

Planning & Zoning Commission
Unapproved Minutes
October 3, 2018

Chairman Graveline called the meeting to order at 7:00 p.m.

Members Present: G. Graveline, J. Crumb, A. Havican, K. Kemp and S. Duffany

Alternates Present: G. Ploski, & Mike Dreher

Absent: Bob Albert

Others Present: Land Use Inspector, Mary Barton

M. Barton explained that B. Albert had been hospitalized last week, is not mobile as of yet and does not have weight bearing ability at this time, but is hopeful to be at the next meeting. Chairman Graveline asked to send his and Commission's regards.

Approval of Minutes:

Motion made by A. Havican, seconded by K. Kemp to approve the minutes of 9-19-18 as submitted. **Unanimous.**

Correspondence: None

Public Participation: None

Public Hearings: None

New Business:

-Tracey Anderson, 30 Skyline Dr., Application for Home Occupation – Home Baking. Tracey Anderson, appeared and presented to the Commission an application for a Home Occupation for a Cottage Food Operator to bake cakes. T. Anderson explained that a new Public Act 18-141, which was adopted in 2016 and became effective as of 10/1/18 (G. Ploski requested M. Barton to email this information to him). T. Anderson advised that per the PA 18-141 there is a process to follow including restrictions: water test, Health District notification, application to State of CT, online Food Handler course and a cap of \$24,000 per year. A. Havican commented on having a home occupation is that the neighbors are now aware. A. Havican questioned the number of clients per week. T. Anderson replied that she is hopeful to have one client per week. M. Barton advised that the application is not required to have an industrial kitchen. M. Dreher commented on the applicant's hours of 9 to 7 daily, 7 days a week. T. Anderson replied that most parties are on weekends and she would think that pickups would be on Friday mornings. J. Crumb questioned specialties – cake decorating. T. Anderson commented on personalized treats and cakes. K. Kemp questioned if there would be web advertising. T. Anderson replied that it would be through family and friends, word of mouth. A. Havican commented that if the business increased she may have to re-evaluate the situation. Chairman Graveline advised of the concern for traffic. T. Anderson commented that she has a long driveway, she lives at the end of the street, in the back, her sister-in-law lives on the front property and she is surrounded by water company property. Chairman Graveline questioned if the items were hand-made to which T. Anderson advised that they were. M. Barton commented that the Health District needed to be notified as per the Public Act, they are to provide guidance. Chairman Graveline asked for further comments. T. Anderson commented that she could gain State approval unless all areas were checked off. J. Crumb commented that for a home business, you would need to make so that no one knows that you are there. Chairman Graveline commented that once approved, the approval is good for 5 years. Chairman Graveline asked for further comments. G. Ploski commented on State guidelines for cakes and cupcakes. T. Anderson stated that she provides her name, address and all ingredients on contents; including providing a disclaimer that states 'may contain peanuts' on all packaging. M. Barton advised that this application meets all the requirements. Chairman Graveline stated that he did not think that a public hearing was necessary. After discussion, **Motion** made by J. Crumb, seconded by S. Duffany to accept and approve the Application for Home Occupation – Home Baking for Tracey Anderson, 30 Skyline Dr. **Unanimous.**

-M. Barton asked the Commission to place the application of Robert Pinto, 30 Union City Rd for a Change of Use on the Agenda. Motion made by A. Havican, seconded by K. Kemp to place an application, made by Robert Pinto for 30 Union City Rd for a Change of Use. **Unanimous.** *Robert (Bob) Pinto, 30 Union City Rd* appeared and presented to the Commission an application for a Change of Use for the property known as 30 Union City Rd. B. Pinto advised that the property is Zoned 'B' and is in the Gateway; it is a non-conforming entity; the request is for an intensification; there will be no increase to the footprint. B. Pinto stated that he will be closing the repair business; the 'garage' will be converted into residential; the 1st floor apartment will become office/retail and the 2nd floor apartment will stay the same. B. Pinto also advised that he had applied to ZBA for a variance to add to the location a garage, but was denied due to a non-hardship. G. Ploski questioned if there would be improvements to aesthetics? B. Pinto advised only windows. Chairman Graveline asked

for further comments. No additional comments were made. Motion made by J. Crumb, seconded by A. Havican to accept and approve the application of 30 Union City Rd for a Change of Use. Unanimous. B. Pinto did note that he would be giving up an approved property with dealership rights that has no restrictions. The Commission thanked B. Pinto for coming in.

