

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

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MAY 24, 2016

MEMBERS PRESENT: Gary Bazzano, Bart Pacekonis, Stephanie Dexter, Elizabeth Kuehnel, Kevin Foley, Kevin Greer

ALTERNATES PRESENT: Bill Flagg, Teri Parrott, Mike LeBlanc

STAFF PRESENT: Michele Lipe, Director of Planning; Jeff Doolittle, Town Engineer; Lauren Zarambo, Recording Secretary

PUBLIC HEARING / MADDEN ROOM

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

Chairman Bazzano appointed Alternate Commissioner LeBlanc to be seated for Commissioner Bonzani.

Secretary Commissioner Dexter read the legal notice as it was published in the Journal Inquirer on Thursday, May 12, 2016 and Thursday, May 19, 2016.

1. **Appl. 16-24P, Route 5 Motor Cars LLC** - request for a Special Exception to Table 4.1.1A and a Department of Motor Vehicle Used Car Dealers license to allow for the wholesale of vehicles and site plan approval on property located at 1161 John Fitch Boulevard, I zone

Mr. Lenny Treglia, owner/applicant of RT 5 Motor Cars, presented the request. He and his father have been in the area for the last 45 years originally at 713 John Fitch Boulevard. Fifteen years ago they bought 1429 John Fitch Boulevard for wholesale buying and selling of cars. They bought the subject property seven years ago and are now looking to move their dealership to this location.

Director of Planning Michele Lipe gave staff comments:

1. Appl. 16-24P, Route 5 Motor Cars LLC - request for a Special Exception to Table 4.1.1A and a Department of Motor Vehicle Used Car Dealers license to allow for the wholesale of vehicles and site plan approval on property located at 1161 John Fitch Boulevard, I zone. In the past wholesale vehicles have been permitted in the industrial zone as a similar type use to other wholesaling operations. In 2007 it was made a special exception use to offer the sale of cars. The application is coming under the special exception application for the wholesale of used cars. Their previous site is what was licensed a few weeks ago for Import Wholesale LLC.
2. Special exception criteria for used car sales in industrial zones includes:
 - The proposal is consistent with the goals and objectives of the Plan of Conservation and Development.
 - The application has met the requirements of the zoning regulations.
 - The land is physically suited to the proposed use.
 - Minimal, if any, adverse environmental impacts are created.
 - No traffic or other hazards will be created.
 - The impacts on the capacity of the present and proposed utilities, street, drainage systems, sidewalks, and other elements of the infrastructure will be minimal.
 - There will be minimal or no adverse effects on existing uses in the area.
 - Surrounding property values will be conserved.

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- The character of the neighborhood will be maintained or minimally disrupted.
- The general welfare of the community will be served.
- There is a balance between neighborhood acceptance and community needs.
- Historic factors are adequately protected; or due consideration to preservation of historic factors has been demonstrated.
- The overall physical appearance of the proposed development is compatible with surrounding development and the Commission's goals for the neighborhood/corridor.
- The architectural design is aesthetically pleasing and blends well into the surrounding area.

The Commission may impose additional conditions in accordance with these regulations in order to ensure that all applicable criteria enumerated above and/or within a particular use category are satisfied.

3. The applicant's intended hours of operation are from 8 a.m. – 5 p.m. Monday through Friday. The business is not open to the public; dealers only. Employees will include two to four subcontractors.

We did have a concern that tractor trailers would be coming to the site to deliver cars but that is not how cars are brought to the site. Individuals will be bringing the cars to the site.

The site has had a variety of uses over the years; most recently it had a CrossFit gymnasium use and previous to that was Atlantic Fence. The applicant is looking to re-use the site and has been asked to identify the gravel areas versus the pervious surface areas to differentiate between where cars will be parked. A site plan shows where they will park the cars. It is proposed that cars will be stored in the back and screened by existing plants and by adding slats to the fence along the Route 5 frontage and along Glendale Road. The Glendale frontage would only be used for emergency access. The barn in the back offers some screening on Glendale.

The proposed impervious coverage is 65%, the maximum allowable. We have worked with the applicant to introduce water quality measures. There is a swale proposed along the southerly side of the property and green space in the gravel parking area. There are plantings proposed around the perimeter in accordance with the Town Plan for the upgrading of Route 5.

