

Town Clerk

PZC Regular Meeting Minutes May 17, 2012 1/10

**TOWN OF VERNON  
Planning & Zoning Commission (PZC)  
Minutes – Regular Meeting  
Thursday, May 17, 2012, 7:00 PM  
Council Chambers, Third Floor  
Memorial Building  
14 Park Place  
Rockville/Vernon, CT**

RECEIVED  
VERNON TOWN CLERK  
12 MAY 30 AM 10:41

1. Call to Order & Roll Call

- ◆ **Meeting was called to order at 7:00 P.M.**
- ◆ **Regular Members Present:** Chester Morgan, Francis Kaplan, Charles Bardes, Victor Riscassi, Harry Thomas and Dan Anderson.
- ◆ **Alternate Members Present:** Ron Scussel. Ron Scussel to sit for William Roch
- ◆ **Staff Present:** Leonard Tundermann, Town Planner and Shaun Gately, Economic Development Coordinator.
- ◆ **Recording Secretary:** James Krupienski

2. Administrative Actions/Requests

2.1 Amendment/Adoption of Agenda Additional business to be considered under agenda item #5 "Other Business"

- ◆ **Harry Thomas, seconded by Francis Kaplan moved a motion to Adopt the Agenda as Amended. Motion carried unanimously.**

2.2 Communications received NOT related to Agenda items

- ◆ **Planning and Zoning Commission Membership listing.**
- ◆ **Approval Letter for Application PZ-2012-05 of Shonda C. Rudolph-Crawford for a Special Permit to convert a two family dwelling to a three family dwelling at #76 Village Street.**

2.3 Acceptance of Minutes

- ◆ **Harry Thomas, seconded by Charles Bardes moved a motion to approve the Regular Meeting Minutes of April 5, 2012. Motion carried unanimously.**
- ◆ **Charles Bardes, seconded by Francis Kaplan moved a motion to approve the Regular Meeting Minutes of May 3, 2012. Motion carried unanimously.**

3. Public Hearings

3.1 Continued Hearing for Application [PZ-2012-07] of Jane Moore Properties, LLC for a Special Permit/Site Plan of Development to construct a Building Addition and associate improvements at #1237 Hartford Turnpike (Assessor's ID: Map #46, Block #78, Lot/Parcel #23)

- ◆ **Charles Bardes questioned the status of the proposed 8' fencing previously approved by the Zoning Board of Appeals.**
- ◆ **Michael Moore indicated that proposed privacy fencing was not installed because of financial considerations when the proposed parking area was not developed.**

- ◆ **Judy Schuler, Design Professionals Inc supplied letter of acceptance from the Hills at 38 White Street relative to a meeting held between the applicant and abutting property owners. (Email Attachments #2 & #3)**
- ◆ **Discussion took place regarding issue of installing fencing along the westerly property line of a proposed parking area.**
- ◆ **Francis Kaplan was concerned with dumpster pickup at early hours of the morning.**
- ◆ **Michael Moore indicated that changes to the proposed pickup time could be problematic later in the day.**
- ◆ **Charles Bardes questioned the use of the proposed parking area for storage of used vehicles. Michael Moore indicated that the parking area would not be used for vehicle storage.**
- ◆ **Ron Scussel questioned if site lighting would be placed on timer to minimize impact to the adjacent residences. Michael Moore indicated that the lighting would be seasonal and expects lighting to go off within 1-2 hours after closing of the businesses.**
- ◆ **Email memorandum was agreed to by the adjacent property owners.**
- ◆ **Dan Anderson questioned the process if an adjacent property owner came forward after approval. Leonard Tundermann, Town Planner indicated that negotiation would need to take place. Michael Moore indicated that they would comply with a request from the neighbors.**
- ◆ **Public Hearing was closed at 7:32 P.M.**
- ◆ **Charles Bardes, seconded by Harry Thomas moved a Motion to Approve the Application (See Attachment for Complete text of the Adopted Motion.):**

**MOVED, that the Vernon Planning & Zoning Commission does hereby APPROVE as amended herein, Application {PZ-2012-07} of Jane Moore Properties, LLC for approval of a special permits and a site plan of development for property at #1237 Hartford Turnpike (Assessor ID: Map #46, Block #0078, Lot/Parcel #00023).**

