

From: Lois Laczko July 26, 2010 9:24:33 AM
Subject: Zoning Commission Minutes 06/21/2010 ADOPTED
To: SimsburyCT_ZoningMin
Cc:

ADOPTED

ZONING COMMISSION MINUTES
June 21, 2010
REGULAR MEETING

I. CALL TO ORDER

Chairman Gallagher called the Regular Meeting of the Zoning Commission to order at 7:00 p.m. in the Main Meeting Room at the Simsbury Town Offices. The following members were present: Ed Pabich, Bruce Elliott, Dave Ryan, Amy Salls, and Madeleine Gilkey. Also in attendance were Director of Planning Hiram Peck, Commission Clerk Alison Sturgeon and other interested parties.

II. APPOINTMENT OF ALTERNATES

Chairman Gallagher appointed Ms. Gilkey and Mr. Ryan to serve in the absence of Mr. Barnett and Mr. Vaughn.

III. APPROVAL OF MINUTES of May 17, 2010

Mr. Elliott made a motion to approve the May 17, 2010 minutes as written. Mr. Pabich seconded the motion, which was unanimously approved.

Mr. Pabich read the call.

IV. PUBLIC HEARING(s)

a. Application of Jon F. Holley, The Master's School - Owner, Jerome Bertuglia, Agent, for a Special Exception pursuant to Article Ten, Section C.6 of the Simsbury Zoning Regulations for a new entrance sign on property located at The Master's School, 36 Westledge Road. R-160 Zone

Mr. Peck stated that the applicant is not here tonight. He stated that, originally, this sign overlapped into the right-of-way, although the sign has been moved to a new location. This proposed sign meets all of the size requirements and does not obstruct the site lines; it also meets all of the

Design Review Board's requirements. From a zoning standpoint, Mr. Peck stated that this sign is appropriate and recommends approval.

Chairman Gallagher questioned if the address number will be on the sign. Mr. Peck stated that there will be a separate sign, which will include the address number.

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

b. Application of Lynn C. Jones, Great Pond Properties, LLC, 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 15 Woodchuck Hill Road. R-40 Zone

Mr. Pabich recused himself from this discussion.

Ms. Jones stated that when she purchased this property in 2007, there was an existing apartment over the garage. She stated that she has done some remodeling of the main house and grounds and would now like to put the house on the market. Ms. Jones stated that she was recently told by the Building Official that this apartment was not a legal accessory apartment. She is now before the Zoning Commission to get this approval and make it a legal accessory apartment.

Chairman Gallagher questioned if the applicant has taken out the required permits for the accessory apartment and if the apartment has been inspected by the Building Official. Ms. Jones stated that Mr. Miga, Building Official, has inspected the apartment.

Mr. Peck stated that the septic system is adequate for this property and has met capacity.

Mr. Elliott questioned if the entire property would be for sale. Ms. Jones stated that she would be selling the entire property. She showed the Commission members photographs of the main house, breezeway and the apartment over the garage.

Chairman Gallagher questioned if the Fire Inspector has looked at this apartment to make sure it is in compliance. Ms. Jones stated that the Fire Marshal has not inspected the apartment, although there are exterior stairs and an egress window in the apartment.

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

Mr. Pabich returned to the Commission.

c. Application of Steven Shapiro, 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 19 Westridge Drive. R-40 Zone

Ms. Shapiro stated that she would like to build an in-law apartment on the back of their home for her parents. She stated that the addition will be where the deck currently is; they will hopefully build a new deck off of the apartment.

Ms. Shapiro stated that she has talked to all of her neighbors who have signed off on her plans, which she submitted to Chairman Gallagher. She stated that her abutting neighbors do not have any issues with this addition and in-law apartment.

Ms. Gilkey questioned if there would be a full basement under this addition. Ms. Shapiro stated that there will be a basement for storage. The only way to access this basement will be through the main house or through the door from the outside.

Chairman Gallagher questioned if there were any doors from the in-law apartment out to the deck. Mr. Shapiro stated that there will be a sliding door out onto the deck. There is also a door out from the side of the house.

Chairman Gallagher stated that the applicant needs to discuss the egress for the in-law apartment with the Fire Marshall to make sure these plans are in compliance.

Mr. Pabich questioned if there was a provision for another parking space. Mr. Shapiro stated that there is room for another parking space.

Mr. Shapiro stated that they have just replaced the septic system on the property, along with all of the leaching fields. Also, the Farmington Valley Health District has sent a letter stating that this system is adequate.

Chairman Gallagher asked if there were any comments or questions from the audience. There was none. He closed the public hearing.

