

From: Lois Laczko April 27, 2009 2:59:58 PM
Subject: Zoning Commission Minutes 04/06/2009 ADOPTED regular meeting
To: SimsburyCT_ZoningMin
Cc:

ADOPTED

ZONING COMMISSION MINUTES
APRIL 6, 2009
REGULAR MEETING

I. CALL TO ORDER

Chairman Barney called the Regular Meeting of the Zoning Commission to order at 7:35 p.m. in the Main Meeting Room at the Simsbury Town Offices. The following members were present: Bruce Elliott, Alan Needham, Scott Barnett, James Gallagher, Garrett Delehanty, Ed Pabich and Madeline Gilkey. Also in attendance were Director of Planning Hiram Peck, Environmental Compliance Officer Howard Beach, Commission Clerk Alison Sturgeon and other interested parties.

Chairman Barney introduced Adam Susaneck. Adam stated that he is a junior at Westminster School and is attending Town meetings and helping at the Town Hall as his afternoon program. He became interested in politics during this recent election. He wanted to stay involved and learn more about politics and decided to come to the Town Hall.

II. APPOINTMENT OF ALTERNATES'

Chairman Barney appointed Mr. Pabich to serve in the absence of Mr. Vaughn.

III. APPROVAL OF MINUTES of March 16, 2009 special meeting and March 16, 2009 workshop

Mr. Elliott made a motion to approve the March 16, 2009 workshop minutes as written. Mr. Delehanty seconded the motion, which was unanimously approved.

Mr. Elliott made an edit to the special meeting minutes.

Mr. Elliott made a motion to approve the March 16, 2009 special meeting minutes as amended. Mr. Delehanty seconded the motion, which was

unanimously approved.

Mr. Delehanty read the call.

IV. PUBLIC HEARING(s)

a. Application of Kevin S. Fillmore, Farms Village Plaza, LLC – Owner, for a Special Exception, pursuant to Article Ten, Section C.3.i of the Simsbury Zoning Regulations for additional signage on property located at Farms Village Plaza, 244 Farms Village Road, West Simsbury. B-2 Zone (opened and continued at meeting of 3/16/2009)

Chairman Barney stated that this application was opened and continued at the last meeting. This is a continuation of that public hearing.

Mr. Fillmore stated that he has already been to the Design Review Board. He would like to put up three additional signs on the Battiston building and move the current Battiston sign to the drive-thru. He stated that he is requesting this because his tenants feel that they do not have sufficient exposure to the street. He stated that if these additional signs are approved, he can eliminate the use of the sandwich signs, which he does not like.

Chairman Barney questioned if the signs would be removable and repaintable. Mr. Fillmore stated that they were.

Mr. Fillmore stated that the proposed signs will be 30" x 7"; each sign will have two lighting fixtures. He showed the Commission members a sample of the lighting fixture.

Chairman Barney closed the public hearing.

b. Application of David Waldman, David Adam Realty – Owner, Kenneth F. Pilon, Agent, for a Special Exception, pursuant to Article Seven, Section E.6 of the Simsbury Zoning Regulations for a restaurant permit on property located at 530R Bushy Hill Road (Avon Marketplace), Simsbury. B-3 Zone.

Mr. Pilon stated that the owner's concern has always been the space between the buildings; there is not a good connection. He would like to make these two buildings feel like one. He would like to give a more pedestrian feel to the buildings. Mr. Pilon stated that there is an in/out entrance from this site onto Route 44, which the owner would like removed because of safety issues. This will need approval from both Avon and Simsbury.

Mr. Pilon stated that part of this application is to give this site a more pedestrian feel. They would like to put in another restaurant and create outdoor dining. The textured pavement between the two buildings would be

pedestrian oriented. He stated that the lane behind the building will remain open; this is only used by service vehicles. He stated that there will be textured paving between the buildings.

Mr. Pilon stated that they are proposing that Bertucci's will have a small outdoor dining area as well as this new restaurant. There will be lit bollards that will define the dining areas. This will also help to slow down the traffic.

Mr. Gallagher stated his concerns regarding the parking. Mr. Pilon stated that there is more than enough parking on both sites. The tenant will require that the employees park in the back. He stated that although they do not currently have a tenant for this restaurant, this is what they visualize.