- ◆ **Charles Bardes – yes**
- ◆ **Francis Kaplan – yes**
- ◆ **Victor Riscassi – yes**
- ◆ **Harry Thomas – yes**
- ◆ **Dan Anderson – yes**
- ◆ **Ron Scussel – yes**
- ◆ **Chester Morgan – yes**
- ◆ **Motion carried unanimously.**

4. Old Business

- ◆ **None**

5. New Business.

5.1 Receipt of Applications:

- 5.1.1 Application [PZ-2012-08] for Narcisa Rodas for a Zone Change from R-27 to Commercial at 89 Dobson Road (Assessor's ID: Map #2, Block #0012, Lot/Parcel #00004)

- ◆ **Charles Bardes, seconded by Ron Scussel moved a motion to receive and schedule a Public Hearing on June 7, 2012. Motion carried unanimously.**

5.1.2 Application [PZ-2012-09] of Todd Hany for a Special Permit to convert a single family dwelling into a two family dwelling at #12 Regan Street (Assessor's ID: Map #22, Block #0041, Lot/Parcel #00016)

- ◆ **Ron Scussel, seconded by Harry Thomas moved a motion to receive and schedule a Public Hearing on June 7, 2012. Motion carried unanimously.**

5.2 Public Draft Conservation & Development Policies Plan for Connecticut, 2013-2018

- ◆ **Leonard Tundermann, Town Planner indicated that the State has released its Draft Public Plan of Conservation and Development. Expected to hold Public Hearings through September.**
- ◆ **Discussion took place regarding the negotiation process with the Office of Policy & Management (OPM)**
- ◆ **Dan Anderson suggested review of mappings and make necessary comments.**

6. Other Business

6.1 Additional business to be considered should be introduced under PZC meeting agenda item "#2.1 Amendment / Adoption of Agenda" at the beginning of the meeting.

7. Adjournment.

- ◆ **Harry Thomas, seconded by Charles Bardes moved a Motion to Adjourn. Motion carried unanimously.**
- ◆ **Meeting adjourned at 7:50 P.M.**

James Krupienski  
Recording Secretary

Attachment #1

DRAFT MOTION

PZ-2012-07

Approval of Special Permits and Site Plan of Development  
Jane Moore Properties, LLC

MOVED, that the Vernon Planning & Zoning Commission does hereby APPROVE as amended herein, Application {PZ-2012-07} of Jane Moore Properties, LLC for approval of a special permits and a site plan of development for property at #1237 Hartford Turnpike (Assessor ID: Map #46, Block #0078, Lot/Parcel #00023).

This approval is granted in accordance with plans entitled:

<p>South Street Plaza Site Plan — Special Permit 1237 Hartford Turnpike - Vernon - Connecticut prepared by: Design Professionals 425 Sullivan Avenue South Windsor, CT 06074 Capital Studio Architects LLC 1379 Main Street East Hartford CT. 06108 Date: April 3, 2012 Sheet 1 (cover sheet)</p>	<p>Boundary Survey South Street Plaza 1237 Hartford Turnpike Vernon, Connecticut Prepared For: Jane Moore Properties, LLC 1246 Hartford Turnpike Vernon, CT 06066 860-680-1775 Design Professionals 425 Sullivan Avenue South Windsor, CT 06074 Scale 1"=20' Date 03/01/12 Sheet V1-01 Sheet 2 of 12</p>
<p>Topographic Survey South Street Plaza 1237 Hartford Turnpike Vernon, Connecticut Prepared For: Jane Moore Properties, LLC 1246 Hartford Turnpike Vernon, CT 06066 860-680-1775 Design Professionals 425 Sullivan Avenue South Windsor, CT 06074 Scale 1"=20' Date 03/01/12 Sheet V1-02 Sheet 3 of 12</p>	<p>Plot Plan South Street Plaza 1237 Hartford Turnpike Vernon, Connecticut Prepared For: Jane Moore Properties, LLC 1246 Hartford Turnpike Vernon, CT 06066 860-680-1775 Design Professionals 425 Sullivan Avenue South Windsor, CT 06074 Scale 1"=20' Date 04/03/12 Sheet CP-01 Sheet 4 of 12</p>

