

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Special Meeting

May 27, 2015

Chairman Cathleen Hall called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room L101 in the Newington Town Hall, 131 Cedar Street, Newington, CT.

I. ROLL CALL AND SEATING OF ALTERNATES

Commissioners Present

Commissioner Frank Aieta
Commissioner Carol Anest
Commissioner Michael Camillo
Chairman Cathleen Hall
Commissioner Kenneth Leggo
Commissioner Robert Serra Sr.
Commissioner Stanley Sobieski
Commissioner Brian Andrzejewski-A
Commissioner Anthony Claffey-A

Commissioners Absent

Staff Present

Craig Minor, Town Planner

II. REVIEW OF ZONING REGULATIONS

- A. Subsection 3.2X: (New) Uses Permitted in the OS Open Space Zone
- B. Subsection 3.2Y: (New) Special Exceptions Permitted in the OS Open Space Zone.

Craig Minor: This is the new "Open Space Zone" that the Commission is creating. A couple of meetings ago, I gave you regulations from other towns that have open space zones, with the idea that you would read them over the next couple of weeks and come back and discuss the items that you think our regulations should have, and things that we definitely should not have. Then, based on the sense that I will get as to how you want our regulation to read, I will draft something for you for the next time. So for now, just throw out some ideas, anything you want our regulations to have, or not have, either way.

Commissioner Claffey: It should allow "educational" activities.

Chairman Hall: Explain that, Anthony, for anybody listening at home.

Commissioner Claffey: So that if someone wants to have an outside educational group, or maybe a pre-school that might use the open space, or a private entity. Something that they bring to an open space site and do educational things.

Commissioner Leggo: Yes, I agree, like the open outdoor classroom.

Chairman Hall: Outdoor education.

Commissioner Anest: Can you pull a copy of the deed for Eddy Farm? I know there are some things on there that they can do, and one of them was educational. We could see the language on the deed, the restrictions that they used.

Chairman Hall: It's not really the deed so much as it is the covenant.

Chairman Hall: Anything else?

C. Section 5.2: Procedures and Standards for All Special Exceptions or Special Permits.

Chairman Hall: This isn't the same format that we've been using.

Craig Minor: I did that because it's a document available to the public, and I wanted the person reading it online to know that these are just ideas that the Town Planner has suggested, and that in no way are these the Commission's ideas.

Commissioner Sobieski: Mr. Planner, what is the difference between a "special exception" and a "special permit"?

Craig Minor: Good question. There is no difference. They are exactly the same thing. The fact that we have two different phrases I think is because of some quirk in Connecticut history, the way different laws were written, and over the years they have come to be interpreted by the Court as exactly the same thing. But the phrase "special exception" makes people think, like the woman at the meeting the other day when she saw my Amara memo, it makes people think you are making an exception for somebody. You aren't, they have to be eligible under the rules. You cannot approve a special exception/special permit unless it meets all of the requirements.

Commissioner Sobieski: So you are saying a long time ago, it might have meant something different and now it means the same?

Craig Minor: I think what happened was, one law was written that used the phrase "special exception" and then another law was written at a different time that used the phrase "special permit" in describing the same type of approval process. But over the years it became understood that they both really were talking about the same thing. Now, it's definitely a fact that legally they are the same thing. But again, I think "special exception" creates a connotation in peoples' minds that is not correct.

Commissioner Sobieski: In my mind, I think of "exception" as something temporary. When you look at a special permit, it could be interpreted as a long term basis. Let's say there was a block party, like we used to have years ago in the center of town, that might have fallen under that. It's only once a year, it's only for three or four days. Whereas a special permit I would think, you could possibly use that, year after year after year.

Craig Minor: That might be an example of how historically they were different, but they no longer are, now they are the exact same thing.

Commissioner Claffey: Are you asking the group to choose one that we are going to use?

Craig Minor: Yes, exactly, and I'm recommending you use "special permit" instead of "special exception". I want to purge the phrase "special exception" from our vocabulary.

Chairman Hall: Also, it can be confusing as has been brought out, plus there are two words that seem to be interchanged and they are not. One is special exception, and the other is

special exemption. Those are two totally different ideas. So we don't get them mixed up and call it an exemption when it's supposed to be called an exception, "special permit" gets rid of all that. I think that would make it a lot easier all the way around.

