

**TOWN OF SOUTH WINDSOR**  
**PLANNING & ZONING COMMISSION**

**MINUTES**

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**APRIL 12, 2016**

**MEMBERS PRESENT:** Bart Pacekonis, Stephanie Dexter, Elizabeth Kuehnel, Frank Bonzani, Kevin Foley, Kevin Greer

**ALTERNATES PRESENT:** Bill Flagg

**STAFF PRESENT:** Michele Lipe, Director of Planning; Lauren Zarambo, Recording Secretary

**APPLICATIONS OFFICIALLY RECEIVED:**

1. **Appl. 16-20P, Cognitive Wire Media LLC dba DriveShipMove.com** – request for a 2 year temporary and conditional permit (Section 2.13.a) to allow up to seven (7) U-Haul Rentals trucks/trailers from property located at 240 Chapel Road, I zone
2. **Appl. 16-21P, Import Wholesale LLC** – request for a Department of Motor Vehicle Used Car Dealers license to allow for the wholesale of vehicles on property located at 1429 John Fitch Boulevard, I zone

**PUBLIC HEARING / COUNCIL CHAMBERS**

**CALL TO ORDER:** Acting Chairman Pacekonis called the Pubic Hearing to order at 7:30 p.m.

Secretary Commissioner Dexter read the legal notice as it was published in the Journal Inquirer on Thursday, March 31, 2016 and Thursday, April 7, 2016.

Acting Chairman Pacekonis appointed Alternate Commissioner Flagg to be seated for Commissioner Bazzano.

1. **Appl. 16-14P, TOSW Housing Authority Zoning Amendment** – request for a zoning text amendment to Section 7.7 Housing for the Elderly; specifically to modify section 7.7.6.B to allow a maximum of 500 units in all developments

Mr. Peter DeMallie, president of Design Professionals Inc. representing the Town of South Windsor Housing Authority presented the request. Mr. DeMallie recounted the history of the cap for elderly housing incrementally increasing over time with different projects. Wapping Mews with 30 units was built in 1972 by the Town of South Windsor Housing Authority. The only other project the Housing Authority built since then was 40 more units in 1989 called Flax Hill. State funds have traditionally funded the projects to provide low cost housing to the elderly on limited income. At one point there was a critical shortage of elderly housing with no state funds available at which point Metro Realty created a partnership with the Housing Authority. Caps were increased and today the total number of senior housing units is 426 at Wapping Mews, Flax Hill, Berry Patch 1 and 2, Watson Farms, and Hillcrest. The cap presently reads 350 units. Many units are for low income and some are at market rate. All residents in Metro Realty units pay taxes to the town. All are privately maintained and operated. There is again a critical need falling between the elderly apartments and the three assisted living developments in South Windsor which are often too expensive for those of modest income. Over the last ten years the Housing Authority has contemplated building approximately 40 units on 8 acres of town owned land behind Flax Hill. The units would initially be elderly housing and become congregate housing over time with meals available and other services. The Housing Authority is requesting Section 7.7.6B Project Unit Cap to be changed from 350 to 500 units so they could pursue this project now that funds have become available.

Director of Planning Michele Lipe gave staff comments:

1. Request for amendment to Section 7.7.6.B, Elderly Housing, to increase the cap on the number of units townwide from 350 to 500 units.

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2. In the 2003, this commission approved a text amendment to this regulation that allowed the maximum number of units allowed in a development to 200 units; and increased the cap on all units to 350 total units.
3. There are a total of 426 senior housing units currently existing under this zoning category. I am provided the PZC with a chart that breaks down ALL types of senior housing we currently have in town.
4. Wapping Mews and Flax Hill, the two South Windsor Housing Authority developments, have a total of 70 units; Watson Farm has 72 units; Berry Patch has a total of 196 units. The amendment request to cap the total number of units at 500 acknowledges the 88 Hillcrest units, whereas the previous cap of 350 units did not. Thus, adoption of this amendment would allow for 74 new units to be constructed, not 150 as appears at first look.
5. The Town Plan of Conservation and Development includes senior housing and range of housing alternatives in Residential Development section:
  - Citing a specific goal to encourage additional affordable elderly housing.

