

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

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SEPTEMBER 13, 2022

MEMBERS PRESENT: Bart Pacekonis, Steve Wagner, Stephanie Dexter, Robert Vetere, Michael LeBlanc

ALTERNATES PRESENT: Atif Quraishi, Paul Bernstein

STAFF PRESENT: Michele Lipe, Director of Planning; Michael Lehmann, IT Support; Caitlin O'Neil, Recording Secretary; Marek Kozikowski, Council Liaison

PLEDGE OF ALLEGIANCE

Secretary Wagner read the legal notice into the record.

Chairman Pacekonis appointed Alternate Commissioner Quraishi for Commissioner Foley and Alternate Commissioner Bernstein for Commissioner Cavagnaro.

CALL TO ORDER:

PUBLIC HEARING/ COUNCIL CHAMBERS- 7:00 P.M:

1. **Appl. 22-29P U-Haul Truck Rentals Temporary and Conditional Permit-** request for a 2-year temporary and conditional permit for the rental of U-Haul equipment at 249 Oakland Road, RC zone

Zaheer Sharaf, the owner and applicant, was present to review the temporary and conditional permit. Mr. Sharaf reviewed the history of the property, which he has owned for approximately 10 years. He explained that they need the additional U-Haul rental business to maintain the success of Oakland Express.

Chairman Pacekonis asked for staff comments.

Director of Planning Michele Lipe read the Planning Report.

1. Request for a 2 year temporary and conditional permit (Section 2.13.a) to allow U-Haul rentals from property located at 249 Oakland Road, RC zone. This type of use would typically be found in a general commercial or industrial zone.
2. The Commission had originally approved an application to store up to three trucks up to 14 feet in length as well as two trailers on April 24, 2012. The permit was renewed in 2014. The applicant failed to renew the permit that expired in April 2016, so a new permit was issued on July 29, 2016. That permit expired in 2018, and was never renewed. Upon issuance of Notice of Violation for renting U-Haul vehicles without a valid permit on June 1, 2022 and again on July 29, 2022, the applicant has submitted this new request.
3. The applicant has provided a map outlining the general area where the U-Haul vehicles will be stored; requesting to store three trucks and two trailers. In the past, we noticed that the rentals were consistently being dropped off and stored on other parts of the site. We are requesting the applicant to commit to being vigilante about telling his employees and customers where the rentals should be stored.
4. Each previous approval required all trailers and trucks be parked away from the access drive and along the westerly portion of the site.
5. The wording of the T & C permit regulation is that, "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."

Director of Planning Michele Lipe commented that there was no Engineering Report.

Chairman Pacekonis asked for public comment.

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Tom Delnicki of 130 Felt Road, diagonal from the application property, spoke in favor of the application. Mr. Delnicki commented that Oakland Express was a family owned business that have helped maintain what was once a blighted property.

Chairman Pacekonis asked for Commissioner comments.

Commissioner Bernstein commented after reading the narrative he was under the impression that the U-Haul business is imperative to the success of Oakland Express. He added that he wanted to be sure Mr. Sharaf was going to be successful with the U-Haul business since it sounds critical for his business. Commissioner Bernstein commented that he felt three large vehicles could take up a great deal of space on the lot. Zaheer Sharaf explained that they almost never have three vehicles on site at the same time, in the past they consistently had two vehicles at most parked on the site and at least one the vehicles out being rented. He added that the U-Haul rentals are usually in high demand. Commissioner Bernstein questioned if these would be U- Haul vans or 10 foot trucks. Mr. Sharaf responded that these would be the trucks at the location. Mr. Sharaf added that they may have two trailers on the site, which are shown on his drawing for storage and there would be ample space for these trailers.

Commissioner LeBlanc commented that he felt this was a great use of the property.

Commissioner Wagner commented that he was also happy to see the property being used.

Commissioner Dexter clarified that there had been U-Haul rentals on this site in the past. Zaheer Sharaf responded that they did have U-Haul rentals on the site for many years and explained due to some health issues they had to stop the rental business. However, now that he is healthy again he would like to have U-Haul rentals on the property again. Commissioner Dexter commented in support of the application.

