

TOWN OF SOUTH WINDSOR
PLANNING & ZONING COMMISSION

MINUTES

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JANUARY 25, 2022

MEMBERS PRESENT: Robert Vetere, Alan Cavagnaro, Michael LeBlanc, Bart Pacekonis, Stephanie Dexter, Stephen Wagner, Kevin Foley

ALTERNATES PRESENT: Paul Bernstein, Atif Quraishi

STAFF PRESENT: Michele Lipe, Director of Planning; Jeffrey Doolittle, Town Engineer; Michael Lehmann; IT Support; Caitlin O’Neil, Recording Secretary; Marek Kozikowski, Council Liaison

PLEDGE OF ALLEGIANCE

Secretary Wagner read the legal notice posted in the Journal Inquirer.

Chairman Pacekonis read opening comments and reviewed WebEx.

CALL TO ORDER:

PUBLIC HEARING/ Webex Conference ONLINE MEETING - 7:00 P.M

1. PZC Sponsored Text Amendment- Add Section 1.4 Residential Moratorium on Single Family Subdivision and Special Exception Permits for Housing to Article 1 Introductions/Districts.

Chairman Pacekonis reviewed a PowerPoint presentation for the proposed moratorium (Exhibit A). Chairman Pacekonis reviewed the legality of moratoriums for the state of Connecticut highlighting that there must be a start date, an end date, a reasonable time frame, cannot prohibit all development and must include a desired outcome. Chairman Pacekonis then reviewed the proposed moratorium language, which would not affect retail, commercial and industrial and all previously approved applications. Additionally, the proposed moratorium is in part due to the recent legislation changes to multi-family housing and accessory apartments. This moratorium would allow the Commission to assess and revise regulations to meet objectives of new legislation. Chairman Pacekonis discussed the moratorium requirements, which includes a legal notice, notification to CRCOG, an established time frame and assessment of the Commission’s concerns about future housing development. Chairman Pacekonis reviewed recently built homes in the past 10 years in South Windsor and a table that showed the breakdown of single-family homes, multi-family homes, two family homes and apartments. Chairman Pacekonis commented on concerns with recent residential developments in South Windsor citing concerns with the quality and the need for more affordable housing.

Chairman Pacekonis continued to discuss his concerns, specifically dissatisfaction with the designs of developments, cookie cutter open space, cluster design and minimum lot size frontage. Chairman Pacekonis added that he would like to have affordable housing wording in the regulations and the Affordable Housing Working Group is currently working on a plan. Chairman Pacekonis commented how difficult it has been to plan due to the pandemic and the significant workload the Commission has been experiencing. Additionally, the town’s Plan of Conservation and Development needs to be updated by 2024 and this project would require a great detail of attention from the Commission.

Chairman Pacekonis recapped the consideration for Commission during moratorium, this would allow them time to update the subdivision regulations, strengthen cluster regulations to force better designs and update the housing section of the Plan of Conservation and Development. Chairman Pacekonis added that many of these issues have come up during applications and the Commission has been unable to formally address them due to the current workload. Chairman Pacekonis then discussed the potential moratorium outcomes that would allow the Commission to review existing zoning regulations and subdivision regulations to be updated for today’s concerns and incorporate the affordable housing plan. Chairman Pacekonis concluded his presentation.

Director of Planning Michele Lipe read CRCOG referral into the record and added that she did not have any additional comments this time.

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Chairman Pacekonis commented that he would like to add a change on the proposed moratorium language by adding any housing units or general plans that have been already approved prior to this moratorium shall not be affected.

Secretary Wagner read letter into the record from Council Member Andrew Paterna of 301 Strawberry Lane opposing the moratorium (Exhibit B).

Chairman Pacekonis asked for public comment by way of phone.

Peter DeMallie of 35 Peterson Way commented on the proposed housing moratorium and suggested a shorter time period should the Commission vote in favor of a moratorium. Mr. DeMallie commented on why he ultimately opposes the moratorium.

Bob Rybeck, CEO of Geissler's Supermarket asked that the Geissler's Plaza development be excluded from the moratorium.

Eric Nilsson of 18 Fox Hill Road and owner of Geissler's Supermarket also asked that the Geissler's Plaza development be excluded from the moratorium.

Marek Kozikowski of 863 Clark Street commented with some concerns with the moratorium, specifically would like the Commission to solicit more comments from local businesses and the real estate community.

Kathy Daugherty of 12 Roy Road commented with concerns with the growth in South Windsor and supports the one-year housing moratorium.

Chairman Pacekonis asked for Commissioner comments.

Commissioner Cavagnaro commented on some of his concerns, should the moratorium pass, Geissler's Plaza should be exempt from the moratorium. Additionally, will there be any unintended consequences, such as negative impact on businesses and potentially pushing people away from moving to South Windsor?

Commissioner Cavagnaro commented that he felt regulations could be addressed without a moratorium and therefore does not support a housing moratorium.