Commissioner Aieta: So that could be done, it's just a word that is being replaced.

Commissioner Claffey: So an applicant comes before us for a special permit for anything within the blue book of the zoning laws.

Chairman Hall: No, not everything.

Commissioner Claffey: That's where I'm going. Is there a trigger where the "not everything" becomes a special permit?

Craig Minor: Let's turn to an actual section of the zoning regs. "Section 3.6.6: *Special Exception* Permitted in the B-BT Zone". We could just as well have said, "Section 3.6.6: *Special Permits* Permitted in the B-BT Zone", because those two phrases mean exactly the same thing.

Chairman Hall: But then you would have, "special permit permitted". How about, "allowed"?

Craig Minor: Yes, there will have to be some editing to make it read more smoothly.

Commissioner Claffey: That's where I'm going, like on Page 38, Section 3.15.2, if I'm reading that correctly, in the Berlin Turnpike zone I have to come and get a special exception now. If that change goes ahead, I would have to get a special permit by the TPZ to build that, not a special exception.

Craig Minor: Right, because we are going to use a different word. It's still exactly the same thing. You need to meet the same requirements. You will still have to have a public hearing, the COA will still have to be recorded with the town clerk before it takes effect; everything is exactly the same. The two phrases, "special exception" and "special permit" mean exactly the same thing.

Commissioner Leggo: All we are doing is changing out one word for the other?

Craig Minor: Yes. If this gets approved, my secretary will have to go through the regs and change every "special exception" to "special permit". In Section 5.2, she will have to physically delete the words "special exception" and leave alone the phrase "special permit" because that is the phrase that we are going to use from now on. It absolutely does not change any one's existing rights, it doesn't change the procedure to get approval for anything, it's just a word change to set the public's mind at ease that you are not giving anything away, like with a variance. People might think it's a variance, but it's not.

Commissioner Leggo: I'm good with the change.

Commissioner Aieta: Under Section 5.2.5, why would we not want a site plan?

Craig Minor: I'm recommending that you change Section 5.2.5 to "may" rather than "shall" because there are situations where a full blown site plan is not necessary. For example, a full blown site plan is not necessary for a home occupation, or a pylon sign, and they are very expensive and time-consuming to prepare. If someone wants approval of a home occupation, a drawing prepared by the homeowner showing the size of the house and the room where the business is going to go is all TPZ needs to make an informed decision. You don't need for them to go to Alan Bongiovanni and spend thousands of dollars to have a

professionally prepared site plan showing location of water service, sewer service, contours, soil types, abutting property owners, etc..

Commissioner Aieta: You could get that by going to the Assessor's office and pulling the plot plan.

Craig Minor: Yes, but that would not be a site plan "in accordance with Section 5.3", that's my point. By changing it to "may", you make it possible for the applicant to submit a plan that shows just the information that is needed for you to make a decision, without them having to pay thousands of dollars for a full-blown site plan that shows everything that is required in Section 5.3, which is pages and pages of items. If we change it to "may" you can still require one, and there will be cases, such as an institutional day care, where you would want a full blown site plan showing the parking, the driveway, all that data so that you can make an informed decision. But for a home occupation, or a pylon sign; do they really need to spend the money to prepare a site plan that shows soil types and abutting property owners? I don't believe so.

Commissioner Aieta: We still need to see some type of plan.

Craig Minor: Yes, absolutely.

Commissioner Aieta: And I see recently people coming in and they have these plans drawn on napkins, I mean, these restaurants that come in and it's like some child drew it with a crayon. We need more information than what they are giving us. They have lines that are, we have to pry it out of them. Is this a counter, is it a seat, is it a window? I mean, we're getting stuff that is really sloppy. We have to be like detectives to figure out what they are trying to do.

Craig Minor: So maybe something in between.

Commissioner Aieta: Yeah, something not done on a napkin and thrown on the desk here.

Craig Minor: But not a two thousand dollar.....

Commissioner Aieta: No, I'm not saying they should have an engineer or land surveyor do a site plan, but they should have a floor plan, so we can figure out what they are trying to do.

