

TOWN OF VERNON
Planning & Zoning Commission (PZC)
Approved Minutes – Regular Meeting
Thursday, March 20, 2014, 7:30 PM
Council Chambers, Third Floor
Memorial Building
14 Park Place
Rockville/Vernon, CT

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14 APR - 4 AM 10:08

1. Call to Order & Roll Call

- Meeting was called to order at 7:37 PM.
- **Regular Members Present:** Francis Kaplan, Charles Bardes, Victor Riscassi, Harry Thomas, B. Peter Hobbs, Ronald Scussel and Wes Shorts
- **Alternate Members Present:** Hector Reveron
- **Staff Present:** Shaun Gately, Economic Development Coordinator & Interim Planner and Town Attorney Hal Cummings
- **Recording Secretary:** Tanjua Damon-Merrow

2. Administrative Actions / Requests

2.1 Amendment / Adoption of Agenda – Additional business to be considered under agenda item #4 “Other Business”

- **Charles Bardes, seconded by Harry Thomas moved a motion to move Item # 3.2 Application (PZ-2014-02) of Talcottville Development CO. LLC for a Resubdivision of 2 lots at #57, #95 & #163 Hartford Turnpike to before agenda item 3.1. Motion carried unanimously.**

2.2 Communications received NOT related to Agenda Items

- Shuan Gately reported there was none.

2.3 Acceptance of the Minutes

- **Victor Riscassi, seconded by Harry Thomas moved a motion to move approval of the March 6, 2014 meeting to the April 3, 2014 Planning & Zoning meeting. Motion carried unanimously.**

3. Public Hearings and Actions on Applications

3.2 Application (PZ-2014-06) of Talcottville Development Co LLC for a Resubdivision of 2 lots at #57, #95 & #163 Hartford Turnpike (Assessor’s ID: Map #1, Block #158, Lot/Parcel 300057, #00095 & #00163).

- Dorian Famiglietti of Kahan, Kerensky & Capossela LLP represented the client and Mark Peterson, engineer on the project, reviewed the application request explaining that this would divide the one property into two properties to facilitate a sale of The Game Room property (a map was shown to the commission members – beige represented Lot #6 with 8.8 acres southerly to the Tankerhoosen River. This is the Game Room portion and green represented 10.9 acres northerly to the Tankerhoosen River. This portion is where the medical office building is located) allowing for the lot line to follow the Tankerhoosen and to have land on both sides of the Hockanum. This application was being done to facilitate a sale of The Game Room portion of the application. Attorney Famiglietti pointed out there were no changes being made just dividing the property.
- **Shaun Gately, Economic Development Coordinator, for the record, read the public notice.**
- Francis Kaplan asked if the Inland Wetlands Commission needs to take any action.
- Shaun Gately, Economic Development Coordinator explained the application went to Inland Wetlands but no action was needed to be taken by that commission.
- Francis Kaplan asked if there were any other boards or commissions that would need to approve anything.
- Shaun Gately, Economic Development Coordinator explained the application was simply seeking a boundary line change.
- **Charles Bardes, seconded by Harry Thomas moved a motion to accept the application. Motion carried unanimously.**

3.1 Application (PZ-2014-02) of Ed Johansen dba Mill Street Auto for a Special Permit and Site Plan approval to establish an automotive service & repair facility and for DMV locational approval for the use at #458 Talcottville Road (Assessor's ID: Map #09, Block #015T, Lot/Parcel #002ID)

- **Commission Chairman Francis Kaplan recused himself due to the fact that his property abuts the subject property. Vice Chairman Charles Bardes assumed the chairmanship for the proceedings regarding this application.**
- **Shaun Gately, Economic Development Coordinator read the public notice into the record.**
- Dorian Famiglietti of Kahan, Kerensky & Capossela LLP and John Martucci, engineer presented information about the site plan and general location plan to the commission.
 - The application needs a special permit under Sections 4.9, 5.74 and 20.4.