<p>Grading &amp; Utilities South Street Plaza 1237 Hartford Turnpike Vernon, Connecticut Prepared For: Jane Moore Properties, LLC 1246 Hartford Turnpike Vernon, CT 06066 860-680-1775 Design Professionals 425 Sullivan Avenue South Windsor, CT 06074 Scale 1"=20' Date 04/03/12 Sheet CU-01 Sheet 5 of 12</p>	<p>Erosion &amp; Sediment Control South Street Plan 1237 Hartford Turnpike Vernon, Connecticut Prepared For: Jane Moore Properties, LLC 1246 Hartford Turnpike Vernon, CT 06066 860-680-1775 Design Professionals 425 Sullivan Avenue South Windsor, CT 06074 Scale 1"=20' Date 04/03/12 Sheet CE-01 Sheet 6 of 12</p>
<p>Details South Street Plaza 1237 Hartford Turnpike Vernon, Connecticut Prepared For: Jane Moore Properties, LLC 1246 Hartford Turnpike Vernon, CT 06066 860-680-1775 Design Professionals 425 Sullivan Avenue South Windsor, CT 06074 Date 04/03/12 Sheet CD-01 Sheet 7 of 12</p>	<p>Details South Street Plaza 1237 Hartford Turnpike Vernon, Connecticut Prepared For: Jane Moore Properties, LLC 1246 Hartford Turnpike Vernon, CT 06066 860-680-1775 Design Professionals 425 Sullivan Avenue South Windsor, CT 06074 Date 04/03/12 Sheet CD-02 Sheet 8 of 12</p>
<p>Details South Street Plaza 1237 Hartford Turnpike Vernon, Connecticut Prepared For: Jane Moore Properties, LLC 1246 Hartford Turnpike Vernon, CT 06066 860-680-1775 Design Professionals 425 Sullivan Avenue South Windsor, CT 06074 Date 04/03/12 Sheet CD-03 Sheet 9 of 12</p>	<p>Landscape Plan South Street Plaza 1237 Hartford Turnpike Vernon, Connecticut Prepared For: Jane Moore Properties, LLC 1246 Hartford Turnpike Vernon, CT 06066 860-680-1775 Design Professionals 425 Sullivan Avenue South Windsor, CT 06074 Scale 1"=20' Date 04/03/12 Sheet LS-01 Sheet 10 of 12</p>

<p>Site Lighting Plan South Street Plaza 1237 Hartford Turnpike Vernon, Connecticut Prepared For Jane Moore Properties, LLC 1246 Hartford Turnpike Vernon, CT 06066 860-6801775 Design Professionals 425 Sullivan Avenue South Windsor, CT 06074 Scale 1' 20' Date 04/03/12 Sheet LT-01 Sheet 11 of 12</p>	<p>Concept Plan and Elevations for Addition and Alterations To Moore Restaurant / Convenience Store Vernon, Connecticut Capital Studio Architects, LLC 1379 Main Street East Hartford CT. 06108 Scale 1"=8'-0" March 27, 2012</p>
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In addition to the plans, this approval is granted in accordance with an application dated April 3, 2012, a public hearing opened on May 3, 2012, continued to May 17, 2012, and closed on that date, and in accordance with the following documentation submitted by the applicant or otherwise received by the Commission:

1. Storm Drainage Summary, South Street Plaza, 1237 Hartford Turnpike, Vernon, Connecticut, Prepared by: Design Professionals, Inc., 425 Sullivan Avenue, South Windsor, CT 06074, April 4, 2012;
2. Email to Len Tundermann, Town Planner, from James Kenny, Chief of Police, April 13, 2012, indicating that review by the Vernon Traffic Authority not needed;
3. Memorandum to the Planning and Zoning Commission dated April 25, 2012, from Leonard K. Tundermann, Town Planner;
4. Variance horn section 12.3.2 of the Vernon Zoning Regulations granted by the Zoning Board of Appeals February 18, 2009, effective March 11, 2009, including the following documents:
  - a. Application for Variance by Moores Automotive LLC including Narrative 2008 and Traffic Impact Statement;
  - b. Approval letter issued to Moores Automotive LLC February 19, 2009, by Abraham Ford, Jr., ZEO;
  - c. Certificate of Variance recorded at volume 2045, page 300 of the Vernon land records;
  - d. Page 1 of the Approved Minutes February 18, 2009, ZBA Meeting;
  - e. Site Plan, Moore's Automotive, 1237 Hartford Turnpike, Vernon, Connecticut, Design Professionals, 425 Sullivan Avenue, PO Box 1167, South Windsor, Connecticut 06074, Scale 1 inch = 20 ft, Date: 3/28/08;
5. Memorandum to Planning and Zoning Commission from Shaun Gately, Economic Development Coordinator, May 8, 2012, transmitting the Design Review Advisory Commission's review of the architectural plans.