Commissioner Sobieski: Mr. Planner, in several instances in the past, we have had home daycares come in with hand made sketches, and my concern is, I don't want this to become a shortcut for somebody saying, hey, I can't afford it. We have procedures in place here. I understand that there may be some ways that you could modify it a little bit, but I wouldn't want to see the whole thing go away. I don't want somebody coming in here to develop a lot, and say, well, I've got this sketched out here, it's not done to scale and it's not done with the proper elevations. That's my concern here. You start streamlining things, it's great, and a lot of people are for it, but I want to have a safety net underneath so if something does go wrong, we can say, no, this is what you are going to follow.

Craig Minor: So you want to keep the power to be able to require it, I get that. But do you need to make everybody give you one, even if it's not necessary?

Commissioner Aieta: Then how do you avoid a situation where we're picking and choosing who has to and who doesn't? That's not fair to the people who come in with the complete site plan. It should be in our regulations so that we don't have to explain, you know, that you have to do it and you don't. That's why I don't like the change, because this tells you what you have to do.

Commissioner Sobieski: I've seen in-law apartments where people have split rooms off, and you couldn't make head nor tail of them.

Craig Minor: That is actually a different problem, because the problem with getting a floor plan that's comprehensible is different from requiring them to have a site plan, because a site plan is everything outside of the four walls.

Commissioner Sobieski: I understand that, Craig, but that's two examples. I understand that a floor plan is different from a site plan, but I'm just saying I don't want to see a short cut put in here, and all of a sudden we get something that we can't make head or tail of and they say, well, we don't need to do this, because of this regulation change. That's my concern.

Craig Minor: But if you get to that point, if you are in a meeting and you can't make sense of the sketch the applicant gave you, you can always tell the applicant, this is not enough - we need more information, so we're going to table this until you give us a full blown site plan prepared in accordance with Section 5.3. I think that is more fair than making everybody spend thousands of dollars on a full blown site plan when maybe only two out of ten really need it. I understand Commissioner Aieta's point about consistency and being fair, but is it fair to make everybody incur a high expense when it's only needed for ten or twenty percent of them?

Commissioner Camillo: About six month ago I brought this up; if you have a uniform check list, you answer questions one, and then you go to two, and on, and if you don't need to go to two, you go to five, you can skip. You can set that up, rather than having people coming back here, also, that's a problem, when they come to us and we want this answered, they can have all these questions answered before they come to us.

Craig Minor: All right, but that's different from the mandatory requirement of a full blown site plan.

Commissioner Camillo: Right, but when they get down to that, they may not need that.

Craig Minor: No, they do need it, it's in the regulations. That's the problem. Everybody has to comply. Some times the TPZ absolutely needs it, but there are many cases where you don't.

Commissioner Camillo: Then that's when you could say, "this is all we need".

Craig Minor: And that's what I'm suggesting that we do. Make it at your discretion, and over time, we the staff will know which applicants we need to tell upfront to prepare a full blown site plan. In many cases the special exception is for a new restaurant or a new institutional day care, and they are going to have to prepare a full blown site plan anyway to get site plan approval, so it's no skin off their nose, but for the homeowner who just wants an accessory apartment, or a family day care, it makes no sense to make them prepare a site plan that contains all the information required under Section 5.3.

Commissioner Anest: When they come in, do you pull the building file?

Craig Minor: It depends on what they are applying for.

Commissioner Anest: Because most of the building files have surveys.

Craig Minor: But that doesn't help here.

Commissioner Anest: Yes, but how would that be useful for a day care on Mountain Road, when it doesn't show the building?

Craig Minor: Exactly, because the plot plan in the building department file for that house, I guarantee, I'll bet my paycheck, does not contain everything that Section 5.3 requires.

Commissioner Anest: I understand that, but if someone doesn't really need a full blown site plan, why can't they just pull a copy of that?

Craig Minor: Because the regulations says that they do have to. That's the point I'm trying to make.

Commissioner Anest: Right now.

Craig Minor: Oh, I see your point. Yes, if the Commission agrees to change it to "may", then the applicant can just go to the building department files and make a copy of the old plot plan and submit that with their special permit application.

Commissioner Anest: And make a copy.

Craig Minor: Which is what you often see. That is often what I give you.

Commissioner Aieta: So someone comes in, and you send them to the Commission with whatever they gave you?

