

From: Lois Laczko August 13, 2008 10:04:28 AM
Subject: Zoning Commission Minutes 07/21/2008
To: SimsburyCT_ZoningMin
Cc:

ZONING COMMISSION MINUTES
July 21, 2008
REGULAR MEETING

I. CALL TO ORDER

Austin Barney, Chairman, called the Regular Meeting of the Zoning Commission to order at 7:00 p.m. in the Program Room of the Simsbury Library, Hopmeadow Street, Simsbury, CT. The following members were present: Garrett Delehanty, Jr., Scott Barnett, and Bruce Elliott. Also in attendance were Conservation Officer Howard Beach, Commission Clerk Alison Sturgeon and other interested parties.

Mr. Delehanty read the call.

II. APPOINTMENT OF ALTERNATES

No alternates were needed.

III. APPROVAL OF MINUTES of July 7, 2008

Mr. Delehanty made a motion to approve the minutes of the July 7, 2008 regular meeting. Mr. Barnett seconded the motion and it passed unanimously.

Mr. Elliott made a motion to amend the agenda to allow Item VI to be heard after Item III. Mr. Delehanty seconded the motion and it passed unanimously.

IV. PRESENTATION(S)

a. Informal Discussion for John D. Ritson, Member-RC Connectors, LLC- Owner for proposed development on 3.372 acre property located at 146 Hopmeadow Street (Map F-17, Block 154, Lot 008). B-1 & I-1 Zone(s). Mr. Ritson stated that he is a Simsbury resident with his law firm located at 146 Hopmeadow Street. He stated that 4-5 previous projects have been proposed for this site, although they were never started. He is proposing a mixed-use, 10,000 s.f. footprint, 3 stories high in the back of his property. There would be offices or a daycare on the first floor and

apartment flats on the second and third floors. This proposed mixed /use building would require a text amendment that would allow up to 2/3 residential above a business use.

Mr. Ritson feels that this building will bring in business professionals as well as single parents. He showed a color rendering of the building to the Commission members. He stated that he has already gotten a favorable informal review from the Design Review Board.

Mr. Dave Whitney, professional engineer, showed the Commission a map of the layout of the property. He stated that this is a 3.37 acre site with one of those acres being wetlands to the west side of the property. He stated that they have already gotten approval from the Wetlands Commission. There is an existing building and parking lot in the front of the site. The proposed building would be in the back of the lot along with a 66 car parking lot. The site will have public water and sewer. There will also be an 8,000 s.f. play area for the daycare center. Regarding drainage on the site, Mr. Whitney stated that the lot is relatively flat, although it does slope gradually from the east to the west to the wetlands. The wetlands are a natural retention area. He stated that they are proposing to put in a debris collector where the water exits the site towards the Talcott Condominiums. He stated that they have met with the neighbors who live in the condos regarding this proposal.

Regarding these neighbors, Mr. Ritson stated that due to a prior project on this site that was never started, through litigation, there was a settlement. The outcome of that settlement was an easement for water runoff into the wetlands; this easement is on file. These neighbors were also concerned about traffic issues and the bigger busses that might be used for the daycare. Mr. Ritson stated that he is proposing a turn-around area for smaller busses; the bigger busses will not be used.

Commissioner Delehanty questioned how many units they were proposing. Mr. Ritson stated that he would like 8 units on each floor of mostly 2 bedroom units, although there would be some 3 bedroom units. He stated that it is his intent for these apartments to be rented out. He stated that the attic would also possibly be used for condo-like townhouses.

In summary, Mr. Ritson stated that they have been waiting for a mix-use zoning regulation to be approved. They want to move forward to try and get a zone change from I-1 to B-1 and also a text amendment is needed to allow the residential above a B-1 use. He stated that they would also need a Special permit for the daycare.

Chairman Barney suggested that Mr. Ritson come back to the Zoning Commission's next regular meeting in September.

