

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

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FEBRUARY 28, 2017

MEMBERS PRESENT: Bart Pacekonis, Elizabeth Kuehnel, Kevin Greer

ALTERNATES PRESENT: Bill Flagg, Michael LeBlanc, Teri Parrott

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

PUBLIC HEARING / COUNCIL CHAMBERS

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

Acting Secretary Commissioner Kuehnel read the legal notice as it was published on Thursday, February 16, 2017 and Thursday, February 23, 2017.

The Acting Chairman appointed Alternate Commissioner Parrott to be seated for Commissioner Bazzano, Alternate Commissioner Flagg to be seated for Commissioner Dexter, and Alternate Commissioner LeBlanc to be seated for Commissioner Bonzani.

1. **Appl. 17-01P, PMM Enterprises LLC dba Empire Auto** - request for a Special Exception to Table 4.1.1A to allow for retail sale of vehicles and a general repairs and site plan approval, on property located at 280 Sullivan Avenue, I zone

Acting Secretary Commissioner Kuehnel read a letter from Mr. James Ussery of J.R. Russo & Associates, LLC representing the applicant requesting the public hearing to open and continue to a March meeting date to allow time for revisions and staff review.

Commissioner Parrott made a motion to continue the public hearing to a meeting in March.

Commissioner Kuehnel seconded the motion.

The motion carried and the vote was unanimous.

2. **Appl. 17-05P, 150 Sullivan LLC** – request for a Zone Change of 4.48 acres from Industrial zone to General Commercial zone, on property located on the northerly side of Sullivan Avenue, westerly side of Rye Street

Mr. Phil Tartsinis presented the zone change request by thanking the commission for their preliminary discussion on 11/29/16 which helped form their conceptual plan. Mr. Tartsinis stated the zone change to General Commercial will induce development in the area and serve the industrial zone as well as the Main Street community by adding a service center. Talks are underway with potential tenants for retail service to complement the commercial property to the west and Maneeley's Banquet Hall to the east. The businesses will create jobs and net revenue to the Town. A conceptual plan was shown with buildings proposed to be 50' from the street line. The main access point will be on Rye Street with close proximity to the traffic light and also a right turn in right turn out only on Sullivan Avenue. An open traffic flow from one side of the property to the other is being considered for the site. Mr. Tartsinis read two letters written in support from MassConn Distributors, Inc. of Commerce Way (Exhibit A) and Maneeley's of Rye Street (Exhibit B) into the record.

Director of Planning Michele Lipe gave staff comments:

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1. Request for zone change from Industrial to General Commercial for a 4.8 acre property located 150 Sullivan Ave. (corner of Sullivan and Rye Street). The site is currently surrounded by the Industrial zone to the south, east and north and Restricted Commercial zoning to the west. Some of the surrounding uses include the town's TRAC Facility immediately to the west, and Maneeley's Banquet Facility adjacent to it on Rye Street.
2. The possible uses in this zoning category include motor vehicle services station with gas sales, professional offices, retail stores, financial institutions and agencies, restaurants including fast food; retail sales, hotels or motels, and other uses deemed appropriate after public hearing.
3. The minimum lot size of 30,000 sq ft is required in both zones. The front yard setback is 50 feet is required for the GC zone; only 35 feet in the Industrial zone (except when fronting on Sullivan Ave.).
4. In acting upon the zone change, the Commission shall take into account the various factors, including but not limited to:
 - The goals, objectives, and recommendations of the Plan of Conservation and Development;
 - The purposes of zoning and of these regulations;
 - Changes that have taken place in the rate and pattern of development and land use within the Town and adjoining communities;
 - The supply of land available in the present and proposed zone;
 - The physical suitability of the land for the proposed zone;
 - The impact on the capacity of the present and proposed utilities, streets, drainage systems, and other improvements;
 - The general character and zoning of the neighborhood;
 - Impacts on the surrounding area;
 - Traffic congestion impacts;
 - The impact on surrounding property values;
 - The environmental impacts;
 - The health and general welfare of the community;
 - Neighborhood acceptance weighed against community needs; and
 - The protection of historic factors.
5. A zone change is the appropriate time to discuss traffic impacts. Sullivan Avenue is a high-volume artery and is expected to handle large traffic volumes. The major difficulty and safety hazard with a four-lane roadway that has access to adjoining property is the left turn into and out of a site. Left turns can result in both traffic slowdown and accidents. Recognizing these traffic factors, the applicant's concept plan shows a full access on Rye Street with right in/right out only on Sullivan Ave. Sullivan Ave is a state road and will have the ultimate say in the access designs.
6. This property has right to a 60 foot access and utility easement that was secured at the time the previous owner sold land to the Town South Windsor. The Town's property will have to be included as a part of the site plan approval process as the access will be in the town's land. At that time, we will be requesting screening between the new access drive and the existing Trac's Facility.

