

**PLANNING & ZONING COMMISSION
EAST GRANBY, CONNECTICUT
MINUTES
October 08, 2019**

A meeting of the East Granby Planning & Zoning Commission was held on October 8, 2019. Members present when Chairman John Welsh called the meeting to order at 7:02 p.m. were David McNally, Amanda Thompson, Thomas Derlinga, David Brassard, Robert Ravens-Seger and alternate member Mark Ricketts.

PUBLIC HEARING

The legal notice was read.

A. Two Lot Subdivision Application #19-12 by Anchor Engineering for property at 33/35 Nicholson Road (rec'd 9/11/19) (h/d 10/08/19) (d/d 12/10/19)

Marek Kement, engineer for the project and agent for the owner, gave a brief overall review of the plan. The lot consists of 13 acres in the Commerce Park A Zone with two existing buildings - #33 in the front which has been empty for over a year and #35 in the rear which is occupied by Osh Kosh trucks. The purpose of the application is to subdivide the property so each building will have its own lot. There will be no change to the site layouts and no disturbance of the wetlands. The wetland area which is approximately 5 acres is to be placed within a conservation easement. As presented, it meets the current zoning regulations.

Mr. Welsh was concerned with the “funky configuration” of the lots for frontage. Mr. Kement explained that because of the wetland issues, it was the only way to demonstrate the required frontage. The applicant did try to approach abutting property owners to purchase additional land but that to no avail.

Mr. Haynes reviewed his report and recommended conditions of approval. There will be a fifty (50) foot driveway easement for the rear lot. He recommended that the Town Attorney review and approve the driveway easement before filing. He also added an additional comment to require that the Town Attorney review and approve the conservation easement. He also noted as a condition that the applicant will need to submit a new site plan for each individual property or a new unified site plan should be submitted for the Commission’s approval.

No one spoke in favor. No one was opposed. There were no further comments and the public hearing closed for this application. The public hearing portion of the meeting closed at 7:19 p.m.

DISCUSSION WITH APPLICANT AND/OR PUBLIC

A. Timothy Brignole/Carl Landolina – 103 Hartford Avenue

Mr. Welsh explained that this was not a public hearing. There was no application and the public would not be able to comment. If anyone from the public wanted to discuss anything with the Commission, they could contact the Building Department and asked to be on a future agenda.

Carl Landolina, Attorney representing the applicant, briefly reviewed the outline /history of applications before the Commission. He had listened to the audiotape of a September meeting where a revised site plan was approved with conditions. He also had that audiotape transcribed. His understanding was the site plan that was submitted for signature after the meeting did not meet the conditions and had items added that were not approved. Therefore, when he was retained as Attorney, he recommended that Mr. Brignole withdraw the special permit application (that had been submitted after the revised site plan application) as it was not clear what was approved at the 9/11 meeting. He was here for some clarity.

Attorney Landolina submitted a new map to the Commission to review. He thought this map reflected what was approved on 9/11/19 and he wanted to discuss any discrepancies. He noted that the approval letter left several items up to the discretion of the Town Planner but the audiotape was not clear on that. Mr. Haynes explained that no actual numbers were discussed with regards to items like the number of picnic tables, just the general location area. In order to expedite the approval, the Commission left the actual number up to his discretion.

Mr. McNally was concerned with the parking of the food trucks. They were shown on handicapped parking areas and blocking the handicapped entrance ramp. Also only one food truck is allowed at a time. He said he drives by often and he has seen more than one truck and he stated that it's one thing to note it on a plan and it's another to actually do it. Mr. Landolina agreed that a note should be added and that there should be just a "block" to show the area where a food truck can park, rather than show 6 food trucks on the plan.

Mr. Welsh said he has noted several items on the plan submitted by Mr. Landolina that do not meet what was approved;

1.) The Pizza/BBQ area and what appeared to be 60 tables. The Commission approved the area but the number of tables was left to the discretion of the Planner. Mr. Landolina asked what criteria the planner would use to determine an appropriate number. He stated this was the same area as the proposed outdoor tent. Mr. Haynes responded that the tent area was only for private functions and only allowed 20 times a year. Mr. Welsh noted his concerns in a situation where the interior is full to capacity and others are outside at picnic tables. When the weather changes, where would all those people sitting outdoors go? They would be over their allowed capacity. If the applicant did not like the Planner's discretion, they can always come back to the Commission. Mr. Welsh also stated that the property was zoned agricultural and that the vineyard was to be the primary use with the tasting room/private function room as accessory uses. That was what the site was intended for but this seems to have gone the other way and it's not in the spirit of the regulations.

2.) Mr. Welsh noted the plan shows a temporary gravel parking lot. It appears it is a permanent paved lot and there is other parking that was not approved. Mr. Landolina noted that the parking lot is millings not pavement but it isn't gravel.

3.) Food truck locations needs to be corrected. Only show a general area and a note must be added that only one food truck is allowed at a time.

4.) The proposed free standing sign was shown up front to replace the temporary existing one. That new sign is toward the rear near the barn and doesn't meet the regulations and wasn't approved in that location or as a second sign.

There was discussion back and forth as to whether the applicant, needed to submit a revised special permit application. Mr. Landolina and Mr. Haynes disagreed on this. Mr. Landolina will speak to his client and either submit a plan that meets what was approved or submit a new revised site plan application. The appeal to the ZBA from an order of the Zoning Enforcement Officer was postponed and is currently scheduled for 10/24/19 for now.

