

PLANNING AND ZONING COMMISSION
TOWN OF SOUTHTON
SEPTEMBER 15, 2020

The Planning & Zoning Commission of the Town of Southington held a public hearing and regular meeting on Tuesday, September 15, 2020 via WebEx teleconference. Robert Hammersley, Chair, called the meeting to order at 7:01 pm.

The following participated:

Robert Salka, Jeff Gworek, Susan Locks, James Macchia, Christina Volpe & Peter Santago

Alternates: Theresa Albanese & Caleb Cowles

Absent: Alternates Joe Coviello & Stuart Savelkoul

Staff:

Robert Phillips, Director of Planning & Community Development

James Grappone, Ass't Town Engineer

A quorum was determined.

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

A Moment of Silence was observed by everyone.

ROBERT HAMMERSLEY, Chair, presiding:

6. APPROVAL OF MINUTES

A. Regular meeting of September 15, 2020

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

7. PUBLIC HEARINGS

(MINUTES ARE PREPARED SUMMARY STYLE. YOU MAY REFER TO THE ON LINE POSTING TO HEAR THE 35-MINUTE DISCUSSION.)

A. Application of Jonathan R. Aubin, attorney for MDP Holdings, LLC, to change the zone on property located at 1608 Meriden Waterbury Turnpike from I-1 to B (parcel size 1.37 acres) Z #566), continued from September 1

Attorney Jonathan Aubin presented on behalf of the applicant. This is about changing the zone on 1606-1618 Meriden Waterbury Turnpike (Rte. 322) right at the corner of Clark Street and Rte. 322. I know you had some questions about the historical roots of the property. I ordered a historical title search which went back to 1876. More recently, the area was used as a garden center by the Calvanese Family and then it was made into a manufacturing center for MidState Mfg. Bob Pisco of Midstate is on the call speaking in support of our application, as well.

(The Title Search was distributed to the Commission members and is on file in the Planning Office and on the website under documents for this item.)

Mr. Santago outlined the issue in question. We're looking to do this in the corner and if this changed to business, we will see the domino effect and very soon the rest of that parcel will get changed and we'll lose all the industrial land there. It is a zone change that gives me pause.

Discussion.

Mr. Santago asked if the applicant needed that entire parcel to do their project or can you get by with part of the parcel to put in a gas station? Attorney Aubin said the industrial machine shop at the back of the lot is going to be retained. That would become a nonconforming use. As for the surrounding building, we would be looking to demo them.

If we have to do a subdivision of some type with the parcel, I would have to discuss that with my client noted Attorney Aubin.

Mr. Phillips said you don't have to subdivide a property to have multiple zones on one property. It's common. It would be simply moving the zone lines back to encompass the area that is proposed for the new development. It doesn't require any subdivision of land. I just wanted to put that out there.

Mr. Santago said he didn't feel that area of town was improperly zoned, maybe just underutilized. I don't think the zone is incorrect.

Discussion.

Attorney Aubin outlined the commercial developments in the area and that seems to be the general trend in which the area is going. Someone is going to develop this lot for commercial purposes sooner or later. We have every intention of retaining the industrial tenant. I hear your concerns about the dominoes falling and I feel like it is already happening.

Ms. Locks asked for clarification on if we just allow them to use it as a gas station, we would just change that line and adapt to that and keep the back industrial. Mr. Phillips responded if that was your desire, you could modify and approve the proposal with the language they redraw the proposed zone line only to encompass the area subject to any of the proposed convenience store/gas station and associated parking. They can submit a revised map that shows that works for them. Ms. Locks said she would be happy with leaving the gas station in the front as long as we didn't get rid of the industrial in the back.

Mr. Gworek like the split zone thought process. It would be nice to see a business zone along Meriden Waterbury Road and something that fits with the Manor Inn and the new development in the area. Keep industrial in the back.

Mr. Macchio agreed that the town is not ready to give us the limited amounts of industrial land we have. If a portion could be changed for that business, I would be lean okay with that. The whole portion of it being changed, I am not in favor of.

Mr. Cowles echoed his colleagues' wisdom. The split zone would be the most functional way to utilize the space.

Discussion.

Ms. Volpe was concerned about losing this industrial thread in town. I appreciate the deed research you provided. She explained the importance of Aaron Moss, one of the founders of the bolt manufacturing company which later became the Clark Brothers. This is an area of heritage of tourism. I don't entirely disagree with the splitting of this parcel to allow the gas station/convenience store, but I might recommend putting some sort of historical marker there if the houses are going to go down. Explained she would like to see something there to commemorate that for future generations. And, your client, as a business owner might see this as something, they would like to do for us as a community.

Attorney Aubin advised his client is planning on retaining the stone garage there and dedicating it as maybe like a museum that tells about the history of Milldale in that area and incorporate some of the history of the parcel and the area. Ms. Volpe said that is a wonderful idea. Great news.

Discussion.

Ms. Albanese agreed this should be looked at as a use that is compatible with other uses in the area. I think the gas station is a good thing. And, maintaining industrial land as the others have indicated is something we should be doing. I'm onboard with this. It will beautify the area. I commend Ms. Volpe for wanting to get this documented with an industrial marker there. I'm in favor of this application and split zone we're looking at.

Mr. Salka agreed with all comments regarding the approval of this application. I like the split zone possibility. I would support the application if we could retain some of this industrial and move the zone line behind where the gas station is going. Most of the locations are zoned business or commercial as pointed out by the applicant's attorney.

(Those wishing to speak in favor of the application)

The following speakers commented on the retention of the stone garage, clean up of the area, keep the industrial building would be great, development of the area would be great for the area, increase in employment.

(1) Paul Remington, 68 Rivercrest Drive. Spoke in support of the application.

(2) David Burrell, 1610 Meriden Waterbury Turnpike – letter received in planning office on and on file.

(3) Robert Pisco, MDP Manufacturing, 77 Edgemere Avenue, West Hartford, CT. Read a statement in support.

Attorney Aubin stated on behalf of the applicant that the developer would not be an absentee landlord. His office is on Clark Street. He has deep, deep roots in Southington, understands the

community and it's needs. He's willing to work with the commission. He said if the commission adjusts the zone so that the front would be commercial and the back building where MidState is operating would remain industrial, he has no objection to that.

(Those wishing to speak in opposition to the application)

No response.

Mr. Salka asked if we were in a position to vote on this in the business meeting without seeing the zone and where it is going to be? I think it is important that we see where the zone line is going to be so we know what we're voting on. The Chair said that would come up in the business meeting, but part of that, for me, I trust the planning staff can work through that administratively. But if you want to see it before we vote on it, we can bring it up during the business meeting. Mr. Salka added he had no problem with letting the town officials work with the applicant on that as I feel comfortable with that.