- In the early 1980s the location received approval at the location for similar usage.
- Property Owner Carlo Associates LLC has given approval for the business to be there.
- Attorney Famiglietti submitted eight (8) pictures of the property for the record. Attorney Cummings asked that they be labeled with the date submitted and numbered.
- Attorney Famiglietti presented how operations (safety measures, etc) will be facilitated which can be found in the application.
- Inland Wetlands and Conservation Commissions asked for secondary containment around the waste oil container.
- Towing part of business equates to about 1,000 calls a month. There isn't expected to be more than 4-5 after hours calls a week.
- Attorney Famiglietti entered 8 letters from existing neighbors into the record.
- Harry Thomas asked about the CLP right away next to the property.
- Charles Bardes asked if the supplemental waster oil container structure would hold the equivalent amount in the container.
 - John Martucci, engineer, reported that an additional 10% was added for a factor of safety.
- Victor Riscassi expressed reservations regarding the backup safety signals on the towing trucks. Questioned if it was a OSHA violation to turn them off.
- Victor Riscassi also mentioned he thought the town engineer would be available for the evening specifically to talk about the drain permit and would like to hear from the town engineer before making a decision. He mentioned the cracks in the pavement are a concern.
 - Attorney Famiglietti mentioned emails (March 4th – March 6th) from the town engineer (Terry McCarthy) and Inland Wetlands Officer (Craig Perry) that went back and forth about this. Attorney Cummings suggested they be read into the record and copies provided later.
 - Shaun Gately, Economic Development Coordinator, read the emails into the record.
 - Victor Riscassi said there was no indication on the plan that patching of the outside paved area will occur. He felt sealing and taking care of the cracks should be done before occupancy of the lot.
 - Shaun Gately, Economic Development Coordinator, pointed out this could be a condition of the approval of the application.
- Charles Bardes thought part of the concern was that Inland Wetlands had not given approval.

- Shaun Gately, Economic Development Coordinator, pointed out Inland Wetlands did give the condition or seals and cracks to be looked at on a quarterly basis and as necessary.
- Wes Shorts asked about the businesses already at the location who use the back of the building as entrances and what traffic impact this might have.
- B. Peter Hobbs asked if privacy slats could be added to chain link fence on the northern side.
- Ronald Scussel questioned if customers would park outside the security fence and if the business is also an impound lot.
 - Ed Johansen answered yes from audience.
- Harry Thomas asked how customers would enter the business with no frontage entrance.
 - Ed Johansen explained just the back but if a front store space opens up he would like to use that.
- Hector Reveron questioned what temporary storage means and how are the catch basins drained/inspected as well as can cars be seen from the street.
- Charles Bardes asked for an update from staff input.
 - Shaun Gately, Economic Development Coordinator, discussed a February 26th memo, which explained the zone is commercial and the activities being proposed are allowed with special permits. There was a variance granted in the past and variances do not expire. Staff feels requirements have been met.

Commission began a 20 minute recess at 8:53 PM.

Commission reconvened at 9:15 PM.

- **Charles Bardes asked if anyone had a formal petition to intervene. No petition was provided.**
- **Shaun Gately, Economic Development Coordinator** read the 8 letters submitted into the record during the meeting by Attorney Famiglietti.
 - **Jeff and Tina Spagnolo of 132 East Main Street** wrote live next door Mill Street Auto never had any issues or complaints.
 - **Scott K of 32 Grove Street** wrote no complaints about Mill Street. Great bunch of people to know.
 - **Marc Reyes 128 East Street** wrote never had any problem with Mill Street Auto. Business is right next door and the business is very courteous.
 - **Joleen Cheverria of 117 East Main Street** has lived at the address since February 2013. Hasn't heard any noise or complaints from the business. Mill Street seems like a busy business and are quiet and friendly.
 - **Signature not legible of 25 Pleasant Street** wrote I live 300 feet away from Mill Street Auto. Neighbors and I have never had any problems. They are always

willing to help. Once locked keys in their car and business helped to get them out.

