B.J. Sterniak, 1955 West Street
3. Bob Capo, 1985 West Street
4. Frank Rainey (sp) 1985 West Street
5. Mike Matiaz (sp) 1985 West Street
6. Bryan Meccariello (Email read on behalf of Fragola Enterprises. Email on file in the Town Planner's office.)

(Those speaking against the application.)

The following spoke against the application noting the following objections: no specific application to review, noise on West Street, traffic is horrendous on West Street, transition between residential and the new zone maybe with a walking path.

1. Arthur Cyr, 105 Berlin Avenue
2. Rob Sett (sp) 1985 West Street
3. Dana Rouleau, 1945 West Street
4. B.J. Sterniak, 1966 West Street

5. David Soltys, 1985 West Street

6. Merrell Family (Email read into the record. Email is on file in the Town Planner's Office.)

Mr. Phillips reiterated that the key is the development is subject to a master plan by a special permit which is public hearing required for the area. You still have a tremendous amount of discretion as to how you'll accept the layout, the compatibility of uses, walkability, the buffering. Everything is still available at your disposal.

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

Business Meeting

A. Proposed Zone Boundary Change: "I-1 to "Mixed Use Transition (MUT)" Zone District, properties located at 1865 West Street (Map 179, Parcel 015); 1881 West Street (Map 179, Parcel 014); 1901 West Street (Map 179, Parcel 013); 1911 West Street (Map 179, Parcel 012); 1919 West Street (Map 179, Parcel 011); 1927 West Street (Map 191, Parcel 046); 1945 West Street (Map 191, Parcel 045) 1955 West Street Map 191, Parcel 044); 751 West Queen Street (Map 179, Parcel 016); West Queen Street (Map 179, Parcel 017) (ZC #556)

The Chair reiterated what the Planner said. If this is approved any application that comes before us would be subject to another public hearing where you all will be notified as you're within the 500' radius to come out and speak for or against any proposal that comes which would give this board a lot more latitude with regards to buffering from currently residential to if there is any new residential, commercial or hotels or commercial, anything that comes out in that zone. We want everyone to understand that.

Mr. Chaplinsky said that today under an existing I-1 zone, if somebody comes in with an approved I-1 use, they'd come in with a site plan and if it meets the requirements, we have little discretion to approve or deny. And, there is no public hearing for that type of application.

Discussion.

With MUT zone, for all applications, any application requires a public hearing. Then there is a special permit which allows this board much more discretion to hear from the community and we can take into consideration adjacent uses and tailor that special permit and put stipulations on it that require them to do different things we

might not do with the standard site plan that comes in. From my perspective, I think there is a lot more bite in this.

(*Ms. Clock left the meeting at approximately 8:05 o'clock, p.m.)

(Audience outburst)

(The Chair seated Mr. Hammersley in for Ms. Clock for the remainder of the meeting.)

Mr. Morelli continued regarding the teeth in the application, we have seen retail applications come to us and those applicants are more willing to do things to be good neighbors because they have to be. An industrial site doesn't need to be a good neighbor. I think for us to change the zone, what is right now is not very controllable and you could end up with anything in your backyard. But now we have a MUT and people have to bend over backwards to make it work and they need to satisfy a lot of people. It is interesting also that you have the manufacturing guy who owns that property who is not opposed to the change from I-2 and I-1. I think again, any change from I-1 around the residential area is a good change, any change.

As to the POCD, I know that we want to see more residential friendly development along West Street. Temper the development as it goes in and comes out of our town. That's the reason behind this change.

Mr. Sinclair echoed the previous comments. I like the MUT zone. It allows us to do a lot of things that --- helps us keep out things we wouldn't want in our own back yards. The only concern I have is that we've been kind of gobbling up the I-1 zone around town. Is there any talk about replacing it? The Chair said he speaks with Lou Perillo often and we are on the hunt for any industrial land. We also know that industrial land belongs in certain areas and we don't feel looking at the map, going forward with the POCD that this is an ideal spot for I-1.

Attorney Sciota explained condos were taken out of the business zone, but kept in the CB zone. When we allow condos in business, we set ourselves up to have industrial next to residential which doesn't make any sense.

Discussion.

The Town Planner advised this is ready for action. A regional review is not necessary as it's greater than 500' from the town boundary.

Ms. Locks made a motion to approve. I think we have more control and it would be best for all of the residents to do this. Mr. Sinclair seconded.