Discussion.

Attorney Aubin said he had client authority to accept whatever the planning department decides. If it is just a partial zone change, we would be perfectly fine with that.

Mr. Phillips said in an ideal world we would have a revised map showing the line but I think it is pretty clearly defined if you are looking at only allowing a zone change to only encompass the area involved with the proposed convenience store/gas station and all the requirements for landscaping, parking and things of that nature. It should be pretty clear where the line should be drawn and we can look at that and authorize the filing of that on the land records.

The Chair noted they still have a site plan to file if we approve this and that would designate where the line would be, as well. Mr. Phillips said they'll show a site modification plan that would be necessary for approval and that would indicate on the zoning location map on the front page to accurately reflect the zone change.

Hearing no objections from the Commissioners, the Chair closed the public hearing on this item.

B. Special Permit Application of Eleni Real Estate, LLC for two buildings on one lot, property located at 1615 West Street, in the WSB zone, parcel size 2.13 acres (SPU #639), continued from September 1

(MINUTES ARE PREPARED SUMMARY STYLE. YOU MAY REFER TO THE ON LINE POSTING TO HEAR THE 65-MINUTE DISCUSSION.)

Sev Bovino, Planner with Kratzert, Jones & Associates representing the applicant presented. The property is located at 1613 West Street, zoned West Street Business Zone (WSB) served by public water and sewer. Currently occupied by a restaurant.

The applicant has purchased additional land and filed a map combining that land with his original parcel which was .65 acres and now it is 2.13 acres.

Since then you have received the Town Attorney's opinion which you were seeking. We still believe that the uses contemplated here are allowed in the zone. The WSB zone allows all the uses the CB zone allows. In our opinion the uses complement each other, especially with the shared parking and curb cuts. We will be eliminating one curb cut. We will have to work with the state in terms of traffic with the entrances and exits.

We are not touching the existing beautiful existing wall along West Street or the wall that exists along the southerly property line.

We believe that the granting of the request will not be detrimental or prevent the normal development of the area.

I'll answer any questions.

The Chair asked each commissioner, one by one, to ask their questions after which Mr. Bovino responded.

Mr. Santiago said he gets the nonconforming aspect of this, but his issue with this is the precedent that it sets. We are being asked for two businesses on one lot and not to take a nonconforming business and expand it within an already nonconforming lot. If it was an expansion of the existing business that had acquired more property to get up to snuff, we would be having a different conversation. Two separate businesses on the same lot that's nonconforming. If this was two separate people to come down, not nonconforming, we would be taking about 5 acres and not 2.1 because a new business has to have 5 acres.

Now, what we're saying, to set a precedent, is that any nonconforming business on West Street can buy a little bit of property because we're going to say: yah. You can be under the 2.5 to not only expand your existing business but to add another one, whether it is related or not.

To me, this is pretty bad and kind of goes against where we wanted West Street to be. It's almost an out clause like I get to do what I want because I'm nonconforming and I can continue to be nonconforming and do what I want.

If it was, I have a business and I want to expand it, maybe we're having a different conversation. I think the amount of land we're talking about and two businesses on one lot in still a nonconforming property, I really think it sets a bad precedent particularly that it is West Street and we're trying to lessen the amount of businesses next to each other and that kind of thing.

I agree with Attorney Taylor in regards to it sets a precedent. It's not to just expand but to add an addition and I think is contrary to the spirit of the West Street Zone on its face.

I have an issue with the precedent that we're setting by approving this particular thing.

Mr. Bovino responded: Said there are two separate issues here and Attorney Taylor did not address the issue he is concerned about. Attorney Taylor addressed the issue that this property is a nonconforming lot. He agreed we have a nonconforming lot and that we do not have to go and try to achieve the 2.5 acres. He did not address the number of buildings on the property or the uses on the property. Those, in my opinion, are two separate issues.

Let's say we had the 2.5 acres, so we met the acreage requirement. The two buildings on one lot, that is the concept that you are asked to decide. The issue of the conforming or nonconforming has been addressed by the Town Attorney. From that point forward you have to look at the two buildings on this piece of property and do they work together in a good way in terms of uses and traffic or they don't. That's where I'm at.

If we are complying in terms of parking, access, and so forth for both uses, what is the damage? Since it has been established that the lot is a nonconforming legal lot. That's my point.

Ms. Locks asked if there was a way to acquire that little bit of difference in the acreage so we are following our rules and regs.

Mr. Bovino said the applicant has tried for years. I don't know why they set the stakes at a certain point and didn't want to budge. I don't think we will be successful in the short term. People are interested in the large piece and when they come forward, this applicant will talk to them about sharing of curb cuts and cross easements and ask for additional property because it will benefit both. The current owner, I don't think they will budge.

And, we are looking at these two uses and can they live together and work together on this piece of property and try to avoid the issue of the 2.5 acres in your mind because the Town Attorney has addressed that.

Ms. Locks commented that is not what they wanted in that area.

Mr. Bovino continued that you stipulated the lots have to be 400' deep and if you take 400' wide and 400' deep, it works out to 3.7 acres, not 2.5 acres. There's mistakes a long the way by everybody.

Ms. Locks brought up traffic. Mr. Bovino said they'll work with the state and will have to have a traffic report. Ms. Locks said that section is very bad, many accidents. Mr. Bovino said that would be investigated and addressed.

Mr. Gworek brought up the 400 by 400 for frontage and depth. It doesn't make sense reading through our regulation requirements. What I wanted to see from Attorney Taylor was basically is viewpoint in going from a small nonconforming lot to making it bigger at 2.13. The only concern I have is the curb cuts. I know one will be removed from the house that's there and keeping the two on CAVA. Have you looked at ingress/egress instead of two-way curb cuts? Mr. Bovino said as part of the site plan we'll be address that. We are going to manage the traffic through there.

Discussion.

Mr. Macchio stated he took issue with Mr. Bovino. He felt the Attorney has called it out and said it didn't meet the 2.5. That's the way I read it. We would have to put in a stipulation allowing that. Now, I was on the board when they started the WSB zone. A lot of work by a lot of people. Here I see this, right away we are looking for changes, or at least stipulations to go around that. I understand about the 400 by 400. Maybe that was a mistake overlooked at that point but it is there. Maybe that rule has to be looked at and changed so that the boundaries and the footage comes up to the proper amount in acreage. I am not in favor of doing this. I like two businesses being there. But we are going right against a recently put in rule.

Discussion.

Mr. Bovino responded. You keep on referring to the acreage. The acreage issue has been addressed by the Town Attorney and he basically said that this is a legal lot. It has nothing to do with the uses we intend to put on this property. The use are for you to decide if they work together. We can take the building that's proposed to be separate, attach it to the restaurant, and we will still have the same square footage and use. We can put it as an addition to the restaurant and use it as an office building. Office uses are allowed in this zone. You are caught in the issue of the acreage and it's not what I believe is the issue. That's been cleared.