Craig Minor: It depends on what they are applying for. If they are applying for an accessory apartment, frankly I don't make them get a site plan. I don't, because there is no need for a site plan because your decision is going to be based on what is inside the four walls, not the driveway, the landscaping, the topography, the soil types, etc.

Chairman Hall: It would it they were going to make an addition for it.

Craig Minor: An addition, for that they would have to have a site plan anyway for other reasons. The regulations make them do a site plan anyway when it's truly needed. This would only alleviate the applicant from having to do one when it is not needed. Such as a pylon sign, or a home occupation where there is no change to the footprint of the house.

Commissioner Claffey: That's all you are trying to do here, is streamline for the applicant? Why not streamline it for us? Because when we get that napkin, and where I'm from, they wouldn't even make it through the front door with a drawing like that. It's unfortunate but those are the rules, and if you want to come before us, have your ducks in a row. I feel there is a need to streamline. Do I think that someone should have to spend that amount of money to have a land surveyor come out? Sometimes, possibly for an in-law apartment, maybe based on the size of the driveway and where the cars are going.

Craig Minor: That's a good example. Sometimes you do need to see a site plan and in those cases, I'll tell the applicant to have a full blown site plan prepared.

Commissioner Aieta: Who is going to determine that?

Craig Minor: You would, the Commission.

Commissioner Claffey: That's where I was going.

Commissioner Aieta: How? I'm not coming in to sit on your lap everyday.

Craig Minor: I have a solution. When the application is on the agenda to be scheduled for a public hearing, I'll show you what they have given us, and if they haven't given us a full blown site plan and you think you need it, then we table the application and I'll tell the applicant he needs to have a full blown site plan prepared.

Commissioner Camillo: But when you're not here anymore, the next guy has to give the same answer you gave. If it's all in writing, if it's on the check list...

Craig Minor: When it's on the agenda to be scheduled for a public hearing, and you ask me if they have given us a site plan and I say no, I didn't think they needed it and you disagree, we don't schedule the hearing until they have submitted one. It's not a "complete application" until they have given us a site plan, because you have made that determination for that specific application.

Commissioner Aieta: And this would come because this is a special permit and it requires a public hearing.

Craig Minor: Exactly.

Commissioner Leggo: I think what Commissioner Camillo is getting at here is, no matter who the applicant sees at the counter, it needs to be the same procedure. You're not going to get a different answer if you go there on Tuesday.

Craig Minor: No, but one person is going to get a different answer from the person standing behind them.

Commissioner Leggo: The person who is giving the answer from this side of the counter will give the same answer all the time. It's not going to matter what day I go there.

Craig Minor: Right, because the only people giving the answer would be Mike D'Amato or me.

Commissioner Leggo: That's two people.

Craig Minor: Yes.

Commissioner Leggo: So the two people are giving the same answer.

Craig Minor: An applicant comes to the counter for the first time, to find out what they have to do to get approval for an accessory apartment.

Commissioner Leggo: And they talk to you.

Craig Minor: Yes, or Mike.

Commissioner Leggo: No, no, they talk to you.

Craig Minor: Okay. I'll say to them, hmm, you want an accessory apartment with an addition onto the house...let's see...the Commission talked about this type of thing back in May, so I can tell you that if you're looking for an accessory apartment that involves adding onto your house, you'll need to give TPZ a full-blown site plan with your application.

Commissioner Leggo: And then he comes in the next day with no site plan, but he sees Mike, and Mike says, no problem, you don't need a site plan.

Craig Minor: Yes, the classic "he didn't like what Dad said, so he went to Mom, looking for a different answer". Okay. But the buck stops with the Commission, because when I bring the application to you to for scheduling and you say, "we want to see a site plan", I'll tell you that I told him that but he believe me. He just wasted two weeks.

Commissioner Camillo: If you had that check list, and they got to #3, and they don't have that information, just sign it right there, put your initials on it, here, fill in the blanks, and then if it does come back to Mike, this is what Craig said. It will work a lot easier that way because they won't even come to see us unless they have all their ducks in a row. Why waste our time, and theirs.

Craig Minor: But there is still no getting around the possibility that Mike or I may tell the person that in the staff's opinion he doesn't need a site plan, but then the Commission says he does.

Commissioner Camillo: That should help with applications for signs, in-law apartments, whatever, if you have something like that, and you are all working at the same counter.

Craig Minor: I don't think we could come up with a check list that contains every possible variation on every type of special exceptions.

