

**PLANNING & ZONING COMMISSION
EAST GRANBY, CONNECTICUT**

**MINUTES
September 22, 2022**

A special meeting of the East Granby Planning & Zoning Commission was held on Thursday, September 22, 2022. Members present when Vice-Chairman David Brassard called the meeting to order at 7:01 PM were Charlie Allen, Amanda Thompson, Daniel Velcofsky, and John Welsh and alternate members Mark Ricketts and Jay Tran. Voting in place of absent Chairman Thomas Derlinga was alternate Jay Tran.

PUBLIC HEARING

**A. Application #22-06 - SL 50-58 Rainbow Road LLC
Zone Text Amendment - Section V.D. Commerce Park Transitional Zone
(rec'd 08/30/2022) (h/d 09/22/2022) (d/d 11/26/2022)**

Vice-Chairman David Brassard read a statement to remind the Commission and the public of the purpose of the evening's public hearing. The statement noted that the application under consideration is for a change to the text of the zoning regulations to increase the size of a warehouse/distribution center and to place restrictions on the number of loading docks and parking spaces where there currently is no limitation, and is not a proposal for any development. Comments made at the meeting tonight were requested to be related to the text amendment only, and not to any specific development.

The legal notice was read.

A motion was made by Charlie Allen and seconded by Amanda Thompson to open the public hearing regarding Application #22-06. The votes in favor were unanimous. Motion carried.

Blake Silverman and Holden Sabato of the Silverman Group provided an overview of the history of their purchase of the 50-58 Rainbow Road parcel and their conceptual ideas for the site. Mr. Silverman stated that a user has approached them with an interest in the site. He showed the previously discussed proposed building layouts and commented that for their prospective tenant, they would like to merge those buildings together into one structure. Mr. Silverman indicated that the prospective tenant is a large publicly traded company that is mostly a storage user with light trailer park use who has requested a 550,000 SF building, expandable to 750,000 SF. His comparison of the two-building conceptual plan and the plan for the prospective tenant showed that the two plans are similar, with no difference in parking or trailer areas. Mr. Silverman also compared and contrasted their conceptual plan with the nearby Dollar Tree facility, noting that the Dollar Tree building is about 750,000 to 850,000 SF with a higher volume of trailer parking. Another example shown was an 800,000 SF Silverman property in Greensboro. Expected traffic counts for the proposed three-building layout, the proposed 550,000 SF initial build, and the proposed 750,000 SF expansion were reviewed, with the three-building layout showing the highest traffic count.

Holden Sabato addressed the main concerns about the text amendment proposal identified by the Commission and the public, including the overall size of the building and its impact on residential areas, the effect of the text amendment on other parcels in town, its ability to meet the intent of the zoning ordinance, the visual impression of multiple buildings versus one larger one, a preference for a variance over a change in zoning, and the ability to multi-tenant the development.

Mr. Sabato noted that the square footage of the proposed one larger building would be less than that of the proposed multi-building layout. He stated that there are no other parcels in town that can accommodate an 800,000 SF building. With proper design and buffers, Mr. Sabato commented that a larger building would still meet the criteria of the Commerce Park Transition Zone definition. He also stated that since the proposed overall footprints of the one large building and the multiple buildings are about the same, there would be minimal difference between the visual impact of the two possible layouts. Mr. Sabato noted that a variance most likely would not be possible for this particular site, but that the Silverman Group would be willing to add language to their zoning regulation change request that would limit the increased square footage to parcels above a certain acreage. Lastly, he noted that they have not experienced a correlation between building square footage and multiple tenants, as several of their other large properties on the East Coast contain two or three tenants.

Holden Sabato next reviewed renderings to illustrate the difference between the three-building and one-building layouts, including the 550,000 SF initial build and the 750,000 SF expansion, as well as neighborhood views from Sanford Ridge.

Blake Silverman concluded the presentation by stating that given the current environment, the build to suit opportunity they have at hand is better for all involved but does require the optionality they are requesting.

Amanda Thompson asked if information was available regarding noise or third shift operations for the three-building versus one-building options. Blake Silverman replied that he does not specifically know the intentions of the potential tenant, but most distribution users do operate with a third shift. He commented that it is easier to negotiate with one tenant than multiple tenants.