Mr. Chaplinsky added he felt this is really a much less intense use which is more appropriate for that area. I think it protects the

residents that are there along the roadside. I think it does protect the Ridgeview folks. It gives this commission some latitude to really stand up for your rights and put things into an application that does come forward in the future and give us some muscle when we go to court if we were to get challenged by an applicant. This gives us the muscle we need to stand up and fight it in a court of law. It gives the residents the opportunity to come out and speak where the I-1 may not give them that opportunity. I think this is overall a very positive thing. It is in line with the POCD. I think this is a really good step forward in this area.

Motion passed 7 to 0 on a roll call vote.

B. Amato Realty, site plan modification to construct a 28' x 60' garage, 445 West Queen Street (SPR #1654.1)

Sev Bovino, Kratzert, Jones & Associates representing the applicant.

The proposal is for a small storage building on this property as an accessory building. There is an existing industrial facility on the site. The property is served by public water and sewer. It's a small project. Storage for their trucks. No toilets or sewage there. It's just to store the trucks next to their facility.

The Town Planner advised staff is satisfied and it is ready for action.

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

C. ZEBA Properties LLC site plan application for demolition of existing building, concrete pads and pavement and the construction of a new 2,880 s.f. building, parking lot, service utilities and storm water management, 398 Main Street, (SPR #1704.1)

David Hughes, professional engineer and registered land surveyor, 57 Norway Street, Oakville, CT. I am here on behalf of ZEBA Properties, LLC.

This property is on the north side Main Street, south of Old Turnpike Road and just south of the CVS Pharmacy and across the street from Walgreen's Pharmacy.

This is an image you would find on Google of a better description of what this site used to be and now it doesn't look as good. The current owner has removed the fuel tanks, the pumps, all of the

existing signage has been removed. The only thing that exists at this point is the building and the canopy.

The property is in the business zone. It's about .81 acres in size. It's been a fuel filling station since the 1950's. It's previously been a BP and a Getty Station.

I believe the pumps and fuel tanks were removed early this year.

Our proposal is to increase the size of the building. The square footage of the old building was 500 sf which was really just a service station and a small convenience store. The new building would be just under 2900 (sic) square feet. It's going to be a larger convenience store and a small take out deli.

What will remain is the canopy that is here that is on the site now.

New concrete pad for the dispenser area, new fuel tanks with the concrete pad above it, new parking along the building and along the side of the parking. That's the plan being proposed.

Number of parking spaces proposed is 12.

A propane filling station is being proposed, as well. That's 500 gallons in size.

Storm water runoff was discussed.

Roof drain system was discussed.

Catch basins were discussed.

Underground storage system was discussed and it was note that the engineering department requested a revision they'd have to make.

Landscaping according to the regulations was discussed.

Sight lighting was discussed as being full cutoff LED fixtures.

A rendering done by the architect, who is here this evening to answer questions, was shown and discussed.

Attorney Sciota brought up the elderly complex behind this. What is the delivery schedule? Do you have deliveries after 8:00 at night? Discussion.

The architect, Ronald Zocher from 9 Shore Drive, Branford, CT, added it is normally done under normal business hours. He advised he would convey to the owner that would be an issue and deliveries are to be during normal working hours.

Hours of operation are 5:00 am to 12:00 midnight.

It was reiterated that fuel delivery would be prior to 8:00 pm.

Mr. Chaplinsky noted you are bounded by business zones to the west and the east. Are you amenable to providing cross easements to the adjacent parcels for future use should there be a desire for businesses on either side to work with each other? We're talking traffic easements. Combined parking.

Explained.

Mr. Hughes said that the only parcel we would have an easement for would be the ice cream shop. We do have an access ROW that the town owns that goes to the elderly complex in the rear.

Attorney Sciota clarified we are not accustomed to having business use going on to our private easements that we use for only residential purposes.

Mr. Chaplinsky said the easement could be on the record and not necessarily a curb cut. We could decide not to use it.

Mr. Hughes will check with his client. If they are amenable we'll put it on the plan.

Ronald Zoher, architect, was available to answer questions.

Mr. Chaplinsky said he liked the rendering.

This is going to be a Valero station.

The Town Planner noted it is ready for action with stipulations:

- Subject to comments Number 2, 9 and 12 on the engineer's letter dated 8-30-2016.

- Subject to the health and water department approvals if necessary at the zoning permit level.

Mr. Chaplinsky made a motion to approve with the aforementioned stipulations by the Town Planner. Ms. Locks seconded.

Mr. Chaplinsky added a stipulation that the developer will work closely with the town's planning and legal department staff on cross easements.

