

Town Clerk

TOWN OF VERNON
Planning & Zoning Commission (PZC)
Minutes – Regular Meeting
Thursday, February 2, 2012, 7:00 PM
Council Chambers, Third Floor
Memorial Building
14 Park Place
Rockville/Vernon, CT

RECEIVED
VERNON TOWN CLERK
12 FEB 17 AM 10:26

4. Call to Order & Roll Call

- ◆ Meeting was called to order at 7:05 P.M.
- ◆ Regular Members Present: Chester Morgan, Charles Bardes, Francis Kaplan, William Roch, Victor Riscassi and Harry Thomas.
- ◆ Alternate Members Present: None
- ◆ Staff Present: Leonard Tundermann, Town Planner, Terry McCarthy, Town Engineer
- ◆ Recording Secretary: James Krupienski

5. Administrative Actions/Requests

5.1 Amendment/Adoption of Agenda - Additional business to be considered under agenda item #5 "Other Business"

- ◆ Chester Morgan, seconded by Charles Bardes moved a motion to Amend the Agenda as follows:
 - Move Item #4.1 prior to Item #3
- ◆ Motion carried unanimously.
- ◆ Charles Bardes, seconded by Harry Thomas moved a motion to adopt the Agenda as amended. Motion carried unanimously.

5.2 Communications received NOT related to Agenda items

- ◆ Connecticut Federation of Planning & Zoning Agencies 64th Annual Conference to be held on March 15, 2012.
- ◆ Connecticut Federation of Planning & Zoning Agencies Quarterly Newsletter, Fall 2011, Volume XV, Issue 4.
- ◆ Connecticut Federation of Planning & Zoning Agencies Quarterly Newsletter, Winter 2012, Volume XVI, Issue 1.
- ◆ Planning Commissioner Journal, Number 85, Winter 2012.

5.3 Acceptance of Minutes

- ◆ Acceptance of minutes moved to the February 16, 2012 meeting.

4. Old Business

4.1 Application [PZ-2011-47J] of the Town of Vernon to change various sections of the Vernon Zoning Regulations, as indicated below, to remove various uses from sections requiring special exceptions and/or special permits and place them in sections permitting uses by right. Changes, other than renumbering, are proposed to the following sections of the Zoning Regulations

- ◆ Charles Bardes indicated that the subcommittee will undertake the task of reviewing the regulations for consistency.
 - First meeting is scheduled for February 6, 2012 at 3:00 P.M. in the Office of the Town Planner. Review of the first amended section will take place during the meeting.

- ◆ **William Roch, seconded by Francis Kaplan moved a Motion to Accept the Plan and to Continue the Application to the February 16, 2012 Regular Planning and Zoning meeting. Motion carried unanimously.**

3. Public Hearings

- 3.1 Application [PZ-2011-19] of Wayne Schneider for a Zone Change from Planned Commercial Zone (PRD) to Commercial Zone (C) at 400 Talcottville Road. (Assessor's ID: Map #09, Block #015H, Lot/Parcel 00026).

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

To be published in the Journal Inquirer on January 21, 2012 & January 28, 2012.

*Public Notice
Town of Vernon*

The Vernon Planning & Zoning Commission (PZC) will hold the following public hearing at its regular meeting at 7:00 PM on Thursday, February 2, 2012, in the Town Hall Council Chambers on the Third Floor at 14 Park Place, Rockville/Vernon:

Application [PZ-2011-19] of Wayne Schneider for a Zone Change from Planned Commercial Zone (PC) to Commercial Zone (C) for property at 400 Talcottville Road. (Assessor's ID: Map #09, Block #015H, Lot/Parcel #00026).

This PZC application is available for inspection by the public in the office of the Planning Department, Vernon Town Hall, 55 West Main Street Rockville, CT.