The land was increased, we did not cut it back. We went from .56 to 2.1. We did the best we could under the circumstances. We are not changing the rules. The lot became legal. It is recognized as a legal lot.

It's important you concentrate on the uses and not the acreage. You are not ruling on the legality of the lot. That's what I'm saying.

Mr. Macchio said we just differ in our opinions.

The Chair referred to Attorney Taylor's letter. He said the way Mr. Bovino was representing it is not completely accurate. He doesn't suggest that it is allowed, he suggests it is clearly in the commission's discretion --- exact words --- and he acknowledges as we all acknowledge that it is nonconforming and it does fall short of the 2.5 acres. This question and point has been raised a number of times but I don't want you to keep suggesting the issue has been resolved by Attorney Taylor's letter. He does say it is in the commission's discretion --- us --- to make a determination of whether we want to move forward with this based on the fact that it is less than 2.5 acres as required by the regulation. I want to be clear about that. The letter is linked on the website under this application for review.

Mr. Cowles felt everything had been said by his colleagues. He did summarize a few points that were concerning to him: traffic, congestion in the parking lot itself with the two curb cuts, the intent of this was just to expand parking and also throw in a building? The business was short of parking and I was happy to see it added as I felt it was important for the existing business there. But it is not in the best interest of the street and the town in general to move forward with something like that.

Mr. Bovino disagreed. He then reviewed his interpretation of Attorney Taylor's letter again. However, if you feel that two building on one lot with these uses are not compatible, that's your prerogative, obviously.

Ms. Volpe read section 4-05 of the zoning regulations. We have these regulations for a reason. She echoed concern about curb cuts and maybe this would be discussed once a traffic study has been done. Mr. Bovino said that traffic management is a site plan issue. Ms. Volpe noted the conceptual in front of her. Mr. Bovino said that was done because of concerns about the parking under construction. Explained.

Ms. Volpe said echoed concerns of her colleagues and Attorney Taylor's letter is important. We need to take time to hash that out. I echo Ms. Locks' concerns. This is a conversation that keeps getting shut down. What steps have been taken for that? If that conversation could happen, would that be a possibility? Mr. Bovino explained three years of negotiating with this family trying to get to the acreage. I can set up a meeting between the parties and try again if that is what is bothering the

commission. We can have them write a letter, if they will.

Explained.

Ms. Albanese noted she saw uses on West Street both compatible and not compatible. I think if you look at this with some kind of flexibility, I understand it could be some kind of precedent but there is a diversity of uses on West Street. My biggest issue is with the conceptual site plan. I do think the traffic would be a major issue getting in/out of these two businesses. That should be the focus. Safety and how the DOT approval would come and what the traffic assessment would show and I think it would be very important if we could make the traffic assessment up before the site plan application and a benefit so we could see what is happening on this location.

I don't like the flow of traffic at all. I think ingress/egress as one aisle and curb cut. We should be flexible on what is going on on West Street.

Discussion.

I am trying to have an open mind in looking at flexibility and I hope the other commissioners can do so as well.

Mr. Phillips interjected the regulations already dictate that the site plan review if it is anticipated at 75 or great peak hour trips, a full-blown traffic study is required. And, certainly, less than that, we as staff will request a traffic statement or an analysis. It is within your purview in the special permit scenario that you could ask for that additional information on any application.

Discussion.

Mr. Bovino added we are required to provide a traffic study. The state has the last say on the West Street traffic. They're not easy on traffic. They demand all kinds of things. You can rest assured that anything that needs to be done will be done.

If the commissioners feel they want to see a traffic study before making a decision, let me know and we'll go from there.

Mr. Salka wanted to see the traffic study as Ms. Albanese mentioned. I support Commissioner Santiago and Commissioner Cowles and all of their comments. The overriding concern I have is we have a nonconforming lot that has been expanded but it is still nonconforming. And, I am concerned about the two buildings on the same lot. If we had two buildings, it would be 5 acres and what we have is 2.1 acres with two buildings completely different businesses.

I would support expansion of CAVA, if we expand the parking lot of CAVA, but to put a separate business in there, to have two separate businesses, to me is a concern. Curb cuts are an issue. Traffic is an issue. I'd like to see the traffic study.

All these issues are a concern to me.

Mr. Bovino said we can do a traffic study and then the commission still has a problem with two buildings on one site. We're back to square one. If you feel that way, you need to deny the application so we don't waste our team.

Discussion.

Mr. Phillips said in the public hearing, you really need to have all of the evidence in and then you make a decision based upon that and anything after you can't consider.

Discussion on the traffic study and when it should be submitted. Mr. Bovino suggested keeping the public hearing open and we'll go from there.

The Chair indicated he agreed with all the commissioner's thoughts right now. West Street is a corridor in town we are sensitive to compared to the problems on Queen Street.

Discussion.

The WSB zone has a lot of talk about consolidating lots and the encouragement of lots being consolidated in the interest of bigger lots. I am not personally hung up on the 2.5. If we are going to go down that road we need to tighten up or acknowledge what our regulations are. I think the 2.5 acres is somewhat of an arbitrary number when this was adopted in 2013.

It is clear in the regulations, and you indicated the applicant is not willing to remove the curb cuts on West Street, with this combined parcel you have three curb cuts and the regulation is very very clear in my mind about closure of curb cuts. It talks about access between abutting property owners and we've done that on Queen Street. Explained.

What are your thoughts on how your client would feel about reducing the number of curb cuts in favor of an access way, when and if, it were to be constructed? Mr. Bovino explained they are eliminating one curb cut. Explained.

The traffic study and the management of the curb cuts is important to us because we may close one curb cut and retain the other. Explained.

Discussion of the easements on either side of the property. Mr. Bovino said overall the applicant is willing to work with the town for the best we can do. On the left we have a 112-acre site which they're not going to utilize our easements to do their development. They'll have their own major curb cut in the center of their property. If you want an easement there, we'll put it there.

On the south side, the church currently has three curb cuts on West Street and a main one on Spring Street. We are willing to establish an easement on that side. Are you really going to want to see another curb cut on West Street where there are three? If you want to see one, as part of the site plan we will be implementing those.

The requirement of 350' back a 50' easement will be established; we cannot work with you on that because we do not own property that reaches that far back. A future property owner would have to work with us and give us the access to their 50' strip of land.

The Chair said, you do acknowledge we can put a stipulation on this, if we were to approve it, that you would have to allow or provide access easements and we can't do that with future development down the road, that they have to work with you.

Discussion.