If this amendment is approved, the Commission will need to make a finding of consistency with the Town Plan on the record.

6. The legislative act of considering zoning amendments includes an obligation to consider the infrastructure impacts of the amendments for the Town. As noted previously, if this amendment is passed, it could result in the addition of 64 senior units. There are no impacts to the most costly budget item, the school system. Addition of senior housing impacts the provision could have of Town senior services such as transportation and utilization of the Senior Center.
7. The Capitol Region Council of Governments has reviewed this amendment and has responded with the following comments: The staff of the Regional Planning Commission of the Capitol Region Council of Governments has reviewed this referral and finds no apparent conflict with regional plans and policies or the concerns of neighboring towns. The proposed regulation will expand housing choices in the community.
8. Any project would be subject to special exception / site plan approval.

Acting Chairman Pacekonis asked for public comment.

No one from the public spoke for or against the application.

Commissioner Foley asked for clarification concerning the total of 350 units in 2003 and the present total of 426 units and asked why 86 units from Hillcrest had been removed from the total. Director Lipe stated when Hillcrest was submitted the zoning requirement did not have to be met because of the type of application under CT Statute 8-30G. Commissioner Foley asked about a total of 520 units when Eagle Run to Wyndemere are included. Director Lipe explained senior residence developments are a different type of housing having a separate cap of 250 units and that cap has been met. The commissioner asked what type of project was recently approved for Evergreen Walk. Director Lipe replied it was approved in the general plan as a concept not for a site plan for a specific facility. The potential idea is for senior living with a range of care from independent living to assisted living to critical care with over 250 units. It would not effect housing for the elderly which is a separate type of housing only to be applied for by the Town or the Town in

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conjunction with a developer (like Berry Patch) to create affordable elderly housing. The other developments for assisted living are market rate elderly housing. Commissioner Foley noted all senior housing would have rights to the community center and facilities for seniors.

Commissioner Flagg asked how South Windsor compares to other towns on the number of units. Mr. DeMallie stated most communities have a significantly greater number of public elderly housing units owned by a town housing authority. Seventy units for a town of 26,000 is exceptionally low and that is one reason the housing authority worked with Metro Realty when there were no funds available to meet the need. Director Lipe indicated she would get statistical information to the commission.

The Acting Chairman closed the public hearing at 7: 52 p.m.

- 2. Appl. 16-20P, Cognitive Wire Media LLC dba DriveShipMove.com** – request for a 2 year temporary and conditional permit (Section 2.13.a) to allow up to seven (7) U-Haul Rentals trucks/trailers from property located at 240 Chapel Road, I zone

Applicant Mr. Erik Dabrowski of CEO of Cognitive Wire Media LLC dba DriveShipMove.com presented the request for a temporary and conditional permit for up to seven U-Haul truck and trailer rentals on their property. He proposed having two trailers on the grass for display and one van or truck in the front parking area with the rest of the vehicles parked in the back gravel area.

Director of Planning Michele Lipe gave staff comments:

1. The applicant is seeking approval to store two or three trucks in the gravel parking area, utilizing one parking space in the front parking area for one truck or van, and display two trailers on the grass between the railroad tracks and the building. Does the applicant know what kind of trucks? Hours of operation?
2. The site plan identifies where the trucks and trailers will be displayed for rent.
3. This property also houses the Greenleaf Pottery Inc business. Greenleaf Pottery holds classes on-site at various days and times. The applicant's narrative breaks down the existing parking on site and parking available for each use.
4. Section 2.11 Commercial and Industrial Storage and Display permits outdoor display through the issuance of a T & C permit. That regulation states, "Temporary and conditional permits may be granted by the Commission for a period not to exceed 2 years. Such approval may be given after a public hearing if, in the judgment of the Commission, the public convenience and welfare will be substantially served, and the appropriate use of neighboring property will not be substantially or permanently injured, and traffic and other hazards will not result from such use."
5. Any signage proposed – temporary or permanent requires approval from the town.

