

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

RECEIVED
VERNON TOWN CLERK
11 JAN 20 PM 6:55

1. Call to Order & Roll Call

- ◆ **Meeting was called to order at 7:40 P.M.**
- ◆ **Regular Members Present:** Lester Finkle, Chester Morgan, Walter Mealy, Francis Kaplan Watson Bellows and Charles Bardes.
- ◆ **Alternate Members Present:** Stanley Cohen and Victor Riscassi. Victor Riscassi to sit for Sarah Iacobello.
- ◆ **Staff Present:** Leonard Tundermann, Town Planner
- ◆ **Recording Secretary:** James Krupienski

2. Administrative Actions/ Requests

2.1 Communications received NOT related to Agenda items

- ◆ **Denial letter for PZ-2010-18 of Tina Zajac for a Special Permit for outside display of retail products occupying an area greater than 10% of gross floor area of the business at #48 Windsor Avenue.**
- ◆ **Approval Letter for PZ-2010-19 of Joel Staven for a three lot resubdivision of property at #306, #3310 & #320 Lake Street.**
- ◆ **Approval Letter for PZ-2010-20 of DHD, LLC for a site plan of development and a special permit to create a two-family dwelling on property at #19 Bellevue Avenue.**
- ◆ **Approval Letter for PZ-2010-10 of DHD, LLC for a site plan of development and a special permit to create a two-family dwelling on property at #21 Bellevue Avenue.**

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

- ◆ **Request to move Item # 3.2 -Application PZ-2010-23 of Lawrence DeNorio ahead of Application PZ-2010-22 of Ben Carlson.**
- ◆ **Chester Morgan, seconded by Walter Mealy moved a Motion to Adopt the Agenda as Amended. Motion carried unanimously.**

2.3 Acceptance of Minutes

- ◆ **Action to be taken of the minutes of November 18, 2010 at the January 6, 2011 meeting.**
- ◆ **Chester Morgan, seconded by Francis Kaplan moved a motion to Accept the Draft minutes of November 4, 2010. Motion carried unanimously.**

3. Public Hearings

3.2 Application [PZ-2010-23] of Lawrence DeNorio for a Special Permit for Retail Sale of Food at 101 West Street (Assessor's ID: Map #22, Block #0048, Lot/Parcel #00001)

- ◆ **Leonard Tundermann, Town Planner read the Legal Notice into the record.**

*Public Notice
Town of Vernon*

The Vernon Planning & Zoning Commission (PZC) will hold the following public hearings at its regular meeting at 7:30 PM on Thursday, December 2, 2010, in the Town Hall Council Chambers on the Third Floor at 14 Park Place, Rockville / Vernon:

Application [PZ-2010-23] of Lawrence DeNorio for a Special Permit for a Bakery at 101 West Street (Assessor's ID: Map #22, Block #0048, Lot/Parcel #0000 1)

This PZC application is available for inspection by the public in the office of the Planning Department, Vernon Town Hall, 14 Park Place, Rockville, CT.

*Lester Finkle, Chairperson
Planning & Zoning Commission (PZC)*

- **Lawrence DeNorio, Applicant:**
 - **Currently utilizing vendor truck for area sales;**
 - **Proposing to utilize 80 sq/ft for retail sales of remaining food items;**
- **Walter Mealy questioned the quantity of vehicles stored at the location. Applicant indicated there were two (2) proposed- 1 for cupcake sales and 1 for pies sales at a later date;**
- **Charles Bardes questioned if the sales would be for takeout or eat-in. Applicant indicated takeout only.**
- **Charles Bardes questioned proposed hours of operation. Applicant estimated hours of operation for retail sales to be between 3:00 P.M. and 6:00 P.M. Monday through Friday, depending on remaining supply.**
- **Watson Bellows questioned Town Staff of required parking for the proposed retail sales. Mr. Tundermann, Town Planner indicated that they applicant only requires one (1) based on retail sales area.**
- **Leonard Tundermann, Town Planner indicated that the required parking for the applicant could be enforced by required parking stall striping.**
- **Watson Bellows questioned how deliveries would be handled. Applicant indicated they would be received through the front door of the business.**
- **Victor Riscassi questioned handicapped parking stalls and access. Applicant would deliver purchases out to the patrons' vehicles.**
- **Leonard Tundermann, Town Planner stated the commission needs to find compliance with Section 17.3 for approval of the Special Permit.**
- **Francis Kaplan**
- **Public Testimony (8:00 P.M.):**
 - **Nancy Hart, 128 Grand Avenue – Questioned possible plans of the applicant in the future and possible impact to the neighborhood.**
- **Public Testimony closed at 8:02 P.M.**
- **Rebuttal & Summation:**
 - **Lawrence DeNorio – Looking for professional kitchen for baking; business would be mainly vendor sales by mobile trucks.**