4. Based on the uses on site, they are required to have 12 spaces and 12 spaces have been shown. With this request, the applicant is seeking approval for a used car dealer's license which is issued from the DMV after receiving local zoning approval.
5. The applicant's narrative indicates that the sales will be wholesale auto sales. There will be no outdoor display of vehicles for sale.
7. The site is served by public water and sewer. WPCA approval is not required as there are no floor drains in the building. There will be no outside washing of vehicles allowed on the site.
8. The fire marshal had made original comments on the first layout and the revised plan now provides the access way the fire marshal was looking for.

If this application is approved, the Planning Department requests that the dumpster is shown on a concrete pad.

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Town Engineer Jeff Doolittle gave staff comments stating there are three or four catch basins shown on the plan that seem to drain to the south but it does not show where they go from there. We would like to know if they are tied into the drains on Route 5 or where they go off site so we can be sure they do not have any impact offsite. The drainage manhole does not show where it goes. Copies of design calculations are needed for the swale showing what storm it was sized for to be sure it can take the runoff from the area intended and not adversely affect any neighboring properties. There is a question on how they will treat any spills, should they occur, of oil or antifreeze or any other types of spills from the vehicles.

Chairman Bazzano asked for public comment.

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

Commissioner Kuehnelt asked the applicant to respond to the concerns of the Town Engineer. Mr. Treglia replied the storm water drains are tied into the city. Mr. Doolittle asked if they are tied into Route 5. Mr. Treglia was unsure but will find out and stated for any waste material spills normal clean up would be done with 'Speedy Dry'. Mr. Treglia stated for the past thirty years they have not done mechanical things on site. They subcontract all their repairs out.

Commissioner Dexter asked if any cars would be parked on grass. Mr. Treglia showed on the site plan the parking areas for cars on the grass. The commissioner asked if a car then leaks oil on the grass how it would be handled. Mr. Treglia stated they do not buy wrecked cars or cars that need a lot of mechanical work but if leaks were to occur the Speedy Dry applicant would be used to clean up the dirt.

Commissioner Foley asked about the shutting down of one facility on Route 5 and reopening in this location and parking. Mr. Treglia indicated he is transferring his dealership, Route 5 Motor Cars, from 1429 to 1161 John Fitch Boulevard. They currently own and will sublease 1429 John Fitch to Import Wholesale LLC. All parking outside their fence is for employees and clients. No cars would be displayed for sale or banners or balloons. Director Lipe stated restrictions can be applied in an industrial zone. Commissioner Foley stated there are enough car dealerships on Route 5 and all stock for sale should be behind the fence.

Vice Chairman Pacekonis asked for the number of parking spaces are depicted on the plan and fencing. Mr. Treglia calculated parking for 124 cars total which includes what is in the building. The chain link fence is pre-existing and slats will be provided. The Vice Chair questioned the clean up plan for the gravel parking lot and asked about wells in the area. Mr. Doolittle replied he did not expect any wells but was not certain.

Commissioner Greer asked about their emergency exit by the barn. Mr. Treglia showed three emergency access points on the plan.

Commissioner Leblanc asked about site lighting. Mr. Treglia said there would be no additional site lighting or signage.

Chairman Bazzano asked how many cars are stored at their present wholesale operation. Mr. Treglia estimated about 100. The new location is a better one with flatter ground and more inside storage. Their volume is about 50 cars a month. Cars range in age from the current to ten to fifteen years old. Their existing lot is neat and clean and not a display of junk.

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Vice Chair Pacekonis asked if the barn would be utilized. Mr. Treglia stated they restored the barn about six years and they do not plan to use it to store cars.

The Chairman closed the public hearing at 7:49 p.m.

- 2. Appl. 16-26P, Cooley Realty LLC dba Powerscreen New England** – request for a Special Exception to Table 4.1.1.A for the sale of heavy construction equipment, and a 2 year temporary and conditional permit (Section 2.13.a) for outdoor display of equipment, for property located at 140 Nutmeg Road, I zone

Mr. Peter DeMallie of Design Professionals Inc. representing applicant Cooley Realty LLC presented the request and introduced property owner Mr. Ozzie Stack of Vignola Realty LLC, commercial broker Mr. Dan Lynch, and senior management team for Powerscreen New England Misters Royan and Cayhill Sheelan.

Powerscreen New England sells, leases, and repairs mobile commercial screeners and crushing equipment. The former Franklin Distributors building, which has been vacant for five years, measures 34,000 sq ft and has been maintained with landscaping and paving. Powerscreen will be relocating to the site from Windsor Locks and will have 18 people on staff, five of which will be on the road for sales covering all of New England and part of New York State. The Powerscreen brand of equipment is from Ireland and another brand sold is from Cedar Rapids. They are making the move for additional room for office space, parts storage, servicing.