Mr. Bovino said we can work with you.

Mr. Phillips commented on the CHAT function for the folks that aren't able to see it. One question about what the proposed use for the new building was and the answer is medical office use.

And, there was a comment from Stephanie Manuel: It's not necessary or optimal for West Street. The traffic is awful. There are times I can't get into my neighborhood due to traffic.

Mike B said: I agree. West Street is busy enough.

That's the CHAT for the record.

(Those who would like to speak in favor of the application)

No speakers.

Attorney James Ziogas, 104 Belleview Avenue, Bristol, CT speak on behalf of the applicant. When the matter was referred to Attorney Taylor, I sent an email memo to him on September 2nd. I discussed the regulations with him and I indicated the followed: It is not the use that is nonconforming. It is the lot that is nonconforming. And, I think there is a big difference between the two.

We've taken a lot that was nonconforming, therefore by adding land to it, made it less nonconforming. We've expanded that lot.

So, the uses being proposed are not nonconforming. That's important.

The regulations are drafted and they're very difficult. I'm listening to the discussion. Everyone is asking whether 2.5 acres is attainable. Theoretically, if you look at your regulations and we attain 2.5 acres, what would keep you from saying to us then, do you have 400' worth of depth? Do you have 400' worth of width? If we don't have that but we have the 2.5 acres, how do we get over the hump of that discussion? How do we satisfy the commission when that question gets raised?

That's something the commission is going to have to deal with in terms of adjusting their regulations and make them more sane. Right now, they're not sane. They make no sense the way they're written.

Additionally, it was anticipated you would have nonconforming lots. You addressed it in the regulations. I'm sure we are not the only nonconforming lot on West Street. Therefore, you wrote in your regulations: if there is pre-existing lots that do not meet the minimum acreage under the regulation, they shall become legal. Legal nonconforming upon enactment of these regulations.

That's exactly what we have here. We have a legal nonconforming lot.

The issue of the special permit is a different animal altogether. And, the commission has the right to decide whether or not businesses on the same lot make sense to you in this case. I don't think you deny this application based upon the 2.5 acres because I don't think there is a court that will agree with that theory. You have a special permit right and you can exercise it here if you think you are creating the wrong precedent. But the wrong precedent shouldn't be based on this nonconformity because I don't think that is something that is going to be sustainable. You'll see this with other lots.

You encourage the merger of other lots but you may not be able to merge two lots and still get 2.5 acres, but it is certainly better than the smaller lots that are currently existing on West Street.

I just wanted to reiterate that I agree with Sev and I think that Jeremy agreed with us as well and basically left the commission to decide this issue on the basis of the special permit. And, with the special permit we can address the issues of traffic, egress and things of that sort. But we have to get past the commission's thinking that this is to be denied because it's nonconforming. I think that erroneous and I don't think it is something that would be upheld.

That's my comment.

What if this wasn't two lots, but the extension of one building and we expanded CAVA Restaurant and put a doctor's office in. How would the nonconforming issue address that? My guess is the nonconformity wouldn't be the issue. Look at that hypothetical and think about the issue of nonconformity.

Thank you.

The Chair asked: How stringent do you want to be to the 2.5 acres that identified? Attorney Ziogas said that isn't the relative language. That is relevant if you are going to subdivide the land and create new lot and the minimum lot size would be 2.5 lots.

Discussion.

The Chair felt it was worth one last try to put our minds at ease that you tried to get more land.
Discussion.

Attorney Ziogas asked, if I can negotiate a deal for 2.5 acres, can I be assured that when I come back you won't ask for the 400' deep?

Discussion.

(Those who would like to speak in opposition to the application)

No speakers.

The Chair reiterated it has been expressed that we would like to:

(1) Have the applicant re-engage in conversation with their neighbors or abutting property owner to see if they can see additional land to bring it up to the 2.5-acre requirement.

(2) We'd like to see a traffic study on this application.

Discussion/comments by some commissioners weighing in on that.

Mr. Bovino added that the lot coverage in the WSB zone is 40% allowed and we are proposing 11.9%. Way, way below what is allowed. Rest assured the property can absorb the buildings, the traffic, all that. Drainage. I hope that helps you.

Discussion on whether to table or close the public hearing.

Mr. Phillips informed the commission we will need a verbal request to extend it to the next meeting as we will come up short one day. Attorney Ziogas consented to the extension under CGS to get us to the October meeting.

The Chair advised the public hearing would be left open to the next meeting.

(MINUTES ARE PREPARED SUMMARY STYLE. YOU MAY REFER TO THE ON LINE POSTING TO HEAR THE 2 HOUR DISCUSSION.)

C. Application of Briarwood Real Estate Limited Partnership to change the zoning district from R-40 to Age Restricted Cluster Housing Zone (ARCHZ) #567

Sev Bovino, presented on behalf of the applicant. The property is located at 2279 Mt. Vernon Road at the corner of Welch Road. It is zoned R-40, served by public water and septic. The land area is 33 (+/-) acres. The slopes are west to east. And, north to south from the center of the property there is a brook and a pond and the water flows from there to the river located to the east. The site is bounded on the east, west and south by residentially zoned property and to the north by the industrial zone.

This property was used for years as a college. The property and its buildings are no longer attracting buyers willing to continue the use as a learning center as stated before. The owners have tried to get a use such as medical office, rehab center, et cetera with no success.

This application is to permit age restricted housing in the ARCH zone. Therefore, the property needs to be rezoned to meet those regulations under Section 3-09. Under that section, the purpose is:

- acknowledge the growth of elderly residents in the community
 - recognize the elderly population desires this type of development that can be large or small (inaudible)
 - provide the land owner or developer the flexibility to develop projects that benefit the town and address popular demand by allowing the ARCHZ to act as a transition between areas of existing development
 - to promote projects that promote open space and provides more of it as part of the development
 - to achieve the goals of the POCD in providing housing options for an aging population
- Section 3-09 sets the standards by which the zone has to be developed and for what purpose.
- Development shall be occupied by primarily people over age 55
 - shall have a work force component of no less than 10%
 - have 30 acres of land or more if served by individual septic systems, which is the case in this case
 - with maximum 3.5 units per acre allowed

- shall have a maximum impervious area of 50% which means 50% can be roofs, driveways, parking areas and 50% will have to be green space
- In calculating the maximum number of units, 50% of wetlands and floodplain shall not be included in the calculation
- a minimum of 20% of the area shall be dedicated to green space.

Per the regulation, we have submitted the following:

- Area map showing properties and owners within 500'
- Existing condition map showing the property features like buildings, wetlands, floodplains, parking, driveways, et cetera
- A conceptual site plan was provided showing the development of homes, buildings, parking, community facilities, green space
- Architectural plans were also provided.