V. PRESENTATION(s), DISCUSSION AND POSSIBLE VOTE

a. Application of George Markatos, Owner, for Signage at L Designs Hair Salon on property located at 10 Mall Way. SCZA Zone

Mr. Peck stated that the Design Review Board discussed this sign at length. There is an existing sign on the door, which will be removed. The only sign will be on the awning, which will be reduced to meet the Zoning Regulations regarding size. The logo on the awning will be 12 s.f. in order to meet these requirements.

b. Application of Andrew Yakemore, Simsmore Square, Owner, Terri-Ann Hahn, LADA, P.C., Agent, for a Site Plan Amendment to a previously approved application for an addition to the Simsmore Tennis building located on property at Simsmore Square, 530 Hopmeadow Street. B-2 Zone

Mr. Lachapelle, Architect, stated that the applicant is seeking an amendment to the Site Plan. Previously, the original architect stated that the second floor would not be handicapped accessible. For fire protection purposes, this building is a separate building because of the fire wall; it now needs to be handicapped accessible. Mr. Lachapelle stated that they are proposing to install an elevator and there will be a staircase on the other end of the building. He stated that there was a slight change in grading also.

Mr. Lachapelle stated that there was a discrepancy in the square footage. Mr. Peck stated that the owner of the property added an additional property regarding the coverage issue. The plan that this Commission looked at originally was from another firm. He stated that the current numbers do represent approximately 97s.f. of additional footage.

Mr. Lachapelle stated that the site layout and the parking have not changed.

VI. DISCUSSION AND POSSIBLE VOTE ON ANY AGENDA ITEM

Commissioner Elliott made a motion to approve the application of Jon F. Holley, The Master's School - Owner, Jerome Bertuglia, Agent, for a Special Exception pursuant to Article Ten, Section C.6 of the Simsbury Zoning Regulations for a new entrance sign on property located at The Master's School, 36 Westledge Road as submitted. Commissioner Gilkey seconded the motion, which was unanimously approved.

Commissioner Pabich recused himself from the Commission during this discussion.

Commissioner Gilkey made a motion to approve the application of Lynn C. Jones, Great Pond Properties, LLC, 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 15 Woodchuck Hill Road as

submitted. Commissioner Ryan seconded the motion, which was unanimously approved.

Commissioner Pabich returned to the Commission.

Commissioner Elliott made a motion to approve the application of Steven Shapiro, 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 19 Westridge Drive as submitted. Commissioner Salls seconded the motion, which was unanimously approved.

Commissioner Pabich made a motion to approve the application of George Markatos, Owner, for Signage at L Designs Hair Salon on property located at 10 Mall Way as submitted with the recommendations made by the Design Review Board. Commissioner Ryan seconded the motion, which was unanimously approved.

Commissioner Pabich made a motion to approve the application of Andrew Yakemore, Simsmore Square, Owner, Terri-Ann Hahn, LADA, P.C., Agent, for a Site Plan Amendment to a previously approved application for an addition to the Simsmore Tennis building located on property at Simsmore Square, 530 Hopmeadow Street as submitted. Commissioner Ryan seconded the motion, which was unanimously approved.

VII. INFORMAL PRESENTATION by Ron Janeczko, Land Works Development, on potential development at 75-77 West Street, and Lots 19 & 24 on Grist Mill Road.

Mr. Peck stated that this is an information presentation. This Commission heard from Mr. Janeczko regarding this possible application on West Street several months ago. They have continued to meet with Town staff to discuss this project. Tonight's presentation is an informal presentation.

Mr. Nelson of Land Works Development stated that one of the sites within this project was noticed in the Incentive Housing Zone study as an appropriate site. In addition, there are two other sites, Site 19 and Site 24 within this development. These two sites are more level and currently wooded. There are several ponds within this development. He stated that they will be proposing commercial and residential in the PAD regulation when they submit this application.

Mr. Nelson stated that they have been working on this project and feel they have great ideas. He stated that the parking at the Mill has been reorganized. They are proposing townhouses on the site near the Mill. They will also be taking out the road near the pond and making it a walkway.

Regarding the Mill, Mr. Nelson stated that the parking has been an issue in the past. The parking has now been redesigned; they will have 67 spaces with 12 in reserve. This parking could handle a restaurant and office on this site. There will be a pedestrian walkway through the sites up to the Mill property and down to the Town Center.

Ms. Gilkey questioned what the square footage of each townhouse would be. Mr. Nelson stated that they would be approximately 1800 s.f. Some of the units will have a walkout, which could also be a finished lower level. These units will have two car garages. He stated that there will also be larger buildings in this development, which will be multi-unit buildings.

Chairman Gallagher stated that he believes Hop Brook is not represented on the plans correctly. Mr. Nelson stated that he would look into this.

Mr. Ryan stated that there was discussion regarding the adjacent property to the south. He questioned if this is a dangerous area, which is currently used by Ensign Bickford. Mr. DiFatta stated that there are no immediate plans to do anything in this area. There is a radius around the Ensign Bickford property and they do have security.

Mr. Elliott questioned what the prices would be on the townhouses. Mr. Nelson stated that pricing would be based on market value and quality. The rents would also be comparable to the area. The homes would range in price because there will be different size units.