Ms. Gilkey stated that she would like to see pedestrian enhancements where the textured pavement will be between the buildings. Mr. Pilon stated that there will be signage put in for the driveway lanes and for fire lanes. He stated that they have defined the walkways with the lit bollards. There will also be a stop sign for the service vehicles, which will slow down traffic.

If the owner gets a restaurant tenant, Mr. Pilon stated that they would like to modify the facade of the building to anchor the end of the building. They are proposing a gable at the end, although they would need to come back before this Commission in the future in order to do this. He stated that the owner would like to give this building a new and different feel.

Mr. Elliott questioned if the parking would be the same. Mr. Pilon stated that there would be a net increase of seven spaces between the parking areas in Avon and Simsbury.

Mr. Pilon stated that there are currently two sections of sidewalk in front of the building. He stated that over time, this sidewalk has settled. The owner will be removing most of this sidewalk and replacing it in order to have a different feel to the building.

Chairman Barney asked if there were any comments or questions from the public. There were none. Chairman Barney closed the public hearing.

c. Application of Khamsing Inthisone, Owner, for a Special Exception, pursuant to Article Seven, Section C.9 of the Simsbury Zoning Regulations for an accessory apartment on property located at 4 Sharlin Drive, West Simsbury. R-40 Zone

Beverly Stewer stated that they moved into this in-law apartment 1 ½ years ago. This apartment has been in existence since the 1970's or 1980's, although the in-law apartment was not built as part of the original house.

Chairman Barney stated that they encourage in-law apartments, but they need to be permitted. He questioned if there were any comments from the public. There were none. Chairman Barney closed the public hearing.

V. PRESENTATION(s)

a. Application of David Waldman, David Adam Realty – Owner, Kenneth F. Pilon, Agent, for a Site Plan Amendment for site improvements and maintenance on property located at 530R Bushy Hill Road (Avon Marketplace), Simsbury. B-3 Zone

Chairman Barney stated that this application was presented during Mr. Pilon's presentation during the public hearing.

b. Application of Paulo Oliveira, Owner, for Signage at T-Ville Wine & Spirits, 45 Main Street, Tariffville. B-1 Zone

Mr. Oliveira stated that he is moving the liquor store from Winthrop Street to Main Street. He showed the Commission members sample colors that he is proposing for the signs. They were white and burgundy colors.

Mr. Elliott questioned when the applicant would be relocating. Mr. Oliveira stated that he would be relocating by the end of this month.

Mr. Gallagher questioned if there would be one permanent and one temporary sign. Mr. Oliveira stated that he is not sure that he will have the funds to buy the larger sign. He stated that he plans on using one of the existing signs from the current location temporarily.

Chairman Barney questioned if Mr. Oliveira would be maintaining the square sign over the windows and if he was seeking a permit for this sign. Mr. Oliveira stated that he is seeking a permit for both signs, although he will not be installing both right away. He would also like to use LED lighting, which uses less power. This will be a strip light in the soffit instead of using recessed lighting. Mr. Gallagher questioned if the temporary sign would be lit. Mr. Oliveira stated that it would not. Mr. Pabich questioned how long the temporary sign would be up. Mr. Oliveira stated that it would be displayed for 1-2 months. It will be removed when he gets the permanent sign.

c. Application of Mary A. Glassman, First Selectman, Town of Simsbury – Owner, for a Site Plan Approval for the Tariffville Green Project on

property located at 31 Min Street, Tariffville. B-1 Zone

Chet Matczak, President of the Tariffville Village Association, stated that they have already received unanimous support for this project from the Design Review Board, Culture Parks & Recreation Commission and the Board of Selectmen.

Bill Clegg, Schoenhardt Architects, stated that this site is relatively flat. They will be locating the gazebo set back a little from the middle of the green. One use for the gazebo will be for concerts. Mr. Clegg stated that most of the plantings around the site are mature trees that are already in place. In the future, they would like to plant additional trees along the Main Street side of the property when funds become available.

Mr. Clegg stated that they wanted the gazebo to be traditional looking. It will have open air columns with a copula on top. The gazebo will be constructed of materials that are easy to maintain. The roof shingles will be a faux slate, which are easy to install and maintain.