Commissioner Quraishi echoed comments of support.

Chairman Pacekonis commented that per the narrative and staff reports this temporary and conditional use has existed on and off for approximately 10 years. Chairman Pacekonis commented that this use requires a temporary and conditional permit and the applicant let this permit lapse in 2020. He commented that he wanted to be sure that the applicant is cognizant in renewing this permit consistently and not allowing it to lapse in the future.

Chairman Pacekonis suggested that the person returning the trailers should be required per the contract to return the trailers or trucks to appropriate space on the site to receive their deposit back. This would be a good solution to ensure the trucks are not incorrectly parked on the site. Mr. Sharaf explained that this was already a common practice.

Chairman Pacekonis closed the public hearing 7:18pm.

2. **Appl. 22-32P, Revolutions Bowling Outdoor Field Expansion** – request for a Special Exception to Table 4.1.1A and site plan approval for an outdoor multi-purpose recreational fields 240' X 400', to accommodate league play on 195 Governor's Highway, and site plan approval for an off-site parking lot to support such use, on property located at 205 Governor's Highway, I zone

Doug Nation, owner of Revolutions, was present. Mr. Nation commented that this site was near completion to create the multipurpose field, which would end the need of the previously approved temporary and conditional permit. Mr. Nation commented that it was his understanding that they would need to continue this public hearing since he was waiting to receive the missing lighting plan. Michele Lipe commented that this is the recommendation of town staff.

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Chairman Pacekonis asked Mr. Nation to review the plans for the site. Mr. Nation explained that they are constructing a multipurpose field that would be used by approximately 300 people per night to play dodgeball, kickball and flag football. This site has been used for a club sport organization known as Club Waka. Mr. Nation added that they also have volleyball in the back court as well. This multipurpose field would be crucial in maintaining this important relationship with this club league.

Chairman Pacekonis asked Doug Nation to clarify that he had been working with town staff for many months. Mr. Nation explained the history of the site and how he had been working with town staff, specifically Michele Lipe, to create this multipurpose field. He initially had a temporary and conditional permit in place but now they are looking to make this a permanent use. Mr. Nation explained that he had complied with all request and was only waiting on the lighting plan.

Mr. Nation commented on the electric vehicle charging station requirement, since this lot would only be a gravel overflow lot it would be difficult to install EV charging stations. He added that he had installed solar panels on the property. With this said, Mr. Nation requested that he be excused from this requirement for the project.

Chairman Pacekonis questioned if music was going to be part of the proposal. Doug Nation commented that there is music playing while people were playing, however, they have not received any complaints in recent times.

Chairman Pacekonis asked for staff comments.

Director of Planning Michele Lipe read the Planning Report.

1. Request for a Special Exception to Table 4.1.1A and site plan approval to make permanent the outdoor multi-purpose recreational fields 280' X 400', to accommodate league play on 195 Governor's Highway with lit fields , and site plan approval for an off-site parking lot for overflow parking, on property located at 205 Governor's Highway, I zone
2. Outdoor recreation is permitted by special exception in the Industrial zone. The Revolution site on Bidwell Road was previously approved for outdoor recreation. In September 2021, the PZC approved the conversion of the existing parking area of 195 Governor's Highway, adjacent to the Revolutions building, to expand construct a field to expand outdoor sports activities. This expansion is for additional lit fields for adult leagues and is supported by the existing Revolutions operations.
3. Special Exception review criteria in Section 8.7 include:
 - 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.
 - 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.

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- 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.