V. PUBLIC HEARING(s), CONTINUED

a. Application of Jeffrey S. Hoffman, Hoffman Enterprises - Owner, Thomas J. Donohue, Jr., Attorney, Agent, for a Zone Change from R-40 to B-3 on property located at the Hoffman Auto Park, 395 West Mountain Road (Map A-19, Block 503, Lot 2E8). R-40 Zone (continued from meeting of July 7, 2008) including the Application of Jeffrey S. Hoffman, Hoffman Enterprises - Owner, Thomas J. Donohue, Jr., Attorney, Agent, for a Site Plan Approval for a proposed vehicle storage area on property located at the Hoffman Auto Park, 395 West Mountain Road (Map A-19, Block 503, Lot 2E8). R-40 Zone (continued from meeting of July 7, 2008)

Attorney T.J. Donohue of Killian & Donohue, representing Hoffman Enterprises, stated that they have revised their proposal to incorporate the ideas and considerations of this Commission and the public, including further compression of the site and final mitigation of impacts. Attorney Donohue stated that he has provided a draft for Town staff's approval, to impose a conservation easement upon the conservation easement area. The conservation easement will preserve the natural condition and buffer the use as a transition between the business use and neighbors and will also prohibit building residential dwelling structures, parking, lots, driveways, roads or other temporary or permanent structures or improvements upon the protected property. It will also prohibit the removal or destruction of desirable trees, shrubs, natural vegetation, the killing of wildlife, the spraying of pesticides, or any other activities or uses that would be detrimental to drainage, flood control, water conservation, erosion control, soil conservation, wildlife or maintenance of the land in water areas in their open natural condition. Attorney Donohue stated that there will also be a declaration of restriction, which is a different document because it applies to different land. This declaration of restriction would cover the entire Markie parcel.

Dave Dixon, Milone & MacBroom, stated that they have made several changes on the plans that are before the Commission tonight. One of those changes was to reduce the inventory storage areas on the Markie parcel from 1.28 acres to .99 acres, which is down from 2.1 acres from the original application. Mr. Dixon stated that their ability to eliminate some of the parking permitted them to also address the other concern of shifting the right-of-way. Another change was to relocate the Fiora right-of-way an additional 50 feet from the northern property line. Mr. Dixon stated that the center line of the right-of-way is now 100 feet off of the property line. He stated that their ability to achieve this reduction in paved surfaces on the northern end was achieved by their ability to eliminate the road that split the two parking areas into the lower and upper levels. They did not need to make any revisions to the elevations. It also gave

them a chance to do additional berming and vegetation. Mr. Dixon stated that the grade change between the two lots now has two 5' retaining walls with additional space between them for more landscaping. A fence will also run along the entire top of the upper parking lot.

Regarding the deck over the detention basin, Mr. Dixon stated that this would be possible, although he does not feel that this is the right location or structure. In terms of the DEP's storm water management manual, the use of a wet basin like this is considered a primary treatment as opposed to infiltration, which is considered secondary. Also, because of the elevation of the deck in this location, it would not adequately be screened from West Mountain Road and the neighbors.

Chairman Barney stated that he has recently noticed that approximately 150 cars at the Wagner site are gone. He questioned where these cars were. Mr. Sam Pines, Hoffman Auto Group, stated that they have been shuffling their cars because of paving that is being done on the site.

Regarding the delineation of the conservation easement, Attorney Donohue showed the Commission a map depicting the easement on the entire site. Chairman Barney stated that he would like to see the conservation easement defined as going from the edge of pavement all the way around to the north, east and the west. This will not alter the rezoning potential for the land to be rezoned to give the appropriate coverage. He stated that this proposal is at 60% coverage with this existing property line.

Chairman Barney questioned if there were any restrictions in the 50' right-of-way. Attorney Sherwood, representing Ms. Fiora, stated that Ms. Fiora does not want to do anything in that 50' right-of-way other than put in a small Town road. He stated that any restrictions that the Commission would like to impose consistent with this would be acceptable.

