

Town Clerk

PZC Regular Meeting Minutes 2/6/2014 1/8

**TOWN OF VERNON  
Planning & Zoning Commission (PZC)  
Minutes – Regular Meeting  
Thursday, February 6, 2014, 7:30 PM  
Council Chambers, Third Floor  
Memorial Building  
14 Park Place  
Rockville/Vernon, CT**

RECEIVED  
VERNON TOWN CLERK  
14 FEB 19 AM 10:06

1. Call to Order & Roll Call

- ◆ Meeting was called to order at 7:36 P.M.
- ◆ Regular Members Present: Francis Kaplan, Charles Bardes, Victor Riscassi, Ron Scussel, Harry Thomas and Basil (Pete) Hobbs.
- ◆ Alternate Members Present: None
- ◆ Staff Present: 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 #4 "Other Business"

- ◆ Ron Scussel, seconded by Harry Thomas moved a motion to move Item # 2.4-Election of Officers after Item # 4.2. Motion carried unanimously.
- ◆ Charles Bardes, seconded by Ron Scussel moved a motion to Adopt the Agenda as amended to February 5, 2014. Motion carried unanimously.

2.2. Communications received NOT related to Agenda items

- ◆ DEEP, Connecticut Wildlife Magazine, November/December 2013.

2.3. Acceptance of Minutes

- ◆ Harry Thomas, seconded by Ron Scussel moved a Motion to approve the Regular Meeting minutes of December 19, 2013. Motion carried unanimously. Pete (Basil) Hobbs abstained.
- ◆ Charles Bardes, seconded by Ron Scussel moved a Motion to approve the Special Meeting minutes of January 16, 2014. Motion carried unanimously. Harry Thomas abstained.

2.4. Election of Officers

- ◆ Moved after Item 4.2

3. Public Hearings and Actions on Applications

3.1. Application (PZ-2013-22) of the Vernon Planning Department for proposed changes to the Vernon Zoning Regulations to add section 21 to establish regulations and map to create a Rockville Village District Overlay Zone.

- ◆ Shaun Gately, Economic Development Coordinator read the Legal Notice into the record.

*Public Notice  
Town of Vernon*

*The Vernon Planning & Zoning Commission (PZC) will hold the following public hearing at a regular meeting at 7:30 PM on Thursday, February 6, 2014, in the Town Hall Council Chambers on the Third Floor at 14 Park Place, Rockville/Vernon:*

*Application (PZ-2013-22) of the Vernon Planning Department for proposed changes to the Vernon Zoning Regulations to add section 21 to establish regulations and map to create a Rockville Village District Overlay Zone.*

*This PZC applications is available for inspection by the public in the office of the Planning Department, 55 West Main Street, Rockville, CT.*

*Francis Kaplan, Chairperson  
Planning & Zoning Commission (PZC)*

- ◆ Continued Public Hearing from January 16, 2014.
- ◆ Public Comment
  - Mark Leighton, Leighton, Katz & Drapeau
    - Reviewed letter sent to the Chairman, dated January 17, 2014 (read into the record.) (Attachment)
    - Concerned that proposed Zoning changes would not “grandfather” current existing businesses.
    - Concerned that the proposed regulations may cause businesses to leave Rockville area.
  - Harry Thomas questioned the reason behind the restriction.
  - Shaun Gately indicated that the language used was the same as in the current regulations and may have been changed in June 1999, §4.23.
  - Mark Leighton was concerned the proposed change may limit possible businesses in the Rockville area.
  - Harry Thomas felt a statement should be added to show “grandfathering” of existing businesses in the proposed zone area.
  - Shaun Gately indicated that the language exists in the current zone as well as the proposed overlay zone. Reviewed POCD references regarding suggested development goals for the Rockville area.
    - Reviewed Zoning Regulation §21.5.15
    - If structure was all commercial professional offices would not be allowed.
  - Charles Bardes suggested utilizing a Special Permit to allow for Professional Offices on the First Floor in §21.5.4.
  - Shaun Gately suggested the POCD may not suggest utilizing a Special Permit for the use.
  - Pete (Basil) Hobbs was concerned that existing businesses may not be “grandfathered”.
  - Shaun Gately indicated that the proposed overlay zone would only apply to new structures and new uses.
  - William Breslau, Kahan, Kerensky & Cappossela, 60 Haylin Drive
    - Economic Development Member
    - Rockville Downtown Association Member
    - Concerned with creating a multi-regulation zone for developers to review.