Acting Chairman Pacekonis asked for public comment. No one from the public spoke for or against the application.

Commissioner Dexter asked where the trucks would be parked. Mr. Dabrowski showed the locations on the layouts previously provided.

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Commissioner Foley asked the Director of Planning if trailers in front of the building would be considered signage. Ms. Lipe replied if the vehicles are road ready they would not be considered signage. The commissioner asked about the proximity to the railroad tracks. Director Lipe indicated an easement in the general area of the railroad tracks with a 10' setback. Mr. Dabrowski stated there is presently one line of tracks used on average once a day.

Commissioner Foley asked if the use is conducive to where the Town is moving with Route 5 according to the Town Plan of Conservation and Development (POCD). Ms. Lipe indicated there are storage units in the area and on a small scale level the use can be supported. In the past Mr. Dabrowski has demonstrated he can keep a clean site. A concern would be if the vehicles start showing up all over the place not in an orderly fashion. Mr. Dabrowski stated he had a business on the site for 7 ½ years. Their family bought the property in 2005 and cleaned up the property as property owners and a resident knowing this site is one of the first things people see when they come to South Windsor. This use is part of their business plan to draw people in to their business for other sales permitted.

Commissioner Greer asked how the number of vehicles was decided upon and whether the parking areas would remain gravel. Mr. Dabrowski stated the number was recommended from U-Haul as a starting point. It may only be one trailer and two trucks to begin. The back lot will stay gravel until finances allow but they may plan to re-gravel or re-stone the back area and possibly re-surface the front depending on financials.

Acting Chair Pacekonis noted the site drawing supplied and the leased and non-leased areas shown. Mr. Dabrowski stated his family owns the property which he manages and the parking areas leased to Greenleaf Pottery are fluid with theirs in a very respectful way. Their hours run opposite to Greenleaf which holds classes in the evening. The proposed hours are Tuesday through Friday 10 a.m. to 6 p.m. and Saturday from 11 a.m. to 3 p.m. Acting Chairman Pacekonis noted the site drawing or pictures are used if there are any complaints for any inspections to insure compliance. A temporary and conditional permit is granted for two years and with compliance can be requested to be renewed. Mr. Dabrowski directed the Chair to the renderings submitted which show the layout more clearly.

The Acting Chairman closed the public hearing at 8:05 p.m.

**REGULAR MEETING / MADDEN ROOM**

**CALL TO ORDER:** Acting Chairman Pacekonis opened the Regular Meeting at 8:07 p.m.

**PUBLIC PARTICIPATION:**

**NEW BUSINESS: Discussion/Decision/Action regarding the following:**

1. **Appl. 16-18P, JFB Auto Repair & Tire LLC** - request for a Department of Motor Vehicles General Repairer's license to operate an auto repair facility, on property located at 825 John Fitch Boulevard, GC zone

Mr. Bill Baldyge of JFB Auto Repair & Tire LLC presented the request for a General Repairer license in a location where a similar auto repair business has existed. He has been doing this type of work for the last 18 years and presently has a business in Portland. His partner for this venture in South Windsor was in the audience.