MINUTES

After corrections were noted from Mr. McNally regarding an error in the minutes, a motion was made by John Welsh & seconded by Amanda Thompson to approve the minutes of 9/10//19 with the following correction: Under "Adjournment" – replace the first sentence with the following: "A motion was made by Amanda Thompson and seconded by Robert Ravens-Seger to adjourn the meeting at 9:13 p.m."

Votes in favor of approving the amended minutes were unanimous. Motion carried.

COMMUNICATIONS

The Commission received:

- Request dated 9/17/19 from Attorney Carl Landolina to be added to the agenda for "Discussion" for the winery @ 103 Hartford Avenue
- Revised Site Plan Application #19-13 by Ross Express for 38 Russell Road
- Information from staff in regards to the "Discussion" portion of the meeting for the winery @ 103 Hartford Avenue
- Staff comments for Application #19-12 for 33/35 Nicholson Road for a subdivision, for the 40% waiver request for 11 Wyncairne for a storage building/garage, and for the 40% waiver request for 10 Pleasantview Drive for a storage building/garage
- Flyer from the Farmington River Watershed Association
- 40% waiver request from Thomas Lally for 11 Wyncairne for a storage building/garage
- 40% waiver request from Kevin Rozanski for 10 Pleasantview Drive for a storage building/garage
- Copy of the ZBA legal notice for an appeal by Timothy Brignole from the order of the Zoning Enforcement Officer
- Copy of a revised site plan for 103 Hartford Avenue for the discussion portion of the meeting (i.e. Exhibit I)
- Site Plan Application #19-14 for 67 Nicholson Road by Oleg Metlitski

OLD BUSINESS

A. **Zoning Enforcement Report** – No report

B. **Planner Report** - Planner Report –

a. Administrative Site Plan Approvals –

Simsbury Flying Club/Wolcott Road – Mr. Haynes explained the approval was to add one additional hangar at the airport.

J&G at 35 South Main Street - added an outdoor cooler by the patio.

C. CRCOG Regional Meeting Report – No one was able to attend.

NEW BUSINESS

A. Two Lot Subdivision Application #19-12 by Anchor Engineering for property at 33/35 Nicholson Road (rec'd 9/11/19) (h/d 10/08/19) (d/d 12/10/19)

A motion was made by David McNally and seconded by Robert Ravens-Seger to approve Application #19- 12 by Anchor Engineering for a two lot subdivision for 33/35 Nicholson Road subject to the two conditions as set forth by staff comments dated 10/08/19 and one additional comment presented by staff during the public hearing. Votes in favor were unanimous. Motion carried.

B. 11 Wyncairne/40% waiver request/Thomas Lally for a garage

Mr. Haynes stated that the applicant was unable to attend tonight's meeting. The proposal was for a 26'x36' detached garage with a storage loft for 5 vehicles and a boat. The property is on 8 acres and the addition of this garage would increase the allowable accessory structures to 56.9%. He noted that the lot was very large and, as proposed, the character and design fits the neighborhood. It meets all the setback requirements of the zone. Mr. Haynes stated he had received a late email from Mr. Lally stating that the adjacent neighbor had no issue but we have not received anything in writing from that neighbor. The Commission choose to add that as a condition of approval.

A motion was made by Amanda Thompson and seconded by Thomas Derlinga to approve the 40% waiver request by Thomas Lally for a detached garage with loft at 11 Wyncairne as presented and subject to the conditions set for in staff comments dated 10/08/19 regarding the use of the building as well as the additional condition of requiring a written approval from the abutting neighbor. Votes in favor were unanimous. Motion carried.

C. 10 Pleasantview Drive/40% waiver request/Kevin Rozanski for a garage

Mr. Welsh recused himself on any action on this request. Amanda Thompson took over as Acting Chairman.

Mr. Rozanski stated he was interested in building a large 30'x50' garage/storage building for a truck, boat and many of his sons' toys. He had submitted approvals from most of his neighbors. All accessory structures are considered when calculating the 40% maximum. Mr. Rozanski noted that the pool was gone and he planned to remove the smaller storage shed (120 sq. ft.). This reduced his request increase to 67.11%.

Mr. Haynes reviewed his comments. He stated that the lot was only 36,185 sq. ft. He noted the design and scale was not appropriate for the neighborhood. Complaints have been received in the past regarding construction equipment on the site. He recommended denial. Many of the

Commission members agreed with Mr. Haynes that the size was out of character for the neighborhood and recommended downsizing. Amanda Thompson noted that, as an example, a 20'x40' building is quite large and would meet the 40% rule. Mr. Rozanski stated he could accept that but thought he'd try for larger as there is never enough storage.

A motion was made by Robert Ravens-Seger and seconded by Thomas Derlinga to approve the 40% waiver request by Kevin Rozanski for a detached garage at 10 Pleasantview Drive as presented. Votes in favor were one. (Derlinga) Five opposed (McNally, Thompson, Brassard, Ravens-Seger & Ricketts). Motion denied. (Mark Ricketts voted in place of recused member John Welsh).

ADJOURNMENT

A motion was made by David McNally and seconded by Thomas Derlinga to adjourn the meeting at 8:34 p.m. The votes in favor were unanimous. Motion carried.

Respectfully submitted,
Rosalie McKenney
Land Use Administrative Assistant