This approval is granted because the PZC finds that the application, as presented by the applicant and as amended by the stipulations of this approval, if any, complies with applicable requirements of the Vernon Zoning Regulations and satisfies the requirements of section 14 governing site plans, section 17.3 governing special permits, and section 20.6 governing special permits for aquifer protection.

This approval is effective the later of [DATE 1] 2011, or UPON THE RECORDING OF THIS APPROVAL LETTER AND CERTIFICATE OF SPECIAL PERMIT WITH THE TOWN CLERK. A signed copy of this letter should also be returned to the Town Planner's office within fifteen (15) days of the effective date.

The Commission hereby approves the special permits and site plan of development subject to the following conditions, modifications, restrictions, and safeguards:

1. The above-referenced plans, as modified by these conditions, shall be placed on two sets of Mylar bearing this approval letter, stamped "APPROVED," and signed by the Planning & Zoning Commission (PZC). Said plans shall be filed by the applicant with the Town Planner and Town Clerk by [DATE 2], 2012, which is within 90 days of the effective date;
2. The applicant/developer shall execute and submit a Hold Harmless Agreement in compliance with the Town of Vernon approved form;
3. The applicant shall submit to the Town Planner two (2) bonds or other surety consisting of a performance bond or other surety in the amount of \$ \_\_\_\_\_ and an Erosion and Sedimentation Control Bond or other surety in the amount of \$ \_\_\_\_\_ in compliance with Commission policy approved January 14, 1985, as amended to October 1, 2011. The bonds or other surety are subject to subsequent modification if additional plan review or site modifications dictate. The Erosion and Sedimentation Control bond or other surety must be submitted prior to the start of any site work. The performance bond or other surety may be submitted at any time before completion of site improvements.
4. Construction drawings shall be submitted to the Town Engineer prior to starting any site work;
5. Building Permits may be obtained only if stipulations # 1-3 are met;
6. No site preparation work may commence until the erosion and sedimentation control bond and hold harmless agreements have been posted and erosion and sedimentation control measures have been installed;
7. The applicant/developer shall be responsible for erosion and sedimentation control in accordance with the approved plan; failure to adhere to the plans, or create any discharge of materials, shall be considered a violation; remedial action may include the calling of the E&S bond; no bond shall be released until any ESCP violations have been remediated;
8. Dumpsters shall be provided on-site during construction;
9. There shall be no on-site burial of building materials or debris, and a statement to this effect shall be submitted to the Town planner prior to the release of bonds;
10. Any streets, roads, sidewalks, and curbs are to be repaired or replaced, including damage due to construction activities, if required in the opinion of the Town Engineer per Commission Policy approved January 14, 1985, as amended June 1, 1998;
11. All work in connection with this site plan shall be completed within five years after the approval of the plan, or by [DATE-3], 2017;
12. All site improvements shall be completed prior to release of the bonds;
13. A complete improvement location survey (as-built) plan of the site shall be submitted to the Town Planner for approval per Town Engineering Policy prior to release of bonds;
14. Wheel stops or other barriers shall be installed along the sidewalks surrounding the building to prevent vehicles from encroaching on the sidewalks;
15. White vinyl fencing shall be installed along the edge of the new parking boundary on 38 White Street and to replace the existing wooden fence along the side property boundary of 38 White Street; fence posts shall be installed between the existing arborvitae plants along the rear property boundary of 34 White Street, and four-strand wire fence shall be installed through the arborvitae plants to discourage trespass through the gaps in the arborvitae hedge.

**Attachment #2**

From: Peter DeMallie [PDeMallie@designprofessionalsinc.com]  
Sent: Tuesday, May 15, 2012 9:45 AM  
To: Tundermann, Len  
Cc: Judy Schuler; Hills, Sonja; 'Benjamin Wheeler, R.L.A.; Lawrence R.Geissler,Jr., L.S.; Michael Moore  
Subject: Email From Sonja & Dan Hills

Len - Please see the email below from Sonja Hills, on behalf of Sonja & Dan Hills, direct abutters. The new white vinyl fence, which matches the fence presently on two sides of the Hills' property, will be installed by my client on the Hills land, as part of the improvements associated with our site plan. Thank you.