- Discussion took place regarding limited hours of operation.
- Charles Bardes questioned receipt of requested information by the Fire Marshal and North Central District Health Department (NCDHD) prior to approval.
- Leonard Tundermann, Town Planner indicated that the required information had been received
- Public Hearing Closed at 8:10 P.M.
- Chester Morgan, seconded by Walter Mealy moved a Motion to approve the application and determines the application complies with Section 17.3 of the Town of Vernon Zoning Regulations.
 - Walter Mealy – Parking should not be an issue at the site.
 - Watson Bellows – believes the hours of operation should be limited.
- Watson Bellows moved an amendment to limit hours of operation from 3:00 P.M. to 5:00 P.M. Amendment failed without a second.
- Vote on Main Motion.
- Motion carried. Watson Bellows opposed. 6-1

3.1 Application [PZ-2010-22] of Ben Carlson for a Modification of an Approved Site Plan for 670-672 Dart Hill Road (Assessor's ID: Map #04, Block #0004, Lot/Parcel #0003A)

- Leonard Tundermann, Town Planner read the Legal Notice into the Record.

*Public Notice
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The Vernon Planning & Zoning Commission (PZC) will hold the following public hearings at its regular meeting at 7:30 PM on Thursday, December 2, 2010, in the Town Hall Council Chambers on the Third Floor at 14 Park Place, Rockville / Vernon:

Application [PZ2010-22] of Ben Carlson for a Modification of an Approved Site Plan for 670-672 Dart Hill Road (Assessor's ID: Map #04, Block #0004, Lot/Parcel #0003 A)

This PZC application is available for inspection by the public in the office of the Planning Department, Vernon Town Hall, 14 Park Place, Rockville, CT.

*Lester Finkle, Chairperson
Planning & Zoning Commission (PZC)*

- Ben Carlson, Applicant
- Rachel Dearborn, Landmark Surveys
 - Requesting approval of use on the site based on supplied modification.
- Walter Mealy questioned proposed and existing use on the site.
- Ben Carlson is requesting 4 dumpsters on the site and storage areas for wood chips and firewood.
- Walter Mealy questioned proposed equipment to be stored on the site. Applicant indicated parking for dumpster truck, truck and trailer and roll-off dumpster vehicle.
- Walter Mealy questioned lack of proposed lighting in the lot area. Applicant indicated there was lighting on the building but not proposing to add in the parking area.
- Stanley Cohen questioned parking of commercial vehicles behind proposed fencing area. Applicant indicated that parking forward of the fencing would be for employees of the businesses in the building.

- Francis Kaplan questioned the height of proposed firewood and wood chip areas on the site. Applicant indicated that he is proposing to enclose the areas with cement block for safety and organization and would expect the storage areas to be visible based on the fencing height.
 - Walter Mealy questioned proposed hours of operation for the business. Applicant indicated hours of operation to be 7:00 A.M. to 5:00 P.M. 6 days a week.
 - Watson Bellows questioned if any cutting of firewood or chipping would occur at the site. The Applicant indicated that none is proposed at the site.
 - Staff Comments
 - Leonard Tundermann, Town Planner
 - Indicated parallel parking spaces 10-14 may be difficult to enter/exit the site;
 - May need to limit the volume/height/amount of wood chips and firewood stored at the site;
 - Should have concrete block to contain proposed storage piles.
 - Discussion took place regarding non-compliance of Town Regulations and involvement of the court after the final decision of the commission.
 - Charles Bardes questioned request to install a fence based on modification application.
 - Leonard Tundermann, Town Planner indicated that the commission is attempting to curtail improper uses at the site.
 - Victor Riscassi questioned the process that required the commission to act prior an action by the Court.
 - Leonard Tundermann, Town Planner indicated that the current review is to complete the court action filed by the Town Attorney to compel the applicant to submit a modified site plan for review and action.
 - Discussion took place relative to large construction/business vehicles and parking on an impervious surface.
 - Ben Carlson spoke to the evolving nature of the existing business and additional services added.
 - Recess at 9:00 P.M.
 - Meeting reconvened at 9:10 P.M.
 - Public Testimony (9:10 P.M.)
 - Michael Lowell, 673 Dart Hill Road
 - Concerned with possible noise issues based on future use of the business.
 - Concerned with possible fire hazard with standard wood chips.
 - Sue Perry, 26 Emma Lane (Attachment)
 - Supplied handout with photos show conditions that have existed at the site.
 - Public Testimony closed at 9:30 P.M.
 - Francis Kaplan, seconded by Chester Morgan moved a Motion to continue the application to the January 6, 2011 meeting. Motion carried unanimously.
- 3.2 Application [PZ-2010-23] of Lawrence DeNorio for a Special Permit for Retail Sale of Food at 101 West Street (Assessor's ID: Map #22, Block #0048, Lot/Parcel #00001)
- ◆ Moved in amended agenda prior to Item #3.1

