

PLANNING & ZONING COMMISSION
EAST GRANBY, CONNECTICUT
MINUTES
April 11, 2017

A regular meeting of the East Granby Planning & Zoning Commission was held on Tuesday, April 11, 2017. Members present when Chairman John Welsh called the meeting to order at 7:06 p.m. were David McNally, Daniel Velcofsky, Thomas Derlinga, David Brassard and Robert Ravens-Seger. Also present were alternates Yvon Lemieux and Dillon Tyman.

PUBLIC HEARING

The legal notice was read.

- A. Michael Latonie/Zone Change Application (#17-04)
Commerce Park A to Business
(rec'd 3/14/17) (h/d 4/11/17) (d/d 6/13/17)

Michael Latonie stated that this application was for a zone change for his property on the corner of Hazelwood & Rainbow Road and deferred to his attorney for the presentation. Attorney James Channing, representing the applicant, stated that this application was filed before the regulation change was approved. Another application has been filed for a revision to the regulation change to allow for restaurant/food establishments which wouldn't be necessary if the property was zoned Business. The applicant was amenable to either way and were looking for the Commission's preference.

Mr. Haynes explained that there were pros and cons for the development of the property by either changes to the CP "A" regulations or zoning the property Business. It was up to the Commission to determine their preference. He stated that the Commission needed to choose which mechanism best protects the Town. Staff has submitted an application to delete the newly approved regulations if the Commission chooses to rezone the property. In either zone, the applicant would need to meet special permit criteria and the access management regulations.

Mr. Welsh questioned whether this was spot zoning. Mr. Channing stated that there were two criteria for that – if not contiguous, the size of the lot and whether this was inconsistent with the Plan of Conservation and Development. Mr. Welsh noted that several court cases have determined that lots large than this were spot zoning. He also noted that in the 2004 and the 2014 Plans of Conservation and Development there was never any intent to expand the current business Zone. In fact the zone has "shrunk": with the implementation of the Village center Zone. He felt approval of this zone change could be easily challenged. He was concerned that the applicant would "keep coming back for another bite of the apple".

A change to the upcoming regulation proposal with regard to the addition of “restaurant” was a surprise to many of the Commission members. It was never discussed during the public hearing for the regulation change. It was noted it was mentioned during earlier discussions and applications. There was discussion on this topic as to what was the definition of restaurant and normal food service facilities at gas station convenience stores. It was noted t there was no definition in the regulations for convenience store.

There was some confusion as to why a regulation change would be necessary as most convenience stores as a rule sold food items. To help clarify the issue for the Commission, Clerk Rosalie McKenney, stated that she had seen the site plan proposal. She noted that “everyone knows what a standard gas station convenience store is like inside.” The proposal she saw was more like a “mall food court” in design. So she defended Mr. Haynes, recommendation that a revision to the regulation would be necessary based on that design.

Members of the Commission stated that they seemed to prefer the regulation change over the zone change for a development in this area. Based on that discussion, the applicant requested to withdraw the zone change application and submitted that request in writing. There was no further discussion and the public hearing portion of the meeting closed at 8:05 p.m.

DISCUSSION WITH APPLICANT AND/OR PUBLIC

None

MINUTES

A motion was made by Thomas Derlinga & seconded by Daniel Velcofsky to approve the minutes of 3/23/17 as submitted. Votes in favor were unanimous. Motion carried.

COMMUNICATIONS

The Commission received:

- An 8-24 request by the Board of Selectmen for the acquisition of property on South Main Street by Cowles Park
- A letter dated 3/31/17 requesting a delay in the scheduling of the public hearing for Application #17-04
- A letter dated 4/06/17 requesting a change in the scheduling of the public hearing for Application #17-04 back to April 11, 2017
- Application #17-05 by Michael Latonie for a regulation change in the CP “A” zone to allow restaurants with gasoline service stations
- Application #17-06 by Timothy Brignole for a revised site plan for parking lot paving for 103 Hartford Avenue at the winery
- Application #17-07 by the Commission for a regulation change to delete Section V.B.5.h. to allow gasoline service stations in the CP “A” zone
- Zoning Enforcement Report

It was noted at this time that with the withdrawal of the Zone Change Application #17-04, the Commission withdraws Application #17-07 as noted in “Communications”.

OLD BUSINESS

A. Zoning Enforcement Report – A six (6) item report was submitted and reviewed by Mr. Haynes with the Commission. There were no questions or comments.

B. Planner Report -

- a. Administrative Site Plan Approvals: None

NEW BUSINESS

A. Michael Latonie/Zone Change Application (#17-04)

Commerce Park A to Business

(rec'd 3/14/17) (h/d 4/11/17) (d/d 6/13/17)

This application was withdrawn.

B. Board of Selectmen/8-24 Request

Property on South Main Street (Assessor Lot #62) adjacent to Cowles Park

Mr. Haynes submitted an aerial photo to clarify the location of the property which is 2.5 acres on South Main Street. The Commission's role is advisory. A motion was made by Thomas Derlinga and seconded by Daniel Velcofsky to endorse the proposal as presented in the memorandum of request as it was in agreement with the P.O.C.D. for the acquisition of desirable open space. The votes in favor were unanimous. Motion carried.

C. Timothy Brignole/Revised Site Plan/103 Hartford Avenue

Paving revision (#17-06) (rec'd 4/11/17) (d/d 6/13/17)

Mr. Brignole was not present for this application. Mr. Haynes stated that this was a minor site plan revision to pave the area of temporary grass parking as issues arose over the winter months with snow removal etc. He recommended a pre-construction meeting with the town Engineer be a condition of approval to ensure proper drainage. Lighting in the area is existing.

A motion was made by David McNally and seconded by Daniel Velcofsky to approve the Revised Site Plan Application #17-06 for 103 Hartford Avenue to install additional paved parking subject to the following condition: The paving contractor shall arrange for a pre-construction meeting with the Town Engineer to ensure proper design for drainage and run-off for the expansion of the parking area. The votes in favor were unanimous. Motion carried.

ADJOURNMENT

A motion was made by Thomas Derlinga and seconded by Daniel Velcofsky to adjourn the meeting at 8:22 p.m. The votes in favor were unanimous. Motion carried.

Respectfully submitted,

Rosalie McKenney

Land Use Administrative Assistant