We have notified the property owners and submitted proof of mailing to the planning department.

We propose an ARCHZ community with 83 single family homes of different styles, two bedrooms and garages.

The allowed number of units in this case is 115 and we are proposing 83 which works out to 2.5 units per acre versus 3.5 units per acre.

If you average the total acreage to the number of units, each unit will have 17,000 sf of space overall.

This community will have one curb cut on Welch Road and one emergency exit on Mt. Vernon Road. Currently, we have three curb cuts and an emergency exit on Mt. Vernon Road. So, we are planning to use the same location for an emergency exit.

We propose to retain one of the buildings which will be used as a community center on the north side of the property near Welch Road and the existing maintenance building.

The existing pond and brook will be conserved as a recreation area. In addition to that, there will be green space throughout the site and on the southeast corner next to the existing open space already associated with a residential subdivision south of us and open space related to Grannis Pond. This will increase the area being protected along the river wildlife corridor. In addition to additional green space throughout the property to the southwest and center of the property.

In comparing this development to an R-40 development, this will provide 6+ acres of green space versus 1.3 acres in R-40.

This will have zero impact to the school system.

This will have a buffer versus a 0-buffer required for an R-40 development.

This will have a financial benefit to the town in terms of tax collection: \$326,000 versus the \$540,000 estimated this development will bring to the taxes in town.

The roads will be maintained by the association and not the Town of Southington which is a benefit in terms of long-term overall cost.

If this request is approved, it will be subject to all of the applicable regulations in addition to one more special permit use and a final site plan which will require one more public hearing. The final site plan will go into more specific detail in regards to the layout, landscaping, lighting, road construction, grading and septic system locations which will affect the total number of units and possibly the road layout within the site. It will not impact the proposed curb cut.

The project will be built in phases.

We have submitted a traffic trip generation statement by Fuss & O'Neill which concludes that the proposed development will produce much (inaudible) than the college.

Mt. Vernon and Welch Road are collector roads with the proper width and plenty of capacity to handle the expected capacity and volumes of this development.

I'll take questions at this point.

(Map on screen showing the property.)

Attorney James Ziogas, 104 Belleview Avenue, Bristol, Connecticut, representing the applicant. I have represented Briarwood College, Briarwood Real Estate Limited Partnership for the past eight years. I was intimately involved in the efforts to sell this college to another facility who might be interested in running it as a college or some other type of facility in its current formation. We've spent over \$100,000 in advertising. We went on a national search. We hired an auction company to try to promote the site. And, all of that was for naught. We were unable to develop the site along those lines.

We think that the present application and the long-term use of this property as age restructured housing is ideal. It's an ideal adaptive reuse of the property. The area has shown it can handle the traffic flow. We certainly recognize the need for us to go to the state health department or DEEP with our septic system. That's part of the regulations and we acknowledge it. We certainly agree to it.

Having said that, I certainly think that this application deserves your serious consideration. I think it is something that would be a big benefit to the Town of Southington.

Thank you.

The Chair clarified the regulation for the ARCHZ is: 3.09.

Commission member questions/comments:

Mr. Santago agreed with Attorney Ziogas that the applicant as well as the town has tried to repurpose this property as a school and there are no takers for that. The initial proposal for a medical office building didn't go over well. The applicant pulled that

Right now, this is zoned R-40 residential. That would mean if the applicant wanted to right now, he could put in a housing development (comparison in the offerings) with 28 houses. If it met all the regulations and requirements, we would be obligated to say yes.

The town could buy the property as open space, but the town doesn't have the money to buy 32 acres and remediate the buildings there. I don't see that happening.

We have to rule on what is before us. We have the ARCZ-type thing. And, when this regulation was created, it was to have some part of undevelopable land within a housing development. The trade off is increased density. I think we have 6+ acres of undevelopment land versus 1. We get 83 houses versus 28. And, we don't have to plow the road. And, because it is 55 and up, there can be no under 55 aged persons.

My questions might be site plan related. Within the regulations it states that 10% must be affordable housing, minimum which is 9 units that follow the work force housing component. Affordable from a cost point would be how much? Mr. Bovino said that would be provided later in the process, but probably \$350,000 or in that general area.

Within this plan, Mr. Santago continued, there is a green space and open space undevelopable land. I see it is undevelopable along Mt. Vernon Road and the upper and lower left-hand sections. And, where the pond is?

Discussion.

Mr. Bovino said it is around the pond, a minimum buffer along Mt. Vernon Road of a 50' setback, then in the southwest corner there is a chunk of land that's undisturbed and has frontage on Mt. Vernon. Then in the southeast you see green space which is next to the river, Grannis Pond area and open space that currently exists. We'll attach the future green space to the current open space to continue that belt along the river heading north towards Lake Compounce.

Discussion.

With a regular housing development, 1.3 acres of open space would need to be provided. Here we have well over 6 pointed out Mr. Bovino.

Within the regulation, we could put in 115 homes and we're doing 83.

That's the tradeoff. The Town is not buying 32 acres. The commercial use got rejected. Do we want this or a regular development or come in 80-30.g and put in hundreds of units? That's another option. That's what is before us pointed out Mr. Santago.

Discussion.

Mr. Santago said he could go either way. He likes land preservation. But 83 units is a lot of units. With 28 one acre lots, there is a lot of greenery that comes with one acre lots, too. I'm on the fence.

Discussion.

The Chair reminded everyone NOT to use the CHAT function because call in users don't have the option to look at that and there are FOI laws that guide us. We did have a comment from a Stephanie Manuel on this asking how many units would be affordable housing to meet the minimum requirement. Rob Phillips responded it is required to be 10% which would be 9 total units for the development.

Additional comments are coming in. Everyone will have the opportunity to talk. Do this in a reasonable manner as much as possible as well.

Ms. Locks was concerned about the 83 homes in that area and the concern when we get to the site plan about the traffic, et cetera. West Street traffic means people are using Mt. Vernon Road to get into Bristol. I think everybody will be using Mt. Vernon Road more and I'm concerned about that. I don't know which way I would feel at the moment.

Mr. Gworek had some concerns as Mr. Santiago which are basically site plan question concerns about the open space. The other question was the septic and the state health department and DEEP getting involved. I saw in our packet the local health department denied the application as there was no soil test, etc. Can you go over septic issues?

Mr. Bovino explained because there was a lack of soil testing and data submitted to the local health department, they denied the application. We did not submit the information because we were at the stage of a zone change and with a preliminary layout. We didn't realize the plans were distributed to all departments and each commented. I can tell you the soils are very good in this area, very sandy. We are confident we can accommodate the septic systems on the project.

Discussion.

The state health code will be adhered to get these septic systems approved. Mr. Gworek was happy with the insight provided on a concern he had.