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Director of Planning Michele Lipe gave staff comments:

1. Request for approval of a general repairer license to operate a full service auto repair and tire business on property located at 825 John Fitch Boulevard, GC zone. This site has had a history of automotive uses and there currently is another automotive wholesale business on the site.
2. The applicant intends to operate Monday – Friday 7:30 am – 5:50 pm; Saturday 7:30 am – 1:30 pm and closed on Sundays.
3. Site size is just over a one acre. We note that, while the site plan shows delineated parking spaces, however the property is not striped, and the areas in which vehicles are to be parked are for the most part indistinguishable from the remainder of the site.
4. The front portion of the site was approved for an auto import business in 2007 and there are a total of 12 vehicle parking spaces; 9 behind the building and 3 spaces out front dedicated to that business. The remainder of the site parking will be dedicated to this new business.
5. There are no building additions or modifications proposed with this application other than the addition of signage. The sign regulations allow both a building sign and a freestanding sign.
6. Public water and sewer currently service the site. WPCA approval is not required.

If this approved, the Planning Department has no other requested modifications.

Acting Chairman Pacekonis asked about the repair work. Mr. Baldyge indicated all repairs will be done inside the building and there are no floor drains. The hours stated are estimated to be the most they will be open.

Commissioner Greer asked when the business would open. Mr. Baldyge replied as soon as possible by June 1<sup>st</sup>. He has purchased the existing business in the location so it will simply be a matter of changing the locks and signage and carrying on.

Commissioner Flagg made a motion to approve with the following conditions:

1. This approval is for a general repairer's license for 825 John Fitch Boulevard.
2. This approval does not constitute approval of the sanitary sewer, which can only be granted by the Water Pollution Control Authority.
3. Pavement markings must be maintained in good condition throughout the site drives and parking areas.
4. All free standing signs and/or building signs require the issuance of a sign permit before they are erected.

Commissioner Kuehnel seconded the motion. The motion carried and the vote was unanimous.

2. **Appl. 16-21P, Import Wholesale LLC** – request for a Department of Motor Vehicle Used Car Dealers license to allow for the wholesale of vehicles on property located at 1429 John Fitch Boulevard, I zone

Mr. Peter DeMallie with Design Professionals representing applicant Mr. Asbel Rivera of Import Wholesale LLC presented the request and showed a site plan of the property. Mr. Rivera has been operating a body shop

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for repairs and paint booth for the last 20 years on Route 5 in East Windsor in a facility shared by five businesses. He also assists dealers in purchasing cars. By relocating to 1429 John Fitch he will operate his indoor body repair and paint booth business as well as the wholesale acquisition of vehicles to be wholesaled to other dealers. There will be no retail sales to the public.

The building on site has a 2<sup>nd</sup> story apartment intended to be used by an employee as caretaker of the business. There will be six employees including Mr. Rivera with four body technicians and one paint/body technician. There will be parking for twelve vehicles. Mr. DeMallie noted an additional five parking spaces at the front. Director Lipe stated that the variance granted in 2000 had a condition prohibiting the parking of vehicles for the business in front of the site. Mr. DeMallie indicated they would like to use the one handicap parking space adjacent to the building and the other four spaces adjacent to state property would not be used. There is parking for 48 spaces in the back for the vehicles. A locked gate will be used at night with security cameras.

There are two encroachments to the property to the south. The intent is to remove the gravel from the abutter's property in the two spots and then be loamed and seeded. A variance for 72% impervious coverage was granted previously in 2000. Gravel will be removed from the far rear of the site and loamed and seeded to bring the site into compliance. There will be a landscaping bond to restore the property. Hours of operation will be 8 a.m. to 5 p.m. Monday through Friday and 8 a.m. to 12 p.m. Saturdays.

Director of Planning Michele Lipe gave staff comments:

1. Request for site plan approval and a used car dealer's license for the wholesaling of vehicles at 1429 John Fitch Boulevard, I zone. This site was previously approved in 2000 for the wholesaling of cars; the applicant would be the new owner and is required to get his own license for his business applicant.

The applicant's intended hours of operation are from 8 – 5PM and Saturdays 8-12PM and closed on Sundays. The business is not open to the public; dealers only.