Commissioner Camillo: Well, it would be your first couple of (inaudible) of what you want to have done. How do you want to do it?

Commissioner Sobieski: Craig, I think you have a checklist now. I went down a couple of years ago when I wanted to put a roof on my garage, there was a check list there. We're not asking for, I don't think Mike is anyway, thirty blocks, and check off each one, it's a general scenario of whether or not they need the site plan. That's what you need to do. Both you and Mike are the only two that are going to be doing this, so this way here you won't have the risk of running like we had with the church, with one building official saying it's okay, and then come to find out, he comes here and it's not okay, so let's try to make sure that we get the same message across to everybody, and the check list is a good idea.

Craig Minor: I'll give it a try.

Commissioner Camillo: Say Art was still here and he went out and made a few notes, you would get to see those notes, so you would know what to say, and what happened when he went out there, because the applicant is telling you one thing, and Art is saying another thing.

Craig Minor: All right, we'll give it a try.

Commissioner Camillo: I'm not trying to make more work...

Craig Minor: It's not that it's more work; I am just not envisioning this. Say there are 63 different special permit activities. I'm supposed to have a check list that lists all 63, and every variation of every one of them, and which of them needs a site plan?

Commissioner Camillo: A general check list for the applicant.

Craig Minor: A general one doesn't help.

Commissioner Camillo: But it would when they are talking to you.

Commissioner Leggo: One of them could be: "Site Plan Required?", and you could note right on there, "did not need a site plan".

Commissioner Camillo: And they don't need to keep coming back.

Craig Minor: I think the problem is, I'm deep into the woods with zoning regulations, that's where I spend my whole day, but you are outside looking at the forest, so you are seeing it in a way that I can't.

Commissioner Camillo: I'm saying we have to start somewhere.

Commissioner Andrzejewski: All he's trying to do is just...

Craig Minor: I have thirty years of notes on how to process land use applications in my head, so I'm not sure how I can write it all down into a single checklist.

Commissioner Camillo: It's just an idea.

Commissioner Leggo: I have, I'm not trying to tell you how to do your job, I have a plan here in the regs, Section 5.2 is what you have as 5.1, so I think we're dealing with a couple of...

Craig Minor: Yes. MS Word has an automatic paragraph numbering system, and I can never get it to do what I want it to do. I spent too many minutes trying to get the numbering correct on the version that you have, and I just decided, this is ridiculous, I'm spending too much time trying to get the paragraph numbering right.

Chairman Hall: Is that page 59?

Commissioner Leggo: Yes. Page 59 is actually Section 5.2.

Commissioner Anest: I agree with Mike's suggestion, and I'm not trying to put words in his mouth, but when an applicant comes in, there are basic questions that you ask; I think that is what he is talking about. Just what are those five things that an applicant needs to come in and present to you.

Craig Minor: And I tell them.

Commissioner Anest: If you had it in writing they could take it with them, so they would have a permit application, boom, boom, boom, when they come in,

Craig Minor: But it's not going to be five, it's going to be fifty, eventually.

Commissioner Anest: I understand eventually, but to get the ball rolling, what do they need to bring in? A lot of people don't know what they need to bring in initially.

Craig Minor: And I tell them. I don't need to refer to a list to tell them because I have the zoning regs in front of me, and I will tell them what they need. If they want a permit for an accessory apartment, I pull out the regs and tell them what is allowed, and how to go about getting it.

Commissioner Anest: Do you give them a copy so they know what they have to bring to you?

Craig Minor: Yes, sometimes, or if they have a laptop, they can go online themselves. Everybody is different, every customer is different. Their needs are different, what they want it different, what their abilities are is different. There is no way to do "one size fits all".

Commissioner Anest: This would avoid the applicant coming back.

Craig Minor: What do you mean, "coming back"?

Commissioner Sobieski: Well sometimes they don't have something?

Craig Minor: Such as?

Commissioner Camillo: These are all the things that I am going to need from you, on a check list. Here, you are going to need this, you are going to need a survey, and...

Craig Minor: I'll tell them that they need a site plan in accordance with Section 5.3.

Commissioner Camillo: It's just like when a building official comes out and inspects a building: here's your list, this is what I want to see. He doesn't come back the next time and say, hey, here's ten more things. It's the same thing when they come to see you, so they don't have to come to us four or five times. Just trying to make it easier on everybody. Just an idea..

