

TOWN OF VERNON
Planning & Zoning Commission (PZC)
Special Meeting Notice
Thursday, March 11, 2010, 7:30 PM
Auditorium, 2nd Floor
Vernon Senior Center
26 Park Place
Rockville/Vernon, CT

RECEIVED
VERNON TOWN CLERK
10 JUL - 6 PM 12:48

1. Call to Order & Roll Call
 - ◆ **Meeting was called to order at 7:35 P.M.**
 - ◆ **Regular Members Present:** Lester Finkle, Chester Morgan, Keith Lauzon, Walter Mealy, Francis Kaplan and Sarah Iacobello.
 - ◆ **Alternate Members Present:** Charles Bardes. Charles Bardes to sit for Watson Bellows.
 - ◆ **Staff Present:** Leonard Tundermann, Town Planner, Terry McCarthy, Town Engineer.
 - ◆ **Town Counsel:** Harold Cummings, Town Attorney.
 - ◆ **Recording Secretary:** James Krupienski

2. Application [PZ-2009-26) of Ticket Network LLC for a Special Permit/Site Plan of Development for a Commercial Recreational Facility at #60 South Frontage Road (Assessor's ID: Map #29, Block #134, Lot/Parcel # 00001)
 - ◆ **Lester Finkle requested the commissioners place on the record that they have reviewed any missed meeting and documentation distributed.**
 - ◆ **Sarah Iacobello indicated she was absent from the February 3rd and March 3rd. Has listed to the audio tapes, reviewed the recorded DVD's and reviewed the supporting documentation.**
 - ◆ **Francis Kaplan stated he was present for all meetings.**
 - ◆ **Chester Morgan stated that he was present for all meetings.**
 - ◆ **Lester Finkle stated that he was present for all meetings.**
 - ◆ **Keith Lauzon stated that he was absent from the March 3rd meeting. He did review the audio and supporting documents supplied at the meeting.**
 - ◆ **Charles Bardes stated that he was present for all meetings.**
 - ◆ **Walter Mealy stated that he was absent from the March 3rd meeting. He did review the audio and supporting documents supplied at the meeting.**
 - ◆ **All seven (7) members present and sitting will be voting on the application.**
 - ◆ **Commission will be determining if the use is permitted based on the Zoning Regulations.**
 - ◆ **Leonard Tundermann, Town Planner reviewed the Draft Motions to Approve and Deny and listed stipulations. (Both Drafts will be attached to the minutes.)**
 - **Suggested if motion is adopted map references should be included in the full motion.**
 - ◆ **Decision of Permitted Use**
 - **ZEO – February 10, 2010 – Permitted Use**
 - **Willis & Branse – February 25, 2010 – Defect of Use**
 - **Town Attorney Memorandum – March 3, 2010 – Re: ZEO Advisory Opinion.**

- ◆ Lester Finkle reviewed memorandum from Leonard Tundermann, Town Planner relative to Zoning Regulation definition §2.20 – “Commercial Recreation Facility”. (Memorandum will be attachment to the minutes.)
- ◆ Commissioners Decisions based upon the following two (2) questions:
 1. Does a commercial recreational activity necessarily and exclusively occur within a commercial recreational facility?
 2. If the answer to question # 1 is “yes,” should the definition of commercial recreational facility be read that “activities, events, or programs” exclusively relate to athletics and physical conditioning, or should “activities,” “events,” or “programs related to athletics...” be read as separate functions?
 - Commissioner Mealy
 - Q1 – Yes
 - Q2 – Yes
 - Commissioner Bardes
 - Q1 – Yes
 - Q2 – No
 - Commissioner Lauzon
 - Q1 – Yes
 - Q2 – Yes
 - Commissioner Morgan
 - Q1 – No
 - Q2 –
 - Commissioner Kaplan
 - Q1 – No
 - Q2 –
 - Commissioner Iacobello
 - Q1 – Yes
 - Q2 – Yes
 - Commissioner Finkle
 - Q1 – No
 - Q2 –
- ◆ 5 minutes recess was called at 7:50 P.M.
- ◆ Meeting reconvened at 7:56 P.M.
- ◆ Harold Cummings, Town Attorney stated that the prior vote was not understood and suggested rescinding the previous vote and begin the process again.
- ◆ Chester Morgan, seconded by Francis Kaplan moved a Motion to Rescind the previous vote taken during the meeting. Motion carried unanimously.
- ◆ Town Attorney suggested that the Motion before the Commission be that it agrees with the definition of “Commercial Recreation Facility” as set forth in the memorandum from Abraham Ford dated February 3, 2010. Yes vote would indicate that the venue is a permitted use under the Special Permit criteria. No vote would indicate that the use is not a permitted use in the Commercial Zone.
- ◆ Charles Bardes, seconded by Walter Mealy moved a Motion that the Commission agrees with the definition of “Commercial Recreation Facility” as set forth in the memorandum from Abraham Ford dated February 3, 2010.