4. Old Business

4.1 Plan of Conservation and Development

- **Draft Survey numbers from the telephone survey were reviewed.**
- **Upcoming Special Meeting on December 16, 2010 at 6:00 P.M., 26 Park Place, Senior Center, 2nd Floor, to review all questionnaire information.**
- **Leonard Tundermann, Town Planner to supply copy of the questionnaire to the Mayor for posting on the Town of Vernon website.**
- **Model for report should be supplied at the December 16th meeting.**
- **Final Draft should be completed by early January, 2011**

4.2 Bylaws

- **Preliminary review by the Town Attorney was not available, should be available for review at the next regular meeting of the commission.**
- **Charles Bardes will be taking over contact with Town Attorney.**

5. New Business.

5.1 Receipt of Applications:

5.1.1 Application [PZ-2010-25] 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 to supply history of SED Zone creation.**
- **Chester Morgan, seconded by Francis Kaplan moved a Motion to receive the application and schedule a Public Hearing for January 6, 2011. Motion carried unanimously.**

5.2 Adoption of meeting dates for 2011

- **Stanley Cohen to site for Watson Bellows.**
- **Francis Kaplan, seconded by Chester Morgan moved a Motion to adopt the 2011 Schedule of Meeting dates as amended during discussion. Motion carried.**

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 Francis Kaplan moved a Motion to Adjourn. Motion carried unanimously.**
- **Meeting adjourned at 9:50 P.M.**

James Krupinski
Recording Secretary

Attachment

Before I talk about the new site plan the PZC might like to ask Timber Ridge management a few questions.

- Business plan states they are closed on Sunday except for snow removal. Why are people working on Sunday?
- I walk to the park to the sounds and odors of equipment and trucks that are left idling unattended in the parking lot. Performance Standards - Section 13.3 of the zoning regulations states "the use shall emit no offensive odors perceptible at any property line of the lot on which the use is located..."
- Approval of a special permit for Ben Carlson back in 2008 was based upon him meeting certain conditions, one of which was to submit a new site plan as modified by the conditions requested by the PZC in the letter dated 5/21/08 to Mr. Carlson's attorney. This site plan was due on 8/28/08 and has never been filed. Why not? They are in violation of the conditions the PZC set and should not have even been operating their business for the last 2 ½ years.
- Unregistered and junk vehicles have been brought on site and left for weeks. Why? (1-3)
- Despite the PZC ordering the removal of a boat from the property another one appeared. Why?(4)
- Routinely trucks are driven over the lawn areas. Why? (5-7)
- There are significantly more trucks and equipment than are shown in the original business plan. Why can't a complete list of trucks and equipment be provided?
- Despite stating "No dumpsters with trash will be brought on site" they are. Why? The only approved dumpster was to be a permanent dumpster placed behind the building on the west side. Throughout the past several years numerous dumpsters have been brought on site and placed wherever they feel like including in the parking lot in the front of the building. (8-12)
- The plan presented and approved in 2008 shows parking spaces perpendicular to the building and stop at the existing walkway. Since this is the way Timber Ridge wanted it why do they park at an angle and start at the street and go to the back of the building? The approved spaces at the rear of the building were intended for overnight parking of the trucks which again is what Timber Ridge wanted. So why are they parked anywhere from the street to the existing gravel area? Since Timber Ridge Management won't enforce the approved parking then who will? (13-18)
- The approved site plan shows an existing tree line on the side and back of the property. Why was this all cut down? An illegal berm was constructed out of woodchips in place of the tree line. Some of it was removed when the town forced him to clean it up, but some still remains

Attachment (cont)

piled 2 to 3 feet deep in spots along the west property line. Since there is more than 10 cubic yards still on this site this is a violation of the General Statutes of CT and needs to be addressed. They were already cited by the DEP as having an illegal waste dump. (19-22)

- Fencing on the approved plan begins even with the rear of the building. That seems reasonable and should not be changed especially on the west side of the building. Why then has Timber Ridge management started installing fences in unapproved areas? On the west side it starts at the front of the building and on the driveway side it extends almost 50 feet from the approved plan.

All of these actions create a disturbing pattern. It appears that the management of this company will do whatever they want whenever they want.

Since the modified plan the PZC requested was never filed I guess these new modifications are from the approved plan dated 4/17/08. I would like to make the following observations about this new proposed site plan.