John Welsh reminded those present that the purpose of the evening's meeting is to discuss the zoning regulations for maximum building size in the Commerce Park Transitional Zone and that while a concept plan has been submitted by the applicant, a concept plan is not required and nothing within a concept plan is binding for either the community or the applicant. Mr. Welsh commented that questions pertaining to the concept plan are not relevant at this time and noted that should the Commission approve the regulation change, an applicant could then submit an application for a special permit and a different public hearing would be held where the applicant would address all of the plan details at that time.

John Welsh requested the history of the Silverman Group's activity with the parcel for those in attendance who may not be familiar with it, beginning with their informal presentations in December 2021. Blake Silverman answered that the Silverman Group initially presented a 1,100,000 SF site plan to the Town on an informal basis when the limit for building size was 300,000 SF. After working with the East Granby Town Planner over a period of about six months,

a new conceptual plan was developed and in April, the maximum building size was approved at 400,000 SF. Mr. Silverman stated that if the building size regulation is not granted for up to 800,000 SF, their plan will be to build three buildings that together equal 800,000 SF or greater plus a multifamily development on the site.

John Welsh also asked if this text amendment would have any effect on the Commerce Park A and Commerce Park B Zones regarding building sizes. Town Planner Robin Newton stated that those two zones do not limit building size. David Brassard asked about the percent of building coverage a property is allowed. Ms. Newton replied that the answer depends on the mix of uses but for the Silverman property it will not be as high as allowed in the Commerce Park A and B Zones, which are at 75%.

Ms. Newton also addressed a previous question about the other properties in the Commerce Park Transitional Zone and stated that there are 11 properties in the zone. The Silverman Group owns the largest parcel. The next largest is 46 acres and all of the other parcels, with the exception of a Town owned parcel, are ten acres or less and therefore none are feasible for an 800,000 SF building.

Daniel Velcofsky asked for clarification as to why a variance would not be a possibility for the Silverman Group at this site instead of a change in the text. Holden Sabato commented that to be granted a variance, a hardship must be proved and that no hardships exists.

David Brassard brought up the possibility of properties being merged with the parcel to accommodate two 800,000 SF buildings at the site. Robin Newton stated that while there are some vacant properties adjacent to the site in the Commerce Park A Zone, they are owned and in discussions for development at this time.

Amanda Thompson inquired as to a previous option to have an exit off of the property through Windsor. Holden Sabato explained that logistically it did not make sense to explore that possibility since it would involve wetlands and an easement.

David Brassard opened the floor to public comment.

Jim Francoline of Heather Lane spoke in favor of the proposed amendment, citing it as a way to maintain the current level of Town services, provide funding for the Board of Education, support the Fire Department, and as a means to reduce taxes.

Oliver Davis, representing the East Granby Economic Development Commission, read a letter submitted to the Commission by the EDC in opposition to the Transitional Zone text amendment. While supportive of the Silverman Group's development of the property, the EDC's consensus is that the Silverman Group's previous concept with multiple large commercial buildings, residential area, and public spaces is a better fit for a site adjacent to the Village Center and residential zones.

Larry Seretto of Sanford Ridge asked the Commission to reject the proposal and challenged the assertion that taxes will be lowered as a result of the project.

Jennifer Frank of Valley View Drive stated that a facility of 800,000 SF is too large for the Town of East Granby and that most functions could be performed in two 400,000 SF buildings.

Amanda Lindberg of 32 Stanford Ridge spoke to oppose the zoning application, stating that a warehouse of the proposed size is not desirable close to the town center, schools, and homes. Her reasons for opposition were that an 800,000 SF warehouse would be too intensive in scale and nature, the single building design would not offer adequate noise buffering, the three smaller buildings would attract a greater variety of businesses with better employment opportunities, and tax revenues would be higher with smaller, more diverse businesses.

Steve Mosher of Seneca Drive opposed the text amendment and stated that approving it would not maintain the character of East Granby, protect natural resources, and enhance the overall quality of life in East Granby, points that are reflected in the Town's Plan of Conservation and Development.

