

TOWN OF VERNON
Planning & Zoning Commission (PZC)
Draft Minutes-Meeting Notice
Thursday, September 2, 2010, 7:30 PM
Council Chambers, Third Floor
Memorial Building
14 Park Place
Rockville/Vernon, CT

RECEIVED
VERNON TOWN CLERK
10 SEP -9 PM 3:57

1. Call to Order & Roll Call

- ◆ **Meeting was called to order at 7:39 P.M.**
- ◆ **Regular Members Present:** Lester Finkle, Francis Kaplan, Watson Bellows, Sarah Iacobello and Walter Mealy.
- ◆ **Alternate Members Present:** Stanley Cohen and Charles Bardes. Stanley Cohen to site for Keith Lauzon. Charles Bardes to sit for Chester Morgan.
- ◆ **Staff Present: Leonard Tundermann, Town Planner**
- ◆ **Recording Secretary:** James Krupienski

2. Administrative Actions/ Requests

2.1. Communications received NOT related to Agenda items

- ◆ **None**

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

- ◆ **Francis Kaplan, seconded by Watson Bellows moved a Motion to Adopt the Agenda as presented. Motion carried unanimously.**

2.3. Acceptance of Minutes

- ◆ **Acceptance of the minutes for the August 17, 2010 meeting was moved to the September 16, 2010 meeting.**

3. Public Hearings

3.1. Continued Hearing for Application (PZ-2010-12) of Joel Stavens for Resubdivision of two parcels into two rear lots at #310 Lake St. (Assessor ID: Map #14, Block #143, Parcel #48C & 49 C)

- ◆ **Leonard Tundermann, Town Planner indicated that the applicant was unable to attend the meeting and requested a continuation to the September 16, 2010 meeting. The applicant has granted an extension for the Public Hearing to October 7, 2010.**
- ◆ **Walter Mealy, seconded by Watson Bellows moved a Motion to Continue the Public Hearing to the September 16, 2010 meeting. Motion carried unanimously.**

3.2. 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.

- ◆ **Leonard Tundermann, Town Planner read the Legal Notice into the Record.**
- ◆ **Attorney Leonard Jacobs, 146 Main Street, Manchester, representing the applicant.**

- Requested verification from Sarah Iacobello that she could be objective in reviewing the application on the basis of membership on the Local Historic Properties Commission.
- ◆ Sarah Iacobello indicated that she could be objective during the application review and indicated that she was not present for the review on the Local Historic Properties Commission.
- ◆ Attorney Leonard Jacobs reviewed proposed Zoning Amendment:
 - Would cover all properties meeting the proposed changes;
 - Change would apply to structures within five (5) zones;
 - Reviewed Special Permit requirements for approval;
 - Supplied a copy of the Zoning Minutes from May 8, 1957 approving a variance;
 - Plan of Conservation does state the need to preserve the heritage of historic buildings.
- ◆ Staff Input:
 - Leonard Tundermann, Town Planner reviewed Regional Planning Commissions responses to proposed Zoning Amendment based on C.G.S. §8-3.
 - Memorandum from Capital Region Council of Governments, Z-2010-49, dated August 12, 2010;
 - Memorandum from Windham Region Council of Governments, 10-07-22-VN, dated August 4, 2010 and read into the record.
 - Vernon Local Historic Properties Commission (LHPC) memorandum, dated August 30, 2010, was read into the record.
 - Plan of Conservation and Development (POCD) attempts to encourage reuse of structures while being flexible in development;
 - §3.26 – Requires a Special Permit for review and Approval. Special Permits required notification to surrounding residents and protection during the Public Hearing process.
 - Suggested including the NR-10 zone in the proposed change.
- ◆ Watson Bellows felt that the Zoning Regulations need to define “Comprehensive Plan”. Requested review of how surrounding Towns have handled re-use of structures.
- ◆ Leonard Tundermann, Town Planner indicated that he has only had experience with conversion of former school buildings.
- ◆ Public Testimony:
 - Attorney Bruce Fader, 70 West Road, representing Christopher Crowne, 21 Ellington Avenue & Barry Rimler, 74 Prospect Street:
 - Believes the property could only be developed for a maximum of eleven (11) units.
 - Stated structure was previously utilized as a single family residence.
 - Spoke to possible limitations for development on the site.
 - Believes Uniformity Rule may make the proposed amendment illegal.
 - Distributed thirteen handouts:
 - Copy of May 8, 1957, minutes of ZBA (one page);
 - GIS map (24"x36") of Rockville National Register Historic District showing properties containing buildings built prior to 1911 and containing 5,000 sf or more of finished floor area;
 - Cover and pages 3 & 4 with yellow highlighting from January 2003 Downtown Rockville Supplement to POCD;

