

TOWN OF VERNON
Planning & Zoning Commission (PZC)
Meeting Notice
Thursday, September 16, 2010, 7:30 PM
Council Chambers, Third Floor
Memorial Building
14 Park Place
Rockville/Vernon, CT

RECEIVED
VERNON TOWN CLERK
10 OCT -7 PM 6:50

1. Call to Order & Roll Call

- ◆ **Meeting was called to order at 7:31 P.M.**
- ◆ **Regular Members present:** Lester Finkle, Chester Morgan, Watson Bellows, Francis Kaplan, Walter Mealy and Sarah Iacobello (7:40 P.M.).
- ◆ **Alternate Members present:** Charles Bardes, Stanley Cohen and Victor Riscassi. Charles Bardes to sit for Keith Lauzon. Stanley Cohen to sit for Sarah Iacobello.
- ◆ **Staff Present:** Leonard Tundermann, Town Planner, Marina Rodriguez, EDC, Asst. Town Planner, Terry McCarthy, Town Engineer.
- ◆ **Recording Secretary:** James Krupinski

2. Administrative Actions/Requests

2.1. Communications received NOT related to Agenda items

- ◆ **CCM Annual Convention Brochure on October 6, 2010**
- ◆ **Editorial from the Hartford Courant dated September 8, 2010 initiative for "green" technologies.**
- ◆ **Approval Letter dated September 14, 2010 for Robert Dwyer, 105 Industrial Park Road.**
- ◆ **Department of Environmental protection, Notice for Diversion Permit to reconstruct the Phoenix Street Bridge.**

2.2. Amendment / Adoption of Agenda - Additional business to be considered under agenda item #6 "Other Business"

- ◆ **Item #3.3 PZ-2010-16 prior to Item # 3.2 PZ-2010-13.**
- ◆ **Francis Kaplan, seconded by Walter Mealy moved a Motion to Adopt the Agenda as Amended.**

2.3. Acceptance of Minutes

- ◆ **Chester Morgan seconded, by Stanley Cohen moved a Motion to Approve the Draft Minutes of the August 5, 2010 Regular Meeting. Motion carried unanimously.**
- ◆ **Charles Bardes seconded, by Stanley Cohen moved a Motion to Approve the Draft Minutes of the August 19, 2010 Regular Meeting. Motion carried unanimously.**
- ◆ **The Draft Minutes of the September 2, 2010, 2010 Regular Meeting were moved to the October 7, 2010 meeting.**
- ◆ **The Draft Minutes of the September 9, 2010 Special Meeting were moved to the October 7, 2010 meeting.**

3. Public Hearings

3.1. Continued Hearing for Application (PZ-201 0-12) of Joel Stavens for Resubdivision of two parcels into two rear lots at #310 Lake St. (Assessor's ID: Map #14, Block #143, Lot/Parcel #48C & #49C).

- ◆ Leonard Tundermann, Town Planner indicated that the applicant was withdrawing and resubmitting their application.
- ◆ Lester Finkle read the Letter of Withdrawal from the applicant into the record.
- ◆ Chester Morgan, seconded by Watson Bellows moved a Motion to Accept the Withdrawal. Motion carried unanimously.

3.3 Continued Hearing for Application [PZ-2010-16] of Samuel Belsito for a Zone Change from Special Economic Development Zone to Commercial at #295 Talcottville Road (Assessor's ED: Map #10, Block #0004, Lot/Parcel #0008C).

- ◆ Chester Morgan indicated that he would not be sitting for the application.
- ◆ Sarah Iacobello entered the meeting at 7:40 P.M.
- ◆ Stanley Cohen to sit for Chester Morgan.
- ◆ Mr. Belsito requested a decision of the application as presented to the commission.
- ◆ Public Hearing was closed at 7:41 P.M.
- ◆ Watson Bellows questioned the zoning of adjacent parcels.
- ◆ Leonard Tundermann, Town Planner indicated parcels adjacent to naek Road were Special Economic Development (SED) Zone and proceeding northerly enters into the Commercial Zone.
- ◆ Watson Bellows questioned Zone change of parcel at the corner of Hockanum Boulevard.
- ◆ Leonard Tundermann, Town Planner indicated that it had been changed to Commercial three (3) to five (5) years ago.
- ◆ Discussion took place regarding the requirements of the Special Economic Development Zone (SED) versus the Commercial Zone (C).
- ◆ Watson Bellows, seconded by Charles Bardes moved a Motion to Deny the Application.
 - Watson Bellows spoke to the possibility of expanding development on the existing parcel. Stated that flexibility exists on the parcel under the current zoning.
- ◆ Motion carried 4-3. Walter Mealy, Watson Bellows, Stanley Cohn and Charles Bardes voted to deny. Francis Kaplan, Sarah Iacobello and Lester Finkle not deny.

3.2. Continued Hearing for Application (PZ-2010-13) of Ellington Prospect LLC for Zoning Amendment to Section 3.26 Re-use, Adaptive of the Vernon Zoning Regulations to include a new category of buildings.