- Re: 21.5.2 – Drive-up windows for businesses. May have businesses this would prevent.
- Felt language should be clear regarding allowed uses.
- Re: 21.5.13, 21.5.15, 21.5.16 – felt language needs to be reconciled.
- Re: 21.8.2 – questioned reasoning for difference in residential and commercial setbacks.
- Discussion to place regarding non-conforming pre-existing uses.
- Re: 21.9 – Suggested adding “Alternative materials, configurations or designs may be proposed by the applicant and may be approved by the Commission if they meet the purpose and intent of the district.”
- Re: 21.9.1.5, Section 2, b – requested to delete “...and not compete...”.
- Charles Bardes, seconded by Ron Scussel moved a motion to close the Public Hearing. Motion carried unanimously.
- Public Hearing was closed at 8:43 P.M.
- 
- Shaun Gately reviewed the edits to the proposed regulations based on prior reports.
- Harry Thomas, seconded by Ron Scussel moved a motion as follows:

**ADOPTED MOTION**  
**PZ-2013-22**

*Approval of Rockville Village District Overlay Zone regulations and corresponding map*  
**MOVED**, that the Vernon Planning & Zoning Commission does hereby **APPROVE**, as amended herein, Application [PZ-2013-22] of the Town of Vernon to add a section to the Vernon Zoning Regulations to establish standards for building uses, design, and streetscape elements within an area proposed to be established as the Rockville Village District Overlay Zone, and reference map showing the boundaries of the Village District Overlay Zone.

*In addition to the Rockville Village District Overlay Zone regulations and corresponding map, this approval is granted in accordance with an application dated November 20, 2013, and subsequent public hearings on December 19, 2013, January 16, 2014 and February 6, 2014.*

*This approval is granted because the PZC finds that the application, to be in accordance with the 2012 POCD, and is in the best interest of the future sound development of the Rockville area.*

*The approval is effective as of February 7, 2014.*

*The PZ Commission hereby approves the above mentioned Rockville Village District Overlay Zone with the following conditions, modifications, restrictions, and safeguards:*

1. *The above-referenced Rockville Village District Overlay Zone will be appropriately numbered to fit into the current zoning regulations.*
2. *In Sec. 21.4, 21.7.6, 21.8.6.1.4, 21.8.10.1, 21.8.11.1, 21.8.11.2, and 21.9 all mentions of “commission” shall be replaced by (PZC)*
3. *In Sec. 2 1.8.11.4 the last sentence, the word “entrance” should be made plural by changing it to “entrances”.*

4. *In Sec. 21.5.4 – Shall read “Professional or business offices; governmental offices and facilities; clinics; dental, medical and health offices, provided none of the aforementioned uses is to be located on the ground floor of a building; for purposes of these regulations, “ground floor” shall be defined as the floor of the building that is entered from street level; unless granted by a Special Permit;*

◆ **Motion carried unanimously.**

3.2. 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 #0021D)

◆ **Shaun Gately, Economic Development Coordinator read the Legal Notice into the record.**

*Public Notice  
Town of Vernon*

*The Vernon Planning & Zoning Commission (PZC) will hold the following public hearing at a regular meeting at 7:30 PM on Thursday, February 6, 2014, in the Town Hall Council Chambers on the Third Floor at 14 Park Place, Rockville / Vernon:*

*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 #0021D)*

*This PZC applications is available for inspection by the public in the office of the Planning Department, 55 West Main Street, Rockville, CT.*

*Francis Kaplan, Chairperson  
Planning & Zoning Commission (PZC)*

- ◆ **Letter from the applicant’s Attorney, dated January 30, 2014 was read into the record. (Attachment)**
- ◆ **Charles Bardes, seconded by Harry Thomas moved a motion to continue the application to the March 6, 2014 meeting. Motion carried unanimously.**

4. Other Business

4.1. Receipt of Application

4.1.1. Application (PZ-2014-03) of Brian Liistro on behalf of Vernon Manor Health Care Center, LLC for Special Permits to (1) exceed permitted lot coverage to 25.7%, (2) expand residential development in an Aquifer Protection Zone, and (3) modify the approved Site Plan to accommodate the building additions, add 13 parking spaces, and make other exterior site improvements at #180 Regan Road (Assessor’s ID: Map #21, Block # 021F, Lot/Parcel #00091)

◆ **Ron Scussel, seconded by Harry Thomas moved a motion to Receive and schedule a Public Hearing on February 20, 2014. Motion carried unanimously.**

4.1.2. Application (PZ-2014-04) of Spare Time Bowling Alley for a Modification of a Site Plan for an Addition to the building at #340 & #350 Talcottville Road (Assessor’s ID# Map # 09, Block# 015H, Parcel/Lot#26B)

- ◆ **Charles Bardes, seconded by Ron Scussel moved a motion to Receive and schedule a Public Hearing on February 20, 2014. Motion carried unanimously.**

4.2. 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.

4.3. Election of Officers

- ◆ **Nominations for Chairman:**

- Harry Thomas, seconded by Charles Bardes nominated Francis Kaplan for Chairman.
- Francis Kaplan accepted the nomination.
- No other nominations were made.
- Nomination for Chairman were closed
- Francis Kaplan was elected as Chairman.

