

TOWN OF VERNON
Planning & Zoning Commission (PZC)

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Thursday, July 18, 2019, 7:30 PM
Town Hall
14 Park Place, 3rd Floor
Council Chambers
Vernon, CT

Approved Minutes

1. Call to Order & Roll Call by Susan Reudgen, Chairperson at 7:30pm
 - Regular members present: Susan Reudgen, Roland Klee, Joseph Miller Wes Shorts, Jesse Schoolnik and Iris Mullan
 - Absent Members: Ronald Scussel
 - Alternate Members: Mark Mitchell
 - Staff present: Shaun Gately, Interim Town Planner
 - Recording secretary: Cassandra Minor

2. Administrative Actions/Requests

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

Interim Town Planner, Shaun Gately requested the Commission move to Section 4 New Applications after discussion Aquifer Protection Agency Public Hearing, receive the applications and then return to application PZ-2019-03 and PZ-2019-04. Wes Shorts made a motion to accept the changes to the published agenda. Jesse Schoolnik seconded and the motion carried unanimously.

- 2.2 Communications received NOT related to Agenda items, if any

Interim Town Planner, Shaun Gately explained that a letter was received from Attorney Martin Burke in reference to the Court Case previously discussed regarding 206 Talcottville Road and a letter from Robinson + Cole regarding a Facility Modification to 60 Industrial Park Road for a cell tower.

- 2.3 Acceptance of the Minutes from the June 6, 2019 meeting

Wes Shorts made a motion to accept the Minutes from the June 6, 2019 meeting. Joseph Miller seconded and the motion carried unanimously.

- 2.4 Sec. 8-24 Referral for acquisition of 62 Union Street for use as a municipal building and subsequent improvements to the land (Assessor ID: Map 23, Block 0106, Parcel 18)

Roland Klee made a motion to accept 8-24 Referral for acquisition of 62 Union Street for

use as a municipal building and subsequent improvements to the land at Assessor ID: Map 23, Block 0106, Parcel 18. Wes Shorts seconded and the motion carried unanimously.

Chairperson Susan Reudgen made Alternate Member Mark Mitchell a voting member in the absence of Ronald Scussel.

3. Public Hearing and Action on Application(s)

Application [PZ-2019-05] of Cassidy Hwalek for a Special Permit for Massage and Special Permit for Commercial education or recreational activities at 220 Hartford Turnpike (Assessor's ID: Map 02, Block 013A, Parcel 03)

- Interim Town Planner, Shaun Gately read the legal notice into record.
- Legal notice was published in the Journal Inquirer on July 6, 2019 and July 13, 2019.
- Cassidy Hwalek, Applicant spoke and answered questions.
- Discussion ensued.
- No public comments were made.
- Chairperson, Susan Reudgen closed the public hearing at 7:43 PM.

Jesse Schoolnik made a motion to approve Application PZ-2019-05 of Cassidy Hwalek for a Special Permit for massage and special permit for commercial education or recreational activities at 220 Hartford Turnpike Assessor's ID: Map 02, Block 013A, Parcel 03. Joseph Miller seconded and the motion carried unanimously.

Aquifer Protection Agency public hearing to approve Aquifer Protection Regulations

- Interim Town Planner, Shaun Gately read the legal notice into record.
- Legal notice was published in the Journal Inquirer on July 6, 2019, July 7, 2019, July 13, 2019 and July 14, 2019.
- Discussion ensued.
- No public comments were made.
- Chairperson Susan Reudgen closed the public hearing at 7:50 PM.

Jesse Schoolnik made a motion to adopt the Aquifer Protection Regulations. Roland Klee seconded and the motion carried unanimously.

4. New Application(s)

Received date: June 20, 2019 (statutorily received due to meeting cancellation)

Application [PZ-2019-06] of Steve Moser, Member of Dart Hill, LLC, for a Site Plan and Special Permits for parking, storage, distribution and office space for fundraising products at **670 Dart Hill Rd.** (Assessor's ID: Map 04, Block 0004, Parcel 03A).

Roland Klee made a motion to set the Public Hearing date for PZ-2019-06 for August 1, 2019. Wes Shorts seconded and the motion carried unanimously.

Received date: July 18, 2019

Application [PZ-2019-07] of the Town of Vernon's Planning and Zoning Commission by it's Staff Liaison, Shaun Gately, for a **text amendment** modification to the Town of Vernon's Zoning Regulations Section 17.1 Alcoholic liquors.