Regarding the architecture, Mr. Nelson showed a drawing of the old Mill building. He stated that they would like to pick up some of the same elements in terms of the architecture. He also showed the floor plan of the Mill. There will be office space as well as a community space for the residential units. He also stated that there will be a tunnel going through the Mill for pedestrian access. The restaurant will occupy the other side of the building.

Mr. Nelson showed elevation plans of the four condominium buildings. The textures and styles of the buildings will be the same on both sides, except one side will have the garages; both sides of the buildings will be in view. The buildings will have stone work on the bottom. Regarding the twelve unit buildings, the facade will have stone work on the bottom also. Because the buildings are more spread out, they have created a stand-alone unit, which are approximately 1,100 s.f. units. Many details and concepts from the Mill are on these Tower buildings.

Regarding the urban streetscape, Mr. Nelson stated that they will have pull off parking along both sides of the road for guest parking. Trees will be

planted along both sides of the street. There will also be sidewalks on either side of the street.

Ms. Gilkey questioned if the pond on this property could be used for recreational swimming. Mr. Nelson stated that it could not be used for this purpose. This area was a swamp in the past. At some point in order to divert water, this pond was dug. Mr. Nelson stated that there may be a park area near the larger pond. The smaller pond has a great deal of silt in it. There are a lot of invasive plantings in this area as well.

In response to a question by Mr. Pabich, Mr. Nelson stated that they will be proposing a total of 98 units. He stated that this is just a dent in the need for apartments in Simsbury.

Mr. Pabich questioned if the development would be done in phases. Mr. Nelson stated that construction would be done in phases, although they would be fast phases. He is hopeful to have this project done within a two year period.

Mr. Elliott encouraged the applicant to continue moving forward. He feels they are on the right track. Mr. Nelson stated that he is looking for any input from the Commission. He stated that he is not hearing any strong objections from the Commission members regarding this project.

Mr. Pabich stated that he likes this concept, although he feels the units cannot be overpriced. Mr. Nelson stated that the sizes will dictate the pricing. He stated that they are contemplating these two or three bedroom units as rental units for young professionals, empty nesters or anyone who is in need of this type of unit.

Mr. Nelson stated that they have already made presentations to the Economic Development Commission as well as the Water Pollution Control Authority. They will be making this presentation to the Design Review Board and Planning Commission tomorrow as well.

Chairman Gallagher thanked Mr. Nelson for his time and for making this presentation.

VIII. OTHER MATTERS AS MAY PROPERLY COME BEFORE THE COMMISSION

a. Other Business

Town Center Code Discussion/Mapping Discussion

Mr. Peck showed the Illustrative Plan to the Commission members. The Town Center Code draft is being finalized by Code Studio. He stated that the

Regulating Plan requires a lot of work in order to fit it into the current Zoning scheme and Connecticut Law. Code Studio is currently working on a part of this. Mr. Peck stated that if this Commission decides to change the Town Center Zone, those properties will also be included in this plan.

Mr. Peck stated that the final draft from Code Studio will be before this Commission within the next several weeks.

Chairman Gallagher stated that he met with the Chairmen of the Design Review Board and Planning Commission. A suggestion was made to have the public hearings in September and not in the summertime. It was also suggested that a Subcommittee be set up with members of these three Commissions in order to discuss the final draft from Code Studio.

Mr. Elliott stated that although he likes the idea of a Subcommittee, he feels that the charge to that Subcommittee needs to be made very clear.

Ms. Salls questioned the need for a Subcommittee. She is unsure if having a Subcommittee would be the better way of handling this. Mr. Pabich suggested that the Commission should wait to see the final document from Code Studio prior to discussing creating a Subcommittee. Mr. Ryan agreed. He stated that the Zoning Commission is the one to make the final decision and feels that the other Commissions should submit their recommendations to this Commission.

IHZ Reg. discussion

Mr. Peck stated that the Incentive Housing Zone is almost complete. The Design Review Board suggested additional design standards which will be added to this document. This will then go to the State and then back to this Commission.

Zoning Enforcement Officers Report

Mr. Peck stated that Mr. Beach prepared a report. There are several properties that have been problems for many years. In terms of general blight problems because of foreclosures, the Town is doing their best to keep up with them.

Mr. Peck reviewed the following properties that were included in the report: 69 Laurel Lane; 9 Sand Hill Road; 378 West Mountain Road; general blight complaints; and Eno Farms Housing Complex.

b. Old Business

- Application of the Town of Simsbury for a Text Amendment to the

Town of Simsbury's Zoning Regulations, pursuant to Article Ten, Special Regulations, Section H, Regulations Governing Uses Which Sell Alcoholic Beverages for a proposal to amend the wording of the existing zoning regulation. (public hearing closed 1/4/2010)

There was no discussion on this matter.

IX. ADJOURNMENT

Commissioner Ryan made a motion to adjourn the meeting at 8:55 p.m.
Commissioner Pabich seconded the motion, which was unanimously approved.

Ed Pabich, Secretary