

FINAL Minutes
TOWN OF VERNON
Planning & Zoning Commission (PZC)
Thursday, May 1, 2008, 7:30 PM
Meeting Room, Second Floor
Senior Citizens Center
26 Park Place
Rockville/Vernon, CT

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1. Call to Order & Roll Call
 - **Meeting called to order at 7:42 P.M.**
 - **Regular Members Present:** Lester Finkle, Ralph Zahner, Richard Guttman, Sarah Iacobello, Watson Bellows, Pat Settembrino.
 - **Alternate Members Present:** Francis Kaplan and Walter Mealy. Francis Kaplan to sit for Chester Morgan.
 - **Staff Present:** Leonard Tundermann, Town Planner, David Gooch, Civil Engineer
 - **Recording Secretary:** James Krupienski
2. Administrative Actions/ Requests
 - 2.1 Communications received NOT related to Agenda items
 - **Court case release from the Appellate Court regarding Town of Vernon v. Goff.**
 - 2.2 Amendment / Adoption of Agenda - Additional business to be considered under agenda item #6 "Other Business"
 - **Lester Finkle requested that Item 4.1 PZ-2008-06 be moved prior to item 3.1.**
 - **Watson Bellows requested a discussion item for the Aldi's Construction & that item 4.2 have a ½ hour block of time set aside for discussion.**
 - **Ralph Zahner, seconded by Richard Guttman made a Motion to Adopt the Agenda as Amended. Motion carried unanimously.**
 - 2.3 Acceptance of Minutes
 - **None**
 - 2.4 Call for filing of Intervener(s) petition(s) and determination of status
 - **None**
- 4.1 Application (**PZ-2008-06**) for Karl Isch & Bruce Bemer for a Zone Change from Residential 10 (R-10) to Commercial (C) at #48 & #50 Windsor Ave. (Assessor's ID: Map #22, Block #30, Lot/Parcel #42 & Map ID: #22, Block #30, Lot/Parcel #43).
 - **Ralph Zahner recused himself from the application. Walter Mealy to sit for Ralph Zahner.**
 - **Watson Bellows, seconded by Francis Kaplan made a Motion to Approve the Application.**
 - **Discussion was held.**
 - **Motion carried unanimously.**

- **Ralph Zahner returned as regular member at 7:53 P.M., Walter Mealy returned to alternate member.**

3. Public Hearings

3.1 Continued Public Hearing for Application (**PZ-2008-01**) for Ben Carlson for a Special Permit for Office Space and Store of Equipment at #670 Dart Hill Road (Assessor's ID: Map # 4, Block #0004, Lot/Parcel #0003A).

- **David Gooch, Civil Engineer – requested quarterly maintenance report for the dumpster pad filtration basin.**
- **Richard Guttman questioned if the proposed filter would handle a heavy rainfall to protect groundwater.**
- **David Gooch, Civil Engineer suggested inspection after heavy rainfalls to determine that it was working properly.**
- **John Zahner, PE – reviewed the filter system – designed for 25 year storm. Exhibit: Maintenance schedule was submitted to the commission for review.**
- **Sarah Iacobello feels stipulation to limit dumpster quantity on site might be appropriate.**
- **David Gooch, Civil Engineer – feels the owner should be able to inspect the filter system, suggests that an outside agency should clean and replace the filter element.**
- **John Zahner, PE read a letter from Attorney Twockman into the record.**
- **Rebuttal & Summation:**
 - **John Zahner, PE – Applicant has tried to reduce impact to the surrounding neighbors.**
- **Watson Bellows questioned if the applicant would consider not storing dumpsters on the site. Applicant indicated that it would put them out of business.**
- **Walter Mealy felt that the quantity of dumpsters is the largest issue with the application and the effect to the neighborhood.**
- **Public Hearing closed at 8:20 P.M.**
- **Sarah Iacobello – Appropriate measures in place would mitigate problems.**
- **Pat Settembrino – indicated that he was against the application based upon quality of life would be diminished.**
- **Watson Bellows – Would approve the application without the dumpsters based upon Section 17.3.1.**
- **Ralph Zahner – feels dumpster amounts are an issue and the zoning regulations seem to be specific to the confines of the building. Would approve the application without the dumpsters.**
- **Richard Guttman – Applicant has been cooperative with the requests of the commission.**
- **Francis Kaplan – Has no issue with business only the storage of dumpsters and possible contamination.**
- **Lester Finkle – Feels appropriate safety measures have been proposed, would limit dumpsters to maximum of 28.**
- **Pat Settembrino, seconded by Watson Bellows made a Motion to Deny the Application for General Contracting.**