Old Business:

-Rte 69 Auto Sales - 69 Waterbury Rd – Operating Conditions – No Show.

M. Barton gave an update stating that she received a memo from the property owner, Mr. Juliani, granting permission to take out the permit and Donald Reilly, 110 Waterbury Road – sent M. Barton an email giving permission for a Change of Use; no signatures were on either permit. A check was received, but the amount was too large. M. Barton continued that she had contacted the STOFCTDOT's Amy Martinez regarding permits, no application had been received. STOFCT District 4's Ron Farris was contacted regarding removal of vehicles out of the State's right of way; the process takes approximately 30 days to commence. M. Barton advised that the request for no parking signs in the State's Right of Way has been granted and she is waiting for these signs to be put in place. Once the signs are in place and vehicles are parked in this area, the police could ticket. M. Barton continued that the dealership owner has not addressed parking spaces for customers or deliveries. The chain link fence is still in place and the wood to the side of the building has not been removed. Per the 2006 PZC approval, 35 cars were allowed; at this time, there are well over 100 vehicles parked on premise. M. Barton commented that there are too many cars on the property. Fire Marshal Keith Griffin commented that had received two phone calls and was met by M. Luisi at the post-office to come to the property to see what had been accomplished. K. Griffin advised that M. Luisi had moved vehicles out of the 15-foot emergency access way, to which a truck could turn, but can't get through, the wood and chain link fence have not been removed. Also, vehicles were moved from Dr. DeLuca's side of the property. K. Griffin questioned the 15-foot emergency access way, the 5-foot buffer and parking vehicles near a building with regard to a fire load. G. Ploski commented on parking vehicles near garage doors or entrances that could be moved. K. Griffin commented that people park in the back of Oliver's but at the end the cars are gone. A. Havican commented that M. Luisi has not done anything that the Commission has asked and should be coming in to speak with the PZC. K. Griffin commented that some progress has been made. M. Barton stated that there is no site plan as to what is to be done. M. Barton continued that Duracore was allowed for 15 additional cars to be parked on premise; she will look at what is parked there now. M. Barton stated that this needs to be resolved. M. Barton also stated that the 15-foot emergency access way has to be 'signed'. Mike Palmerie III, 19 Amber Court commented that there are over 100 cars at 69 Auto Sales; M. Barton stated that between 2006 – 2010 – the PZC permitted 35 cars. G. Ploski commented that the PZC has no authority to advise the owner to remove the vehicles from the State's Right of Way. M. Barton advised that due to the cars creating an unsafe site line, the cars need to be removed and the owner needs to comply. M. Barton asked the Commission as to the next steps, if they would want to enlist enforcement action. Chairman Graveline commented that he would like M. Barton to contact the Town's Attorney, Jen Yoxall to proceed forward with a letter. G. Ploski commented that the PZC does not need to listen to the complaints over and over and not have the owner of the dealership not comply.