Commissioner Foley commented that he was favor of the moratorium. Commissioner Foley addressed some of the concerns brought up by Marek Kozikowski, specifically, it is not the Planning & Zoning Commission's job to grow the grand list. Commissioner Foley commented that his goal is to help create a better community with a focus on quality over quantity. Commissioner Foley added that he would like the opportunity to take a step back and review and adjust the regulations.

Commissioner Dexter clarified that the moratorium is not related to diversity and echoed Commissioner Foley's sentiments that this moratorium would be to help move the community in a positive direction. Commissioner Dexter added that she would be happy to get the regulations updated as soon as possible. With that said, the Commission does need the time to properly review the regulations, therefore, is in support of the moratorium.

Commissioner Wagner commented that he agrees that the regulations need to be addressed but does not feel a moratorium would reduce the Commission's workload, he added that the regulation changes could be accomplished in other ways. Commissioner Wagner commented that he felt the Commission as of recently has been approving large housing on large lots and thinks that's the wrong direction. He added that he felt these larger homes brought big families and worried about the impact on schools. Commissioner Wagner remarked that he felt the Commission was moving in the wrong direction by not approving smaller housing like the recently denied Evergreen Walk apartment housing.

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Commissioner Wagner added that the moratorium appears to be focused on changes to the zoning regulations but not subdivision regulations, which he feels also, need to be discussed. Commissioner Wagner commented that he is in favor to going to work on the regulations but does not support a moratorium adding that he would be eager to work on regulations by way of extra meetings and sub committees.

Commissioner LeBlanc commented that he was in favor of the moratorium but would prefer a shorter time frame on the moratorium.

Commissioner Bernstein questioned if this would be a total building moratorium. Chairman Pacekonis explained that single family residents would have a right to put another house on their lot but that would be the extent. Commissioner Bernstein questioned how the moratorium would affects senior living. Chairman Pacekonis responded that the moratorium could not exclude any specific type of housing, therefore, all housing would be included in this moratorium. Chairman Pacekonis added that the moratorium would not include recently approved application such as Geissler's and 1060 Main Street since their general plans had been approved.

Commissioner Wagner questioned if the Geissler's Plaza application only had a zone change approval. Michele Lipe responded that Geissler's development has an approval for the zone change and general plan.

Chairman Pacekonis commented that he felt the one bedroom community had been underserved and felt that this could only be achieved through addition of apartments. Chairman Pacekonis commented that the housing moratorium topic has been discussed for a year and half and feels it is time to make a decision. Chairman Pacekonis added that by adjusting the regulations they could potentially open South Windsor up to more people by including more affordable housing. Chairman Pacekonis commented that the one by one approach suggested by Commissioner Wagner is not feasible solution and a more comprehensive revision of the regulations would be a better option.

Commissioner Wagner responded that he did not suggest a one-by-one approach, he suggested they look at the regulations while continuing their normal business. Additionally, he would like to give Evergreen Walk another chance to address problems that caused the denial of the apartments and does not want to lose that development.

Commissioner Vetere commented that he felt that there should be some clarification on the necessity of the moratorium. Additionally, he wanted to understand the potential negative impact that this moratorium would have on items such as the budget.

Commissioner Quraishi commented on the possibility of shortening the time period of the moratorium to make it less than year. Michele Lipe explained that the Commission would have to put a time frame in place for the moratorium, however, the moratorium could end earlier.

Chairman Pacekonis commented that the Affordable Housing Working Group has been working on an affordable housing, which could have some ideas to be incorporated into the regulations.

Commissioner Wagner motioned to extend the public hearing. Commissioner Cavagnaro seconded the motion. Commission discussed the motion.

Chairman Pacekonis commented that he felt he heard many Commissioners say they would like to get moving on regulations so how would an extension help?

Michele Lipe commented that she had received an email to be read into the record.

Commissioner Wagner withdrew his motion. Commissioner Cavagnaro withdrew his second.

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Michele Lipe commented that she had received an email from Brian Faraci and read it into the record (Exhibit C).

Commissioner Wagner motioned to extend the public hearing. Commissioner Vetere seconded the motion.

Chairman Pacekonis commented that he felt the Commission had waited long enough to discuss the housing moratorium and did not want to extend the public hearing.

Roll call was held. Commissioners Vetere, Cavagnaro, Wagner and LeBlanc voted in favor. Commissioners Dexter, Foley and Pacekonis voted against. The motion to extend the public hearing passed 4 to 3.

Director of Planning Michele Lipe commented that the public hearing should be extended to the February 15, 2022 meeting as they currently have other hearings scheduled for February 8.

REGULAR MEETING/Webex Conference ONLINE MEETING

CALL TO ORDER:

PUBLIC PARTICIPATION:

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

1. PZC Sponsored Text Amendment- Add Section 1.4 Residential Moratorium on Single Family Subdivision and Special Exception Permits for Housing to Article 1 Introductions/Districts.

The public hearing for this agenda item has been extended to February 15, 2022.

2. **Appl. 22-04P, Town of South Windsor**– request renewal of a two year temporary and conditional permit for a 500 sf business office within the Community Building for the South Windsor Chamber of Commerce, on property located at 1776 Ellington Road, RR zone

Michele Lipe read Planning Report.