- Commissioner Mealy – Yes
- Commissioner Bardes – Yes
- Commisisoner Lauzon – No
- Commissioner Mealy – No
- Commissioner Kaplan – No
- Commissioner Iacobello – No
- Commissioner Finkle - No
- ◆ **Motion fails and determines that it is not a permitted use in the Commercial Zone with a vote 2-5.**
- ◆ **Chester Morgan, seconded by Francis Kaplan moved a Motion to Deny the Application based on the Draft Motion to Deny supplied.**
 - Chester Morgan believes that it creates a hazardous condition, it is not compatible with the neighborhood and would create a nuisance.
 - Francis Kaplan agrees with Commissioner Morgan.
- ◆ **Harold Cummings, Town Attorney suggested that the commission vote on the Findings of Fact in the Draft Motion. Should detail the reasons for denial of the application.**
- ◆ **Chester Morgan and Francis Kaplan amended the Motion to Amend the Motion to Accept the Eighteen (18) Findings of Fact outlined in the Draft Motion.**
 - Commissioner Iacobello - Request for applicant to have a Public meeting to discuss the application with the Public not acted upon.
- ◆ **Motioners accepted amendment.**
- ◆ **Commissioner Mealy spoke to the manner and timing of the simulated sound testing and the impact to surrounding residences per weekend concert.**
- ◆ **Harold Cummings, Town Attorney suggested voting individually on each section of the Decision Text of the Draft Motion.**
- ◆ **Discussion took place relative to Parliamentary Procedure.**
- ◆ **Vote on the Motion as Amended above:**
 - **Roll Call Vote:**
 - Commissioner Iacobello – Yes
 - Commissioner Kaplan – Yes
 - Commissioner Morgan – Yes
 - Commission Lauzon – Yes
 - Commissioner Bardes – No
 - Commissioner Mealy – Yes
 - Commissioner Finkle – Yes
- ◆ **Motion carries 6-0-1**
- ◆ **Chester Morgan, seconded by Commissioner Kaplan moved a Motion that the Application fails to comply with Regulation Section 17.3.1.1 because it creates a hazardous condition relative to public health or safety, as outlined in the Draft Motion.**
- ◆ **Motion carried 6-0-1. Commissioner Bardes abstained.**
- ◆ **Francis Kaplan, seconded by Chester Morgan moved a Motion that the Application fails to comply with Regulations Section 17.3.1.2 because it is not compatible with neighboring uses, as outlined in the Draft Motion.**
- ◆ **Motion carried 6-0-1. Commissioner Bardes abstained.**

- ◆ **Chester Morgan, seconded by Francis Kaplan moved a Motion that the Application fails to comply with Regulation Section 17.3.1.3 because it will create a nuisance and the Applicant has failed to establish that it will not create a nuisance, as outlined in the Draft Motion.**
- ◆ **Motion carried 6-0-1. Commissioner Bardes abstained.**
- ◆ **Chester Morgan, seconded by Francis Kaplan moved a Motion that the Application fails to comply with Regulation Section 17.3.1.4 because it will hinder the future sound development of the community, as outlined in the Draft Motion.**
- ◆ **Motion carried 5-1-1. Commissioner Mealy opposed. Commissioner Bardes abstained.**
- ◆ **Francis Kaplan, seconded by Chester Morgan moved a Motion that the Application fails to comply with Regulation Section 17.3.1.5 because it fails to comply with other applicable sections of the Regulations, as outlined in the Draft Motion.**
- ◆ **Motion carried 6-0-1. Commissioner Bardes abstained.**
- ◆ **Chester Morgan, seconded by Francis Kaplan moved a Motion that the Application fails to comply with Regulations Section 4.9.4.11, as outlined in the Draft Motion.**
- ◆ **Motion carried 6-0-1. Commissioner Bardes abstained.**
- ◆ **Chester Morgan, seconded by Francis Kaplan moved a Motion that the Application fails to comply with Regulations Section 4.9.4.15.7 because the Applicant has failed to provide a written opinion from the Fire Marshal as to the safety aspects the increased height would involve.**
- ◆ **Motion carried 6-0-1. Commissioner Bardes abstained.**
- ◆ **Chester Morgan, seconded by Francis Kaplan moved a Motion to accept the Draft Motion as supplied by Harold Cummings, Town Attorney and Leonard Tundermann, Town Planner.**
- ◆ **Motion carried 6-0-1. Commissioner Bardes abstained.**

3. **Adjournment.**

- ◆ **Chester Morgan, seconded by Francis Kaplan moved a Motion to Adjourn. Motion carried unanimously.**
- ◆ **Meeting Adjourned at 8:25 P.M.**

**James Krupienski
Recording Secretary**