4. To date the field has been established. Other improvements include minor grading and a barrier wall installed for safety around the field. The fields are proposed to be lit. The zoning regulations allow outdoor recreational lighting subject to the following criteria:
 - All fixtures used for event lighting will be fully shielded, or be designed to minimize up light, spill-light, and glare. The maximum height is 35 feet. The applicant must meet the guidelines established by the current Electrical Institute of Engineers for recreational lighting, and all the requirements of these regulations.
 - Poles are to be located a minimum of 100 feet from residential zones or property lines (where the residence is the primary use). A waiver may be granted if this Commission deems it justified due to adverse topographic or environmental conditions or difficult site configuration.
 - Poles higher than 35 feet are permitted by Special Exception. An application for the special exception may be approved after the Commission considers the impact on the following:
 - Effects on the existing uses in the area;
 - Conservation of surrounding property values and the character of the neighborhood;
 - Impacts on the capacity of the present and proposed utilities, street, drainage systems, sidewalks, and other elements of the infrastructure;
 - Suitability of the land for the proposed use and any environmental impacts created by the proposal; and
 - Consistency with the goals and objectives of the Town Plan of Conservation and Development and/or Recreation Master Plan.

To date, we have not received any information specifics to the recreation lighting.

5. The applicant's narrative indicates they are requesting approval for outside entertainment including music and dancing, serving, preparation and sale of food and beverages (with expanded patio, maximum of seating for 100). Building, fire and health will need to be involved and permit any changes to the building and use.
6. Hours of operation are proposed to be as early as 7 am with the closing time for the outdoor are will be 10 Pm Sunday; 11 PM Monday through Wednesday and 12 am Thursday through Saturday.
7. The applicant has indicated there are 185 parking spaces to support the use. Additional parking is being added with an off-site gravel parking lot to the north of the fields on adjacent property owned by the applicant. Four light poles, similar to what is currently used around the parking area of 195 Governor's Highway, will be added to light the lot at 205 Governor's Highway.

If this application is approved, we recommend an as-built be submitted of the field and new parking area; cutsheets and photometric diagram of all recreation lighting for compliance.

Director of Planning Michele Lipe commented that there was no Engineering Report.

Chairman Pacekonis asked for public comment.

Kathy Young of 1136 Main Street spoke in favor of the applicant and the application.

Chairman Pacekonis asked for Commissioner comments.

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Commissioner Dexter commented that the application in front of them was for approval of the site plan for a multipurpose field and parking. She questioned why they were discussing music. Michele Lipe commented that per the submitted narrative, there are improvements that would be made behind Revolutions. Ms. Lipe added that there would be a shift of some of the activities on the site, which was reflected differently on the previously approved temporary and conditional permit. Doug Nation commented that they had a banquet room that was not being rented frequently, then he added large doors off this room and created a large outdoor patio that overlooks the proposed multipurpose field. Mr. Nation added that the club league that plays here has been a great addition to his business. Commissioner Dexter clarified that when the players finish their games they leave the fields and frequent Revolutions for food and drinks. Mr. Nation commented that the field is attached to the patio and usually the players spend their time in this area. Additionally, no outside food or beverages are allowed. Commissioner Dexter clarified that the hours of operation would not be changing and the music would be cut off by 11pm.

Commissioner Wagner commented on the noise concern and a previous issue on Colony Road. He added that they did take noise measurements related to the Nomad facility and the Commission had put conditions on the way the music was handled, which sounds like that has been followed. Doug Nation commented that the complaints from Nomads was in regards to the laser tag on back of the building and they have made adjustments to help reduce this issue. Additionally, they have not received a complaint in a long time and they have always been quick to rectify any complaints. Commissioner Wagner pointed out the sensitivity of noise issues. Commissioner Wagner questioned if the music would be contained within the building. Mr. Nation explained that this would be outdoor music, however, it would be turned off outside by 11pm every night. Commissioner Wagner questioned the location of the music. Mr. Nation commented that currently the patio at Revolutions is on east side and the site plan would extend the patio around the north side to overlook the field, the music would be playing in these areas.

Commissioner Wagner questioned the electric vehicle parking stations. Michele Lipe commented that the overflow lot would be for seasonal use only and would be a gravel parking lot, making it difficult to install charging stations. Commissioner Wagner questioned if there were other EV charging stations on the site. Mr. Nation responded that there were not, however, he had installed solar panels on top of both Revolutions and Nomads. Commissioner Wagner commented that he felt it was important to get South Windsor as ready as possible for electric vehicles in the future, he added that he understood that this location may not be suitable location but perhaps consider adding some charging stations closer to the building in the future. Mr. Nation commented that he understood Commissioner Wagner's point of view but could not guarantee adding charging stations near the facility.