- Shortly after the original hearing a business called Alpine Tree appeared at the same location. This year an insurance agent also started working out of the building. I have no idea how many employees these companies have but they have a dramatic impact on the parking situation. At times there are more than a dozen vehicles on site. Despite note #4 on the site plan claiming four work trucks I have seen at least six. In researching the dimensions of a Kenworth (T300) it is questionable that it would fit in any of the proposed spaces for trucks. Since this appears to be the smallest truck the others definitely won't fit. There is a large wood chipper, stump grinder, 12 ton trailers, loader, attachments, excavator, and more.
- Also the proposed parking by the fence is considered stacked parking which is prohibited by current zoning regulations. (section 12.3.8.3)
- Note #10 needs to be addressed. Vehicles and equipment with fluids are parked on the existing gravel area every day. (22)
- A 4'X8' sign is proposed. That is too big and is not compatible with the surrounding area.
- Much of the landscaping which was on the original approved plan is missing from this revision. Why? Where is there any kind of buffer between the street and the parking spaces which go within 10 feet of the street? I question whether all of the "existing" trees on the plan are still existing. There is no landscaping on the rear property line where existing trees were on the original plan. The business clear cut these away. Landscaping buffering strips are lacking with this plan. There is little landscaping to increase compatibility with neighboring uses.
- Proposed parking at rear of building looks like it blocks the overhead doors.

Attachment (cont)

- Note #9 also needs to be addressed. There is no reason why any vehicle or piece of equipment should be parked in front of the proposed fence overnight or on weekends.
- Proposed location for permanent dumpster is small and in an inappropriate location. I don't know why it is needed but it should be placed at the rear of the building on the west side.
- The proposed change to the starting point of the fence is too close to Dart Hill Road, particularly on the west side of the building. Since the site plan shows no use for this area it does not need to be fenced. No matter what kind of fence is installed when there is such an expanse of fencing it is unattractive, invites unwanted graffiti artists and is not compatible with the surrounding neighborhood.
- The fence on the east side that has been put up without approval is not even with the edge of the gravel or pavement area as shown on this site plan. There is a three foot grassy area between the gravel or pavement area and fence. It is a violation of current regulations to park vehicles on grass. (24)
- What is the purpose of these "Moffia Blocks"? The plan indicates that they are 35X75 feet and 4 feet tall on the 75 foot side and two feet tall on the 35 foot side. The fence is approximately 20 feet from these piles.
- Proposed wood chip area shows intentions of using this site as either an illegal waste dump or transfer station. State statutes limit the amount of solid waste a site can have on it. There is no indication of the height of these piles or the cubic yardage. Waste dumps and transfer stations are not permitted in this zone. The site plan indicates that logs are being stored in dumpsters. There is also a firewood pile. Are these logs being split on the site? Wood chips left to rot attract rodents and insects and release unhealthy mold spores. How long are these wood chips going to be sitting on this site and how will this be monitored?
- The area shown for dumpster storage contradicts note #8 on the site plan. Where is the amsite area for storing dumpsters? The proposed area is 125' long and entirely located within the existing gravel area. That's big enough to place at least 10 dumpsters. Since everyone has well water this brings concerns of water contamination and health issues. In addition at least thirty feet of that area is over an Aquifer zone. Besides carrying unprocessed wood, I have seen construction debris and equipment with fuel inside these dumpsters on the site. I feel this is totally inappropriate and urge the PZC not to allow it.
- This commission has already denied dumpster storage on this site. One of the conditions for approval of a special permit was that all dumpsters were to be removed from the site plan. This plan does not meet that condition. Dumpsters are routinely brought onto this site and either kept on the 6 wheel dump trucks or placed on the ground. Does this now mean there will be 2 on the trucks and 2 on the ground or one on the truck and three on the ground or 4 just on the ground and none on the trucks? Or will there be 4 on the ground, two on the trucks and one permanent dumpster.

Attachment (cont)

As a former business owner I understand that businesses evolve over time. But looking at Timber Ridge's business plan and the changes they are requesting it is obvious that they are not compatible with surrounding properties and should not be located at this site. They need to understand that they are located in a residential neighborhood and also share a border with a town park. Fencing in the area will not eliminate the problems. It will only enhance them. There will always be concerns about what's happening behind the fence based on their actions since they moved in. The town, Timber Ridge, and Dart Hill Associates need to implement a verifiable way of monitoring activities on this site to ensure they are in compliance with zoning regulations. According to zoning regulations health, safety and compatibility issues must be considered. They need to guarantee the residents and park users that the site will look presentable and in no way cause harm to the neighbors and park users.

I urge this planning and zoning commission not to pass this site plan modification as proposed.