Commissioner Serra: Just taking all this in, there's so many different ideas, so many things going out there. I understand Mr. Planner what you are trying to do, obviously streamline, save our residents a little money, and I understand the whole procedure, but it almost seems like we are going ten miles out of the way, I mean, is it really that bad to leave it the way it is?

Craig Minor: Yes.

Commissioner Serra: Well, we're trying to reinvent the wheel here, and it's falling off of the rim.

Craig Minor: If you are okay with wasting people's money, which I know you are not, but if you're okay with it, then leave the regulation the way that it is. But there is no need to do that. You will always have the power to make them prepare a full blown site plan if you think it's needed. I'm just saying don't make everybody give you one if it's not needed, because it is very expensive.

Commissioner Anest: You would have to caveat when you tell them that you don't think it's necessary, because I don't want somebody to say, "he said I don't need one", and then we say that we do want the person to submit one.

Craig Minor: Yes, that's the risk that we are going to run if we do this.

Commissioner Anest: But you need to have a caveat that the Commission could ask for it.

Craig Minor: I'll be sure that they know that, certainly. And they will know within a week or two, because when they submit the application and in my opinion they don't need a site plan, I will warn them that when I present it to the Commission next Wednesday, if the Commission determines that a site plan is needed, I'm going to be calling you Thursday morning to tell you, sorry, I estimated incorrectly. And then I will walk them through the site plan preparation process.

Commissioner Sobieski: Mr. Planner, as I stated before, my concern is that people come in here and say that we've got to get this stuff done right away. I'm a little leery about trying to streamline this too much. Because all of a sudden, I need this done tonight, you're going to have to waive the fact that I need a site plan. We've heard that time and time again,

especially with the last major thing we had. So I'm asking that maybe the check list, or maybe what you could do, is to say, okay, you have various types of permits out there that are required, and maybe just make a small five item check list for in-law apartments, for home businesses or whatever, not to go through fifty or sixty items like you suggested, but just have that say, okay, is this going to need a plot plan, that's going to require, in addition to the house, you definitely need a plot plan, you definitely need this. An in-law apartment, maybe you don't need that, but then you might need one because of the fact that they have ingress, egress through the basement wall, or outside rather, and maybe some additional parking. It's not to try to tell you how to do your job, it's just a question that we don't want, or I don't want see anything rushed through here again.

Craig Minor: Okay.

Commissioner Sobieski: And that's my concern.

Craig Minor: I think there are probably not more than a half dozen special permit activities that don't need a site plan, so maybe what I can do is a list of them to you at the next meeting. If you all pretty much agree, that's great, but if you all say, no, we want to see a full blown site plan for pylon signs, then I will scratch that off the list.

Commissioner Serra: Just a comment/question, taking the sign as an example. As you said, some cases need a pylon sign site plan, depending on location. We would still have that right, or are you saying that if it's a pylon sign they don't need it?

Craig Minor: I'm saying that if "pylon sign" is on my list of the special permit applications that the TPZ doesn't normally need to see a full blown site plan of to make an informed decision, that I will explain that in my conversation with the applicant during the early phases of the project. Once the application comes to you for scheduling, which is usually within a few weeks of when they first come to me, if the Commission overrules me and says no, we do want to see a site plan from this applicant, like I said, I will call the applicant Thursday morning and say, I miscalculated, the Commission does want a site plan from you, and here are the names of three local engineers and surveyors who do work in town, and we will go from there. I think it's a good idea for me to have a list of the types of special permits that you have agreed in most cases don't really need a site plan.

Commissioner Aieta: The example of the pylon sign - we would want to see where it is in relation to the street, the site, and site behind. We would have to see some type of a plan. I don't think we need to know where the water line or the gas line is. Maybe we do, maybe we should. It's more complicated than them coming in and simply saying "we want a pylon sign", because sometimes we have had them move them because they were obstructing the sight lines, so I don't know how you get away on a pylon sign not having a site plan.

Craig Minor: I think someone just used the phrase, "plot plan" which is something prepared by a surveyor to get a building permit, and shows where the house is, the property lines, the road, the driveway, but not, for example, every underground utility lines. The Building Department has one for every house in town. It would have everything TPZ needs to make an informed decision.