Wes Shorts made a motion to set the Public Hearing for PZ-2019-07 for August 1, 2019. Joseph Miller seconded and the motion carried unanimously.

Received date: July 18, 2019

Application [PZ-2019-08] of Rashid Hamid, President of Naek Construction Co., Inc., for a Zone Change from the SED Zone to the Planned Development Zone: Gerber Farm Area, for seven parcels: **291 Talcottville Rd. Parcel A** (Assessor's ID: Map 03, Block 0004, Parcel 09A), **291 Talcottville Rd. Parcel B** (Assessor's ID: Map 03, Block 0004, Parcel 09A), **26 Naek Rd.** (Assessor's ID: Map 03, Block 0004, Parcel 008-8), **32 Naek Rd.** (Assessor's ID: Map 03, Block 0004, Parcel 008-7), **37 Naek Rd.** (Assessor's ID: Map 03, Block 0004, Parcel 008-4), **38 Naek Rd.** (Assessor's ID: Map 03, Block 0004, Parcel 008-6), **46 Naek Rd.** (Assessor's ID: Map 03, Block 0004, Parcel 008-5).

Wes Shorts made a motion to schedule the Public Hearing for PZ-2019-08 for August 15, 2019. Roland Klee seconded and the motion carried unanimously.

3. Public Hearing and Action on Application(s) (continued)

Application [PZ-2019-03] of Ken Kaplan for a proposed Text Amendment to the Town of Vernon's Zoning Regulations Section 2 – Definitions, 2.89 Public Institution.

- Interim Town Planner, Shaun Gately read the legal notice into record.
- Legal notice was published in the Journal Inquirer on July 6, 2019 and July 13, 2019.
- Attorney Joseph Mortellit, of Kahan, Kerensky & Capossela, LLP spoke on behalf of the applicant.
- Discussion ensued.
- No public comments were made.
- Chairperson Susan Reudgen closed the public hearing at 8:07 PM.

Roland Klee made a motion to approve Application PZ-2019-03 for a proposed Text Amendment to the Zoning Regulations regarding Section 2- Definitions, Public Institutions as it is consistent with the Plan of Conservation and Development. Wes Shorts seconded and the motion carried unanimously.

Recess 8:09 PM; Reconvened 8:17 PM

Application [PZ-2019-04] of Dorian Famiglietti for a proposed new section to the Town of Vernon's Zoning Regulations entitled Section 3.30, Projections into Yards, **and** several other Text Amendments to various sections of the Regulations.

- Interim Town Planner, Shaun Gately read the legal notice into record.
- Legal notice was published in the Journal Inquirer on July 6, 2019 and July 13, 2019.
- Public Hearing was opened at 8:18 PM

Wes Shorts made a motion to table the discussion on Public Hearing PZ-2019-04. Joseph Miller seconded and the motion carried unanimously.

5. Other Business/Discussion

5.1 POCD

Interim Town Planner, Shaun Gately explained to the Commission that the request for qualifications for Consultant Services for preparation of a Plan of Conservation and Development has been published. Discussion ensued.

5.2 Sustainable CT

Interim Town Planner, Shaun Gately spoke in relation to the Sustainable CT Silver Certification the Town of Vernon is working towards obtaining. Discussion ensued.

3. Public Hearing and Action on Application (s) CONTINUED

Application [PZ-2019-04] of Dorian Famiglietti for a proposed new section to the Town of Vernon's Zoning Regulations entitled Section 3.30, Projections into Yards, and several other Text Amendments to various sections of the Regulations. CONTINUED

- Public Hearing resumed at 8:25 PM
- Dorian Famiglietti of Kahan, Kerensky & Capossela, LLP, application spoke and answered questions.
- No public comment was made.
- Chairperson, Susan Reudgen closed the public hearing at 8:53 PM.

Recess 8:54 PM; Reconvened 9:01 PM

Jesse Schoolnik made a motion to approve application PZ-2019-04 of Dorian Famiglietti to make the following revisions to the zoning regulations, because they are consistent with the POCD, specifically to "update land use regulations to improve user friendliness".