The temporary and conditional permit is for the display and handling equipment. A parking waiver is requested for 13 spaces with 19 reserve spaces to be built on pervious pavement if needed. Fifty five spaces are required. There are 23 existing conventional spaces with 10 surplus spaces for guests and vendor parking.

Impervious coverage is a factor. Site plan reduces the amount of impervious coverage to 68% which was permitted by variance in 1989.

There will be a 65 ton crane to move the equipment on and off trailers on site.

Criteria has been met with an economic development project which fills a vacant building with a growing business bringing jobs and personal property and a member of the tax paying community.

Senior project engineer Ms Suzanne Choate of Design Professionals Inc. went over the site plan aspects of the project. Reduction of impervious coverage is achieved by removing a trailer and shed behind the building at the rear of the site. The 19 reserve parking spaces on pervious pavers were shown on a plan. Display of equipment will be within the fence in the rear lot's front area and also on the grass. Interior landscaping within the parking measures 24%. The pavement in back will be used to maneuver trucks and for storage of equipment. Chairman Bazzano asked about the parking. Ms. Choate replied the parking will be restriped. Landscaping could be removed to meet parking requirements but they prefer to keep the mature plantings in place.

Director of Planning Michele Lipe gave staff comments:

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1. Powerscreen New England – request for a Special Exception to Table 4.1.1.A for the sale of heavy construction equipment, and a 2 year temporary and conditional permit (Section 2.13.a) for outdoor display of equipment, for property located at 140 Nutmeg Road, I zone
2. The applicant’s narrative states the business includes sales, rental, service, repairs and parts for material handling equipment including crushers and screeners.
3. The applicant plans to operate out of the existing building with the only site modification including restriping of the parking area, adding an outside display area in the front of the property and reducing Powerscreen New England – request for a Special Exception to Table 4.1.1.A for the sale of heavy construction equipment, and a 2 year temporary and conditional permit (Section 2.13.a) for outdoor display of equipment, for property located at 140 Nutmeg Road, I zone
4. The applicant’s narrative states the business includes sales, rental, service, repairs and parts for material handling equipment including crushers and screeners.
5. The applicant plans to operate out of the existing building with the only site modification including restriping of the parking area, adding an outside display area in the front of the property and reducing impervious coverage to the maximum impervious coverage to 68%, which was allowed by a variance granted 6/1/89.
6. Heavy Construction equipment sales are permitted by Special Exception. Criteria for approval include:
 - The goals and objectives of the Plan of Development are met;
 - Adverse traffic impacts are not created;
 - Negative impacts on property values are not created;
 - The land is physically suited for the proposed use;
 - Adverse environmental impacts are not created;
 - There is a balance between neighborhood acceptance and community needs;
 - Present and proposed utilities, streets, drainage system, and other improvements have adequate capacity to accommodate the proposed use
 - Historic factors are adequately protected; and
 - The overall physical appearance of the proposed development is compatible with surrounding development and the Commission’s goals for the neighborhood/corridor.
7. The applicant is proposing a screened equipment yard to the rear of the building. An overhead door along the side of the building to allow access into the warehouse area.
8. The parking requirement based on the uses on the building is 55 spaces. The applicant has provided 23 and has shown an area of reserve parking that can accommodate 19 spaces. A modification of 13 spaces is being requested in accordance with Section 6.4.9. This allows the PZC to reduce the number required when demonstrated that:
 - The increase in stormwater run-off rate shall be held to a minimum by reducing the parking spaces, and/or

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- The applicant demonstrates through actual experience that a lesser number of parking spaces will suffice, and further that due to the nature of the building or business, future owners/occupants of the building are also unlikely to need to number of parking spaces required by the zoning regulations.
9. The applicant is entitled to both a free standing sign and a building sign.
 10. There are no regulated wetlands on the property.
 11. The Fire Marshal has reviewed the plans and does not have any concerns.
 12. The site is serviced by public water and sewer. Water Pollution Control Authority approval is required for the change of use.
 13. If this application is approved, there are no other planning modifications requested.

Mr. DeMallie clarified occasional storage display of machines will be to the left of the entrance. If turf is damaged pervious pavers or pavement may have to be installed and can be a modification to the site plan.

Town Engineer Jeff Doolittle asked if there are any floor drains and about cleaning and maintenance of the machines indoors. Mr. DeMallie replied yes and are presently addressing the oil grit separator on site with Mr. Fred Shaw of WPCA. Mr. Doolittle asked about the crane. The crane will be moved around the yard to move the equipment. Mr. Ronan Sheelan stated it is a certified safety crane which can be moved and will not necessarily be seen.