Commissioner Elliott questioned what the number of parking spaces would be that Hoffman feels they need to operate, including inventory storage. Attorney Donohue stated that the addition is for 277 parking spaces for a total of 818 spaces. He stated that they do have letters from the dealerships requiring this additional parking. Mr. Pines distributed handouts regarding the facility standards that they received from Honda and Toyota. It highlighted the 2007 requirements for parking and their vision for 2012. After reviewing the handouts, Chairman Barney stated that the math for the numbers was incorrect. There were 541 spaces approved in 2007 and they are now proposing to add 277 spaces; this is less than the sum of the manufacturer requirements.

Attorney Donohue stated that the request and design criteria for the Town of Simsbury is to have Town specification spaces. He stated that they are adding 277 Town specification spaces, which will accommodate another 100

cars if they are parking them "New York style". Chairman Barney stated that more calculations are needed for the total parking spaces. Attorney Donohue stated that he would get that information to Town staff within the next few days.

Chairman Barney opened the public hearing to comments and questions from the public. He asked that each speaker state their name and address and limit their comments to approximately 3 minutes.

Dave Matton, 7 Maureen Drive, stated that most of this discussion is based on statements by Hoffman that they need the additional storage in terms of requirements from the various auto companies. He has talked with many managers at other dealerships who have told him that they do not have requirements, although some have policy changes. These dealerships have a certain amount of time to adhere to these policy changes. Mr. Matton stated that he does not feel that this land should be rezoned, although if the Zoning Commission does approve this, he asked that they protect his neighborhood by making sure the applicant does things in the right way.

Jim Anderson, 23 Fernwood Drive, stated that he has attended many of these meetings. He stated that he was very surprised when Hoffman wanted to buy this residential property to expand their business. He believes that this is a classic case of "creep". Mr. Anderson stated that he buys his cars from Hoffman, although he does not feel that they have been good neighbors. They need to limit their expansion and use the space that they currently have and use it wisely.

Harald Bender, 6 Maureen Drive, stated that he still has a lot of questions regarding square footage. There seems to be different totals of square footage throughout the site. He stated that in the minutes of March 5th, there is an indication of 544 parking spaces up to 556; he is not sure where the differences are. In April 2007, the State Traffic Commission approved an application for certificate for Hoffman Plaza West. They received a 142,000 gross floor area mixed-use development with 421 parking spaces located on Route 44 in Simsbury; the certificate is contingent upon getting that recorded in the Town records. He stated that homeowners groups and residents have commented and made certain suggestions. He stated that the applicant has not taken any of those suggestions into consideration, possibly because of the related costs. He feels that if the retention basin was moved, it would offer more space. Also, making the building more symmetrical could offer more space also. Mr. Bender thanked the Zoning Commission for all of their time.

Attorney Donohue stated that Fuss & O'Neill does all of their permitting to STC. He has given Hiram a letter indicating the STC compliance. Chairman Barney questioned what the parking space number was that was indicated by the STC. Attorney Donohue stated that he would get a full summary of those

numbers from the engineers for the Commission.

Joe Lynch, 13 Maureen Drive, read a letter written by his daughter who was unable to attend the meeting tonight. The letter stated that she was opposed to this application. She is very concerned about the safety of her neighborhood. With no lighting proposed for the parking area, she feels this would make it easy for people to congregate there. She also stated in her letter that this is the second time that Hoffman is asking for this change; the first time they were denied. She feels that this shows disrespect on the part of the applicant to the Town. Also, this dealership, which is located in Simsbury, is called Hoffman of Avon.

Mr. Lynch stated he feels that Hoffman has planned very poorly and also feels that this application is still very vague. There are still unanswered questions regarding the parking. He asked that the Zoning Commission deny this application.

Nancy Slauenwhite, 11 Maureen Drive, stated that she is opposed to the rezoning of the Markie property from residential to commercial. She questioned why they wanted to purchase this property after their previous application was denied. She feels that the applicant has shown no respect for the Zoning Commission's previous decision. Ms. Slauenwhite stated that in 2007, Hoffman was to provide a report with pictures to the Town regarding the cleanup of their site. She questioned if this was done. Mr. Pines stated that they have submitted 2 reports to the Town. Ms. Slauenwhite also stated that Hoffman has asked for a certain number of parking spaces, although with parking "New York style", she questioned if Hoffman would have additional cars parked on their site. Mr. Pines stated that Milone & MacBroom has done studies regarding Town standards and emergency vehicle access. Ms. Slauenwhite asked that the Zoning Commission deny this application and not allow Hoffman to "creep" any further.