*Chester Morgan, Chairperson
Planning & Zoning Commission (PZC)*

- ◆ **Dorian Familigetti, Kahan, Kerensky & Cappossela, representing the Applicant;**
 - **Jim Cassidy, Engineer; Mark C. D'Addabbo, New England Retail Properties, Inc.**
 - **Attorney Familigetti reviewed the property specifics;**
 - **Current Zone – Planned Commercial Zone (PCZ) is impacted by more restrictive side yard requirements than the Commercial (c) Zone.**
 - **Would have access to signalized intersection.**
 - **Commission would need to review the proposed change and find consistency with the area land use based on the Comprehensive Plan.**
 - **Commission would have to determine consistency with the Plan of Conservation and Development (2001) Plan. 2012 POCD suggests consolidating smaller lots to Planned Commercial Zone (PCZ) to assist in development and managing of curb-cuts.**
- ◆ **Staff Input:**
 - **Leonard Tundermann, Town Planner**
 - **Reviewed memorandum dated January 25, 2012.**
 - **Review would be based on the 2001 Plan of Conservation and Development.**
 - **Indicated that the commission could find consistency with the Plan of Conservation and Development.**
 - **Terry McCarthy, Town Engineer**
 - **No comments relative to the proposed zone change.**
 - **William Roch questioned the rear yard setback in the zone.**
 - **Leonard Tundermann, Town Planner indicated that the rear setbacks we the same.**
- ◆ **Call for Intervenor – None**
- ◆ **Public Comment:**
 - **Archie Damato, 53 Oakmoor Drive – want to speak at the following Public Hearing.**
- ◆ **Additional Staff Input:**

- **Shaun Gately, Economic Development Coordinator:**
 - **Economic Development Commission has reviewed the application and supplied a letter in support. (Letter was read into the record.)**

◆ **Rebuttal & Summation:**

- **Dorian Familigetti reviewed letter of RT 83 LLC relative to both applications. Read the letter into the record dated January 27, 2012.**

◆ **Public Hearing was closed at 7:45 P.M.**

◆ **Victor Riscassi, seconded by Francis Kaplan moved a Motion to Accept;**

- **Victor Riscassi stated that the proposed site would be ideal for future development due to direct access to a main roadway.**

◆ **Victor Riscassi, seconded by Francis Kaplan moved an amendment to find consistency with the 2001 Plan of Conservation and Development. Amendment carried unanimously.**

◆ **Vote on the motion as Amended. Motion carried unanimously.**

◆ **Five (5) minutes recess at 7:47 P.M.**

◆ **Meeting reconvened at 7:58 P.M.**

3.2 Application [PZ-2012-01] of Wayne Schneider for a Special Permit for removal of 26,800 cubic yards of soil from the property at #400 Talcottville Road (Assessor's ID: Map #09, Block #015H, Lot/Parcel #00026).

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

To be published in the Journal Inquirer on January 21, 2012 & January 28, 2012.

*Public Notice
Town of Vernon*

The Vernon Planning & Zoning Commission (PZC) will hold the following public hearing at its regular meeting at 7:00 PM on Thursday, February 2, 2012, in the Town Hall Council Chambers on the Third Floor at 14 Park Place, Rockville/Vernon:

Application [PZ-2012-01] of Wayne Schneider for a Special Permit for removal of 26,800 cubic yards of soil from the property at #400 Talcottville Road (Assessor's ED: Map #09, Block #01SH, Lot/Parcel #00026).

This PZC application is available for inspection by the public in the office of the Planning Department, Building Department, 55 West Main Street Rockville, CT.

*Chester Morgan, Chairperson
Planning & Zoning Commission (PZC)*

- ◆ **Dorian Familigetti, Kahan, Kerensky & Cappossela, representing the Applicant;**
 - **Jim Cassidy, Engineer; Mark C. D'Addabbo, New England Retail Properties, Inc.**
 - **Requesting an excavation permit for future development on the site.**
 - **Excavation Permit was granted for the site in 2005 and expired in 2010.**
 - **Special Permit is required for removal of more than 50 cubic yards. Reviewed requirements.**
 - **Permit would allow for leveling and grading to adjacent site elevation for development.**
 - **Appropriate erosion and sediment controls would be in place during excavation.**
 - **Polymesh would be added to create 2/1 slopes and allow for vegetation to adhere to prevent erosion.**
 - **Proposing to leave a twenty-five (25) foot buffer to adjacent residential properties**
- ◆ **Victor Riscassi questioned if processing/screening would occur on the site.**
- ◆ **Jim Cassidy indicated that the material would only be removed from the site.**
- ◆ **Staff Input:**

- Leonard Tundermann, Town Planner stated that the commission could find compliance with the Special Permit requirements. Reviewed memorandum for the application.
- Terry McCarthy, Town Engineer read memorandum into the record, dated January 30, 2012, regarding P&Z Application PZ-2012-01 Special Permit Request for soil removal at 400 Talcottville Road. Applicant agreed with Town Engineers recommendations.