Chairman Bazzano asked for public comment.

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

Commissioner LeBlanc asked if the parking surface will support the weight of the crane and the weight loads. Mr. Sheelan stated at their present location they put rubber down on the concrete and it has held up as has the asphalt.

Commissioner Greer asked how the trailer trucks will turn around on site. Mr. Sheelan stated there is a loading dock and enough space between the gate and the road area. Mr. DeMallie noted the internal loading dock area which has space for maneuvering.

Vice Chairman Pacekonis voiced concern about waiving parking and would like to see enough reserve parking to match what is required. Mr. DeMallie stated they can show on site plan reserve parking for the additional spaces on pervious pavement. This tenant will not need it but it will be there for future tenants.

Commissioner Parrott asked if there has been deterioration of the building after being vacant for 5 years. Mr. Demallie stated it is in very good condition. Improvements will be done to offices. The present owner built the building in 1978. It has been heated and maintained throughout the vacancy.

Commissioner Flagg asked about the parking area in the front for 14 cars which includes one ADA space. Mr. DeMallie stated it will be for employees and customers. There will be 9 additional spaces inside the yard. The commissioner asked about the rear doors to the railroad tracks. Mr. Stack indicated the doors are

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temporarily blocked. Mr. Sheelan stated they would want it to be temporary so it could be converted for use in the future if desired.

Chairman Bazzano asked if there could be future events requiring additional parking. Mr. Sheelan stated most customer contact and sales are done on the road. 90% of their parts are shipped by UPS. In cases of emergency clients will come in but they are not store frontage where people come and go.

The Chairman closed the public hearing at 8:18 p.m.

REGULAR MEETING / MADDEN ROOM

CALL TO ORDER: Chairman Bazzano opened the Regular Meeting at 8:19 p.m.

PUBLIC PARTICIPATION:

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

1. **Appl. 16-24P, Route 5 Motor Cars LLC** - request for a Special Exception to Table 4.1.1A and a Department of Motor Vehicle Used Car Dealers license to allow for the wholesale of vehicles and site plan approval on property located at 1161 John Fitch Boulevard, I zone

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

1. Prior to commencement of any site work, a meeting must be held with Town Staff.
2. No building permit will be issued until the final mylars have been filed in the Town Clerk's office.
3. A landscape bond in the amount of \$1000 is required and must be submitted prior to the issuance of a certificate of occupancy if work is not completed.
4. All bonds must be in one of the forms described in the enclosed Bond Policy.
5. An as-built plan is required prior to issuance of a Certificate of Occupancy per Section 9.1.3 of the Zoning Regulations.
6. All plans used in the field by the developer must bear the stamp and authorized signature of the Town of South Windsor.
7. This approval does not constitute approval of the sanitary sewer, which can only be granted by the Water Pollution Control Authority.
8. The building street number must be included on the final plan.
9. Pavement markings must be maintained in good condition throughout the site drives and parking areas.
10. All free standing signs and/or building signs require the issuance of a sign permit before they are erected.

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11. Engineering comments dated 5/24/16 must be incorporated into the final plans.
12. The dumpster must be shown on a concrete pad and screened.
13. No vehicles can be washed in the parking area.
14. No cars are allowed to be offered for retail sales; wholesale only.

Commissioner Kuehnel seconded the motion.

The motion carried and the vote was unanimous.

- 2. Appl. 16-26P, Cooley Realty LLC dba Powerscreen New England** – request for a Special Exception to Table 4.1.1.A for the sale of heavy construction equipment, and a 2 year temporary and conditional permit (Section 2.13.a) for outdoor display of equipment, for property located at 140 Nutmeg Road, I zone

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

1. Prior to commencement of any site work, a meeting must be held with Town Staff.
2. No building permit will be issued until the final mylars have been filed in the Town Clerk's office.
3. This application is subject to the conditions of approval of the Inland Wetlands Agency/Conservation Commission, including bonds in the amount of
4. A landscape bond in the amount of \$1000 is required and must be submitted prior to the issuance of a certificate of occupancy if work is not completed.
5. All bonds must be in one of the forms described in the enclosed Bond Policy.
6. An as-built plan is required prior to issuance of a Certificate of Occupancy per Section 9.1.3 of the Zoning Regulations.
7. All plans used in the field by the developer must bear the stamp and authorized signature of the Town of South Windsor.
8. This approval does not constitute approval of the sanitary sewer, which can only be granted by the Water Pollution Control Authority.
9. The building street number must be included on the final plan.
10. Pavement markings must be maintained in good condition throughout the site drives and parking areas.
11. All free standing signs and/or building signs require the issuance of a sign permit before they are erected.
12. If an Office of State Traffic Authority certificate is required, no building permits will be issued until the certificate has been issued (per CGS §14-311).

