

**Planning & Zoning Commission**  
**Unapproved Minutes**  
**April 4, 2018**

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

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

**Alternates Present:** Mike Dreher

**Absent:** Bob Albert and G. Ploski

**Others Present:** Land Use Inspector, Mary Barton

**Approval of Minutes:**

**Motion** made by J. Crumb, seconded by A. Havican to approve the minutes of March 21, 2018.

**Unanimous.**

**Correspondence:** None

**Public Participation:** None

**New Business:** None

Time allotted for the Land Use Inspector's Report:

**Land Use Inspector's Report:** *Toll Bros., Regency at Prospect, (2) Letters of Request for Bond Reductions dated 3/14/18; Cont'd.*

M. Barton advised that she had notified Ted Merchant of Toll Bros. that she was not in receipt of the bonding information from the review by G. McCarthy previous Asst. Prospect Public Works Director, due to weather hampering the finishing of several projects. M. Barton was advised by G. McCarthy that he should have the bond information by the next PZC meeting.

-M. Barton also advised that Kellee McLean, Project Manager of Regency at Toll Bros, will be coming in to meet with M. Barton and Chairman Graveline next week to discuss some changes to their Affordability Plan and to also discuss placing a stone sign at the entrance to Tamarack as a Residential Entrance only. M. Barton stated that the Regency Project is moving along with approximately 77 units to be built; all infrastructures are near completion.

-An inspection of Aria will be performed by M. Barton and G. McCarthy next week to check for runoff.

-M. Barton advised that a Change of Use application had been received for a Good Will store; the store will be located at 34 Waterbury Road. M. Barton advised that the Prospect Zoning Regulations called for a Special Permit as this is a second hand store. M. Barton stated that there will be no expansion. It was the consensus of the Commission to approve this Change of Use application.

-The UPS Store has moved across the street to 49 Waterbury Road. A Change of Use application has been given to the proprietor.

-19R Salem Road, has applied for an Accessory Living Unit; previously an Accessory Living Unit had been present with the construction of the home, recently it was removed. The current Accessory Living Unit meets all requirements, including setbacks; Chesprocott approval has been granted. Chairman Graveline raised questions as to fire separation from garage to house; the Building Inspector will be contacted. It was the consensus of the Commission to approve this application.

- 40 Smoke Rise Circle, a detached garage that is too big and too tall has been built; the overall sq footage is 1800 sq ft. The attic area of the second story has a 4' knee wall. There is no exterior or interior stairwell. Chairman Graveline commented that the attic area is 4' high which could be used only for storage. Chairman Graveline stated that the permit should read no exterior or interior stairwell may be built.

**Public Hearing:**

**-7:10 p.m. Capozzi Properties, LLC, 158 Waterbury Road, Special Permit for Existing Building & Parking Improvements and to add a new 2,480 sq ft Storage/Warehouse Facility, Cont'd:** Chairman Graveline had previously read into the record, at the meeting of 3/21/18, the "Notice of Public Hearing" for this special permit application as it appeared in the Republican American on March 9 & 16<sup>th</sup>, 2018. Dave Carson, one of the principals of the OCC Group appeared and before the Commission and presented a (7) page Site Plan complied 11/28/17; revised through 1/24/18 –Cover Page, PL-1; EX-1; SP-1; GU-1; SD-1; EC-1. D. Carson representing Dr. Ken Capozzi of Capozzi Properties, advised that the commercial site is approximately on a one acre parcel within the "Gateway" with an existing 11,620 sq ft 2 story commercial building and a 1,150 sq ft detached storage garage that is used for personal use. D. Carson stated that Dr. Capozzi is currently occupying one part of the main floor @ 2,400 sq ft and looking to acquire a medical or professional tenant for the remainder of the 3,140 sq ft. The bottom floor of the building @ 3,990 sq ft is occupied by a cleaning service and Karate studio. The warehouse space of the existing building is 1,820 sq ft. D. Carson continued that the proposed application is for two phases: the 1<sup>st</sup> phase will be an addition of one paved parking space along the front of the existing building; a portion of the landscaped area will be removed. There will be restriping of the spaces along the side of the building; also an addition of 18 paved parking spaces to the rear of the existing building will be constructed; an elevator/stairway connection will be added along the rear wall of the existing building to provide handicapped access from the rear parking area to the offices of the main floor; stairway connections between the rear, side and front parking areas will be provided along with a sidewalk. Phase 2: Construction of a residentially styled 2,480 sq ft storage garage – the garage could be split into 4 bays for motor vehicle storage or a two person contracting company to one bay. This facility will not have plumbing. This building will meet the requirements of the Gateway Zone as to rooflines and architectural needs to fit into the design of the Town. There will be an addition of 12 parking spaces and a storm water system between the existing building and the proposed 2,480 sq ft storage garage. There will be an expanded area at the southerly corner of the existing building with a lawn area and curbing right to the edge of pavement on Greenwood Dr. Included in the site development plans is a lot line adjustment map to combine the two properties of 158 Waterbury Road @ .85 acres and 158AWaterbury Road @ .24 acres – combined to equal 1.06 acres. Chesprocott and IWC approvals have been received. M. Barton commented on landscaping. There will be 2 Norway Maples and 5 Holly plants along Greenwood Dr, with a lawn area. A mulched bed with 7 Juniper bushes will be located in the rear parking area and a mulched bed with 5 Dwarf Boxwoods will be located in front of the 6 restriped existing parking spaces along the side of the building. The residential buffer behind the proposed storage garage will consist of 9