Commissioner Sobieski: Excuse me Mr. Planner, you might want to rethink the gas line, water line, sewer line, if they put the pylon sign on top of that, and they go through that....

Craig Minor: If you approve it, then they will have to go back to their surveyor and have all that additional information added on there. But if you deny it, they didn't waste a lot of money.

Commissioner Sobieski: Suppose it gets approved for one spot and then find out that that is the sewer line or the water line, or gas line, so it may not go in the same spot that we approved?

Craig Minor: Oh, it would have to be in the same spot.

Commissioner Sobieski: How could it, if they said it was going to go here, and that happens to be where water, sewer, power lines are underground.

Craig Minor: If they try to apply for a building permit showing the pylon sign in a different spot, Mike D'Amata, who by law has to sign off on all building permits, would say, "time out, that's not where TPZ approved it."

Commissioner Sobieski: So then it would have to go back to P & Z to get re-approved?

Craig Minor: Yes. At the different location. You might decide a pylon sign does need a site plan for these reasons. We'll figure it out as we go along.

Commissioner Sobieski: I don't think we need to know the depth of the pier going down, but we definitely need to know where all of the utilities are located.

Craig Minor: Okay. Is there a consensus to change it to "may"? This will all be re-visited when you have the public hearing on all this, so you will have another chance if you wake up tomorrow morning and regret that you tentatively agreed. You can always change your mind later.

Craig Minor: Does anyone have any questions on 5.1.6? I didn't make any changes. 5.1.7, "following an approval of a special permit, amendments,..." I recommend adding the phrase, "or substantial changes" shall require a new petition and public hearing. I am suggesting this because sometimes a person may want to make a change which is substantial, and without the phrase "or substantial change" in there, it's not clear to the applicant that they need to come back for a new public hearing. By law they have to, but it's not in the regulations. By adding the phrase, "or substantial change" that puts the special permit holder on notice that if they want, let's say it's a restaurant, if they want to have outside eating, that would require a new public hearing.

Commissioner Claffey: On 5.1.7, before the final certificate of occupancy is granted, does the zoning officer go out and confirm via his sign off to what was approved at this table here?

Craig Minor: Yes.

Commissioner Claffey: And it's at that time, if someone hasn't come to us and say, "oh, I made a mistake, I changed something that needs your approval", we catch that at the back end.

Craig Minor: Yes, there are several checks and balances.

Craig Minor: Section 5.1.8: I'm suggesting we take out the words "certified by" because I don't know what that means, and replace it with "signed by the Chairman" which is what really happens anyway.

Craig Minor: Moving on to "Procedures and Requirements for Site Plans". If you have looked at it already, you will see that I have done a lot of changing, but it's really all just editing because I found that there are a lot of things that are said twice, using different words. We can go through them one by one, but it's really all just editing. For example, I added the word "existing" in front of "trees with six inch caliper". But all of these are really just editing, just to make more sense.

Commissioner Claffey: Section 5.2.4 A? What is this going to be, is there going to be anything to replace an overlay?

Craig Minor: Yes, go down to 12.

Commissioner Claffey: Okay.

Craig Minor: I'm looking through it to see if I made any substantial changes, but I don't think I did, and if I did, it will come up again at the full public hearing.

Craig Minor: When you are ready, I want to talk about Section 5.2.9: "change in use of site design". 5.2.9 currently says that the Commission needs to approve a site plan before certain things can happen. Like, "a change in use that increases the required amount of parking"; that has been a real frustration to me because a property owner can completely redo a parking lot, change the driveway, change the circulation, change everything, but I can't make him submit a site plan for the police to take a look at, or the Fire Marshal to look at, because he didn't change the use and "increase the amount of required parking". So what I would like to do is change the regulations so that anytime a property owner makes a change to the parking lot or to the loading or access, he has to have that plan approved. I recommend doing that because that process then would require the Fire Marshal to look at it, the Town Engineer to look at it, the Police Department to look at it. It's more than just the Commission, it's all the professional staff would be able to look at it, which currently they don't have the ability to do.

Commissioner Leggo: Mr. Planner, you may have said it but I didn't realize it, what if they keep the amount of parking the same, just change it all around? There's fifty spots, they still have fifty spots, but now getting around the parking lot got changed?