Peter R. DeMallie  
President & Principal

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CIVIL & TRAFFIC ENGINEERS / PLANNERS / SURVEYORS / GIS / LANDSCAPE  
ARCHITECTS Serving Connecticut, Massachusetts, & Rhode Island  
P.O. Box 1167 860.291.8755 phone  
425 Sullivan Avenue 860.291.8757 fax  
South Windsor, CT 06074  
[www.designprofessionalsinc.com](http://www.designprofessionalsinc.com)<<http://www.designprofessionalsinc.com/>>

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From: Hills, Sonja [<mailto:Sonja.Hills@firstgroup.com>]  
Sent: Tuesday, May 15, 2012 9:27 AM  
To: Peter DeMallie  
Cc: hills.dan@gmail.com  
Subject: 1237 Hartford Tpke

Good Morning Mr. DeMallie,

I want to thank you and especially Michael Moore for your time yesterday (May 14, 2012) afternoon to discuss our concerns regarding the renovations to the property at 1237 Hartford Turnpike. I believe much was accomplished to our mutual satisfaction.

I am sending this email to acknowledge the agreements made yesterday. As discussed Michael Moore has given his word to finish off the existing white vinyl fence at the back of our property at 38 White St as well as replace the existing wooden fence with the matching white vinyl. As agreed Mr. Moore will take responsibility of installing the new fence based upon the existing fence but holds no responsibility regarding the gap from the bottom of the fence to the ground. My husband and I take the responsibility of filling in the gap as we see fit. We also will take the responsibility of taking down the existing

wooden fence and will coordinate that with the installation of the new fence so that there is no amount of time that our yard is exposed.

We understand that the current placement of the dumpsters for that property is the placement for all parties. Mr. Moore has agreed to speak to the managers of the businesses that utilize this dumpster to keep the dumpsters closed as well as to be more mindful about the garbage that is placed in them so that no garbage ends up on our property as it has at times in the past.

As for the lighting, we did discuss how if at all this will illuminate our property. As you stated, Mr. DeMallie the lighting that will be installed is designed specifically to shine down and will not illuminate our property. Mr. Moore also stated that at this time the lights will not be on all night long.

Based upon our discussion and as long as everyone holds true to the agreements made we have no objections to the renovations that will be made to the property at 1237 Hartford Turnpike and look forward to the completed project. I would like to thank Michael Moore for his time and willingness to listen and his understanding. It was a pleasure talking to you and hope that we can maintain a friendly relationship and continue to work out any issues that may arise in the future amicably.

Sincerely,

Dan and Sonja Hills

Sonja Hills-Location Manager

25 Whitney T Ferguson Rd

Vernon CT-12415

Phone-860-875-2826

Fax-860-875-1086[cid:image002.gif@01CD327C.DF3F6620]

**Attachment #3**

From: Peter DeMallie [PDeMallie@designprofessionalsinc.com]  
Sent: Thursday, May 17, 2012 11:06 AM  
To: Tundermann, Len  
Cc: Michael Moore; Judy Schuler; 'Benjamin Wheeler, R.L.A.; Lawrence R.Geissler,Jr., L.S.  
Subject: South Street Plaza - Abutter Decision (Martin), DPI Proj. No. 2301

Len - Our second abutter, Mike Martin (Tel. 860-978-1563) of 34 White Street in Rockville, with whom Michael Moore and I met last Monday evening, has decided to support retention of the established arborvitae hedge previously planted by my client on the South Street Plaza land and adjacent to his rear property line, and further requests that our fence vendor install vertical posts in between the individual arborvitae plants (most likely offset a bit from the tree trunks to facilitate installation), and install four horizontal rows of wire between these posts through the branches so as to prevent or discourage anyone from walking through the hedge and onto his property. At that meeting we also discussed the lighting plan, and Mr. Martin recognized that it was better to keep our design rather than lower the light fixtures which would result in many more lights in order to achieve the required light distribution, some of which would be closer to his property.

We have thus met with and reached agreement with both abutters who voiced concerns at the last PZC meeting with respect to our site plan. Judy Schuler, P.E., and Michael Moore will attend tonight's PZC meeting. Thank you.

Peter R. DeMallie  
President & Principal

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