giant Arborvitae which will sit on a berm to match the existing grade along the property line. D. Carson advised of the dumpster location to be adjacent to the rear stairs along the Greenwood Dr side of the building, which will be enclosed by Tan vinyl fencing. There is existing signage, no additional signage is proposed. There will be onsite lighting with the plan showing an 18 foot light pole in the rear parking lot. An onsite lighting plan with downward directed lighting would need to be submitted. Access to the proposed detached garage is via Greenwood Dr, with a single entrance adjacent to the existing garage. Access for emergency vehicles is present to the proposed storage garage in the grass and plantings. Fire Marshall Keith Griffith advised that the PVFD would not place emergency vehicles on the grassed area, but a ladder could be placed in the event of a fire. D. Carson is proposing a gravel parking area for Phase 2. D. Carson is also proposing 46.4 parking spaces for the entire 15,250 sq ft gross floor area. D. Carson continued that it is his interpretations that not all parking spaces will be used and currently only 33 spaces have been used at any one time. M. Barton commented that she has a concern with incoming traffic to the parking area and headlights facing out to the neighbors; M. Barton is requesting some screening for neighbors. Chairman Graveline asked for comments from the public. No further comments were made. Chairman Graveline continued the public hearing to 7:10 p.m. *Capozzi Properties, LLC, 158 Waterbury Road, Special Permit for Existing Building & Parking Improvements and to add a new 2,480 sq ft Storage/Warehouse Facility.*