Pat Linde of Sanford Ridge stated that she does not support the change in building size and relayed how as a former resident of Windsor Locks living near that town's C&S Grocers, she endured the noise of the warehouse continuously throughout the night every night.

Vincent Gosselin of Metacomet Drive expressed that an 800,000 SF distribution center is not appropriate for a Transitional Zone in East Granby and is better suited for another town. He stated that he has not experienced a decrease in taxes resulting from any other warehouses in town.

Robin Newton read a letter from East Granby resident Joe Doering who was unable to attend the meeting. In his letter, Mr. Doering commented that he is not in favor of the text amendment and stated that the Silverman Group's original proposal is a better plan for the parcel as it fits with the intent of the Village Center area and the Town's character. He expressed concern for the homeowners adjacent to the property and urged that they be kept in mind with regard to this decision.

Paul Calebaugh of Turkey Hills Road attended via Zoom and suggested that the potential tax revenue for the Town is easily calculatable based on the square footage of the facility itself. He stated that although he does not necessarily support or oppose an 800,000 SF building, he does support the Silverman Group being able to have the option to bring forward plans for an 800,000 SF facility and show exactly what the impacts would be with traffic, noise, etc. so that appropriate decisions could be made at that time with that detailed information.

Jennifer Adams of Sweetbrier Road spoke against the change via Zoom. She stated that her vision of the Commerce Park Transitional Zone is one of a lively place with businesses that would enhance the quality of life for members of the community. She noted that if property values decreased as a result of a large warehouse nearby, even if the value of the commercial building is factored in, the value of the Grand List could decrease overall. Living near the Walgreens and Dollar Tree facilities in Windsor, she stated she hopes that East Granby can do better to keep the rural ambiance of the town intact.

Jeff Hecht of Granger Circle asked the Commission to consider the wishes of the residents of the neighborhoods most directly impacted by the development of the parcel. He stated that the tax revenue of one 800,000 SF building or two 400,000 SF buildings would be the same.

Beth Spellman of Sanford Ridge spoke regarding the petition opposing the text amendment from her neighborhood committee that represents 79 people from 21 streets.

Lorena Lima of North Main Street expressed concerns about road safety and stated that she felt an increase in tractor trailers from the new development would bring an increase in accidents.

Sebastian Mazzarella of South Main Street stated he opposes the text amendment and questioned whether residents would have an opportunity to oppose an actual proposal for development once one has been submitted.

Lisa Mendes of Crystal Drive stated that the Commerce Park Transitional Zone abuts her back yard and she is afraid of future development in the zone.

Fran Nussbaum of East Granby spoke to oppose the volume of the proposed warehouse and stated that she feels it will not bring employment for residents of the town, but for others bussed in. She expressed that warehouses do not create a town center, lead to traffic and congestion, and are not appropriate for a rural town.

Jim Luchina of Copper Gate Road asked the Commission to approve the application. He estimated that an 800,000 SF warehouse and the residential development would bring in 2 to 3 million dollars for the Town, roughly half of the current operating budget.

Bill Terney of Sanford Ridge posed a question regarding the changes to parking with the proposed text amendment.

David Brassard invited the Silverman Group to address questions raised by the public.

Blake Silverman summarized that while he understands many residents may not want anything to be built on the site, as owners of the property the goal of the Silverman Group is to build something that provides tax revenue. They are seeking the text amendment with a prospective tenant in mind who wants the space. He stated he felt that the Commission was receptive at their last presentation because of the apartments they are willing to build. However, it is the warehouse facility that makes the most sense financially and they are able to build the apartments because of the demand for the warehouse. Mr. Silverman stated that other facilities such as retail might sound appealing, but the market is most supportive of distribution at this time. With rising interest rates, Mr. Silverman stressed that there will be less building, but they currently have a tenant who wants the site and will provide instant tax revenue for the town. He stated that the resident who estimated 2 to 3 million dollars in tax revenue was on track with his calculations, depending upon the amount at which the apartments are assessed. However, Mr. Silverman again reiterated that he cannot construct the apartments without the industrial build. Further, he noted that locating two 400,000 SF buildings right next to each other are in essence the same as creating one 800,000 SF building. The current regulations already allow for those two 400,000 SF buildings to be placed on the site, but a tenant is available now for the one larger building.