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13. In accordance with Section 6.4.9, the Commission has granted a 13 space modification to the required number of parking spaces based on the uses presented, allowing 42 spaces.
14. The materials of the outdoor display area must be identified on the plans.
15. The two-year temporary and conditional permit for the outdoor display will expire on May 24, 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.

Mr. DeMaille thanked the commission for expediting an economic development in town.

3. Update with Town Engineer Jeff Doolittle regarding downstream drainage project at 40 Woodside Drive

Mr. Doolittle distributed a GIS map for the Woodside Drive area and stated a drainage complaint was made from the residents of 40 Woodside Drive. The southern catch basin in the middle of Hollis Road floods during heavy storms washing through 35 Hollis Road and into 40 Woodside Drive flooding their pool and garage. Both residents are amenable to adding drainage through their yards to be tied into the drainage at the end of Woodside to go directly into the Podunk River. The Town is also looking to create an easement for additional drainage at the corner of Ravine Road and Hollis Road. The property, owned by the association, had a community well there which is now abandoned.

There are funds in the Downstream Drainage Fund to pay for materials and hire a contractor, if needed, but the costs will not be completely covered by the fund. Director Lipe recalled the issue was brought before the commission 6 months ago. Chairman Bazzano asked if it is an old problem. Mr. Doolittle stated the problem has occurred over the last 4 or 5 years during heavy storms. Commissioner Foley asked about the inground pool located in the lowest point of the neighborhood. Mr. Doolittle stated it has been there a long time. Claims were filed to clean up the pool after storms and a solution needs to be found to mitigate any future claims to the Town. Public works been asked to do the work but has not yet committed. Pipes coming down Hollis are flat and hydraulically undersized. Water used to be directed to the northeast corner of Ravine but the pipe and outlet there are not in good shape. Over the last ten years improvements were made to direct water to the Hollis side which may have contributed to the problem.

Commissioner Greer suggested a solution using the elevation change to solve the issue. Mr. Doolittle stated either way would require easements from neighbors. The commission encouraged Mr. Doolittle to proceed full steam ahead to resolve the issue.

Commissioner Parrott asked about tunneling the water to the empty lot behind. Mr. Doolittle stated the lot is owned by Karen Isherwood which has a ravine going to the Podunk River. Vice Chairman Pacekonis asked about the undersized pipes. Commissioner Parrott asked if it will set a precedent for other areas in town. Mr. Doolittle stated the Town wants to address the problem which is coming from the road. The water has no where to go and has impacted the property directly. Commissioner Foley encouraged as much of the work as possible to be done by town staff who are highly capable.

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BONDS: Callings/Reductions/Settings

MINUTES:

Commissioner Kuehnel made a motion to approve the minutes of 5/10/16. Commissioner Foley seconded the motion. The motion carried and the vote was unanimous.

OLD BUSINESS: *see page 2*

APPLICATIONS OFFICIALLY RECEIVED:

1. Appl. 16-28P, Mannarino Builders Inc. – request for a Special Exception to 3.3 and Site Plan of Development for a 22 unit development to be known as ‘Clark Estates II’, on property located on the easterly side of Clark Street, approx. 352+/- feet north of Burnham Street, Designed Residence Zone

OTHER BUSINESS:

Director Lipe stated she was contacted by Evergreen Walk about a drone display scheduled to take place at the Apple store one hour before Evergreen Walk opens. Coordination will be made with police, fire, and the FAA.

South Windsor Woods will be putting in a mail kiosk for residents and has a new design for the building which shows access from both sides. It was determined access should be from only one side of the building for safety issues. The Commission agreed that it will come in as a change order.

Secretary Commissioner Dexter read a letter addressed to the Commission from Mr. Edward Michalski of Abbe Road with thanks for denying a zone change (Exhibit A).

CORRESPONDENCE / REPORTS:

ADJOURNMENT:

Motion to adjourn the Regular Meeting at 8:40 p.m. was made by Commissioner Foley
Seconded by Commissioner Dexter
The motion carried and the vote was unanimous.

Respectfully Submitted,
Lauren L Zarambo
Recording Secretary