Mark Deming, 3 Ryan Circle, stated that he was here tonight to represent the Economic Development Commission, which he is a member of. He read a letter from the EDC stating that they are in support of this application and the zone change because: 1) this application is in compliance with the 2007 POCD; 2) there is no inconsistency with the Special Area Policy in the POCD; and 3) this application will improve economic development for Simsbury.

John Slauenwhite, 11 Maureen Drive, stated that he was representing the Southwest Homeowners Association. He thanked the Zoning Commission for all of their hard work and patience. He stated that this application was denied in 2007 and should not be considered now. He stated that the integrity of their neighborhood is very important to this Association and they have been opposed to rezoning since 1973. They do not feel that this rezoning fits in with the character of Simsbury. Also, they feel that the

long term effects of rezoning would equal "Big Box". Mr. Slauenwhite stated that the Southwest Homeowners Association is opposed to this application.

Christine Tanski, 16 Maureen Drive, thanked the Zoning Commission for letting her speak. She stated that she can see the rooftops from her neighborhood. She stated that this proposal reminds her of a childhood Dr. Seuss story in which the Lorax ravages the pristine landscape not considering its inhabitants and builds an enormous factory. After the Lorax exhausts all of the environment's natural resources, he is left with an empty factory in a polluted and undesirable location. She stated that although Hoffman does not exactly mimic this extent of damage to Simsbury, she feels that if allowed to continue in this end of Town, this could happen. She stated that her neighborhood is not expendable; Maureen Drive is loaded with professionals. She feels that this project will affect the standard of living negatively in her neighborhood. She asked that the Zoning Commission deny this application or they could be setting a precedent.

Alison Swain, 245 Stratton Brook Road, West Simsbury, stated that she is opposed to this application. She stated that the berms and fencing that they are proposing will not work. The Zoning Commission has already turned down this application once before. She stated that Hoffman should have planned better for their future, and they should only use the area they currently have.

Gene Flynn, 389 West Mountain Road, West Simsbury, stated he has lived in his residence for 53 years and he does not see any reason for this zone change. He feels that if the zone change is approved, the applicant will want more in the future. Also, he stated that the applicant has said they would do things in the past and they have not followed through. The house that is on the Markie property is an eyesore. Mr. Pines stated that they have just received the demolition permits and they will be tearing down the house very soon.

Ron Zhao, 9 Maureen Drive, stated that he is opposed to this application because the home values in his neighborhood will decrease. He also feels that the safety of the children in his neighborhood are in jeopardy because there will be an increase in cars and traffic. Also, environmentally, he does not feel that this project is good; the more cars there are means there will be more pollution. He wishes success for Hoffman but does not want his neighborhood to be sacrificed in the process.

Jean Ladetto, 393 West Mountain Road, stated that she is opposed to this zone change. She stated that Hoffman's new plans have not changed minds. She stated that there is nothing worse than having a parking lot next to her house. The Town needs to draw the line before Hoffman wants to expand

further.

Chairman Barney stated that this hearing needs to be closed tonight, although there are still a lot of outstanding issues. He asked that the Town Attorney to speak regarding these issues. Attorney Robert DeCrescenzo stated that the following are still outstanding and are needed prior to their next meeting on August 11th: 1) a staff report regarding the STC certification; 2) a staff report regarding the question regarding Nissan requirements; 3) a staff report regarding the status of the maintenance pond, which is a condition from the 2007 approval; 4) a staff report regarding the Fire Marshall's opinion regarding "New York style" parking; 5) a staff report reviewing the proposed conservation easement and dedication, which has been submitted, although they now need to compare the dedicated areas; and 6) a staff report regarding what the area is and what the parking conversion is for the Best Buy and Munson sites.

Mr. Barnett made a motion to close this public hearing. Mr. Delehanty seconded the motion and it passed unanimously.