Regarding the design of the gazebo, Mr. Clegg stated that they tried to find ways to display the history of the Town. The gazebo will have kayak ore railings; cut outs that show hiking and canoeing; and corner brackets around the columns that show fish and leaves.

Mr. Delehanty questioned what the scale of the gazebo would be. Mr. Clegg stated that it is 20' across; it is an 8 sided structure. There will be stairs going up either side and it will be handicapped accessible from the back.

Mr. Gallagher questioned who would be maintaining this structure. Mr. Clegg stated that the gazebo will be owned and maintained by the Town.

Chairman Barney questioned if this presentation and drawings fulfill the site plan requirements. Mr. Peck stated that they do.

Mr. Delehanty questioned if the adjacent owner has been contacted. Mr. Matczak stated that the adjacent property owners have been involved with the TVA; they are aware of what is happening.

Chairman Barney congratulated the Tariffville Village Association on their project.

Mr. Delehanty made a motion to amend the agenda to put Item VII next on the agenda. Mr. Elliott seconded the motion, which was unanimously approved.

VI. DISCUSSION AND POSSIBLE VOT ON ANY AGENDA ITEM

Mr. Gallagher made a motion to approve the application of Kevin S. Fillmore, Farms Village Plaza, LLC – Owner, for a Special Exception, pursuant to Article Ten, Section C.3.i of the Simsbury Zoning Regulations for additional signage on property located at Farms Village Plaza, 244 Farms Village Road, West Simsbury as submitted along with the Design Review Board comments. Mr. Barnett seconded the motion, which was unanimously approved.

Mr. Delehanty made a motion to approve the application of David Waldman, David Adam Realty – Owner, Kenneth F. Pilon, Agent, for a Special Exception, pursuant to Article Seven, Section E.6 of the Simsbury Zoning Regulations for a restaurant permit on property located at 530R Bushy Hill Road (Avon Marketplace), Simsbury as submitted. Mr. Gallagher seconded the motion, which was unanimously approved.

Mr. Delehanty stated that the application of Khamsing Inthisone meets all of the criteria set out in the Regulations for an accessory apartment.

Mr. Elliott made a motion to approve the application of Khamsing Inthisone, Owner, for a Special Exception, pursuant to Article Seven, Section C.9 of the Simsbury Zoning Regulations for an accessory apartment on property located at 4 Sharlin Drive, West Simsbury as submitted. Mr. Delehanty seconded the motion, which was unanimously approved.

Mr. Delehanty made a motion to approve the application of David Waldman, David Adam Realty – Owner, Kenneth F. Pilon, Agent, for a Site Plan Amendment for site improvements and maintenance on property located at 530R Bushy Hill Road (Avon Marketplace), Simsbury as submitted, noting that the application does show the additional bollard requested by the Design Review Board. This application is noted as not having any signage involved. Mr. Gallagher seconded the motion, which was unanimously approved.

Chairman Barney stated that it is his understanding that Mr. Oliveira will not be installing the long permanent sign for some time, but that the temporary sign will be what he initially uses. The temporary sign will be removed when the permanent sign is put into effect.

Mr. Delehanty made a motion to approve the application of Paulo Oliveira, Owner, for Signage at T-Ville Wine & Spirits, 45 Main Street, Tariffville as submitted. Mr. Gallagher seconded the motion, which was unanimously approved.

Mr. Elliott made a motion to approve the application of Mary A. Glassman, First Selectman, Town of Simsbury – Owner, for a Site Plan Approval for the Tariffville Green Project on property located at 31 Main Street,

Tariffville as submitted. Mr. Barnett seconded the motion, which was unanimously approved.

VII. INFORMAL PRESENTATION by Phil Doyle, LADA, to discuss renovation plans on property located at the Drake Hill Mall, 710-716 Hopmeadow Street. SCZA Zone

Mr. Doyle, Landscape Architect from LADA, stated that the owners of this property would like to do some renovations. They would also like to improve the parking and circulation in front of Fitzgerald's. They will also be proposing two additional buildings on this site. One building will be a 3,000 square foot bank building. The other building will be a 4,500 square foot 2-story building with office on the second floor and retail and restaurant on the first floor. This building will be located on the corner of the parcel in order to balance the property.