- **Property Uses/Inventory in Abutting Neighborhood (one page);**
 - **Minutes of May 5, 2005, PZC meeting (pages 6-9, inclusive);**
 - **4/14/2009 letter to Len Tundermann and Abraham Ford from Len Jacobs (one page);**
 - **4/29/2009 letter to Leonard Jacobs from Abraham Ford, Jr. (one page);**
 - **Vernon ZBA – Ellington Prospect, LLC Variance Application, Multi-Family (MF) Apartment Unit Density (one page);**
 - **Agenda – Zoning Board of Appeals, Meeting date: May 19, 2010, followed by 4/28/2010 letter to Abraham Ford from Leonard Jacobs and enclosed Application For Variance of Zoning Requirements (five pages);**
 - **Copy of Assessor’s property record card for 01 Ellington Ave (three pages);**
 - **Copy of permits issued by the Vernon Building Department & an inspection report (two pages);**
 - **Statement presented by attorney Bruce Fader on behalf of Kit Crowne and Barry Rimler (three pages).**
- **Barry Rimler, 74 Prospect Street, resident for 28 years – opposed to the application.**
 - **Jeff Cantor, 27 Oak Street – Feels proposal is an attempt to circumvent the Zoning Regulations.**
 - **Paul Volpe, 29 Davis Avenue – Concerned with increase in density.**
 - **John Swanson, 10 Ellington Avenue – Opposed to the proposed zoning amendment.**
 - **Christopher Crowne, 21 Ellington Avenue – Opposed to the proposed zoning amendment. Feels the change is an attempt to spot zone.**
- ◆ **Public Testimony as closed at 9:25 P.M.**
 - ◆ **Attorney Leonard Jacobs requested a verification of a Certificate of Occupancy at 1 Ellington Avenue.**
 - ◆ **Francis Kaplan, seconded by Walter Mealy moved a Motion to Continue the Application to the September 16, 2010 meeting. Motion carried unanimously.**
 - ◆ **Five (5) minute recess at 9:27 P.M.**
 - ◆ **Meeting reconvened at 9:36 P.M.**

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

- ◆ **Leonard Tundermann, Town Planner read the Legal Notice into the record.**
- ◆ **Samuel Belsito, Owner/ Applicant, 55 Lee Lane, Tolland, CT:**
 - **Property is located in Special Economic Development Zone (SED).**
 - **Requesting to change to Commercial due to limitations for allowed uses.**
- ◆ **Leonard Tundermann, Town Planner reviewed surrounding zoning to the proposed property:**
 - **Suggested possibility of eliminating the Special Economic Development Zone (SED).**

- ◆ Francis Kaplan questioned the differences between the Special Economic Development Zone (SED) and Commercial Zone.
- ◆ Leonard Tundermann, Town Planner indicated that the zone does not have any allowed uses, only those allowed by Special Permit.
- ◆ Watson Bellows questioned the ability to amend the Zone requirements without changing the zoning of the property.
- ◆ Discussion took place relative to alternative amendments to the existing zone requirements.
- ◆ Leonard Tundermann, Town Planner indicated that he would work with the applicant for possible changes.
- ◆ Sarah Iacobello, seconded by Stanley Cohen moved a Motion to Continue the Application to the September 16, 2010. Motion carried unanimously.

4. Old Business

4.1. Plan of Conservation and Development

- ◆ Special meeting is scheduled for September 9, 2010 @ 7:00 P.M. in the Senior Center to review Booklet #6-Infrastructure and receive comments.
- ◆ Sub-committee will be meeting with the phone survey organization on September 13, 2010.

4.2. Bylaws

- ◆ Changes to the submission of resignations.
- ◆ Changes to attendance/removal procedure.
- ◆ Commissioner Morgan agreed to remove previously suggested amendment.
- ◆ Suggestion was made to add a requirement to supply adopted By-Laws with the Office of the Town Clerk.

5. New Business.

5.1. Receipt of Applications:

- ◆ None

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.

- ◆ Stanley Cohen, seconded by Charles Bardes moved a Motion to Adjourn. Motion carried unanimously.
- ◆ Meeting adjourned at 10:25 P.M.

James Krupienski
Recording Secretary