2. Site size is .82 acres. Based on the uses on the/ site the number of parking spaces required are 12; 12 spaces have been shown.
3. The original owner applicant received ZBA approval September of 2000 for a used car dealer's license and general repairer's license for this location. An impervious coverage variance was also granted to allow up to 72%; 65% is what zoning would allow. In reviewing the updated site plan, it was noted that the impervious coverage variance had been exceeded and the current owner has encroached on neighboring properties with the operations. The site plan submitted addressing these issues and the applicant is showing a reduction in coverage to 72% impervious coverage. At that time a condition was placed that no vehicles are to be stored on the front portion of the site.
4. The site is serviced by public water and public sewers.
5. There are neither regulated wetlands nor 100-year floodplain on this site. There is a regulated watercourse and IWA/CC approval was received on 12/7/00 for this use. Jeff Folger has reviewed the changes and has recommend that an approval condition be placed that restricts cars from being washed outside on site.
6. There is an existing apartment in the building that could be used by someone associated with the business.

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7. The building changes proposed with this application include the addition of a spray booth area within the existing building. The applicant will be required to pull any necessary building permit for that use.
8. Permitted signage in the Industrial zone currently allows for a building sign 2 sf for each linear foot of frontage, and the freestanding sign allowed would be 24 square feet. Any new signage would require a sign permit.
9. With the previous approval, the PZC has restricted the maximum number of vehicles allowed onsite and had restricted 18-wheeler vehicles from entering the site because there was no adequate room for turnaround.

If this application is approved the following planning modifications are requested.

Commissioner Flagg asked about an iron plate in the driveway in front of an overhead door. Mr. Rivera described it as hydraulic lift that was formally used. The dented plate can be repaired and secured.

Acting Commissioner Pacekonis asked about the oil tank indicated on the site plan and where the dumpster pad would be located. Mr. Rivera stated the waste oil tank required by DMV is inside the building and the oil tank outside is for heating the building. Mr. DeMallie stated the dumpster pad will be located behind the paint area outside of the west end of the building. Director Lipe verified the landscape bond would be in the amount of \$3,000. Pacekonis continued listing no washing on site, no 18-wheelers, no retail sales and noted the site has had issues in the past with encroachments and asked if the gravel edge will be sufficient. Commissioner Foley suggested using curb stops as an economical solution along the southerly boundary where there is gravel. Mr. DeMallie stated the easterly end of the building will be used for storage of parts to be used internally in the business. There will be no parts sales to the general public.

Commissioner Greer asked where the washing of cars will take place for the auto body repair of the business. Mr. DeMallie replied it will be done inside the building. With no floor drains they will have to mop up. Director Lipe stated there have been issues with discharging suds into the watercourse in the general area and DEEP prohibits vehicles washing in parking lots. Mr. DeMallie stated the applicant intends to only wash vehicles inside the building and not have any discharge into the water course. There will be an inspection for the as built survey which will be completed once the work is completed.

Commissioner Kuehnel made a motion to approve with the following conditions:

1. This approval is for a used car license for wholesale only of cars at 1429 John Fitch Boulevard.
2. This approval does not constitute approval of the sanitary sewer, which can only be granted by the Water Pollution Control Authority.
3. Pavement markings must be maintained in good condition throughout the site drives and parking areas.
4. All free standing signs and/or building signs require the issuance of a sign permit before they are erected.
5. No building permit will be issued until the final mylars have been filed in the Town Clerk's office.

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6. A landscape bond in the amount of \$3000 is required and must be submitted prior to the issuance of a certificate of occupancy if work is not completed. All bonds must be in one of the forms described in the enclosed Bond Policy.
7. An as-built plan is required prior to issuance of a Certificate of Occupancy per Section 9.1.3 of the Zoning Regulations.
8. All plans used in the field by the developer must bear the stamp and authorized signature of the Town of South Windsor.
9. No 18 wheel vehicles are allowed to enter the site.
10. No retail sales are allowed from the site.
11. No vehicles are allowed to be stored in the front portion of the site.
12. No vehicles are permitted to be washed outdoors in the parking area.
13. Hours of operation are 8 a.m. to 5 p.m. Monday through Friday and Saturday 8 a.m. to 12 p.m.
14. Dumpster to be located outdoors on a concrete pad and screened at the westerly end of the building.
15. Curb stops to be added along the southerly boundary in the graveled areas.
16. Maximum of 48 cars stored outside.