Mr. Doyle stated that the major issue for this site is the circulation. He stated that the current driveway is located very close to Route 10; this is a point of congestion. The proposal is to move the driveway back, rebuild the driveway and put it opposite of the Webster Bank driveway. They would also like to widen the street to put in a turning lane into the site and not block traffic.

Mr. Doyle stated that there is a service driveway behind the building, although to get to that driveway, the trucks have to go down Mall Way. Once the trucks enter the site, it is very hard for them to maneuver. He stated that their proposal is to connect the service driveway through; they would like to put a second driveway in from Mall Way to Drake Hill.

Mr. Doyle stated that the goal is to make the traffic flow better for the entire site. He stated that Mr. Sawitzke would like to improve the water quality on the site as well; the parking lot currently runs down to the brook. They are proposing to install Vortechnic units to treat the entire parking lot so it will meet the current water quality standards.

Mr. Doyle stated that the brook running through this property has been a continual problem; the brook is channelized around the library and under Route 10. He stated that they would also like to add islands to the parking lot where they currently do not exist. He stated that they would also like to add parking spaces in front of Fitzgerald's. In order to make these improvements, Mr. Doyle stated that they are hoping to generate revenue from the buildings to fund this.

Mr. Gallagher stated his concerns regarding cars parking in front of Fitzgerald's. He feels that the cars will be backing up out of these spaces into the oncoming traffic lane. He feels that this will be a

problem and many accidents will occur.

Ms. Gilkey questioned why they were putting the 2-story office building in front on the corner instead of putting in into the big space in the rear of the lot. Mr. Doyle stated that they did this to architecturally balance the site. Also, it would not be economical to build this building in the rear of the parcel.

Mr. Walker, Grove Properties, stated that he has talked with the tenants on this site; they are very enthusiastic about this proposal. They feel that this will be an improvement regarding access and it will be more aesthetically pleasing. Mr. Walker feels that this plan will bring in more business and may attract higher quality tenants.

Mr. Elliott stated his concerns regarding the new curb cut on Drake Hill Road. He questioned if the applicant had thought about having that be only a "one-way in" side entrance. Mr. Doyle stated that they would look into this suggestion. Mr. Barnett stated that another suggestion could be that this entrance be two ways, but people exiting would only be able to take a right.

Mr. Needham questioned what this proposed plan will do for walkability. Mr. Doyle stated that Simsbury Center is a great place to shop and walk around. He stated that the only problem is that there are not a lot of connections. They are proposing additional pedestrian connections and additional sidewalks out to the street. Mr. Doyle stated that they did consider putting in apartments on the second floor of the proposed building, although they cannot make that proposal because the Regulations do not allow it.

Chairman Barney stated that the pedestrian access from Hopmeadow Street is critical. He stated that it is currently not a good situation to walk or drive through this site. He feels that some of the proposed improvements make sense, although the lane in front of the buildings are quite dangerous. Mr. Delehanty suggested using speed bumps. Mr. Doyle stated that they could use speed bumps or changes in the pavement in order to slow people down.

Mr. Barnett stated that he does not like the idea of the additional parking spaces in front of Fitzgerald's. He feels that the parking in front of Peaberry's Cafe and McGuire's should be as they currently are.

Ms. Gilkey stated that she does not like the idea of the 2-story building where it is being proposing. She also does not like the additional parking in front of Fitzgerald's and feels that the current parking in front of this store should be strictly handicap spaces.

Mr. Barnett stated that the applicant should also spruce up the back of the main building. The back of this building now faces Iron Horse Boulevard, which is heavily traveled.

Chairman Barney urged Mr. Doyle to come back to a future meeting to present this application with some of these changes.

Mr. Beach stated that DOT will be rebuilding the intersection of West Street and Drake Hill Road and Hopmeadow Street. This project will begin in May. They will be adding a turning lane and widening the road.

VIII. OTHER MATTERS AS MAY PROPERLY COME BEFORE THE COMMISSION

There were none.

IX. ADJOURNMENT

Mr. Gallagher made a motion to adjourn the meeting at 9:15 p.m. Mr. Barnett seconded the motion, which was unanimously approved.

Garrett Delehanty, Jr., Secretary