1. A request for renewal of a two-year temporary and conditional permit for the Chamber of Commerce’s non-profit use of 500 square feet of space within the Town’s Community Building located at 1776 Ellington Road, RR zone.
2. The Chamber has been utilizing 500 sf for an office. The hours of operation are from 9:00 am to 4:30 pm, Monday through Friday. They have 2 part time employees, and 1 intern who works approximately 12 hours per week. On average the applicant will use less than 3 parking spaces.
3. The applicant holds committee meetings on average 5 times per month. These meetings consist of 4-8 attendees. Larger meetings and events are held at different locations.
4. New signage was installed over the year on site. Staff has not heard of any concerns.
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 two years. Such approval may be given after a Public Hearing if, in the judgement 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, there are no requested modifications.

Commissioner Wagner motioned to approve the application with the following conditions.

1. The Temporary and Condition permit will expire on January 25, 2024.

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2. All free standing signs and/or building signs require the issuance of a sign permit before they are erected.

Commissioner LeBlanc seconded the motion. Roll call was held. The motion passed unanimously.

3. **Appl. 22-05P Pete’s RV Center** - request renewal of a two year temporary and conditional permit for the storage of up to 50 campers on property located at 317 Chapel Road, I-291 Corridor Development zone

Michele Lipe read Planning Report.

1. A request for renewal of a two-year temporary and conditional permit for the storage of approximately 50 new campers, the excessive stock for Pete’s RV Center, on approximately 2 acres located to the rear of 317 Chapel Road, I-291 Corridor Development zone. The T&C permit was originally approved on January 9, 2018 and renewed in 2020.
2. Sales and storage of recreational vehicles are allowed in the General Commercial zone GC is the zone in which the main Van’s Leisure Living sales facility is located; however there is no provision for storage yards in the I-291 Corridor Development zone.
3. The storage is located to the rear in an existing parking area. This area had been cleared and used for temporary storage of engineered wood products in 2004. At the time the owner added pines approximately 4-6 feet in height, to provide for some screening of the area from Chapel Road.
4. 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 two 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 request is approved, there are no requested modifications.

Commissioner Foley questioned if this site was the same location than the Pete’s RV on John Fitch Boulevard. Michele Lipe clarified that this application is a different location and is on Chapel Road.

Commissioner LeBlanc motioned to approve the application with the following conditions.

1. The Temporary and Condition permit will expire on January 25, 2024 and will have to be renewed that time if the use is to continue.

Commissioner Wagner seconded the motion. Roll call was held. The motion passed unanimously.

BONDS: Callings/Reductions/Settings

MINUTES: 1/11/22- change spelling to Wayne Botha and accepted by consensus.

OLD BUSINESS:

APPLICATIONS OFFICIALLY RECEIVED:

1. **Appl. 22-05P Pete’s RV Center-** request renewal of a two year temporary and conditional permit for the storage of up to 50 campers on property located at 317 Chapel Road, I-291 Corridor Development zone
2. **Appl. 22-06P, Peoples Bank on behalf of Evergreen Walk LLC** – request for site plan approval for a 2,000 sf bank, located on Unit 5a (southwesterly corner of Buckland Road and Cedar Ave), on property located at 151 Buckland Road, Buckland Gateway Development Zone

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OTHER BUSINESS:

CORRESPONDENCE / REPORTS:

Michele Lipe commented that they have a request for a fee waiver from resident Kathy Kerrigan's application for moratorium for warehousing (Exhibit D)

Commissioner Wagner commented that he agreed to waive the fee for Kathy Kerrigan. Commissioner Bernstein echoed Commissioner Wagner but questioned if this was setting an unusual example. Michele Lipe commented on instances where fees can be waived and added this application would be considered a unique scenario.

Commissioner Foley motioned to waive the fee for the warehouse moratorium application request.

Commissioner Dexter seconded the motion. Roll call was held. The motion passed unanimously.

Commissioner Dexter clarified what additional information is being requested for the next public hearing for the housing moratorium and commented that she would like to discuss additional meetings dates at the February 8 meeting.

Commissioner Wagner agreed that they should start scheduling additional meetings. Chairman Pacekonis added that the Commission has multiple applications in front of them that take priority.

Michele Lipe commented that they would have limited availability in February but suggested forming a subcommittee to target certain topics of the regulations. Ms. Lipe added that the subcommittee, Affordable Housing Working Group, has prepared a draft of an affordable housing plan that would be going in front of Town Council soon. Ms. Lipe added that there is some constraint with adding additional meetings, particularly while they are virtual.

Commissioner Wagner asked for additional information about the Affordable Housing Working Group. Michele Lipe reviewed the purpose of the Affordable Housing Working Group and draft plan. All towns are required by law to have an affordable housing plan by June 1, 2022.

ADJOURNMENT:

Commissioner Cavagnaro motioned to adjourn.

Commissioner Vetere seconded the motion. Roll call was held. The motion passed unanimously.

Meeting adjourned at 8:37pm.

Respectfully Submitted,

Caitlin O'Neil, Recording Secretary