Mr. Phillips had discussions with the health department today and there was a misunderstanding a couple of weeks ago between the applicant and the health department as far as who actually had the authority to review this and essentially, at this point in time --- the misunderstanding was they thought this was like a subdivision in the sense of individual lots with individual systems which they would be responsible for reviewing and approving. In this case, with a site plan with one property with a multifamily proposal split into single family homes with a septic system that's called a community system and the total discharge on the property will dictate if it is with the state department of health or DEEP. I believe the flow will be high enough so that it is a DEEP review and approval. It's basically bypassing the local health department. DEEP can work with the local health department on that. It became irrelevant since the memo went out to you. Mr. Gworek thanked Mr. Phillips for the clarification.

Mr. Gworek lastly commented 28 houses with possibly children, traffic versus this proposal with 83 at 55 and older community, it's a considerable uptick in traffic although you are not taking kids back/forth to sports or activities, et cetera. But then realizing it was a school in the past and that traffic previously, that would outweigh the 83 units 55 and older. Traffic is a concern, especially on Mt. Vernon Road. Just a comment.

Mr. Macchio had two concerns: the septic which has been asked and answered and the other is the traffic. Otherwise it looks good. I happen to like the plan; it needs answers to the other things.

Mr. Cowles said he would want to be convinced on how this development fits into the nature of the surrounding area. It changes the dynamic of the rustic, rural space that is Mt. Vernon Road especially in that area. While it was a commercial space while it was a college, it was spread out and the rolling and pristine area of the college as it was. This is not that. It is going to be pretty dense. My

colleagues have articulated that. I need to be convinced on why we would have that many houses when the existing zone still does permit construction of buildings there that are in line with the existing zone. Why would change it to something that is not going to necessarily fit, in my opinion, into the nature of that neighborhood.

Ms. Volpe echoed the density concerns. Section 3-09.1.4 when it discusses green space does say that preserving green space and protecting natural resources should be an integral part of this. I'm wondering, has it been brought up this minimum of 20%? I see the green space in the north western corner, the central green space and a detached green space in the south western corner, but it is not really seeming cohesively green. The idea of this is to kind of blend this type of zoning within a community for something that feels comfortable for the aged cohort that we are aiming it for.

I want to get away from the sense that having older residents they won't be active there and the absence of children. We move away from that idea. That doesn't seem relative to this argument.

This is quite a dense space. Is the green space functional or just aesthetic? Are we covering 20%? What's going on with that. I'd like to hear about it.

Mr. Bovino said we will provide more than 20%, it is .6 acres on 33 acres. We will meet that requirement of 20%, plus. He explained the green space and how it connects. It goes along Mt. Vernon Road, comes to the southwest corner and then proceeds easterly along the southerly boundary and connects to the large green space which is along the Grannis Pond. A larger area there. And then it will continue north toward Welch Road. In addition to the center, where the pond and the brook is, that area will be preserved. And, it is connected to the rest of the green space. There is a connectivity allowing for wildlife corridor and green space. It is going to be connected and more than the 20% required.

Under our regular subdivision, the property owner is in charge of the property and it will not be in a conservation easement to protect the acreage they own. In this case there will be a conservation easement so it will not be disturbed. And, the areas for active recreation, which there is room here for it, we have a combination of active and passive recreation. In a regular subdivision you are not going to have that kind of overall conservation. And, it will not be the acreage we are providing here.

Discussion.

Ms. Volpe said in talking about cohesion and uniformity, I am concerned with the density and how many units are here. Looking at the septic system area in relation to the waterway is concerning. I'm not sure necessarily that I am viewing right now is conforming to what that area already looks like. It is a beautiful area to drive thru even with that vacant college there right now. I want to ensure that remains. I will try to advocate for keeping it.

Discussion.

Mr. Bovino explained there would be a major improvement on the corner of Mt. Vernon and Welch Road.

Discussion.

Ms. Albanese said she liked the layout. With the POCD it was mentioned to try to encourage increasing diversity of housing addressing also the aging population housing. I do see that if this zone change occurs, I would like to see the green space utilized more with more active than passive. I don't

see this community having any sort of amenities other than the one building to be used for a community center. This could potentially be a very reputable and also admirable and sought out type of development if more thought is put into the placing of additional amenities (a little golf putting area or tennis courts) to keep the people utilizing their property and being engaged with development. If that means losing some homes, and not developing on the green open space areas but doing amenities for the homeowners, that would be a better way to present and get that zone change approved.

I am concerned a lot with the septic and the location of it and the fact it is a community septic which would be large and the flows would be a DEEP approving agency. Not knowing the design of whatever system is going to be here, if the buildings are going to be near that community system are going to be saleable, we don't know. I don't know if I am comfortable with the community system. That is something to be researched. Water quality issues are a concern for the river and the wetlands and floodplain.

Discussion.

I like the design, but not the density. I'd like to see more amenities. Possibly a walking trail added would add a lot of what could be said about this development.

Discussion.

I do encourage senior housing and I think there would be a market for it, especially if it's more on the upscale.

How many units would be ADA accessible? Mr. Bovino said there would be as many units as possible with ADA access. The minimum requirement is 10%, so at least nine units but we'll do more than that. The elderly want that kind of a feature.

Mr. Bovino discussed the septic systems which are already existing and that's why they're shown. Those shown are used for the office building and the dorms. There are multiple systems throughout the property.

Individual septic systems for each unit was discussed or maybe in some cases we'll put two or three units together.

Discussion.

Mr. Bovino said they'd look at putting more amenities and when we do the actual layout of the septic systems, it will change a little bit. The number of units may not be the same as on this plan. We'll look at walking trails and other things on the property. It's in the best interest of the developer to have those.

Mr. Salka said we have covered the septic systems and the amenities, et cetera. The concern I have if this layout does not go forward and we talk about the 28 units that are possible, is it going to be worth it to the developer to put 28 units in and have it be cost effective on this property. If that's not the case and the developer walks away, we might be looking at an 8-30. g unit. That is what I am concerned about as much as anything.

I like this unit and I like the way it is laid out. I like the way Commissioner Santago framed the options before us. I'll refrain from comments waiting for the site plan. I'm sure a number of changes will be made at that time.

(MINUTES ARE PREPARED SUMMARY STYLE. YOU MAY REFER TO THE ON LINE POSTING TO HEAR THE COMMENTARY BY EACH SPEAKER.)

(Those wishing to speak in favor of the application.)

Rob Phillips, director of planning, had an email that came in earlier when the meeting started. It is a letter for support for this proposal from Stephanie & Dereck Manuel, 207 North Ridge Court, Southington.

