

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

**MINUTES
February 14, 2023**

A meeting of the East Granby Planning & Zoning Commission was held on Tuesday, February 14, 2023. Members present when Chairman Thomas Derlinga called the meeting to order at 7:00 PM were David Brassard, Charlie Allen, Amanda Thompson, Daniel Velcofsky, and John Welsh and alternate member Jay Tran.

A motion was made by Charlie Allen and seconded by David Brassard to add the approval of the minutes from the December 13, 2022 to the agenda as item 3A. Votes in favor were unanimous. Motion carried.

PUBLIC HEARINGS

The legal notice for the two public hearings on the agenda was read.

**A. Application #23-01 - Sweat Equity, LLC
Special Permit Application for Self-Storage Facility - 10 Connecticut South Drive
(rec'd 01/10/2023) (h/d 02/14/2023) (d/d 04/20/2023)**

A motion was made by Daniel Velcofsky and seconded by Amanda Thompson to open the public hearing regarding Application #23-01. Votes in favor were unanimous. Motion carried.

Dave Ziaks, P.E. of F.A. Hesketh & Associates spoke on behalf of applicant Anthony Maulucci. After an informal discussion with the Commission in December, the site plan design for the project was completed and has been approved by the Inland Wetlands Commission. The parcel is 3.87 acres in the Commerce Park A zone. Abutting and nearby properties are commercial and industrial users. The plan calls for nine buildings ranging from 1,800 to 5,600 SF with a small management office on site and minimal parking requirements. The property will be serviced by a single driveway and the entire site will be surrounded by a six foot high black vinyl chain link fence. Details regarding building orientation, site lighting, landscaping, and stormwater drainage were also provided by Mr. Ziaks. The possibility of adding a second story to some of the proposed units was also discussed. The applicant is in agreement with Staff comments and the Town Engineer's comments were previously addressed through the Inland Wetlands application process.

John Welsh commented that the Commerce Park B Zone specifically allows self-storage uses but the Commerce Park A Zone does not. He suggested that a zone text amendment application would be more appropriate at this time. Dave Ziaks reminded the Commission that an informal discussion to consider whether self-storage would be considered a use similar to warehousing was held with the Commission in December. He noted that those members present at the meeting during that conversation interpreted and agreed that the use was indeed similar and could be permitted in Commerce Park A. John Welsh stated that only a few of the members currently serving on the Commission were members at the time the regulations were being drafted for the Commerce Park A and B Zones. Mr. Ziaks suggested that the self-storage use will be meeting the needs of the community as they are evolving, especially with the addition of multifamily housing in town, and will bring a viable project to a site that has remained vacant for a number of years.

Robin Newton commented that the applicant specifically appeared informally before the Commission at the last meeting regarding this use and did not receive any negative feedback. Mr. Welsh indicated however, that the original intent of the regulations was to omit this type of use in the Commerce Park A Zone. Dave Ziaks noted that the regulations also included the “other similar uses” clause which allows for some flexibility.

Thomas Derlinga opened the floor to public comment. Paul Calebaugh of 152 Turkey Hills Road, attending online, spoke in favor of the project.

A motion was made by David Brassard and seconded by Charlie Allen to close the public hearing regarding Application #23-01. Votes in favor were five (Allen, Brassard, Derlinga, Thompson, Velcofsky). Votes against were one (Welsh). Motion carried.

**B. Application #23-02 - Copart of Connecticut, Inc.
Zone Text Amendment - Section V.C.5.c. Automotive-Type Uses in the CP-B Zone
(rec'd 01/10/2023) (h/d 02/14/2023) (d/d 04/20/2023)**

A motion was made by Daniel Velcofsky and seconded by Amanda Thompson to open the public hearing regarding Application #23-02. Votes in favor were unanimous. Motion carried.

Attorney Thomas Fahey spoke on behalf of the applicant, Copart, and reviewed the requested zone text amendment. Copart owns 49 Russell Road and two other undeveloped parcels in Commerce Park B. Because auto auctions were eliminated as a permitted use in Commerce Park B, Copart currently operates as a non-conforming use but are unable to expand their operations with more space for inventory with the current regulations in place. The text amendment seeks to amend the existing regulations to allow internet auctions by special permit in the Commerce Park B Zone. Attorney Fahey noted that the zone text amendment is for internet auto auctions only, not live auto auctions.

John Welsh received confirmation from the applicant that along with the stated “no dismantling, fluid draining, and crushing or part sales,” no actual vehicle repair would be completed on site. He provided the historical background of the removal of automotive uses from the Route 20 area and from Commerce Park B. Brian Phillips, Copart General Manager, described the company’s business model for the Commission.

Discussion followed as to adding additional language to the proposed regulation change to specifically state that no repair of vehicles may be performed on site.

CRCOG comments indicated no apparent conflict with regional plans and policies or the concerns of neighboring towns.

Thomas Derlinga opened the floor to public comment. A letter received from Lisa Mendes of Crystal Drive against the expansion of Copart’s business was read into the record.

Paul Calebaugh of Turkey Hills Road, attending online, spoke in favor of the zone text amendment and of more commercial development in town.

Thomas Derlinga and John Welsh noted that the current application is for a zone text amendment and a special permit application will allow the opportunity for specific site concerns to be addressed.

A motion was made by Daniel Velcofsky and seconded by Amanda Thompson to close the public hearing regarding Application #23-02. Votes in favor were unanimous. Motion carried.

PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

MINUTES

A motion was made by Amanda Thompson and seconded by Thomas Derlinga to approve the minutes of the December 13, 2022 meeting as submitted.

John Welsh requested that the phrase “of the members then present” be added in parentheses to a sentence under the Informal Discussion with Applicants so that the sentence reads “The general consensus of the Commission (of the members then present) was that there was no specific intent by the Commission to omit self-storage from Commerce Park A...”

Votes in favor of accepting the minutes with Mr. Welsh’s change were unanimous. Motion carried.

INFORMAL DISCUSSION WITH APPLICANTS

A. 32-34 Hazelwood Road – School Bus Yard – Kevin DeVivo

Carl Landolina, representing Kevin DeVivo, Managing Partner of Dattco, discussed the possible use of 32-34 Hazelwood Road for school bus parking and dispatching. The site was initially zoned Industrial and has housed a contractor’s yard and a landscaping company but is now zoned Commerce Park A. Although a requirement in Commerce Park A, the site is not serviced by public water or sewer. Mr. Landolina also indicated that the parcel is relatively small at approximately three acres, but the uses allowed in the Commerce Park A Zone such as warehousing, light manufacturing, etc. typically require a much larger site.

Robin Newton specified that the abutting Windsor properties are being developed for warehousing and distribution uses and that no uses allowed in Commerce Park A or B are expressly similar to the desired bus yard use.

It was noted that in 2021 a property on Russell Road was allowed additional parking for a transport company as a use similar to a contractor’s yard. A discussion was held whether it would be better for the applicant to request a regulation change within Commerce Park A or request a zone change for the parcel to Commerce Park B. The Commission felt that a zone change would be the most appropriate option, especially since the property abuts a similar zone in Windsor.

B. 59-61 Rainbow Road - Outdoor Display - Anthony Maulucci

Anthony Maulucci was unable to obtain needed information to present at this evening’s meeting and requested that the Commission table the discussion until a later date.

COMMUNICATIONS

The Commission received:

- Inland Wetlands/Conservation Commission Minutes – January 4, 2023
- Connecticut Bar Association – Connecticut Land Use Law for Municipal Land Use Agencies, Boards, and Commissions Webinar Registration Brochure
- Connecticut Federation of Planning & Zoning Agencies – Quarterly Newsletter, Winter 2023
- Connecticut Federation of Planning & Zoning Agencies – Annual Conference Registration and Nomination Materials
- Zoning Violations Report – January 2023

OLD BUSINESS

A. Zoning Enforcement Report

The January 2023 Zoning Enforcement Report was received.

B. Planner Report – Administrative Site Plan Approvals

None.

C. CROCOG Regional Meeting Report

None.

C. Application #23-01 - Sweat Equity, LLC Special Permit Application for Self-Storage Facility - 10 Connecticut South Drive (rec'd 01/10/2023) (h/d 02/14/2023) (d/d 04/20/2023)

A motion was made by Daniel Velcofsky and seconded by Thomas Derlinga to approve Application #23-01 by Sweat Equity, LLC, Special Permit Request and Site Plan Approval for the Construction of a Self-Storage Rental Facility and Site Improvements, 10 Connecticut South Drive with the following conditions:

1. A pre-construction meeting is required with Town Staff prior to the start of any construction activities.
2. Final plans to be submitted to the Town for review prior to any work being commenced.
3. A final mylar must be filed in the Town Clerk's Office and a paper set is to be filed with the Land Use Office.
4. The applicant must post an Erosion and Sedimentation Control Bond in an amount to be approved by the Town Engineer. The applicants engineer shall submit an estimate with all the E&S quantities for review and approval. Bond shall be in place before the start of any construction activities.
5. The Special Permit form must be filed on the land records prior to the issuance of any permits.
6. No work shall commence until all permit conditions are met.

Votes in favor were five (Allen, Brassard, Derlinga, Thompson, Velcofsky). Votes against were one (Welsh). Motion carried.

D. Application #23-02 - Copart of Connecticut, Inc. Zone Text Amendment - Section V.C.5.c. Automotive-Type Uses in the CP-B Zone (rec'd 01/10/2023) (h/d 02/14/2023) (d/d 04/20/2023)

A motion was made by Daniel Velcofsky and seconded by Thomas Derlinga to approve Zone Text Amendment Application #23-02 by Copart of Connecticut, Inc., Section V.C.5.c. Automotive Uses in the Commerce Park B Zone with the proposed language change to include “no servicing of vehicles” on the list of “no dismantling, fluid draining, and crushing or part sales are conducted on site.”

Votes in favor were unanimous. Motion carried.

NEW BUSINESS

A. Election of Officers

A motion was made by John Welsh and seconded by Charlie Allen to appoint Thomas Derlinga as Chairman of the East Granby Planning & Zoning Commission. Votes in favor were unanimous. Motion carried.

A motion was made by John Welsh and seconded by Thomas Derlinga to appoint Charlie Allen as Vice Chairman of the East Granby Planning & Zoning Commission. Votes in favor were unanimous. Motion carried.

A motion was made by Charlie Allen and seconded by Daniel Velcofsky to appoint David Brassard as Secretary of the East Granby Planning & Zoning Commission. Votes in favor were unanimous. Motion carried.

ADJOURNMENT

A motion was made by John Welsh and seconded by Thomas Derlinga to adjourn the meeting at 8:43 PM. The votes in favor were unanimous. Motion carried.

Respectfully submitted,

Laura Hall
Building & Land Use Administrative Assistant