Chairman Barney stated that there would be a short break.

b. Application of P. Anthony Giorgio, Member, Dorset Crossing LLC, c/o The Keystone Companies, LLC, Thomas W. Fahey, Jr., Attorney, Agent, for a Text Amendment to Article Seven, Section G, Article Ten, Section A.4 and Article Ten, Section E.5 of the Simsbury Zoning Regulations on property located at 1507 and 1515 Hopmeadow Street. I-3 and B-2 Zone (continued from meeting of July 7, 2008)

c. Application of P. Anthony Giorgio, Member, Dorset Crossing LLC, c/o The Keystone Companies, LLC, Thomas W. Fahey, Jr., Attorney, Agent, for a Zone Change from I-3 and B-2 to B-3 on property located at 1507 and 1515 Hopmeadow Street. I-3 and B-2 Zone (continued from meeting of July 7, 2008)

Attorney Thomas Fahey, representing the applicant, Dorset Crossing LLC and the Keystone Companies, stated that because there are only 4 members of the Zoning Commission present tonight, they would be willing to continue this hearing until the August 11th meeting. He stated that he would provide this in writing to the Commission.

Mr. Giorgio, principle of Keystone Companies and Dorset Crossing, stated that these 47 acres in the northern gateway represents a unique configuration of land. The best way to move forward, consistent with the POCD and the natural constraints of the land, is to change the B-2 to B-3 zones and I-3 to B-3. He stated that out of the 47 acres of land, there are only a few areas that make sense for any kind of development; they have tried to concentrate development where the land has a natural capacity while being sensitive to the natural constraints of the boundaries as well as the existing wetlands, easements, slopes, etc. They have clustered the

retail and office in the front area and clustered the residential components in another area. He stated that the only zone that allows this is the B-3 zone, which allows for multiple uses. He stated that the surrounding properties are either residential or industrial.

David Ziaks, professional engineer, stated that he has been working with the applicant for the last four years analyzing this property from both a planning and technical prospective. Regarding the aquifer protection zone and how it relates to the property, he stated that there are two different issues, one is the overlay zone and the other issue is the public water source protection area, which he located on the map for the Commission members. Mr. Ziaks stated that the mixed-use type of layout in this project provides an excellent opportunity to put all of the protections in with storm water runoff; there is ample space within the open areas to provide the appropriate storm water controls. He stated that they have also discussed the idea of large scale infiltration in order to recharge the aquifer area. He stated that this type of density of development is an excellent alternative to changing the zone to any kind of commercial use or trying to maintain an industrial use on the property.

Mr. Giorgio discussed the Village Cluster Zone. Attorney Fahey stated there would be two sections in the Village Cluster Zone that would be applicable. One is that the Regulation currently states that if the underlying zone is not a residential zone, then the default underlying zone is an R-40. If the R-40 calculations were applied to this plan and in order to get the unit count, the R-15 standard would have to be applied. He stated that there is another provision that was intended to prevent a "down zone" first, followed by changing the cluster in order to get a greater density. Both of these sections would apply to this application. If they were amended, it would work.

Mr. Giorgio stated that there has been some concern regarding limiting the size of footprints. They decided to put forth a restriction on the footprint to 25,000 s.f. because it seemed to be consistent with the POCD. Regarding shared parking, Mr. Giorgio stated that combining rental property with office, there is an opportunity for shared parking. He stated that this was an attempt to try to control the amount of impervious surface.

Mr. Giorgio stated that he believes there is an opportunity to accomplish this plan, although they recognize that work is still needed to be done. Their goal is to bring development to Simsbury that the community wants. He stated that they have developed a concept plan with the uses that they believe make sense. A zone change is needed along with a modification of either residential zoning or B-3 to accomplish this.

Chairman Barney stated that although he does not have a problem with the

Preliminary Site Plan, he is struggling with the zone break. Mr. Giorgio stated that he believes that the Zoning Commission has the power to decide if only a portion of the property should receive the zone change. He discussed several other options with the Commission.

Chairman Barney opened the public hearing to comments and questions from the public.