-Acceptance of Bond for Site Stabilization for Dollar General, 14 Union City Road, Gary Eucalitto, 55 Proprietors Ln, Torrington, CT presented before the Commission advising that he has been in contact with M. Barton to receive a Zoning Compliance for his bank. After inspection of the property, M. Barton advised that there was a problem with the rear bank behind the building and the stabilization of the property. M. Barton had noted no vigorous grass growth at the area behind the building on the Old Schoolhouse side. G. Eucalitto stated that this was supposed to be a wildflower mix that takes sometime to grow. G. Eucalitto advised the Commission, that as of today, he had sod set to this area. M. Barton continued that she had inspected the area and as of 2 o'clock this afternoon, there was not an application, but she would go out to check the area again. M. Barton stated that she had been in contact with Dollar General, as she was advised that it is their responsibility, to ask of the person or business that would be inspecting the underground detention area as there is a stormwater plan in place. M. Barton commented that M. Barton had spoken with General Manager and District Manager that permits would need to be in place, but now there are other violations in place, Dollar General has a Redbox and ice cooler set outside without permits. M. Barton continued that G. Eucalitto had been in contact with her to set a bond in place of \$10,000. M. Barton had contacted G. McCarthy to inspect the area, to which he advised that \$10,000 was too much and to the set the bond at \$5,000. M. Barton commented that there had been grass clippings left on premise to the neighbors' side, but has since been cleared. M. Barton also commented on plantings and who would be responsible should the plantings not take and when did the guarantee begin. G. Eucalitto commented that there is a 1-year guarantee from October. M. Barton stated that the site was not finished yet. J. Crumb commented that the problem that the PZC runs into is from people not taking care of the property. M. Dreher commented on the trash that is on the premise and questioned who is maintaining it and stated that they are not being a good neighbor. M. Dreher stated that the blame is going back and forth between the property owner, the engineer and Dollar General. M. Barton stated that there is still trash on the ground and there is an issue with the dumpster area being opened; the K. Griffin had asked that the be a locked placed on the dumpster. A. Havican commented to 'let's make it what is supposed to be'. G. Eucalitto commented that he gets calls, even on sites he did not develop, for issues – 3 to 4 years later. He will send out his people and the job will be done within a few days to a couple of weeks. M. Barton asked the Commission if they would want to take a \$5,000 cash bond; not a surety bond. A. Havican stated let's do it. M. Dreher

advised that he had noticed a Dollar General truck going the wrong way, up Old Schoolhouse Rd, a one-way street. Chairman Graveline asked to have Dollar General come back in for additional permits for the Redbox and exterior ice cooler. **Motion** made by A. Havican, seconded by S. Duffany to approve a 'cash bond' for site stabilization for Dollar General to be set in the amount of \$5,000 from G. Eucalitto. **Unanimous.**

-Text Amendments – Four amendments were given to the Commission: Article 2 General Provisions Section 2.2 Definitions-Fire Lane; Article 6 Off-Street Parking and Loading Regulations; Article 4 Supplementary Regulations Section 4.14 Erosion & Sedimentation Control; Article 4 Supplementary Regulations – Section 4.22 Storm-water Management Standards. Commission members held general discussion on access drives – 750 ft to structure – length to rear of building – fire hydrants, Fire lanes - marking, Storm-water management – underground detention system and Soil and Erosion control.

Land Use Inspector's Report:

M. Barton commented on the following:

-Tammy Zollo contacted the office to request a permit for (oil) tanks, that are double walled, cleaned and empty; they will be stored, then rented to the public – the request is for 105 Waterbury Rd- the tanks range from 200 gallons to 500 gallons. M. Barton stated that the property is located in the B zone; she did not feel that this use would fit within the B zone, but rather in the industrial zone. Chairman Graveline asked to have T. Zollo come before the Commission.

-Change of Use Applications – Form letters will be going out to Change of Use Applicants – as many applicants have been giving push back as to paying the rate.

-16 Old Logtown Rd – Owner going back to storing 'stuff' on property – may have to begin enforcement or notify Anti-Blight Commission

Motion made by A. Havican, seconded by K. Kemp to place the Land Use Inspector's Oral Report on File. **Unanimous.**

Public Participation:

Chairman Graveline advised that the Gun Club will be at the next meeting of the PZC on 10/17/18.

Adjournment: **Motion** made by A. Havican, seconded by S. Duffany to adjourn the meeting. **Unanimous.** The meeting adjourned @ 8:19 p.m.

E. Gil Graveline
Chairman