- **Watson Bellows proposed a friendly amendment to deny the dumpster storage on site but approve for General Contracting. Amendments accepted by motioner.**
 - **Amendments to add to the Amended Motion:**
 - 1 **Repairs to dumpster would occur inside the structure;**
 - 2 **Property be landscaped according to the plans submitted to the Planning and Zoning Commission on April 17, 2008;**
 - 3 **Hours of operation be in compliance with the Business Plan submitted to the Planning and Zoning Commission on April 17, 2008;**
 - 4 **Fuel tanks be stored within the confines of the building;**
 - 5 **All large contracting equipment to be stored on the pavement area proposed for the dumpster as shown of the Site Plan submitted to the Planning and Zoning Commission on April 17, 2008**
 - 6 **Employee parking be marked on the Site Plan and be in accordance with the Town of Vernon Zoning regulations;**
 - 7 **No vehicle washing of any vehicle on the premises;**
 - 8 **All oil and grease changes be completed within the confines of the building and disposal of any waste products will be in accordance with any container designated by the Town of Vernon;**
 - 9 **Applicant to address the Special Permit requirement for signage on site;**
 - 10 **If signage shown on Site Plan is within the regulations it could be approved.**
 - 11 **Filter System – Applicant can inspect, outside service would handle maintenance.**
 - **Motion carried with Pat Settembrino, Watson Bellows, Ralph Zahner, Richard Guttman, and Francis Kaplan voting: Yes. Lester Finkle voting: No. Sarah Iacobello abstained.**
 - **Ralph Zahner suggested that the applicant request a modification if the filter system is no longer necessary for the site.**
 - **Pat Settembrino requested a 5 minute recess at 8:50 P.M.**
 - **Meeting reconvened at 9:03 P.M.**

3.2 Application (PZ-2008-10) for Scott Wieting for a Designation as a Scenic Road for Reservoir Road from Walker Reservoir Water Crossing to the end of Bolton Road.

- **Leonard Tundermann, Town Planner read the Legal Notice into the record.**
- **Leonard Tundermann, Town Planner reviewed Ordinance #256 – Scenic Road Designation adopted by the Vernon Town Council.**
 - **Should be unpaved;**
 - **Bordered by mature trees or stone walls;**
 - **The traveled portion is no more than twenty feet wide;**
 - **Offers Scenic views, notable ridgelines or geological or other natural features;**
 - **Historic structures;**

- Blends naturally into the terrain;
 - Crosses over brooks, streams, lakes or ponds.
 - Walter Mealy recused himself for the application.
 - Scott Wieting stated that vote is based upon majority of land frontage.
 - Sheryl McMullen, Chairperson of the Conservation Commission – designed to protect the roadway side to prevent removal of trees and stone walls.
 - Leonard Tundermann, Town Planner indicated that roadway varies from a distance of 75' to 40'.
 - Ralph Zahner questioned if it was determined that the road right-of-way was conveyed to the Town.
 - David Gooch, Civil Engineer – indicated that research in the Town Clerk's office was unable to determine the ownership of the road right-of-way.
 - Scott Wieting reviewed photos of the proposed roadway.
 - Pat Settembrino questioned the impact of voting for the designation based on majority ownership.
 - Richard Guttman, seconded by Ralph Zahner made a motion to Continue the application to the May 15, 2008 meeting. Motion carried unanimously.
 - Walter Mealy rejoined the meeting at 9:34 P.M.
4. Old Business & Action
- 4.2 Plan of Conservation and Development (POCD): Discussion of issues and a process for formulating a new plan.
- Watson Bellows reviewed the Water Pollution Control Authority Meeting regarding the planning for a sewer/sewer avoidance plan.
 - Commission members Watson Bellows, Walter Mealy and Ralph Zahner volunteered for a subcommittee to work with the Town Planner to create a plan to begin the update process of the Plan of Conservation Development.
 - Leonard Tundermann, town Planner indicated that he had supplied a document, "Ten Steps in Preparing a Comprehensive Plan" to assist in outlining the POCD update process.
- 4.3 Zoning regulation changes for consideration.
- a. Home based businesses
 - b. Portable signs
 - Discussion was held regarding a letter from the Local Historic Properties Commission regarding recommendation for portable signs as proposed by the Rockville Downtown Association.
 - c. Dumpster and portable storage containers
- 4.4 Discussion on the Construction at the Aldi's Site.
- Watson Bellows questioned the placement of the detention basins on the site and the placement of a berm similar to the adjacent site.

