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Cc:

ADOPTED

ZONING COMMISSION MINUTES
MAY 2, 2011
REGULAR MEETING

I. CALL TO ORDER

Chairman Gallagher, Chairman, called the regular meeting of the Simsbury Zoning Commission to order at 7:02 p.m. in the Main Meeting Room at the Town Offices. The following members and alternates were present: Edward Pabich, Amy Salls, Robert Pomeroy, Bruce Elliott, Thomas Doran, Madeleine Gilkey, and David Ryan. Also in attendance was Hiram Peck, Director of Planning, and other interested parties.

II. APPOINTMENT OF ALTERNATES

Chairman Gallagher appointed Commissioner Doran to serve for Commissioner Vaughn at this meeting.

III. APPROVAL OF MINUTES of April 4, 2011

Commissioner Pomeroy moved to approve the Minutes of April 4, 2011. The motion was seconded by Commissioner Pabich and passed unanimously.

Commissioner Pabich read the Call.

IV. PUBLIC HEARING(s), DISCUSSION AND POSSIBLE VOTE

a. Application of the Town of Simsbury, Owner, Darlene Davis, Theatre Guild of Simsbury, Agent, for a Special Exception for a Temporary Liquor Permit, pursuant to Article Ten, Section H of the Simsbury Zoning Regulations in conjunction with the Theatre Guild's Cabaret to be held on Saturday, June 4, 2011 in the auditorium at Eno Memorial Hall, 754 Hopmeadow Street. SCZC Zone

Darlene Davis spoke on behalf of this application. She said that they are

looking for approval to have a BYOB at their Cabaret that will be held on June 4th. This application is to get the Zoning Commission's approval. The last Cabaret was three years ago. This one will be held at Eno Memorial Hall.

Commissioner Gilkey said that the staff report says that the Theatre Guild is requesting a temporary liquor permit to serve champagne at this event. Ms. Davis said that is not correct, it was mistyped. This is a BYOB event only. Ms. Davis said that they have never had any history of any abuse of alcohol at their events. Commissioner Gilkey asked if there is a police presence at their events. Ms. Davis said that they never have had police officers at their events. She said that the BYOB will only be wine or beer. Commissioner Gilkey asked if there is a limit as to what people can bring in. Ms. Davis said that they do keep a watch on it, but people usually bring in a bottle of wine to have with the hor d'oeuvres that they bring with them. She said that there will be tables set up with eight chairs around each table. Commissioner Gilkey asked how long the Cabaret will last. Ms. Davis said that it should last around 1 ½ hours. The show starts at 8:00 p.m. and they should be out of there by 10:00 p.m.

Chairman Gallagher asked if there were any other questions.

Commissioner Elliott said as a point of clarification, that they do not actually sell or serve the alcohol. Ms. Davis said in this particular case they do not.

Commissioner Pomeroy moved to close the Public Hearing. The motion was seconded by Commissioner Salls and passed unanimously.

Commissioner Pabich moved to approve the application of the Town of Simsbury, Owner, Darlene Davis, Theatre Guild of Simsbury, Agent, for a Special Exception for a Temporary Liquor Permit, pursuant to Article Ten, Section H of the Simsbury Zoning Regulations in conjunction with the Theatre Guild's Cabaret to be held on Saturday, June 4, 2011 in the auditorium at Eno Memorial Hall, 754 Hopmeadow Street. The motion was seconded by Commissioner Doran and passed unanimously. 6-0 Vote

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V. PRESENTATION(s)

a. Application of Yunan Jiang, Yunan's Accents, Owner, for Signage on property located at Yunan's Accents, 552 Hopmeadow Street. B-1 Zone

Yunan Jiang spoke on behalf of her application. She said that she recently opened her business for interior décor and design, along with the sale of giftware. She has had complaints from her customers that they had trouble finding her location. All the buildings to the south of her have signs on the building (Simsmore Square). She does not have signage on her building, and people just pass by thinking it is a residence. Ms. Jiang said that people tend to drive fast, and also there is a curve near her business so people do not really see the free standing sign that is currently located on the property. There are also tall trees on Simsmore Square property and people coming north do not see her sign because of the blocking of the trees.

Ms. Jiang said that she wants to improve her business by investing some money and placing a sign on her building so people will notice the location. Chairman Gallagher asked about the free standing sign. She said that sign is already existing, but she is improving the board, but would like to have the same font and design for a sign on the building as well. Chairman Gallagher asked about the size of the wall sign. Ms. Jiang said that wall sign measures 19"x 95", which comes up to 12.51 square feet.

A Commissioner asked where the sign would be located on the building. Ms. Jiang said that it will go where the basket is currently located on the third floor. The sign would go under the window and the basket would be taken off the building. She said that she had thought about placing it on the roof of the porch, but was concerned with the cost and also having nails going into the roof.