Commissioner Vetere questioned the current hours of operation. Doug Nation responded that Revolutions opens around 9am and closes at 11pm during the week and on Friday and Saturday they stay opened until 2am. The patio typically closes down at 11pm. Commissioner Vetere clarified that Revolutions would not be open until midnight during the week. Mr. Nation commented that this was correct and that only the inside would be open until 2am on the weekends, not that patio area.

Commissioner Bernstein confirmed the outdoor music ends at 11pm. Doug Nation confirmed this. Commissioner Bernstein questioned the type of music played. Mr. Nation responded typically rap or heavy metal, the players for the club league typically choose the music, however, if anything is unacceptable they put an end to it. Commissioner Bernstein commented that he lived nearby on Newberry Road and has not experienced any noise issues. Commissioner Bernstein questioned if there was fencing around the lot. Mr. Nation responded there would be black metal fencing around the entire side except east side of property and he would continue to work with Michele on additional screening on this side.

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Chairman Pacekonis clarified that Commissioner Bernstein did not live 500 feet within the property. Commissioner Bernstein commented that this was correct.

Chairman Pacekonis commented that he was happy to hear the music ends at 11pm and he looked forward to reviewing the lighting plan.

Commissioner Wagner confirmed that the applicant was requesting to defer electric vehicle charging stations. Doug Nation commented that he was deferring and Michele Lipe added that he did put this request in writing.

Commissioner Vetere motioned to continue the public hearing.

Commissioner Quraishi seconded the motion. The motion passed unanimously.

REGULAR MEETING/COUNCIL CHAMBERS:

CALL TO ORDER:

PUBLIC PARTICIPATION:

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

1. **Appl. 22-31P, Hartford Truck Equipment LLC Temporary and Conditional Permit** – request for renewal of a one-year temporary and conditional permit for a truck storage area to accommodate 100 trucks, approximately 1 acre in size, on property located at 542 King Street, GC zones

Peter DeMallie of Design Professionals was present on behalf of the applicant. Mr. DeMallie commented that he wanted to briefly bring the Commission up to date on what is happening at the Hartford Truck site. Mr. DeMallie commented that he was in front of the Commission tonight to renew the temporary permit for the storage of trucks on roughly one acre of land, this truck storage would remain screened by the 10 foot tall wood chip berm. Mr. DeMallie reviewed the history of the property, the recently approved zone change, conservation easement for a berm and the site plan for an additional storage and expansion.

Mr. DeMallie reviewed the approved berm in more detail and the progress that had been made since the previous Planning and Zoning Commission meeting. Mr. DeMallie commented that the berm and the plantings were set to be completed by October. Mr. DeMallie reiterated that he was in front of the Commission to continue the temporary and conditional permit for the truck storage until they can complete the first phase of the approved site plan.

Chairman Pacekonis asked for staff comments.

Director of Planning Michele Lipe read the Planning Report.

1. This is a request for the renewal of a two-year temporary and conditional permit for a truck storage area on property located at 542 King Street, GC zone.
2. The original temporary and conditional permit was issued in 2021 for 1 year, and expired on August 17, 2021. The storage area is approximately 1 acre in size.
3. The applicant has provided a site layout of the proposed storage area. The location is directly behind two businesses on Route 5.
4. The site is a sandy lot with grass vegetation. The storage area, accommodates 100 – 12’x20’ truck parking spaces, with a 24-foot-wide drive aisle between them. .

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5. All vehicles will be dropped off at the existing business for Hartford Truck at 95 John Fitch Boulevard and moved into this area from there. There is no access proposed from King Street.
6. The original approval required screening by a temporary wood mulch berm. This was constructed, however an earthen berm with evergreen plantings is currently being constructed to screen the site from the King Street neighborhood.
7. The applicant has submitted a site plan showing expansion of the existing business into this area. The approved expansion will eliminate the need for the temporary and conditional permit.
8. The wording of the T & C permit regulation is that, "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."