Commissioner Dexter seconded the motion. The motion carried and the vote was unanimous.

3. Request by Andrew Kim for an interpretation, in accordance with Section 4.1.2 “Other Permitted Uses”, that the establishment of a wholesale liquor distribution in the Industrial zone is similar to the establishment of a warehouse/distribution facility (currently a permitted use in the Industrial zone). See attached request.

Mr. Matthew Kim representing Mr. Andrew Kim requested an interpretation that the establishment of wholesale liquor distribution of the Korean distilled spirit, Soju, in the Industrial zone is similar to other uses (distribution and warehousing) currently allowed in that zone.

The Commission reached consensus that the use is a similar use to others in the zone.

4. **Appl. 16-14P, TOSW Housing Authority Zoning Amendment** – request for a zoning text amendment to Section 7.7 Housing for the Elderly; specifically to modify section 7.7.6.B to allow a maximum of 500 units in all developments

Acting Chairman Pacekonis asked the commission how they would like to proceed on the request. Director Lipe stated there would be 74 available units if the cap is increased to 500. Commissioners Flagg, Kuehnel, Pacekonis and Dexter indicated support for the increase.

Commissioner Dexter made a motion to approve with the following conditions:



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1. The Planning and Zoning Commission finds that the zone change is in conformance with the Town Plan of Conservation and Development.
2. The effective date of the zone change is 4/17/16.

Commissioner Kuehnelt seconded the motion.

The motion carried and the vote was unanimous.

- 5. Appl. 16-20P, Cognitive Wire Media LLC dba DriveShipMove.com** – request for a 2 year temporary and conditional permit (Section 2.13.a) to allow up to seven (7) U-Haul Rentals trucks/trailers from property located at 240 Chapel Road, I zone

Commissioner Foley stated he sees no problem with the use but has issues with the two trailers along Route 5. The commission agreed no trailer displays in the side yard with one vehicle allowed in front at Chapel Road. The rest of the vehicles will be parked on the easterly side of the property.

Commissioner Greer made a motion to approve with the following conditions:

1. This approval is for the rental of U Haul trucks and trailers – a maximum of five trucks and two trailers are allowed on site at any one time. All trailers and/or trucks should be parked away from the access drive and in the areas depicted on the site plan. The trailers must be located within the parking area on the easterly side (not within the side yard).
2. This two-year temporary and conditional permit for this use will expire on April 12, 2018 and will have to be renewed at that time if this use is to continue.

Commissioner Foley seconded the motion. The motion carried and the vote was unanimous.

- 6. Request for two 90 day extensions to record the approved subdivision mylars for Appl. 15-61P, Tall Oaks Acres Subdivision**

Commissioner Foley made a motion to approve the extension. Commissioner Dexter seconded the motion. The motion carried and the vote was unanimous.

**BONDS: Callings/Reductions/Settings**

**MINUTES:** 3/22/16 accepted by consensus

**OLD BUSINESS:** *see page 2*

**OTHER BUSINESS:** Commissioner Dexter asked to verify there is a quorum for the next regularly scheduled meeting which is on the same night as primaries.

**CORRESPONDENCE / REPORTS:**

**ADJOURNMENT:**

Motion to adjourn the Regular Meeting at 9:06 p.m. was made by Commissioner Flagg

Seconded by Commissioner Kuehnelt.

The motion carried and the vote was unanimous.

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Respectfully Submitted,  
Lauren L Zarambo  
Recording Secretary