Dennis Terwilliger, President of Briarwood Real Estate Limited Partnership, addressed about whether the economics work for 28 units. He explained what has been expended to date. Developing 28 units wouldn't work well for us or it wouldn't work at all.

When we looked at the 55 and older housing, we had a developer approach us about putting in what they call affordable housing. They laid out a program with 160 units on the property. It is a layout much like you see here, but more dense.

This proposal is much better for the town, we believe. There are more needs.

The option of building 28 houses on the property wouldn't work economically for us.

The following 3 speakers spoke in favor of the application:

1. Brian DiCrezenso, 129 North Ridge Court
2. B J (Inaudible), 40 Oakmont Lane
3. Pasquale Poletta, 77 Oakmont Lane

(Those wishing to speak in opposition to the application)

The following 11 speakers spoke in opposition the application speaking on over development, character change, students added to schools, increase to other town services, sidewalks, green space, wildlife, septic concerns, density, traffic, wetlands, flooding when the pond gets too full, property buffers, drinking water concerns, visual barriers on this property to abutting property owners.

1. Val Guarino, 1432 East Street, read a prepared statement on file in this matter.
2. Moira Maloney, 2242 Mount Vernon Road. Read a prepared statement.
3. Lisa Marshall, 77 Mountain Pond Road.
4. Terry Christianson, 76 Colonial Hill Drive, Wallingford, CT. President of the Forestville Fishing Club which owns the Grannis Pond and the surrounding 150 acres that borders this property.
5. Mike Boissenault, 115 Panthorn Trail
6. Joe DeFeo, 23 North Ridge Court
7. Rhonda Merriman, Panthorn Trail

8. Danielle Monte, 53 Mountain Pond Road
9. Lottie Prushinsky, 1895 Mount Vernon Road
10. Dave Austin, 57 Whistling Straits Drive
11. Paul DiPietro, 69 Panthorn Trail

Mr. Phillips added a list of other letters submitted in opposition on file:

- Lisa Marshall, 77 Mountain Pond Road
- Mary Potter, 28 Boulder Ridge
- Pasquale Antolini (no address)
- Joe DeFeo, 23 North Ridge Court
- Robert Calabrese, North Ridge Court
- Rhonda Merriman, 10 Panthorn Trail
- Mary Sargent, 2163 Mount Vernon Road
- Francis Pickering, 60 Panthorn Trail
- Edward Henry, North Ridge Court
- Dave Austin, 57 Whistling Straits

(Mr. Austin wanted to withdraw that opposition and would like to remain neutral with concerns about having a green space strategy. Mr. Phillips said it is on the record now that you said that and that's the best we can do. We can take it out of the file since you requested it.)

- Shari Guarino, 1432 East Street.

The Chair asked Mr. Bovino to respond to density, flooding issues with the pond, septic concerns, flooding when the pond gets too full, property buffers, drinking water concerns, visual barriers on this property to abutting property owners, traffic concerns, use of green space, open space.

Mr. Phillips interjected he got an email from Stephanie Manuel saying she would like to see less homes and more amenities, for the record.

Mr. Bovino responded:

The density issue, we'll work within the regulations and provide the appropriate space and setback requirements and the other requirements in this zone.

Once we look at the actual septic system locations and other issues, the layout might change slightly and the number of units might change.

As far as the people moving from existing homes to this location and then those home would be bought and occupied by families, that's a natural process. If the elderly cannot come here, they will

move either out of town or out of state. If they want to move and abandon the large home, they'll have to move no matter what and if there is no availability of units in Southington, they will go elsewhere.

As to the flooding, the property in question is upgradient from our property. It slopes down to our property. We do not expect our development to create any problem for flooding her property. By the regulation, we are required to achieve ZIRO and not add any additional flow during storm events to the drainage areas.

Traffic, we'll look at that. We have provided a letter of opinion from Fuss & O'Neill. We'll be glad to provide additional information. But Mt. Vernon Road and Welch Road are collector streets and they're wide, 30' of pavement, plenty of capacity to accommodate this traffic. This property was used for years at a higher density use and the streets were fine. We'll look into that.

The Forestville Fishing Club concern about water quality, the report from Bristol, I got a sense that the voc was released from the uses north into Bristol – Trash to Energy Plant, most likely – because residential uses don't release much voc. Our property has not been used for two to three years now, fully. It's not coming from our property I am sure.

In regard to fencing, we can take into consideration some fencing where there are gaps in the wooded line. We plan to put a buffer of 20', which is required, along the southerly property line along the Mountain Pond properties with some berming and trees where there are gaps.

For water quality, when we do drainage design, we are required to look into water quality and quantity. It is our responsibility which ties in with the impact development referred to. We are going to take the low impact development feature into this property and reduce the rate of runoff which is required by the regulations.

The buffer along Mt. Vernon Road, there is a 50' setback and most of the homes there are 52' or 53' back. The green space along Mt. Vernon Road will remain. About 50' of green space. Along the south side we have about 27'. The decks of these potential units --- we are planning to put some landscaping along the property line with some fencing potentially if there are gaps in the wooden area.

The regulation says the people living here have to be 55 and older and no one under 18. The style homes are ranch style.

ADA compliant, 10% of them at a minimum. And, 10% of them will be affordable.

This project will be built in multiple phases. Construction and truck traffic related to that will be minimized as much as possible because of the phasing. Probably five phases. Will take probably five years to complete depending upon the market.

There is public water on the property right now and we plan to continue that use for every unit. No wells built for any unit.

The regulation clearly indicates for green space it needs to protect each unique natural features, habitat or natural resources, complement other adjacent or approximate natural areas. We are adding to the existing natural area to the southwest and southeast which is the Grannis Pond property. In that corner we are adding quite a bit of green space to compliment the existing open area there.

Along Mt. Vernon and Welch Road we are proposing 50' buffers, green space.

We have views of the mountain from this property, especially where the pond area is, and we are going to protect the pond and brook area. When you connect the belt around Mt. Vernon Road to the pond and the brook and run southerly along the easterly property line to the southeast corner, that is your belt of green space.

We will consider additional amenities for this property such as walking trails, et cetera.

That covers most of the concerns.

The site plan will be the next step if this gets approved and a detailed site plan will address all these issues and more.

The state health code will be adhered to to design the septic systems which will dictate the density.

Discussion of under this current zone, you could build 28 single family houses there. A number of members of the public felt that was the most preferred option as compared to this option. Can you speak to that?

And, the other issue for you to weigh in on is the roadway out to Mt. Vernon Road which is more of an emergency access.

Mr. Bovino stated the connection to Mt. Vernon Road is going to be an emergency access which is actually there now. It will remain an emergency access which will be gated and not used on a daily basis.