- ◆ Five (5) minute recess for Public Review at 8:25 P.M.
- ◆ Meeting reconvened at 8:33 P.M.

- ◆ Public Correspondence – None
- ◆ Public Comment (8:34 P.M.)
 - Archie Damato, 53 Oakmoor Drive:
 - Spoke in support of 2004 prior approval;
 - Spoke to possible real estate value
 - Requested the Commission:
 - Vigilance in approval;
 - Demand that the work approved in 2004 be completed;
 - Demand that Staff observe and react on time as servants of the Public;
 - Suggested requiring Performance and Surety Bonds to ensure completion of the work;
 - Place a time limit on the completion of the work;
 - Demand sufficient Bonds for current application and future application;
 - Require landscaping buffer that is sufficient;
 - Requested no noise between the hours of 11:00 P.M. and 6:00 A.M. during the construction phase of the project;
 - Requested that during the operations phase of the property to restrict deliveries or trash pickup/removal during the hours of 11:00 P.M. and 8:00 A.M.;
 - Maryanne Levesque, 183 Bolton Road
 - Questioned where the soil would be delivered to.
 - Questioned specific hours of work.
- ◆ Call for Intervenor – None
- ◆ Rebuttal & Summation (8:58 P.M.):
 - Attorney Familigetti:
 - Aware of the concerns of Mr. & Mrs. Damato.
 - Expects the application for development to be filed in March 2012.
 - Undetermined where the soil materials would be moved to.
 - Reviewed the Special Permit criteria of §17.3.
 - Approval would improve the existing conditions at the site.
- ◆ Charles Bardes questioned the days/hours of operation to remove the material.
- ◆ Jim Cassidy expected work to take place during the hours of 7:00 A.M. and 5:00 P.M. Monday thru Friday.
- ◆ Charles Bardes questioned staff if limitations could be imposed by the commission.
- ◆ Leonard Tundermann, Town Planner indicated that they could be imposed if they related to protection.
- ◆ Chester Morgan questioned how the Bonding would be handled.
- ◆ Leonard Tundermann, Town Planner indicated that the Town still holds an \$18,000 Bond from the former application. Indicated that changes in Bonding allow for the Bond to be received up to the date a Certificate of Occupancy is issued.
- ◆ Victor Riscassi estimated a total of 1,675 vehicle trips to remove the materials from the site. Suggested possible limitation of maximum 40 truck trips/day.

- ◆ **Jim Cassidy proposed utilizing three (3) trucks for removal with fifteen (15) trips per truck per day for a total of 45 loads and 37 estimated total work days to remove the material.**
- ◆ **Public Hearing was closed at 9:13 P.M.**
- ◆ **Victor Riscassi, seconded by Francis Kaplan moved a Motion to Approve the Application with the stipulation;**
 - **Limit the hours of work from 9:00 A.M. to 4:00 P.M.**
- ◆ **Harry Thomas was concerned with not knowing where the material removed from the site would be taken to.**
- ◆ **Victor Riscassi, seconded by Francis Kaplan moved a friendly amendment to find consistency with §17.3 Special Permit criteria and the Memorandum dated January 30, 2012 from Terry McCarthy, Town Engineer.**
- ◆ **William Roch questioned impact to development timetable based on the restriction of work hours.**
- ◆ **Chester Morgan, seconded by William Roch moved a Motion to amend the work hours to be 8:00 A.M. to 4:00 P.M. Motion carried unanimously.**
- ◆ **Vote on Original Motion as Amended carried unanimously.**

4. Old Business

4.1 Application [PZ-2011-17] of the Town of Vernon to change various sections of the Vernon Zoning Regulations, as indicated below, to remove various uses from sections requiring special exceptions and/or special permits and place them in sections permitting uses by right. Changes, other than renumbering, are proposed to the following sections of the Zoning Regulations

- ◆ **Moved in Amended Agenda prior to Item #3**

4.2 Plan of Conservation and Development

- ◆ **None**

5. New Business.

5.1 Receipt of Applications:

5.1.1 None

6. Other Business

6.1 Additional business to be considered should be introduced under PZC meeting agenda item “#2.1 Amendment / Adoption of Agenda” at the beginning of the meeting.

7. Adjournment.

- ◆ **Charles Bardes, seconded by Harry Thomas moved a motion to Adjourn. Motion carried unanimously.**
- ◆ **Meeting Adjourned at 9:21 P.M.**

James Krupienski
Recording Secretary