**-7:30 p.m. Application for Zone Change - Linda Marie Ploski, Trustee - G & G Trust, for a Change of Zone Designation from Residential (RA-1) to Business District (B) for 114 Clark Hill Rd, Cont'd: Linda Ploski, Trustee of G & G Trust,** appeared and presented to the Commission a letter requesting an extension of time until the April 18, 2018 meeting to allow for all members of the G & G Trust to be present for the Change of Zone Designation from Residential (RA-1) to Business District (B) for 114 Clark Hill Rd. *Chairman Graveline* stated that the public hearing would continue on 4/18/18 @ 7:20 p.m. *Chairman Graveline* opened the floor for public comments. *Mike Sweetland, 46 Smoke Rise,* questioned what the proposed use of the property will be. *Chairman Graveline* stated that being this property is in the "Gateway" the Commission has more discretion as to aesthetics and architecture as to fitting within the look of the Town; this would call for a public hearing and full discussion by the Commission. *Chairman Graveline* also commented that there are steps for a change of zone; the first is to seek a change of zone from Residential (RA-1) to Business (B) which requires a public hearing; before a meeting for a change of use is called. *M. Barton* advised that a Zone Change is not predicated by the Use; the property size and zoning requirements allow for what could be built on premise. *M. Sweetland* advised that he is opposed to the change of zone due to traffic and change of the neighborhood. *Chairman Graveline* advised that there are limited uses and the Commission is more stringent with the properties in the "Gateway" districts. *Linda Favale, 113 Clark Hill Rd* commented that there are many accidents in this location and a large mirror helps her leave her driveway due to the blind curve. *Pete Lajoie, 21 Clark Hill Rd* commented that he is opposed to the Zone change, would like the area to remain as residential, as other properties could be purchased and an expansion could be made. *John Korzinski, 67 Smoke Rise* raised his concern of what the property will become. *Chairman Graveline* stated that any type of business would need to meet the requirements of the "Gateway" and a public hearing would again be called. *James McGrath, 45 Clark Hill Rd* commented that there are several businesses in town that have become defunct and store fronts empty and continued to comment on traffic, the "S" curve and quality of life in the neighborhood. *Michael Accousti, 176 Union City Road* commented on the Plan of Conservation and Development and the # 1 goal of keeping the "community character" historic. M. Accousti also commented on types of permitted uses, within the Business zone including Banks, Drugstores and Funeral homes. *M. Accousti* noted Article 14 of the Zoning Regulations: Section 14.2 Zoning Standards: which included Sections 14.2.1 through 14.2.5 and asked the Commission to consider Section 14.2.1 -That the existing and future character of the neighborhood in which the zone and/or use is to be located and protected; Section 14.2.2 -That adequate safeguards have been taken to protect adjacent property and the neighborhood in general from detriment. *M. Accousti* questioned where the protection for his neighborhood would be and commented that he did not feel this application fell under the zoning standards. *Ron Strumski, 172 Union City Road* commented on Spot Zoning, the "Gateway" and the Plan of Conservation and Development. M. Barton advised that this application was not Spot Zoning as it falls within the Plan of Conservation and Development. *Bonita Castertano, 39 Clark Hill Road* commented on traffic and availability of other commercial property in town. B. Castertano wondered if coming to the meeting was a waste of time for herself and her neighbors. *John Kaufman, 84 Clark Hill Rd.,* commented on losing the small town character and suggested that the "Gateway" be moved away from this area and more toward the center of Town. *Thomas Jackson, 28 Smoke Rise,* questioned if two parcels were purchased could the properties be combined. M. Barton advised that if the properties were combined, the applicant must meet the requirements of the Gateway District. *Chairman Graveline* asked for further comments; no further comments were made. *Chairman Graveline* advised that the public hearing for *Linda Marie Ploski, Trustee - G & G Trust, for a Change of Zone Designation from Residential (RA-1) to Business District (B) for 114 Clark Hill Rd,* will be continued until 4/18/18 @ 7:30 p.m.

**7:45 p.m. Proposed amendments to the Prospect Zoning Regulations, Cont'd:**

**Section 4.7.6** – Small Animals (rabbits, etc) or fowl (chickens, ducks, geese, etc) or a combination totaling not more than ten (10) on a lot of three (3) acres or more is necessary for keeping, breeding, and raising of small animals for domestic, non-commercial use; **Proposed:** **3 female chickens of any breed except Guinea Hens may be kept on a lot less than one acre in size. Male chickens (roosters) are prohibited on less than 3 acres. On one acre to three acres, five female chickens except Guinea Hens are permitted. All items listed in Section 4.7.2 shall be required.** M. Barton commented that she had spoken with a town resident, Shawn Baumann; S. Baumann advised that even numbers of chickens are necessary to keep warm. M. Barton also commented on 'Chicken Coops'. M. Barton continued that an application could be made to keep chickens and the applicant would be advised that the premise would need to be kept clean. *Paul Dahlman, 7 Terry Lane* questioned if the public hearing for Text Amendments would be left open as he was hopeful that the new Text amendment would pass. Chairman Graveline advised the public hearing of Text Amendments to the Prospect Zoning Regulations would be further discussed at the next meeting.

**Old Business: None**

**Land Use Inspector's Report Cont'd:**

-40 Union City Road; the flex building is almost complete as to landscape. Sheet flow drainage is noted on plans; there is access around the building. M. Barton advised that she will ask owner, M. Gustaferrri for an As Built. Change of Use applications have been received, M. Barton is waiting on Chesprocott's approval as to water usage.

-26 Union City Road, proceeding with the building and placement of silt fencing is in place

-14 Union City Road, Dollar General has silt fencing in place

-70 Salem Road – Town's Attorney, Jennifer Yoxall is working on legal procedure strategy

-69 Auto Sales – M. Dreher commented on prospective clients parking on Rte 69. M. Barton commented on previous minutes allowing only 30 cars on premise; which to date the lot has many more. M. Barton also noted lack of fire lane. M. Barton will be sending a letter to the proprietor of the facility to attend a future meeting in May to discuss this problem.

**Public Participation:** None

**Adjournment:** Motion made by A. Havican, seconded by K. Kemp to adjourn the meeting. **Unanimous.** The meeting adjourned @ 9:07 p.m.

*E. Gil Graveline*  
*Chairman*