- **David Kolanski (spelling??) of 29 Pleasant Street** wrote has never had a problem with the business The business has not affected us in any way with noise of anything. Staff and management have been respectful of our needs for a quiet residential neighborhood.
- **Signature not legible, 27 Pleasant Street** wrote never had any complaints regarding Mill Street Auto with any excess traffic or noise. They have been a great neighbor. If there were problems, writer felt complaints could be brought to the owner and would be respectfully dealt with.
- **Sarah King of 1238 Hartford Turnpike #48** – encouraged commission to support small business.
- **Public Comment:**
 - George LeTendre, 35 Pearl Drive asked the commission to deny the application because of the aquifer, and that the rear lot would be unsafe and nuisances as well as the impact on the wetlands near the property.
 - Michael Wallbillich, 201 Regan Road stated he thought the application should be approved because it would help the local economy.
 - Paul Guillemetter, 29 Pearl Drive asked the commission to deny the application because of the noise and traffic nuisances the business would cause the neighborhood.
 - Peter Botchis, 80 Pearl Drive stated he was against the application because along a 3.5 miles stretch of Talcottville Road there are 9 automobile facilities. He questioned why another one was needed.
 - Attorney Famiglietti addressed public comments.
 - Wes Shorts was concerned with antifreeze leakage.

Harry Thomas points out the clock is close to 10 PM. Charles Bardes asks commission members if they are willing to extend the meeting until 10:30 PM. Commission members unanimously agree.

Charles Bardes states public hearing is closed at 10:03 PM [Edited: Attorney Cummings did not believe the public hearing portion of the meeting was closed properly and stated so once a motion was completed – see below]

- Victor Riscassi is not prepared to make a final decision without discussion with the town engineer regarding aquifer protection.
- Harry Thomas mentioned Inland Wetlands has answered that question.
- Attorney Cummings states from a legal point of view Inland Wetlands is somewhat limited to wetlands and water courses. Aquifer is a Planning & Zoning question.

- Shaun Gately, Economic Development Coordinator, stated the Inland Wetlands Commission did receive information from the town engineer about drainage.
- Victor Riscassi again mentioned his concern with the paved lot and worried about the aquifers not being protected properly.

Victor Riscassi, seconded by Wes Shorts motioned that PZ-2014-02 be continued until the town engineer and associate engineer satisfy all concerns with the site plan and to add the application to the April 3, 2014 meeting. Harry Thomas abstained; all other members approved the motion.

4. Other Business

At this point Francis Kaplan re-assumed chairmanship of the meeting. Francis Kaplan noted for the record that he is not related Ken Kaplan, the applicant.

4.1 Site Suitability Hearing for the Hockanum Mills project at 3200 West Main Street, Vernon

- Leonard Jacobs explained to the commission that Ken Kaplan needs a Site Suitability approval from the Planning & Zoning Commission to send to the State of Connecticut so Mr. Ken Kaplan can begin a business of selling motorcycles out of a building on the Hockanum Mills site.
- Attorney Jacobs provided for the record a packet showing the work that Ken Kaplan has done to the Hockanum Mills Site with a loan from the State of Connecticut.
- Francis Kaplan questioned if the motorcycles would be built or repaired or both.
- Shaun Gately, Economic Development Coordinator, explained that the motorcycles are motor cross bikes. There would be storage onsite as well as repairs.
- B. Peter Hobbs wanted clarification of what the Planning & Zoning Commission needed to do, which was approve a site sustainability so Ken Kaplan can go to the state for a license.
- Attorney Cummings pointed out that Attorney Jacobs came to him to be proactive and cover all bases. The type of business is approved for the zone of the location.
- B. Peter Hobbs asked if the business would start next week.
- Shaun Gately, Economic Development Coordinator, pointed out a certificate of occupancy would be needed.

Charles Bardes, seconded by Harry Thomas moved that the commission approve the site suitability. Motion unanimously passed.

4.2 Receipt of Applications

- Shaun Gately, Economic Development Coordinator stated there were none.

4.3 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.

5. Adjournment

- **Charles Bardes, seconded by Harry Thomas moved to adjourn the meeting.**
- **Meeting adjourned at 10:32 PM.**

Tanjua Damon-Merrow
Recording Secretary