- ◆ **Nominations for Vice-Chairman:**

- Ron Scussel, seconded by Pete (Basil) Hobbs nominated Charles Bardes for Vice-Chairman.
- Charles Bardes accepted the nomination.
- No other nominations were made.
- Nominations for Vice-Chairman were closed.
- Charles Bardes was elected as Vice-Chairman.

- ◆ **Nomination for Secretary:**

- Francis Kaplan, seconded by Harry Thomas nominated Victor Riscassi for Secretary.
- Victor Riscassi was not present to accept the nomination.
- No other nominations were made.
- Nominations for Secretary were closed.
- Victor Riscassi was elected as Secretary.

5. Adjournment.

- ◆ **Harry Thomas, seconded by Charles Bardes moved a Motion to Adjourn. Motion carried unanimously.**
- ◆ **Meeting Adjourned at 9:20 P.M.**

**James Krupienski  
Recording Secretary**

Attachment #1

LAW OFFICES OF  
LEIGHTON, KATZ & DRAPEAU

20 EAST MAIN STREET  
ROCKVILLE, CONNECTICUT 06066

MARK D. LEIGHTON†  
JAMES L. KATZ  
FRANCIS X. DRAPEAU†  
SCOTT A. CARTA†  
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860.347.6500

†ALSO ADMITTED IN MASSACHUSETTS

†BOARD CERTIFIED WORKERS  
COMPENSATION SPECIALIST

PLEASE REPLY TO ROCKVILLE

January 17, 2014

RECEIVED

JAN 22 2014

Mr. Francis Kaplan  
Chairperson, Planning and Zoning Commission  
55 West Main Street  
Rockville, CT 06066

TOWN PLANNER'S OFFICE

RE: Zoning Change Proposal

Dear Mr. Kaplan:

I had planned to attend your meeting of January 16, 2014; however, I was advised through Rockville Downtown Association that the meeting was closed for public comment. I subsequently learned that you did open the meeting to public comment.

I have reviewed the proposed zone change for the Rockville Village District Overlay.

While I feel that overall, this is a comprehensive, and good proposal, it seems to be drafted in a way to accommodate one particular proposal, and as such may exclude uses that otherwise may be conducive to appropriate current and future use and development in the downtown area.

I will not address all the areas I had concerns with. Instead, I will address one, in particular that would have a direct impact on my business.

Section 21.5.4 "Uses" states in part the following uses are allowed:

"Professional or business offices; . . . provided none of the aforementioned uses is to be located on the ground floor of a building . . ."

Mr. Francis Kaplan  
Page 2  
January 17, 2014

This would make our current office non-compliant, as we indeed are located on the ground floor. Does this mean that we should consider moving or be required to move our office out of Rockville? We currently employ 12 well paid professionals, who bring their salaries into downtown Rockville and where they spend at least a portion of their earnings at other local Rockville businesses, and other businesses in the Town of Vernon. Does it mean that if future buildings are put up that do not have two stories that professional offices would be excluded? Is this really what is intended for downtown Rockville (especially with two courthouses located here)?

Naturally, if I need to move our office, then so be it. However, it would be unfortunate as we have been located in Rockville for over 20 years, and have invested well over \$100,000 in renovations and improvements in our office space, and have been a taxpayer for all of those years.

Thank you for your consideration. Should future meetings be held to allow public comment, I hope to be able to attend.

Very truly yours,



Mark D. Leighton  
mdleighton@LeightonLawyers.com

MDL:sw

cc: Mr. Leonard Tundermann, Town Planner

Attachment #2



January 30, 2014

Leonard Tundermann  
Town Planner  
55 Main Street, 2<sup>nd</sup> Floor  
Vernon, CT 06066

RE: 458 Talcottville Road- Mill Street Auto

Dear Len:

As you know I represent the applicant, Mill Street Auto, in connection with the above referenced application.

In light of the Inland Wetland Commission's continuation of the public hearing on the related wetlands application (to February 25, 2014), please take this letter as the applicant's request to continue the February 6, 2014 Planning and Zoning Commission meeting to March 6, 2014.

Please note that we do not plan on attending the February 6, 2014 meeting and ask that no testimony or evidence be taken into the record. We would ask that the hearing simply be continued immediately after it is opened. We will be prepared to do a full presentation at the March 6, 2014 meeting.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to call.

Very truly yours,

Dorian L. Famiglietti

cc: Ed Johansen  
John Martucci  
Carmen Giuliano

Stephen M. Bacon  
Michael A. Bars  
Christopher T. Bowen  
William E. Breslau  
Joseph P. Capossela  
William J. Dakin  
Dorian Reiser Famiglietti  
Solomon Kerensky  
Michael J. Kopsick  
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