1. Applicant proposes to add a new section to the Vernon Zoning Regulations as follows:

Section 3.30 Projections into Yards

Nothing in these regulations shall prohibit the projection into a required yard of the following, *provided the required yard is not within and does not abut a residential zoning district*: such building features as pilasters, columns, sills, windows, cornices, roof overhangs, eaves, chimneys, canopies and awnings, or other similar architectural building features, or stoops or open fire escapes. *In the event the required yard is within or abuts a residential zoning district*, such a projection into a required yard is permitted but is limited to 2 feet or less into the required yard. Notwithstanding the foregoing, the maximum of any canopy that projects into a required yard shall not exceed 200 sq. ft.

Further, nothing in these regulations shall prohibit the construction or erection of the following within a required yard, provided the requirements of Section 3.7 are satisfied: fences or walls six (6) feet in height or less, necessary retaining walls, lighting (further provided the requirements of Section 13.5 are

satisfied), signs (further provided the requirements of Section 16.1.5 are satisfied), and parking areas (further provided the requirements of Section 12.3.2 are satisfied).

Further, nothing in these regulations shall prohibit the projection into a required yard of handicap access ramps, landings and decks to the extent necessary to meet the minimum requirements for access or egress by a handicapped person.

2. Applicant also proposes to revise Section 2.140 of the Vernon Zoning Regulations as follows (language stricken is proposed to be deleted):

2.140 Area and Yard Requirements: Area and yards are intended to establish the placement of buildings, structures or accessory structures (including roofs, overhangs, and canopies, but excluding chimneys and uncovered steps) and the dimensions of the lot upon which they are to be built.

3. Applicant proposes to delete Section 4.9.4.15.8 of the Vernon Zoning Regulations in light of the Court's ruling in MacKenzie v. Planning and Zoning Commission of Town of Monroe, 146 Conn. App. 406 (2013).
4. Applicant proposes to delete Section 4.10.4.11.8 of the Vernon Zoning Regulations in light of the Court's ruling in MacKenzie v. Planning and Zoning Commission of Town of Monroe, 146 Conn. App. 406 (2013).
5. Applicant proposes to delete Section 4.14.4.12.8 of the Vernon Zoning Regulations in light of the Court's ruling in MacKenzie v. Planning and Zoning Commission of Town of Monroe, 146 Conn. App. 406 (2013).
6. Applicant proposes to delete Section 4.15.3.10.8 of the Vernon Zoning Regulations in light of the Court's ruling in MacKenzie v. Planning and Zoning Commission of Town of Monroe, 146 Conn. App. 406 (2013).
7. Applicant proposes to delete Section 4.16.3.11.6 of the Vernon Zoning Regulations in light of the Court's ruling in MacKenzie v. Planning and Zoning Commission of Town of Monroe, 146 Conn. App. 406 (2013).
8. Applicant proposes to delete Section 4.17.3.24.8 of the Vernon Zoning Regulations in light of the Court's ruling in MacKenzie v. Planning and Zoning Commission of Town of Monroe, 146 Conn. App. 406 (2013).
9. Applicant proposes to delete Section 4.18.3.3.8 of the Vernon Zoning Regulations in light of the Court's ruling in MacKenzie v. Planning and Zoning Commission of Town of Monroe, 146 Conn. App. 406 (2013).
10. Applicant proposes to delete Section 4.19.3.2.8 of the Vernon Zoning Regulations in light of the Court's ruling in MacKenzie v. Planning and Zoning Commission of Town of Monroe, 146 Conn. App. 406 (2013).
11. Applicant proposes to delete Section 4.20.4.13.8 of the Vernon Zoning Regulations in light of the Court's ruling in MacKenzie v. Planning and Zoning Commission of Town of Monroe, 146 Conn. App. 406 (2013).

12. Applicant proposes to delete Section 4.21.5.11.8 of the Vernon Zoning Regulations in light of the Court's ruling in MacKenzie v. Planning and Zoning Commission of Town of Monroe, 146 Conn. App. 406 (2013).
13. Applicant proposes to delete Section 4.22.8.6 of the Vernon Zoning Regulations in light of the Court's ruling in MacKenzie v. Planning and Zoning Commission of Town of Monroe, 146 Conn. App. 406 (2013).

Joseph Miller seconded and the motion carried unanimously.

6. Communications sent
None.
7. Adjournment

Jesse Schoolnik made a motion to adjourn at 9:05 PM. Wes Shorts seconded and the motion carried unanimously.

Respectfully Submitted,



Cassandra Minor
Recording Secretary