- ◆ Chester Morgan recused himself from the application.
- ◆ Stanley Cohen to sit for Chester Morgan.
- ◆ Public Testimony was closed during the previous session.
- ◆ Staff Input
- ◆ Leonard Tundermann, Town Planner:
 - NR-10 zoned properties are not allowable for Adaptive Reuse regulations
 - Read into the record Town Counsel, Harold Cummings, review of Adaptive Reuse, dated September 16, 2010. (Attachment)
 - Commission needs to determine status of outstanding issues not reviewed by Town Counsel.
- ◆ Attorney Leonard Jacobs, 56 Deepwood Drive:

- Suggested comments from the Town Attorney could be considered as new evidence and should allow for Public Comment.
 - ◆ Leonard Tundermann, Town Planner indicated that the commission would need to determine if the Town Attorney response is new information allowing for additional Public Comment.
 - ◆ Rebuttal & Summation
 - Attorney Leonard Jacobs:
 - Requesting to extend existing Adaptive Reuse regulations to include structures greater than 5,000 sq/ft.
 - Size and age of buildings would apply to Historical structures.
 - Any application would require Special Permit approval and additional Special Permit sections.
 - No Certificate of Occupancy was issued for official use of the Ellington Avenue property as a residence.
 - Existing second (2nd) structure pre-exists Zoning Regulations.
 - POCD – Goal to reuse vacant structures; Preserve scenic cultural resources; Encourage occupancy and reuse.
 - Commission would have complete control the Adaptive Reuse application if the amendment is approved.
 - ◆ Discussion took place regarding local commissions that review applications for aesthetics.
 - ◆ Sarah Iacobello reviewed design review guidelines for the Local Historic Properties Commission (LHPC). Certificate of Appropriateness would be required if listed on the Local Historic Property registry.
 - ◆ Francis Kaplan, seconded by Watson Bellows moved a Motion to continue the application to October 7, 2010. Motion carried unanimously.
 - ◆ Five minute recess at 8:52 P.M.
 - ◆ Meeting reconvened at 9:10 P.M.
- 3.3. Continued Hearing for Application [PZ-2010-16] of Samuel Belsito for a Zone Change from Special Economic Development Zone to Commercial at #295 Talcottville Road (Assessor's ED: Map #10, Block #0004, Lot/Parcel #0008C.
- ◆ Moved prior to Item # 3.3 in the Amended Agenda.
- 3.4. Application [PZ-2010.-17J of Marina Rodriguez, Vernon CED Coordinator, for an Amendment to the Zoning Regulations, Section 4.25.2, PDZ 1-84 Exit 67 Area.
- ◆ Chester Morgan was reseated as regular member. Stanley Cohen returned to alternate member.
 - ◆ Leonard Tundermann, Town Planner read the Legal Notice into the record.
 - ◆ Marina Rodriguez, Assistant Town Planner/Economic Development Coordinator, Applicant:
 - Reviewed memorandum dated September 16, 2010. (Read into the Record.)
 - Indicated the existing Zoning has had a negative impact on the development at the parcel.
 - Supplied excerpts from the POCD pgs 123-127, Land Strategy Map, June 2001.
 - Presented proposed development based on a 125,000 sq/ft and 90,000 sq/ft structures with existing zoning and the proposed amendment changes.

- ◆ Sarah Iacobello indicated concern with modifying approved Zoning setbacks developed by a paid independent consultant.
- ◆ Marina Rodriguez, Assistant Town Planner/Economic Development Coordinator indicated the parcel has received nine or ten (9-10) inquiries.
- ◆ Sarah Iacobello requested justification for the existing zoning at the site be reviewed.
- ◆ Watson Bellows reviewed the previous history relative to the zoning amendment at the site. Requested memorandum from Mary Kelly, circa 2005 be supplied in the next meeting packet.
- ◆ Commission requested review of previous process to develop current zoning at the site in 2005.
- ◆ Sarah Iacobello stated concern with applications that are being presented to change zoning to fit development needs. Suggested moratorium on zoning amendments until current zoning regulations have been reviewed for possible amendments.
- ◆ Chester Morgan, seconded by Francis Kaplan moved a Motion to Continue the application to the October 7, 2010 meeting. Motion carried unanimously.

4. Old Business

4.1. Plan of Conservation and Development

- ◆ **Watson Bellows:**
 - Infrastructure meeting was informative;
 - Meeting was held on Monday with Planimetrics and Pert Group regarding the upcoming phone survey.
 - Questions are being developed for submission to the subcommittee for approval (max of 40 questions).
 - Survey will be to a maximum for 400 answers to the survey.

4.2. Bylaws

- ◆ Previously presented Draft Bylaws have been revised based on discussion and supplied to the Town Counsel for review.

5. New Business.

5.1. Receipt of Applications:

- 5.1.1. Application [PZ-2010-18] of Tina Zajac/Lots and More for a Special Permit for outside display of retail products occupying an area greater than ten (10) percent of gross floor area of the business at #48 Windsor Avenue (Assessor's ID: Map #22, Block #0030, Lot/Parcel #00042).
 - ◆ Chester Morgan, seconded by Stanley Cohen moved a Motion to Accept and Schedule a Public Hearing on October 21, 2010. Motion carried unanimously.
- 5.1.2 Application (PZ-2010-19) of Joel Stavens for a three Lot (3) Resubdivision at #306, 310 & 320 Lake Street. (Assessor's ID: Map #14, Block #143, Lot/Parcel #48C, 49B & #49C).
 - ◆ Charles Bardes, seconded by Stanley Cohen moved a Motion to Accept and Schedule a Public Hearing on October 21, 2010. Motion carried unanimously.

6. Other Business

6.1. Additional business to be considered should be introduced under PZC meeting agenda item “#2.2 Amendment / Adoption of Agenda” at the beginning of the meeting.

7. Adjournment.

- ◆ **Chester Morgan seconded, by Stanley Cohen moved a Motion to Adjourn. Motion carried unanimously.**
- ◆ **Meeting adjourned at 10:20 P.M.**

James Krupinski
Recording Secretary