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7. If this zone change is granted, access management techniques will need to be reviewed at the site plan stage.
8. The Town Plan designates this area for business development. And although we discourage the loss of industrial land for other types of business, we do encourage the development of support services for the surrounding businesses. This property is in the center of significant industrial development that could be served by commercial uses.
9. The wetlands map does show an area of regulated wetlands to the rear of the site in the bottom of the steep slopes.
10. Public water and sewer are available to the site.
11. Site plan of development approval would be required prior to any commercial use on any of these properties.

If this zone change is approved, the Commission must state on the record that they have found the zone change to be consistent with the plan of development.

Town Engineer Jeff Doolittle gave staff comments:

1. This property is proposed to be served by a driveway off Sullivan Avenue that is within the 60 foot easement for travel, utilities and grading on the Town's property at 124 Sullivan Avenue. This 60 foot easement is not shown on the plan and the driveway shown appears to be beyond this 60 foot easement. Several items shown on the plan that may be in the easement area such as a dumpster pad, patio, and maybe parking lot islands are not allowed in this area. Check and revise the plan as needed.
2. Check the ROW at the intersection of Rye Street and Sullivan Avenue. The plan does not show the existing pavement and ROW correctly and it appears additional ROW may have been acquired for the realignment of this intersection. Revise the plan accordingly.
3. What type of businesses are anticipated to be on this site and what are the estimated maximum sanitary sewer flows from these businesses?
4. Where will the proposed buildings connect to the existing sanitary sewer main in Sullivan Ave and Rye Street?
5. Will the proposed buildings be connected to the sanitary sewer by gravity laterals or low pressure pump system(s)?
6. The proposed dumpster pad on the east side of the site is in the side yard set-back and very close to a watercourse. This should be relocated.
7. How will stormwater drainage be treated and detained or retained on this site and where will it discharge from the site?
8. An encroachment permit from Conn DOT District 1 and possible DOT OSTA review will be needed for the proposed development on this site.

Acting Chairman Pacekonis asked for public comment.

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Mr. Robert Dickinson of Birch Road distributed written comment to the commission and requested a 10' wide black top path to be included on the site for the safety of pedestrians and bicyclists (Exhibit C). Mr. Ken Sek of Griffin Road and Mr. George Bourke of Murielle Drive also spoke in support of the 10' wide pathway.

Acting Chairman Pacekonis asked for comment from commissioners.

Commissioner Kuehnel asked what businesses might be coming to the plaza. Mr. Tartsinis described potential tenants and noted how the zone change will be beneficial for traffic flow and improved economics. Wetlands on site have been verified by Mr. John Ianni and an IWA/CC application will be filed. Mr. Tartsinis agreed with the public comments regarding sidewalks on the site.

Commissioner Flagg asked about the other Sullivan Avenue plaza Mr. Tartsinis developed which was described as 50% leased within one year with one remaining area that could be converted to house one to four tenants.

Commissioner Greer asked how the 10' wide sidewalk might affect parking spaces and impervious coverage requirement. Mr. Tartsinis indicated there are 176 parking spaces planned with 23 extra spaces beyond what is required by zoning and would not be affected by the pathway.

Acting Chairman Pacekonis asked about the potential of a drive-through on the site and Mr. Tartsinis showed a drive-through had been moved to the rear of a building on the conceptual plan and discussed access, traffic flow, and pedestrian safety. Director Lipe noted there is an existing crosswalk on Sullivan Avenue. Pacekonis stated industrial land should be developed as industrial and hesitates to open the 'flood gates' for general commercial development. Mr. Tartsinis stated he has purchased the property and described his goal of using the land as a service area for the industrial neighbors and eliminating the traffic potential from additional industrial development.

The Acting Chairman closed the public hearing at 8:17 p.m.

REGULAR MEETING / MADDEN ROOM

CALL TO ORDER: Acting Chairman Pacekonis opened the Regular Meeting at 8:21 p.m.

PUBLIC PARTICIPATION:

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

1. **Appl. 17-03P, Superior Northeast**— request for renewal of a 2-year temporary and conditional permit for a 30' x 60' storage shed on property located at 24 Jeffrey Drive, I zone

Mr. Paul O'Sullivan, operating manager of Superior Northeast, presented the renewal request for a storage tent structure used to protect stored products from the weather.

Director of Planning Lipe gave staff comments:

1. Request for renewal of a temporary and conditional permit for a storage tent to house equipment at 24 Jeffrey Drive, I zone. A permit was originally issued by this Commission in August 2002; the most recent permit expired on February 3, 2017.

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2. The storage tent is approximately 30' X 60' and is located within the 35' front yard setback.
3. There is a considerable amount of outdoor storage on site. The 2008 renewal required the applicant to screen this storage, which was done and is reflected in the pictures.
4. The building code limits the duration of temporary structures. The applicant will be responsible for ensuring this temporary structure maintains a current building permit.
5. The regulations state that Temporary & Conditional permits may be granted by the Commission for a use, if 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.