Regarding traffic, Mr. Silverman noted that for companies such as Amazon and Lowe's, it is not their largest facilities that create the most truck traffic, it is their smaller 100,000 to 200,000 SF switching stations or last mile centers that have the highest truck volume.

Addressing the public's question regarding the next step in the process should the current application be approved, Robin Newton explained that the applicant would next apply for a special

permit, which would also involve a public hearing. Concerns about traffic, noise, lighting, landscaping, layout, etc. would be addressed and the public would have the opportunity to give feedback on those site-specific issues at that time. The current application is to change the text of the regulations and does not grant approval to any plan.

With wetlands in the area, Charlie Allen asked the applicant if it would be easier to control environmental issues such as runoff with a one-building layout instead of a three-building layout. Holden Sabato answered that one building would provide a small reduction in the impervious coverage on the site and make it slightly easier to control the runoff. Blake Silverman noted that the initial build stage of their proposed building will involve more grass surface, and that a three-building layout built on spec will require more parking than the larger one building design.

David Brassard asked if three buildings would require more loading docks than one building. Blake Silverman replied that smaller buildings are typically narrower and can therefore accommodate more docks along their length.

Jay Tran asked if the Silverman Group plans to continue with building multiple 400,000 SF buildings on the site if the change in text is not approved. Blake Silverman replied that, given the current state of the economy, the answer right now is probably no. Without a tenant, they probably will not begin to build immediately on spec. He stated that they will probably begin a project at some point, but without the optionality to build to suit, he feels that any developer would wait to see what the future provides.

A motion was made by Daniel Velcofsky and seconded by Amanda Thompson to close the public hearing regarding Application #22-06. The votes in favor were unanimous. Motion carried. The public hearing was closed at 8:27 PM.

David Brassard announced that the Commission would take a brief recess at 8:28 PM.

DECISION

A. Application #22-06 - SL 50-58 Rainbow Road LLC Zone Text Amendment - Section V.D. Commerce Park Transitional Zone (rec'd 08/30/2022) (h/d 09/22/2022) (d/d 11/26/2022)

David Brassard called the meeting back to order at 8:35 PM.

Jay Tran was named as alternate to vote in place of absent Chairman Thomas Derlinga.

A motion was made by Amanda Thompson and seconded by Jay Tran to approve Application #22-06 as received.

Daniel Velcofsky began a discussion by stating that the project was initially conceptually presented as one large, single building which was not favored by the Commission. He noted that more palatable changes were made to the plan, but it now seems that the project is back to the same large building. However, Mr. Velcofsky stated that the 550,000 expansion option seems like a good

compromise. His concerns centered around the expansion of the building and if the same tenant would be retained. He noted that the economy has changed for the worse since the last discussions and for that reason, and because the Silverman Group has a specific customer already in hand, he is inclined to support the text amendment.

Amanda Thompson spoke regarding her thoughts surrounding instant revenue, the potential for a tenant to change, attempting to fill a vacancy in an 800,000 SF building versus three smaller buildings, and meeting the current needs in an economy that is also always changing. Ms. Thompson expressed that the best option would be to look to the long-term benefits for the town, to take care of town residents, and to follow the Plan of Conservation and Development. She stated that she was proud of the Commission when it developed the Transitional Zone because she felt like they were protecting town residents and doing what was right for them for their quality of life. She stated that she thinks that it is the Commission's priority to take care of the community and with so much public input regarding this issue, the regulation is not something she is interested in changing.

John Welsh discussed the process of changing the text of the regulation to increase the permitted square footage of the maximum building size in the Commerce Park Transitional Zone. He noted that many of the concerns identified would be addressed at the special permit level, and whether that special permit level was for an application under a text that provides for 800,000 SF or whether it was under a regulation text which would permit 400,000 SF, the same level of review would take place, as well as a public hearing.

Regarding the safety concerns brought forward by a resident, Mr. Welsh noted that for any application that comes forward to the Commission, safety is going to be addressed.