Craig Minor: The way that the regulation is now, if they want to re-design the parking lot, change the entrance from the road for example, move all the end islands, put in some more handicapped spaces, take out handicapped spaces, all of that, they don't have to come to you and have that plan approved because they didn't change to a use that requires additional parking.

Commissioner Leggo: But you are putting in "changes the amount", which I like, but is that going to cover what I asked?

Craig Minor: "Changes in the amount of parking, loading or access". If he changes the access, that's going to give me the basis for telling that property owner to have his plan reviewed by P & Z because he changed the access, changed where the driveways are, changed the islands.

Commissioner Leggo: If these 50 spots go north to south, and they decide they are going to change them all to go east to west.....

Craig Minor: It's going to have to come to you.

Commissioner Sobieski: Mr. Planner, what happens to an older parking lot, let's say St. Mary's for instance, that doesn't have any islands in. Is there a town ordinance that says if a parking lot is being re-constructed you have to put green space in?

Craig Minor: You're reading it. This is all there is. Unless St. Mary's converted to a public library, which is a change in use, I'm making this up, and a library requires more parking than a church, they would never have to come before you.

Commissioner Sobieski: I thought there was something. A couple of clubs were thinking of doing that, and I think they came and asked Ed Meehan, and Ed said they would have to put in islands and trees. That's why I thought there was something else.

Craig Minor: I'm not sure what regulation he based that on, because this is the only section of the regs that talks about when the Commission can require someone to come in for modifications.

Commissioner Claffey: I just want to make sure that I am understanding this right. I'm going to use a business in town, the Best Market parking lot. If the developer who owns that property comes and says, "you know what, I'm going to bulldoze the parking lot, lay new asphalt", they aren't changing the structure but when they re-stripe, would there not be a requirement that they meet the re-striping requirements? I use that example because it has a lot of potholes.

Craig Minor: That's a good example.

Commissioner Claffey: Is there something that is going to keep that new pavement, in a case like that where they are not changing the structure, they may change the ingress or egress, but you can get really good with a stripper to make less spaces or more spaces.

Craig Minor: Right, and that is a really good example. If somebody wanted to take their parking lot and re-stripe all the spaces to be six inches narrower, even though that would be a violation of the zoning regs because our site plan regulations say how big a parking space has to be, I can't make them submit a site plan showing that these spaces are too small.

Commissioner Claffey: Because there is another lot in town, I see how when the Best Market people came and it was empty, they wanted to change the occupancy, that would definitely change how many spaces were required. I understand that, but now if they want to spruce these buildings up, and part of that is what you drive on, so, are we covered on the back door of it, and the front door of a structure change that requires them to come before us?

Craig Minor: Can you re-phrase the question, because I think I know what you are getting at, but I don't know.....

Commissioner Claffey: Do we have anything on the books that brings forth a site plan?

Craig Minor: This is all there is. You are looking at everything that it on the books.

Commissioner Claffey: So if I was a developer, and I just wanted to repave and save parking, make them a little tighter, I could potentially make my building's parking lot out of zoning regulations, out of snyc, and still produce, and still use that structure as is. That would now make my structure nonconforming without enough parking.

Craig Minor: It would be illegal. It would be a zoning violation, but we would never know, because there is no requirement for them to submit a plan showing...

Commissioner Claffey: People can make it become a violation, even though they are sprucing it up.

Craig Minor: We wouldn't know that the spaces are too small.

Commissioner Claffey: So you are asking not just in Section 5.3.9 A, but we still have to add something that covers that component of it. If they are not changing the structure, they are just changing the outside of it.

Craig Minor: If they change the loading, I guarantee they are changing the access, in some way. If they re-stripped all one hundred parking spaces to be six inches smaller, it's extremely unlikely that they would do that without also changing the aisles, and that is where they would have to come in for site plan approval.

Commissioner Claffey: Okay, thank you.

D. Section 5.4: Public Hearings

Craig Minor: I recommend changing just one thing, that the sign remain up until the petition is acted upon by the Commission.

III. ADJOURN

Commissioner Sobieski moved to adjourn the meeting. The motion was seconded by Commissioner Camillo. The meeting was adjourned at 7:05 PM.

Respectfully submitted,



Norine Addis,
Recording Secretary