- **David Gooch, Civil Engineer stated that he had visited the site and determined that the basins were slightly further from sidewalks than proposed.**
- **Watson Bellows requested that staff contact the contractor to determine if the berm would be installed.**

5. New Business.

5.1 Receipt of Applications.

5.1.1 Application (PZ-2008-12) of Scott Luginbuhl for a Special Permit/Site Plan of Development to construct 1 single family house at #626 Dart Hill Road. (Assessor's ID: Map#4, Block #4, Lot/Parcel #1C).

- **Sarah Iacobello, seconded by Francis Kaplan made a Motion to receive and Schedule a Public Hearing on July 3, 2008.**
- **Application required review by Design Review and Inland Wetlands.**
- **Motion carried unanimously.**

5.1.2 Application (PZ-2008-13) of Scott Luginbuhl for a Special Permit/Site Plan of Development to construct 1 single family house at #616 Dart Hill Road. (Assessor's ID: Map#4, Block #4, Lot/Parcel #1AA).

- **Ralph Zahner, seconded by Sarah Iacobello made a Motion to receive and Schedule a Public Hearing on July 3, 2008.**
- **Application required review by Design Review and Inland Wetlands.**
- **Motion carried unanimously.**

5.2 CGS 8-24 Review relative to conveyance of property located on Route 83 (Talcottville Road).

- **Ralph Zahner, seconded by Richard Guttman made a motion to continue discussion to the May 15, 2008 meeting. Motion carried unanimously.**

6. Other Business

6.1 Application for Tahir Chaudhary for a modification of an approved Plan of Development for Dania Food Mart at #24 West St. (Assessor's ID: Map #22, Block #40, Lot/Parcel #03. (PZ-2008-11).

- **Muhammad Chaudhary – looking to convert gas station/repair shop into a convenience store.**
- **Leonard Tundermann, Town Planner – Design Review Commission on April 28, 2008 and received approval with the stipulations:**
 - **Fence around dumpster enclosure not be chain link, instead a Trex corresponding to the building color scheme.**
 - **Any changes to the signage plan are referred to the Design Review Commission for review.**
- **Leonard Tundermann, Town Planner indicated that the proposed changes were internal to the building and the front façade which does not require a full Public Hearing process.**

- **Pat Settembrino questioned if the gas pumps would be remaining. Applicant indicated they would remain.**
- **Pat Settembrino questioned if Traffic Authority should review the application for impact.**
- **Leonard Tundermann, Town Planner indicated that he would send it to Traffic Authority for review.**
- **Ralph Zahner questioned that hand drawn revisions shown on the map supplied to the commission and if they showed the existing conditions on the site.**
- **Lester Finkle requested the applicant supply updated Site Plan to the commission and Traffic Authority to review.**
- **Richard Guttman, seconded by Francis Kaplan made a motion to continue the application to the May 15, 2008 meeting**

6.2 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.

- **Francis Kaplan, seconded by Watson Bellows made a Motion to Adjourn. Motion carried unanimously.**
- **Meeting adjourned at 10:30 PM.**



James Krupinski
Recording Secretary