Ms. Locks amended her second to include that stipulation.

Motion passed 7 to 0 on a roll call vote.

D. Top Line Properties, LLC site plan application for the construction of a 17,150 sf industrial building for manufacturing and warehousing with a 2-story space in front of building for offices and showroom with associated parking and loading areas, 158 Industrial Drive (SPR #1718).

Brian Paniko, Harry Cole & Son, represented the applicant. This is lot 13 in the industrial subdivision off of Industrial Drive. It's Number 158, zoned I-1 industrial. The total area of the site is 1.08 acres. It's currently vacant. No wetlands on the site. We have lot 12 to the north, Industrial Drive to the east. Developed residential properties to the west and undeveloped residential stuff to the south. The future goal is to actually continue the cul de sac to have a road thru.

The proposed building is 15,400 sf. The use is going to be a manufacturing/warehousing with offices and showroom. It is primarily for cabinetry and other woodworking, et cetera. Showroom for people to come and see the work. Offices to work with clients.

The building will have a dust collection system and everything in it for all the woodworking. Trash is handled inside the building. There is a dumpster proposed on the west end of the site, as well.

All parking and loading is to the north side of the building. There are 10 parking spaces being proposed per the regulations.

We've provided landscaping in the form of six street trees per the regulations as well as all of the landscaping for the parking area, as well.

Handicapped space and access.

Detention for the site was already implemented during the subdivision. It was 75 impervious for the site and right now we are well under that. We are using BMP with catch basins and some larger swales around the back of the building to drain the water off.

That's about it. Pretty straight forward.

The Planner indicated it is not ready for action. We still have comments outstanding and response to comments, as well. Staff isn't there, yet.

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

E. 8-24 Referral for the purchase of 752 Berlin Street property for open space (MR #508)

Attorney Sciota advised the town council is asking for an 9-24 referral from this board for 3.5 acres of farm land on the corner of East & Berlin. We've negotiated with the family for the purchase of the property for \$375,000 which would be purchased with open space money.

Mr. Sinclair made a motion to send back a favorable 8-24. Mr. Macchio seconded.

Mr. Chaplinsky asked the proposed use. Attorney Sciota said it falls under the open space committee's jurisdiction, but more than likely it'll be transferred to the farm heritage committee which means the property may or may not be leased to local farmers for growing stuff.

The Town Planner noted it falls in the natural diversity data base so there may be some kind of critter or habitat for a specific critter in that area. So, that's good.

Motion passed 7 to 0 on a roll call vote.

F. 405 Queen Street LLC request for first 90-day extension to file mylar, 405 Queen Street (S#1314)

Ready for action. Mr. Sinclair so moved the motion for approval. Mr. Macchio seconded. Motion passed unanimously on a voice vote.

G. Request to release \$9,900 Erosion and sedimentation bond, 64 Triano Drive (SPR #1678) and transfer said amount to cover Erosion and Sedimentation bond for 65 Triano Drive (SPR #1687).

Ready for action. Mr. Sinclair so moved the motion for approval which was seconded by Mr. Macchio. Motion passed unanimously on a voice vote.

SUBCOMMITTEE REPORTS

Mr. Phillips gave an update. The parking regs we discussed are out for referral. I anticipate that to be on for the October 18th public hearing. It needs 35 days as it affects regulations that may be within 500 feet of the town boundaries.

We'll have a subdivision amendment proposal based upon engineering requests for technical changes. On for public hearing on October 4th.

We have some other items. I met with Jenn and we discussed them. The Chair will send out the list with the subcommittees on them. He asked it be put on the Agenda for a reminder item next time.

The Planner was trying to find confirmation that the Governor signed this, and he has reason to believe he did, but it is very likely that Section 14-54 which has to do with dealers and repairers will be back to the ZBA.

ADMINISTRATIVE ITEMS

None this evening.

ITEMS TO BE SCHEDULED FOR PUBLIC HEARING

A. Michael E. and Catherine A. Gorman and Robert and Jennifer Wisner, Special Permit application for parent/grandparent apartment, 160 Saddlebrook Path, SPU #566, September 20th.

RECEIPT OF NEW APPLICATIONS

We had ZEBA tonight we talked about. Topline we talked about. We have Cranberry Cove in for a site plan application for a previously approved SPU.

We have a parent/grandparent apartment at 160 Saddlebrook Path on for September 20th.

ADJOURNMENT

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

(Whereupon, the meeting was adjourned at 8:31 o'clock, p.m.)