Chairman Gallagher asked about the color of the wall sign. Ms. Jiang said that it will be a light camel color for the background and black lettering. She said that the free standing sign will be the same color combination, and will be the same size it is now.

A Commissioner asked if the signs meet all the codes as far as size. Mr. Peck said that the signs do meet the code.

Chairman Gallagher asked her if she has any plans to lease out any space in this building. Ms. Jiang said no. She plans to be the only tenant.

Chairman Gallagher read the referral letter from the Design Review Board.

Commissioner Pabich said that he made a point of driving by there this morning. He said if you look at the character of the area you notice within

a mile that you have automobile dealers, two gas stations, and a package store with neon signs in the window. Here you have a lady asking for something that is very tasteful and conservative on her building, which is comparable to the other buildings. Commissioner Pabich said that he feels they should be pro-business and be thankful that she wants to come to Simsbury.

Commissioner Salls asked a question regarding the scale of the wall sign. She asked how big it would look when you actually put it up on the building. Will this sign fill the location from window to window? Ms. Jiang said that each of the clapboards is approximately 5-inches wide, and her sign is 19" wide. There will be a little gap. The sign does not completely fill the space between windows to window. The sign is 95" in length.

Chairman Gallagher asked if she plans to put lights on the signs. Ms. Jiang said not at this time, but in the future she may place a simple down light directly over the wall sign.

Commissioner Gilkey said that one of the things the Design Review Board mentioned in their memo was that there was too much information on the wall sign for the building. She asked if Ms. Jiang would agree to a compromise with the sign just saying Yunan's Accents (with her logo also on the sign), and not the other stuff that is under it. Commissioner Gilkey said that the other information would not be seen or read from the street. People will be looking for the name, not the other stuff that is written underneath. Commissioner Gilkey said that it is too much advertising.

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Chairman Gallagher said that he likes the sign the way it is. Commissioner Pabich said that he feels the sign identifies the nature of the business. Chairman Gallagher asked how many cars can go into the parking lot. Ms. Jiang said five (three in the front and two in the back). Chairman Gallagher asked about lights for the free standing sign. She said that there is already lighting existing for that sign.

Commissioner Elliott asked if she was planning to just paint the existing board on the free standing sign. Ms. Jiang responded yes. She said that it will be repainted to the same color as the wall sign so the signs will be coordinated.

Commissioner Pomeroy moved to approve as requested the application of Yunan

Jiang, Yunan's Accents, Owner, for Signage on property located at Yunan's Accents, 552 Hopmeadow Street. The motion was seconded by Commissioner Elliott and passed unanimously. 6-0 Vote

VI. DISCUSSION AND POSSIBLE ADOPTION OF Consent Agenda Policy

Mr. Peck gave the Commissioner's a copy of the Rules and Procedures. He said, just for discussion purposes, he integrated into the last section (Article 14) some of the ideas that he had received. It can be rearranged later on. The idea was to try to incorporate the ideas that had been discussed into Article 14 as a policy on the Consent Agenda.

Commissioner Pabich asked Commissioner Elliott about the second sentence in his ideas that states that the application will be placed on the Consent Agenda. He asked if they want to make it mandatory, or do we want Hiram to have the discretion of whether it should or should not be placed on the Consent Agenda. Mr. Peck said that he would like to have the discretion of whether an application should or should not go on the Consent Agenda. If the applicant has not met the requirements, then it is a waste of the Commission's time. Commissioner Elliott said that the applicant cannot demand approval, and without the approval it does not qualify. Mr. Peck said that he would like a little bit of leeway there so he can put it on if it qualifies. He said that typically what would happen is if something does not qualify to be on the Consent Agenda, the Zoning Commission would let him know and he would take it off. He would then tell the applicant that the Commission does not want it on. Mr. Peck said that this is pretty straight forward and does not see an issue.

Commissioner Salls asked what they are talking about as far as the language difference with Commissioner Elliott using the words "will be place". Commissioner Gilkey said that in Section 6 the words "may be placed" are used also stating that the word may is what she would have used. A Commissioner said that this relates to the items that come forth from the Simsbury Center Code. Mr. Peck said that is correct. The Commissioner continued on saying that the notion he had on his mind when he was thinking about how to word this was all about making sure that the applicant knows exactly what to expect so that there are not any arguments and disappointments, and avoid having applicants that are unhappy with the service they receive. The policy should be clear and then there will not be any complaints.

A Commissioner said that he likes this a lot and is afraid if they just stick with the Town Center Code reference it will be months of meetings before they get back to doing this. He asked what it takes to get this into the rules and procedures. Mr. Peck said that all they have to do is tell him that this is what you would like to do and then vote on it.