If this application is approved, the Planning Department has no additional modifications to request
Director of Planning Michele Lipe commented that there was no Engineering Report.

Chairman Pacekonis asked for Commissioner comments.

Commissioner Wagner questioned if there was a fence going on the berm and also questioned when this would this be installed. Peter DeMallie responded that the fence would be installed after the planting of trees and shrubs. Chairman Pacekonis commented that the fence Commissioner Wagner was referring to was not part of this application, it was part of the recently approved Hartford Truck site plan. Mr. DeMallie commented that this wood chip berm would remain until the recently approved berm and fence was complete.

Commissioner LeBlanc motioned to approve Appl. 22-31P with the following conditions:

1. This approval is for a truck storage area to accommodate 100 trucks, approximately 1 acre in size, on property located at 542 King Street. All trucks should be parked within the fenced area as shown on the plans.
2. This one-year temporary and conditional permit for this use will expire on September 13, 2023.
3. If the use is to continue beyond this date, the applicant shall return to this Commission with a site plan modification to address this expansion including a plan that meets the better requirements of the zoning regulations.
4. The berm is to be maintained and inspected for insects periodically. The applicant is required to provide verification of the berm height in the spring of 2023 to ensure its integrity.

Commissioner Wagner seconded the motion. The motion passed unanimously.

2. **App. 22-29P U-Haul Truck Rentals Temporary and Conditional Permit-** request for a 2-year temporary and conditional permit for the rental of U-Haul equipment at 249 Oakland Road, RC zone

Chairman Pacekonis questioned if Michele Lipe had any further comments. Ms. Lipe commented that it sounded like the Commission wanted to add numbering or small signage to indicate the rental spaces.

Commissioner Wagner motioned to approve Appl. 22-29P with the following conditions:

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1. This approval is for the rental of U Haul trucks and trailers – a maximum of three 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.
2. This two-year temporary and conditional permit for this use will expire on September 13, 2024 and will have to be renewed at that time if this use is to continue.
3. There will numbers or signage added to designate the rental parking spaces

Commissioner Dexter seconded the motion. The motion passed unanimously.

3. **Appl. 22-32P, Revolutions Bowling Outdoor Field Expansion** – request for a Special Exception to Table 4.1.1A and site plan approval for an outdoor multi-purpose recreational fields 240' X 400', to accommodate league play on 195 Governor's Highway, and site plan approval for an off-site parking lot to support such use, on property located at 205 Governor's Highway, I zone

The public hearing was continued for this agenda item.

BONDS: Callings/Reductions/Settings

MINUTES: 7/19/22, 7/26/22, 8/16/22- The minutes were adopted by consensus.

OLD BUSINESS:

Michele Lipe commented that she did not have any old business to discuss but she did review the upcoming meeting schedule. Ms. Lipe commented that she anticipated an Executive Session at the next meeting to review both the Geissler's litigation and Talbot Lane litigation with the Town Attorney.

Ms. Lipe commented that they do have a quad meeting with the Board of Education, Town Council, and Economic Development Commission on Tuesday, September 20. She added that the purpose of this meeting was to hear from the Superintendent on the state of the schools and to have a financial discussion with Town Manager. The boards would be able to discuss how they can attempt to reach some of the town's financial goals and overcome financial challenges.

APPLICATIONS OFFICIALLY RECEIVED:

1. **Appl. 22-33P Psychic Readings by Lisa-** request for a 5-year major home occupation on property located at 1747 John Fitch Boulevard, A-40 zone

OTHER BUSINESS:

CORRESPONDENCE/REPORTS:

ADJOURNMENT:

Commissioner Bernstein motioned to adjourn.

Commissioner LeBlanc seconded the motion.

Meeting adjourned at 8:06 pm.

Respectfully Submitted,

Caitlin O'Neil, Recording Secretary