Joan Coe, 26 Whitcomb Drive, stated that she feels this applicant has intimidated the Zoning Commission because they have implied the threat of a SLAPP (Strategic Lawsuits Against Public Participation) suit. She stated that the issue is if this application would benefit Simsbury. She does not feel that spot zoning would be a benefit to the Town. She asked that this application be denied. There is a lot of interest in having a Charrette and there may be other options for this site. She suggested that a tennis academy might be appropriate for this site.

Bill Gombert, 2 Butterchurn, stated that he has lived in Simsbury for 25 years. He stated that the Town has just had a revaluation that called for a 3.5% increase. He stated that 75% of homes will have property values increase in excess of 25%. When July 1st came, the 3.5% became 14%-18%. He stated that this detail was in the fine print, which no one saw. Mr. Gombert stated that this looks like a fine project that will fulfill some needs in Simsbury and will help the Town move forward. He asked that the Zoning Commission approve this application.

Derek Peterson, 36 Sunset Hill Road, stated that he was before the Zoning Commission on behalf of the Economic Development Commission, which he has been a member of for the last year. He stated that the EDC is in support of this application for the text amendment and zone change for the following reasons: 1) this proposal is in substantial compliance with the 2007 POCD; and 2) it supports meaningful positive net economic impact. Mr. Peterson stated that the EDC is in full support of this application, which he feels will help Simsbury move forward.

Marion Ivey, 8 Gordon Street, stated that she has attended many meetings relating to Dorset Crossing. She thanked the Zoning Commission for all of their hard work. She stated that she has several major concerns with this proposal. She does not feel that the developer has taken into account the environmental issues, the traffic issues, etc. She also feels that the 2-3 story buildings will be like a little city of its own. She would like the character and beauty of Simsbury to remain and requested that the Zoning Commission deny this request for a zone change.

David Richman, One Saddle Ridge Drive, stated that he is in favor of this zone change. He stated that he owns several retail properties in Town,

which all went up in property taxes this year. As a landlord, he stated that it is difficult to maintain and raise rents in this economy. He stated that this project will bring in over \$1 million in tax revenue to Simsbury and he feels that the project should be well received.

Chuck Ward, 81 Blue Ridge Drive, stated that there is a misconception that taxes are demand based. He stated that taxes will continue to increase and no level of development will lower taxes. He stated his concerns that this developer has drafted this text amendment to serve his own purpose and this amendment will impact the entire Town. Mr. Ward feels that the developer should wait until the Town writes a mixed-use Regulation because he feels that there are flaws in the developer's text amendment. The language allows residential in business zones anywhere in Town; he feels that it will create a legal precedent to allow businesses in a residential zone. He also feels that the language is vague and does not establish site specific requirements, which a mixed-use regulation would do, nor does it regulate the density of development. He feels that this language establishes a footprint size cap of 25,000 s.f. of up to 3 floors per individual building and there can be multiple buildings on a single site. He feels that a size cap could render an existing structure in Town non-conforming. The language also does not require net economic impact studies or other necessary evaluations and allows development of the northern gateway without studying the traffic impacts on Route 10 and the Town Center. Mr. Ward feels that the Town should go through the Charrette process to produce a form-based zone regulations to allow mixed-use. He stated that he believes this proposed zoning text amendment is flawed and must be rejected. He thanked the Zoning Commission for their dedication.

Joel Mandell, 7 Harriet Lane, stated that the 3 elements needed are a reasonable and responsible Commission, applicant and application, which he feels are present in Dorset Crossing. He stated that this project compliments the 2007 POCD and that the Zoning Commission should not hesitate to approve this application. Mr. Mandell stated that although the Charrette process is valuable for Simsbury, he does not feel that it should hold up development.

Mr. Giorgio stated that he appreciates all of the public's comments and concerns. He would like to respond to them, although he feels that it would be more appropriate to do that at the next meeting. Until then, he would like to continue to work with the Town staff regarding this proposal.

Chairman Barney stated that both of these public hearings would be continued until the Special meeting on August 11, 2008 with the applicant's permission.

