

From: Lois Laczko January 11, 2011 3:20:18 PM
Subject: Zoning Commission Minutes 11/15/2010 ADOPTED
To: SimsburyCT_ZoningMin
Cc:

ADOPTED

ZONING COMMISSION MINUTES
November 15 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 of the Simsbury Town Offices. The following members were present: Bruce Elliott, Edward Pabich, Robert Pomeroy, Dave Ryan and Amy Salls. Also in attendance were Director of Planning Hiram Peck, Commission Clerk Alison Sturgeon and other interested parties.

II. APPOINTMENT OF ALTERNATES

Chairman Gallagher appointed Mr. Ryan to serve in the absence of Mr. Vaughn.

III. APPROVAL OF MINUTES of October 18, 2010

Several edits were made to the minutes.

Mr. Elliott made a motion to approve the October 18, 2010 minutes as amended. Mr. Pabich seconded the motion, which was approved. Mr. Ryan abstained.

IV. PRESENTATION(s)

a. Application of Spiro Markatos, Owner, for Signage and a Site Plan Amendment for a proposed pub (Red Stone Pub) on property located at the Courtyard Building, 10 Mall Way. SCZA Zone

Chairman Gallagher stated that his office is at 10 Mall Way, although he does not own the building. The Commission members felt that he could participate in this discussion.

Mr. Lubetkin stated that the parking for the pub adds 1.7 spaces; they also have additional parking on Iron Horse, at CVS and the bank. The landlord will be paving for this additional space in the spring. Mr. Lubetkin stated that they will not be open for breakfast or lunch; the parking spaces on the site will not be used during these times for the pub.

Mr. Lubetkin stated that currently where the dumpster is located will not work because of the organic waste and the smell in the summertime. He stated that they would like to take one of the parking spaces along the back of the property in order to relocate the dumpster. The dumpster will be screened and will be moved in the spring.

Mr. Elliott questioned if there was documentation other than the plans regarding the parking. Mr. Lubetkin stated that there are minutes from the Zoning Commission's September 8th meeting. Mr. Elliott read the minutes to the other Commission members.

Dennis Jacobs stated that he has an office at the courtyard building. He has discussed the dumpster issue with Mr. Lubetkin and agrees that the dumpster should be relocated and screened. He feels this would be appropriate for him and the other tenants. He stated that he is in support of Mr. Lubetkin and his future business.

Linda Julino, store owner, stated that she is excited about Mr. Lubetkin's new business. During the day, the parking is sometimes insufficient, although her staff does not park in the front because those spaces are needed. She stated that after 5:00 p.m., parking is not an issue.

Mr. Peck stated that the Commission should be clear regarding the hours of the pub as well as the dumpster relocation. He stated that the applicant will be back for outdoor dining in the springtime.

Mr. Lubetkin stated that he has received approval from the Design Review Board regarding the proposed sign. He showed the Commission members photographs of the mock sign on the building at 10 Mall Way. He stated that he has also received a variance for a blade sign from the Zoning Board of Appeals.

Mr. Pabich made a motion to move Item v. next on the agenda in order to make a motion on this application. Mr. Ryan seconded the motion, which was unanimously approved.

Mr. Elliott made a motion to approve the application of Spiro Markatos, Owner, for a Site Plan Amendment for a proposed pub (Red Stone Pub) on property located at the Courtyard Building, 10 Mall Way with the provision that the dumpster is to be relocated to the rear (eastern) side of the building in a location that is acceptable to all of the tenants and that

the hours of operation for the pub will be in the evening only. Mr. Ryan seconded the motion, which was unanimously approved.

Mr. Pomeroy made a motion to approve the application of Spiro Markatos, Owner, for Signage for a proposed pub (Red Stone Pub) on property located at the Courtyard Building, 10 Mall Way as submitted. Mr. Ryan seconded the motion, which was unanimously approved.

b. Application of Thomas R. Evans, Owner, Kratzert, Jones & Associates, Agent, for a Site Plan Amendment for a proposed retail building on property located at 138 & 142 Hopmeadow Street. B-1 Zone

Mr. Quirk, Professional Engineer, stated that this is a modification of the site plan. The existing yellow house was to remain but they would now like to demolish the existing yellow house and propose a building of similar square footage. The building will be in the same location, meeting the front yard setback requirements. Mr. Quirk stated that the second floor of the proposed building is a loft. This will be used as a storage area or office space associated with the retail space.

Mr. Quirk stated that there are 24 parking spaces on the previous site plan. The 24 spaces still satisfies the parking requirements. He stated that the only change is that they are proposing one dedicated handicapped space for each building.

Mr. Ryan questioned if there has been any comments from the abutting property owner. Mr. Peck stated that although he does not have anything in writing, the abutting property owner is fine with this project.

Chairman Gallagher questioned if the applicant was aware of the comments made by the Design Review Board. Mr. Quirk stated that they have revised the plans to reflect those comments.

V. DISCUSSION AND POSSIBLE VOTE ON ANY AGENDA ITEM

Mr. Pomeroy made a motion to approve the application of Thomas R. Evans, Owner, Kratzert, Jones & Associates, Agent, for a Site Plan Amendment for a proposed retail building on property located at 138 & 142 Hopmeadow Street with the following conditions: 1. That the applicant revise the plantings to give a more residential character to the planting, via foundation planting both along the west façade and the north and the south façades between the building face and walk; 2. The street tree plantings between the west building façade and the property line along Hopmeadow Street be revised to continue with the street tree feeling and to consider revising the location of the proposed birches more toward the entrance for definition; 3. The white oak proposed to be planted east of the building

within the parking lot island be removed and another tree be substituted in its location or the planting area be planted with perennials. Mr. Ryan seconded the motion, which was unanimously approved.

VI. OTHER MATTERS AS MAY PROPERLY COME BEFORE THE COMMISSION

Other Business

Status of Town Center Code Discussion/Mapping Discussion

Mr. Peck stated that Hoffman Auto has begun screening and landscaping on the site. They have also done a lot of the grading that has been required. He showed photographs of the site to the Commission members.

Regarding the additional parking for Abigail's restaurant, Mr. Peck stated that they are watching carefully to determine how much material they take out and put into the site because of the floodplain.

Mr. Peck stated that changes have been sent to the consultant regarding the Town Center Code. He stated that the Code should be back to the Town by the end of this week with all of the changes. The consultant will be back to Simsbury the week of December 6th to explain how the Code has been proposed with the revisions.

Regarding the cemetery on Plank Hill Road, Chairman Gallagher stated that they are clear cutting trees. Mr. Peck stated that they have clearly done more than what they suggested they would be cutting. The Town does have concerns regarding erosion and sedimentation.

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.

VII. APPROVAL OF 2011 REGULAR MEETING SCHEDULE

Mr. Ryan made a motion to approve the 2011 Regular Meeting Schedule as presented. Mr. Pabich seconded the motion, which was unanimously approved.

VIII. ADJOURNMENT

Mr. Ryan made a motion to adjourn the meeting at 8:15 p.m. Mr. Pabich seconded the motion, which was unanimously approved.

Ed Pabich, Secretary