As far as the 28 lots, they're not going to provide the ton of green space this will provide. Each home owner will have the right to do what they want with their property. This project meets a community need as stated in the regulations. It is located in an area which is next to properties which are somewhat commercial and zoned industrial. We are on the fringes of the residential uses. We are in a corner of collector streets. This is a typical location that is recommended by the regulation if you want to build an age restricted complex.

As the applicant stated before, it is not economically feasible to do the 28-lot route because of the cost in removing the buildings and constructing new roadways.

The option other than this, will be an affordable housing type of plan. We are running out of options in terms of uses for this property. If this is denied, that will be the next step.

Mr. Cowles asked about the public water supply for this development. Mr. Bovino explained the water mains will provide enough flow to supply these homes.

The Fire Department will know if there is a concern and if we have to provide booster pumps to increase the pressure. Mr. Bovino said that was not expected.

Ms. Volpe discussed the green space value. The idea is continuity with the environment. This is conceptual. There has been a concern about what the green space is looking like, I would like to see this made a more livable thing. It's not just there to be green. There is a reason for it to be there and I want to hope we have that in our mind.

Recap of the idea that our path tonight is to decide if this is the best use of that space. Site plan stuff we heard a lot about tonight will be addressed further on in the process.

Mr. Santago felt this could be a very key development in town and a model if we do it correctly and do it right. Hopefully, some of the amenity stuff is not saved until the end and it is done as part of the early stages of the development.

Discussion.

The biggest site plan issue for Mr. Santago now is the density, the 80+ units. It's a lot. I'm hoping with the site plan we will see less than that. We incorporate a lot of the stuff we heard tonight as part of that, I am hoping. It will be a very beautiful development if it is phased --- which I like --- and incorporate all the things we discussed tonight.

Mr. Bovino said this project, as Mr. Santago said, can be a beautiful project, preserve a lot of the natural features, serve the community well for a specific purpose and will take the load of the town's responsibility for a long time.

Discussion about whether or not to close the public hearing or leave it open.

The Chair closed the public hearing at this time.

8. BUSINESS MEETING

A. Application of Jonathan R. Aubin, attorney for MDP Holdings, LLC, to change the zone on property located at 1608 Meriden Waterbury Turnpike from I-1 to B (parcel size 1.37 acres) ZC #566), continued from September 1

Mr. Phillips advised he had no outstanding items on this application. If you are interested in modifying this proposal and having the zone proposal pulled back to just encompass the gas station/convenience store area and the improvements associated therewith, you can do that. We would work to make sure that the modified plan is done correctly and you would see site plan modification.

Mr. Grappone had nothing outstanding at this time.

Mr. Salka made a motion to approve ZC#566 with the stipulation that the applicant work with the staff on the boundary lines for the difference between the business and the I-1 zone.

The Chair clarified: What you are looking to do is to designate the zone change exclusively and only to that section of the property where this proposed gas station would be developed. Mr. Salka confirmed that.

Ms. Locks seconded. She added she was hoping they would go and put the historical marker on that property somewhere so we have history relative to that area.

Mr. Phillips said he never experienced something like this being a stipulation. I don't think it is applicable on a zone change, but when it comes to site plan, it is not a situation where they are required

to do this, but hopefully they would work with us through the zoning permit process in good faith and see if we can make that happen. The Chair recalled the applicant being receptive to that suggestion which was made by Ms. Volpe. That's on the record, at least.

Motion passed 7 to 0 on a roll call vote.

B. Special Permit Application of Eleni Real Estate, LLC for two buildings on one lot, property located at 1615 West Street, in the WSB zone, parcel size 2.13 acres (SPU #639), continued from September 1

The Chair advised there was agreement by the applicant to keep this open even though the deadline ends one day before the next meeting which is October 6th.

Mr. Salka made a motion to table which was seconded by Mr. Santago. Motion passed unanimously on a voice vote.

C. Application of Eleni Real Estate LLC, site plan modification application for a to story office/retail building, property located at 1615 West Street, in the WSB zone, parcel size 2.13 acres (SPR#1802) tabled from September 1

Mr. Salka made a motion to table SPR #1082. Ms. Locks seconded. Motion passed unanimously on a voice vote.

D. Application of Briarwood Real Estate Limited Partnership to change the zoning district from R-40 to Age Restricted Cluster Housing Zone (ARCHZ) ZC#567

Mr. Salka made a motion to table ZC #567. Ms. Volpe seconded. Motion passed unanimously on a voice vote.

E. Release of \$107,900 Public Improvement Bond, balmoral Estates, 61 Westwood Road (S #1325)

Ready for action. Mr. Salka made a motion to approve S#1325. Mr. Macchio seconded. Motion passed unanimously on a voice vote.

F. Reduce subdivision bond from \$272,454.00 to a new amount of \$53,000, Balmoral Estates, 61 Westwood Road (S#1325)

Ready for action. Mr. Salka made a motion to approve S#1325. Mr. Santago seconded. Motion passed unanimously on a voice vote.

G. Reduce subdivision bond for Phase 1 & 2 Woodland Heights to a maintenance bond and set the subdivision amount for Phase 3 Woodland Heights (S#1312)

Mr. Grappone advised the developer, A.A. Denorfia & Son Development has bonded Phases 1 & 2. The work in phases 1 & 2 are substantially completed and probably in the next week or two we will be seeing road acceptance on Aspen Way and Teakwood. The current bond amount is \$489,000. The developer just put up a security agreement because he didn't start Phase 3 until recently.

Based on the work completed to date, he would like to transfer the bond and reduce it for Phases 1 & 2 towards the portion of the work on Phase 3.

At this point I am ready to set the maintenance bond for Phase 1 & 2 at \$30,000. And, the total improvement left on Phase 3 is \$60,000. The total of those two is \$90,000. He currently has \$489,000 in bond amount. He is requesting it to be reduced.

Mr. Salka made a motion to approve as stated by Mr. Grappone. Mr. Macchio seconded. Motion passed unanimously on a voice vote.

10. ADMINISTRATIVE ITEMS

Nothing this evening by Mr. Phillips.

The Chair advised we did get notification on the West Street Corridor Study. They are working towards engaging the consultant.

11. ITEMS TO SCHEDULE FOR PUBLIC HEARING

Nothing to schedule.

12. RECEIPT OF NEW APPLICATIONS

A. Ingreselli Carpentry, LLC, site plan modification application to construct a 32 x 24 garage, property located at 211 North Main Street (Dellavecchia Funeral Home), property owned by SCI Funeral Services of Florida, LLC, located in an RO zone, parcel size .63 acres (SPR #1803)

13. ADJOURNMENT

Mr. Santago made a motion to adjourn which was seconded by Ms. Locks. Motion passed unanimously on a voice vote.

(Whereupon, the meeting was adjourned at 11:02 o'clock, p.m.)