Commissioner Gilkey said that Hiram had mentioned that he would like to see other things be able to come on the Consent Agenda. She asked why he specifically referenced the Simsbury Center Code. Mr. Peck said that initially that was all they were talking about. He said as an example you would have seen the sign application because the Design Review Board did not recommend the wall sign. This would not have been a Consent Agenda item. On the other hand if the Design Review Board had recommended approval it would have been a Consent Agenda item.

Commissioner Elliott said that one of the issues he has with the document that Hiram gave them is the sentence stating that the Commissioners have to notify the Planning Director within three days of the meeting in order to pull something off the Consent Agenda. He does not feel that this requirement is reasonable or necessary to make this thing work for them. Commissioner Elliott said that he chose to reference the good faith effort to familiarize themselves with the materials. He said that Commissioners could have various reasons why they did not have opportunity to review materials such as not getting the materials needed, they were ill, out of state, etc. They also

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might make the meeting, but may not be familiar with whatever is happening. Commissioner Elliott said that he thinks it is reasonable to give them a little latitude to ask for an item to be removed even if it is one day before. Also, if an applicant has a presentation team coming to the meeting with them, more particularly for the Simsbury Center Code stuff, the applicant should be notified that someone is going to want their item off the Consent Agenda. They then could either still bring their team, or have the option of taking a spot on the next meetings agenda. Commissioner Elliott said that his main concern is that people who read this understand what is going to happen and what is in front of them. As Commissioner's, in particular, they do not want to give up the latitude to make a decision.

Mr. Peck said that there are two reasons why his document said three days. One is that if something gets taken off the Consent Agenda, we have to adjust and then repost the agenda. That has to happen no later than Friday as this Commission meets on Monday. The other reason is that if we do let the applicant know that it has been taken off the Consent Agenda, we can give him a call on Friday and let him know not to have his team come in from where-ever they are located.

Commissioner Pabich suggested encouraging the Commissioners to do this within three days, but with the option to pull it right up to the last minute. A Commissioner said that the agenda can be amended as long as it is not a special meeting. Commissioner Elliott said that whether they put in three days or with no time frame it still hangs on the good faith effort.

Mr. Peck said that he will blend the documents together and get it back to them for their next meeting.

No action taken on the item this evening.

VII. DISCUSSION AND POSSIBLE VOTE ON ANY AGENDA ITEM

Done

VIII. OTHER MATTERS AS MAY PROPERLY COME BEFORE THE COMMISSION/ COMMUNICATIONS

Mr. Peck said that when the Grist Mill / West Street project was in there was a minor discussion at the very end about an adjustment that might need to be made to the driveway in the area where the Landmark Consulting building is located. Two parking spaces have now been moved from one place to another. Mr. Peck said that he needs the Commission to tell him that it is okay. He showed the Commissioners the change on a plan that shows the two reserved parking spaces relocated from one area of the parking lot to another area of the parking lot. Ms. Salls asked if these parking spaces are for Landmarks usage only. Mr. Peck said yes.

Commissioner Elliott asked why they would approve this if it is not part of the PAD application. Mr. Peck said that it is not a change in the PAD, but it is a site plan modification to the plan that was already approved by this Commission. Commissioner Elliott asked why they should be concerned by something that is happening on an abutting property. Mr. Peck said that he does not want to relive the past here, but one of the owners had been very upset and wanted to sue everybody. Landworks just want to be sure that they can go ahead and do this without any problems.

Commissioner Pomeroy moved to add this site plan modification for Landmark Consulting, 10 Mill Pond Lane, to the agenda. The motion was seconded by Commissioner Pabich and passed unanimously.

Mr. Peck said that there is no change to the PAD. It is just simply the fact that they would like the Town to say it is okay to move these two spaces. They do not want someone to come back at a later date and be told that they did this without any kind of approval.

Commissioner Elliott said that there is no application from the land owner for a site plan amendment, nor is there any written authorization from them. He said that Hiram has only had conversations with them. It is not a huge thing, but is this in close enough compliance with our regulations.

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Mr. Peck said that if the Commission is uncomfortable with voting on it, or even if they are okay with it, but would rather not vote on it that is also okay. He will just construct a letter telling them what has transpired. This all came about late this afternoon.

Commissioner Pabich suggested expediting this conversation by giving Hiram permission to write a letter without a motion being made on the modification.

Commissioner Pomeroy moved that they direct Mr. Peck to inform the parties that the insertion of the note onto the approved site plan as shown on Sheet LP-105 is satisfactory to the Commission. The motion was seconded by Commissioner Pabich and passed unanimously. 6-0 Vote

IX. ADJOURNMENT

The Zoning Commission meeting adjourned at 8:10 p.m.

Edward Pabich, Secretary