Mr. Welsh discussed the Plan of Conservation and Development, reviewed every ten years by the Planning and Zoning Commission. Input is sought by the Commission from constituents of the town so that the Commission understands how the community wants to go forward in its development. Mr. Welsh described this planning as one of the two responsibilities of the Commission, the other being to impact actual zoning decisions. He stated that the decision to be made regarding the application at hand is a zoning decision but also a planning concern regarding the long-term vision for the community. Mr. Welsh stated that the Commerce Park Transitional Zone was created to provide a new level of zoning with additional uses for properties abutting the Village Center and residential areas. He noted that regardless of the protection that special permitting would allow, he does not endorse the idea of changing the maximum square footage in the Commerce Park Transitional Zone.

Jay Tran commented on the well-proven track record of the Silverman Group as developer of the property. He noted that two 400,000 SF buildings could be built right now, and the current concept plan is actually less square footage than was previously discussed. Mr. Tran said there will be a time in the future to address buffers, noise, etc. but that it would be unwise to refuse a tenant now that is ready to sign and occupy the space.

Charlie Allen discussed his views on how he envisions not just small demographic areas but the whole of East Granby as a community. He stated that he believes it would be shortsighted to eliminate or stop the development process because special permitting safeguards exist to address

resident concerns. As all are members of the same community, he stated that he feels that everyone has a responsibility to provide for the education of the children of new families in town and a responsibility to the town's seniors to allow them to continue to live in East Granby. In his opinion, the development of the site by a reputable developer will ensure that East Granby can provide for its senior citizens, its schoolchildren, and its public services such as the Police and Fire Departments and he stated that he is supportive of the text amendment proposal.

David Brassard commented that he has not been in favor of the big buildings constructed in neighboring towns. However, in comparison with those developments, the Silverman Group plans to add a residential component to the site which he feels will increase the depth of the town center area. The warehouse area will be at the rear of the site, and the use for the proposed tenant has been identified as mostly storage, which Mr. Brassard feels will not be as vehicle-intensive as other uses. An application will have to go through the special permit process, which will allow some control over decisions about it. Mr. Brassard pointed out how the Silverman Group has evaluated the economy and selected an appropriate development to build on the site. He commented that their work is of good quality and that he is in favor of the text amendment for those reasons.

Amanda Thompson assessed the different points of view expressed regarding the short sightedness of not supporting the change versus her own opinion that it would be short sighted to jump on the first idea that is brought before the Commission regarding this property. Ms. Thompson asserted that the community has communicated that they do not want a large structure on the site, which was the point of creating the Commerce Park Transitional Zone in the first place. She noted that the Economic Development Commission's opposition to the text amendment was related to the fact that large warehouses do not generate a large amount of personal property tax. Ms. Thompson expressed that she wants to be sure that the largest open piece of undeveloped land in town is considered thoughtfully, not simply because there is something available to do with it at the moment. Ms. Thompson suggested it would be better to follow through with what the Commission has promised the community as far as keeping a transitional zone and that while special permitting does provide some control, it does not always provide complete control. By changing the regulations of the Commerce Park Transitional Zone, Ms. Thompson stated she feels the Commission would be going back on their word to the community.

John Welsh acknowledged Oliver Davis and the members of the Economic Development Commission for their review and their ongoing work over the years in support against big box development in the center of the community. He expressed that he feels the proper way to change the text of the Commerce Park Transitional Zone and its building square footage allowances would be to refocus through the Plan of Conservation and Development process. Mr. Welsh's final comment was to remind the Commissioners that they are voting on the text amendment change and not on any aspects of a concept plan.

David Brassard then called the vote. Votes in favor were three (Allen, Brassard, Tran). Opposed were three (Thompson, Velcofsky, Welsh). With less than a majority in the affirmative, the motion was lost and the application denied.

ADJOURNMENT

A motion was made by Amanda Thompson and seconded by Jay Tran to adjourn the meeting at 9:04 PM. The votes in favor were unanimous. Motion carried.

Respectfully submitted,

Laura Hall
Land Use Administrative Assistant