Town Engineer Doolittle had no comments.

Acting Chairman Pacekonis noted the temporary nature of a temporary and conditional permit. Mr. O'Sullivan indicated Superior Northeast shares the space with the landlord and there are limitations to the site and what can be accomplished.

Commissioner Flagg asked if a structure could be constructed to replace the tent. Mr. O'Sullivan stated they had not considered it since they share the space as a tenant.

Commissioner LeBlanc noted a temporary tent structure could show wear in a fifteen year period. Mr. O'Sullivan noted they are required to check in with the building department every renewal.

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

1. The Temporary and Condition permit will expire on February 28, 2019.
2. A new building permit is required to renew the temporary structure.

Commissioner Kuehnel seconded the motion.

The motion carried and the vote was unanimous.

2. **Appl. 17-01P, PMM Enterprises LLC dba Empire Auto** - request for a Special Exception to Table 4.1.1A to allow for retail sale of vehicles and a general repairs and site plan approval, on property located at 280 Sullivan Avenue, I zone

Continued, by request of the applicant, to a meeting in March.

3. **Appl. 17-05P, 150 Sullivan LLC** – request for a Zone Change of 4.48 acres from Industrial zone to General Commercial zone, on property located on the northerly side of Sullivan Avenue, westerly side of Rye Street

Commissioner LeBlanc voiced interest in knowing what businesses were going to be on the property. The Acting Chairman stated the application before the commission is for a zone change approval and that any use allowed in the general commercial zone would be allowed.

Commissioner Greer spoke in favor of the location in an end of the industrial zone.

Commissioner Flagg noted the traffic configuration as not the greatest but that the services offered in the general commercial zone could support the industrial area.

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

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 March 12, 2017.
3. Within ninety days, by 6/17/17, a zone change map (1" = 40') with an A-2 certification must be filed on the land records, showing all boundary lines and the acreage of the land where the zone change was granted. The map shall be drawn in accordance with the rules and regulations of the State Board of Registration for Professionals Engineers and Land Surveyors and shall be stamped and signed by a Registered Land Surveyor. The zone change map must be submitted on black and white mylars, with this approval letter thereon, together with three blueprint copies of the Zone Change.

Commissioner Greer seconded the motion.

Commissioner Flagg asked if there were problems at the corner of Sullivan Avenue and John Fitch Boulevard with turning trailer trucks would the Town consider widening that section of the road. Director Lipe stated any traffic impacts would be analyzed at time of site plan approval.

The motion carried and the vote was unanimous.

4. Request for a second ninety (90) day extension to file mylars for Appl. 16-53P, Kochanski Subdivision, 118 Troy Road

Commissioner Kuehnel made a motion to grant a second ninety day extension to the file mylars.

Commissioner Flagg seconded the motion.

The motion carried and the vote was unanimous.

5. Discussion regarding proposed text changes to: Table 4.1.1.A Permitted Uses, Commercial and Industrial Zones; Section 4.2.6 Prohibited Uses in the Buckland Gateway Development Zone; Section 4.4.3 Permitted and Prohibited Uses in the I-291 Corridor; and sidewalk standards from the subdivision regulations

Discussion postponed until more commissioners are present.

BONDS: Callings/Reductions/Settings

Bond Setting:

1. Appl. 12-47P, Dairy Queen E&S Bond in the amount of \$1,000 to be reduced by \$1,000 to leave a balance of -0-.
2. Appl. 15-52WP, WayBest E&S Bond in the amount of \$2,000 to be reduced by \$2,000 to leave a balance of -0-.

Commissioner Kuehnel made a motion to reduce the above mentioned bonds. Commissioner Flagg seconded the motion.

Commissioner Parrott asked about the reductions.

The motion carried and the vote was unanimous.

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3. Appl. 05-73P, Grillo Family Limited Partnership Landscaping Bond in the amount of \$2,000 to be reduced by \$2,000 to leave a balance of -0-.

Commissioner Kuehnel made a motion to reduce the above mentioned bond. Commissioner Flagg seconded the motion.

The motion carried and the vote was unanimous.

MINUTES: 2/14/17 approved by consensus.

APPLICATIONS OFFICIALLY RECEIVED:

OLD BUSINESS:

Director Lipe described the new Tempo Apartments at Evergreen Walk.

Appointment of CRCOG Regional Planning Commission representative and alternate will continue to be considered by the commissioners.

Commissioners were asked to RSVP for the CT Federation of Planning and Zoning Agencies Annual Conference dinner to be held on March 23rd and for the CT Bar Association Land Use Training for Commissioners to be held on March 25th.

OTHER BUSINESS:

CORRESPONDENCE / REPORTS:

ADJOURNMENT:

Motion to adjourn the Regular Meeting at 8:54 p.m. was made by Commissioner Flagg

Seconded by Commissioner Kuehnel

The motion carried and the vote was unanimous.

Respectfully Submitted,

Lauren L. Zarambo

Recording Secretary