VI. PUBLIC HEARING(S), NEW

a. Application of 125-127 West Street, LLC-Owner-William F. Curtiss-Member, Mirza M. Akhtar-Agent, for a Special Exception for a proposed convenience store on property located at 125 West Street (Map F-11, Block 103, Lot 016). B-2 Zone, Including the Application of 125-127 West Street, LLC - Owner - William F. Curtiss - Member, Mirza M. Akhtar - Agent, for a Site Plan Amendment for a proposed convenience store on property located at 125 West Street (Map- F-11, Block 016, Lot 016). B-2 Zone.

Attorney Donohue stated that this is a one half acre site, which is currently a Sonoco station. There is also a house on the premises that was constructed in 1905. Mr. Curtiss would like to sell this property; Mr. Akhtar would like to purchase the property to operate a service station and to convert the service bays into a convenience store. This will require a Special Exception.

Attorney Donohue stated that there will be major renovations to this facility, which will maintain all existing footprints and impervious surfaces. He stated that the Design Review Board has given this project a very strong positive recommendation. The Zoning Board of Appeals did grant this application a variance for a canopy over the pumps. At this point, they are not seeking any signage approvals because the supply contract for the gas has not been signed yet; they will be back for signage if the gas station changes brands.

Mr. Delehanty questioned what the hours of operation of the gas station and convenience store would be. Mr. Akhtar stated that they would probably be open from 6 a.m. to 10 p.m.

Chairman Barney questioned if they were proposing any lighting on the property. Attorney Donohue stated that the only new lighting would be for the canopy and decorative lighting on the front of the building, which would be shining down.

Mr. Barnett questioned if the footprint would be remaining the same. Attorney Donohue stated that the footprint would remain the same, although there is a walk-in cooler at the back of the building that will be under the overhang of the building.

Chairman Barney questioned if they were proposing windows in the front of the building. Attorney Donohue stated that there are service bays currently there, although they are proposing windows in that area. Chairman Barney stated that, in the past, they have had problems with convenience stores loading their windows with advertisements etc. He explained that if the Commission approved this application, they would want to keep the windows clear. The permit allows up to 25% of the windows to have posters and advertisements; he asked that the applicant keep track of this.

Chairman Barney stated that there is a welcome sign over the front door. He stated that this should be included in the signage plan.

Chairman Barney asked Attorney Donohue to explain the easements on the property. Attorney Donohue stated that the property that the service station is on is adjacent to other property that is also owned by Mr. Curtiss. This is how they gain access to each of these properties.

Chairman Barney opened the public hearing to any public comments or questions.

Bruce Cagenello, 81 Stratton Forest Way, read a message written by David Richmond, West Street Storage, 123-R West Street. It stated that he is in favor of this application.

Mr. Barnett made a motion to close this public hearing. Mr. Elliott seconded the motion and it passed unanimously.

Mr. Elliott stated that he feels this proposal will be a great improvement to West Street. He stated that he is in support of the approval of this application.

Mr. Barnett made a motion to approve this application subject to the comments made by the Design Review Board in their memo dated June 25, 2008. Also, as a condition of approval the hours of operation shall be no earlier than 6 a.m. and not later than 10 p.m. Mr. Elliott seconded the motion and it passed unanimously.

Chairman Barney thanked the applicant and stated that he feels this will be an improvement to this property and an asset to Simsbury.

VII. DISCUSSION AND POSSIBLE VOTE ON ANY AGENDA ITEM

There were none.

VIII. OTHER MATTERS AS MAY PROPERLY COME BEFORE THE COMMISSION

Chairman Barney stated that he and Mr. Elliott have met with Mr. Beach regarding the Zoning Regulation revisions. He urged the Commission members to review the comments that were made regarding this issue.

IX. STAFF REPORTS

a. Report from Planning Analyst, Howard Beach

Mr. Beach stated that because of the late hour, he will present this at the next meeting.

X. ADJOURNMENT

Mr. Barnett made a motion to adjourn the meeting at 10:41 p.m. Mr. Delehanty seconded the motion and it passed unanimously.

Garrett Delehanty, Jr., Secretary