

**PLANNING AND ZONING COMMISSION
REGULAR MEETING – MINUTES
WEDNESDAY, JUNE 10, 2015 – 7:00PM
NEW HARTFORD TOWN HALL – 530 MAIN STREET**

PRESENT: James Steadman, David Krimmel, Dan LaPlante, Bob Moore; Alternate Martin Post; Zoning Enforcement Officer Steven Sadlowski.

ABSENT: Ted Stoutenberg, Bob Moore; Alternate(s) Peter Ventre and Thomas McLoughlin.

Vice Chairman James Steadman called the meeting to order at 7:06PM. All regular members present were seated for the meeting. Mr. Martin Post was seated for Mr. Ted Stoutenberg. The proceedings were recorded digitally and copies are available in the Land Use Office.

1. PUBLIC HEARINGS:

A. J&S Enterprises, Inc. – Special Exception – Map 44A – Block 114 – Lot 002 – 443 Main Street – Demolish and Rebuild Existing Gas Station / Repair Facility to Gas Station With Convenience Store/ Drive-Through. Special Exception for Drive-Through.

The legal notice for the public hearing was read into the record and was indicated as having run two times in The Hartford Courant on May 22, 2015 and June 3, 2015. Proof of notice to abutting neighbors was submitted.

Zoning Enforcement Officer Steven Sadlowski reminded the commission and public that the approval of the gas station/convenience store is just a site plan review because that use is already there but the new use of a drive-through is something that would require Special Exception, resulting in a need for a public hearing.

Mr. Dainius Virbickas, P.E., of Artel Engineering Group, L.L.C., appeared before the commission on behalf of the applicant. He presented and spoke on a set of drawings on the subject property, beginning with existing conditions. He noted that the parcel is 0.62 acres in size located on west side of Route 44 and that the present building is about 3,400 square feet. He noted the existing underground storage tanks have the capacity for 24,000 gallons of fuel, in the form of three 8,000 gallon tanks. The current use is sale of gas and convenience element inside of front portion of building. He noted that in the past the building had been used as a repair facility and also at one time featured a car wash in the rear of the building.

Mr. Virbickas noted the topography on site is relatively flat with drainage flow from west (back of site) to east (onto the road). The proposal includes changing the orientation of the building on the site. After a demolition of the existing building and structures at the location, the proposed plans call for a 3,000 square foot convenience store in the southern portion of the property and to leave room for a drive-through lane to wrap around counter clockwise around the building to a pickup window which will be located at the façade, or the side of the building, which will be facing the road. Mr. Post inquired whether the pick-up is for a Dunkin Donuts. Mr. Virbickas responded that he doesn't know whether it will necessarily be a Dunkin Donuts but it will certainly be coffees and snack foods/prepared foods. Mr. Mohammad (Sunny) Suhail, representative of the owner, J & S Enterprises, Inc., noted that it could be a Dunkin Donuts if they wanted to come in. Mr. Virbickas continued, noting that the proposal includes a canopy somewhat removed from the building, located centrally on the site, serving as a cover for six fuel dispensers on three separate islands, with a resulting twelve fueling positions on the property. Mr. Virbickas reported that the underground storage tanks being proposed in the similar present location, in the northern portion of the site, will include an increase in tank sizes to 30,000 gallons with one being a split tank holding premium unleaded fuel in one half and diesel fuel in the other half.

Mr. Virbickas noted the trash enclosure area will be relatively close to the building, tucked away into the hillside. The parking associated with the retail use inside the store includes fourteen (14) parking places, with seven (7) at the northern end of the property and seven (7) adjacent to the building itself, according to Mr. Virbickas. He noted that the driveways will be "necked down", and will keep the northern driveway in basically the same location but slide the southerly driveway a little bit to the north, to the point where DOT (Department of Transportation) finds acceptable. He noted that preliminary plans have been provided to the DOT and to date, have only received a note requesting exploration of the storm drainage system. With what exists

presently, with the drainage flowing off the site into the road, Mr. Virbickas noted that the DOT does not know where it goes after that and has requested the owner's engineer to make a determination. **Mr. Larry Delbene**, owner of **440 Main Street** and **446 Main Street**, interjected to explain the drainage does not go anywhere and floods over the road. Mr. Virbickas stated that he suspects there are drainage pipes there but have long since clogged. Mr. Post inquired whether the same curb cuts are being used. Mr. Virbickas noted that the northern curb cut is approximately the same but being narrowed down and that the southerly curb cut is being proposed to slide to the north a bit. Mr. Post inquired whether DOT approval for the curb cuts is secured. Mr. Virbickas responded that approval has not been granted yet and that the only feedback thus far has concerned drainage.

Mr. Virbickas then reviewed the grading and utilities plan. He explained that presently the water service is shared with the neighbor to the north but that the proposal includes installing a new, separate service. Mr. Virbickas noted that the proposal includes connecting into the sewer system and includes a grease trap which will be located underground. He noted that the applicants have been in communication with the sewer commission and its chairman for the sewer hook-up, and as one of the first new users to connect into the sewer system in a very long time, are just waiting on the application process to be determined. He noted that the building drains and canopy drains will be part of an underground filtration system, expecting that the soils to be very good for drainage.

Mr. Virbickas then presented drawings detailing the façade of the building, a peaked gable marking the center location of the entry doors. Included also were eyebrow dormers on both ends as well as a cupola. The side of the building, which will be facing the road, has a dormer to protect from the elements at the pickup window.

Mr. Sadlowski inquired as to what color the band on the canopies would be. Mr. Virbickas responded that it will be white. Mr. Steadman inquired what size the new building would be. Mr. Virbickas responded that it will be 3,000 square feet. Mr. Virbickas presented a revised floor plan of the building, depicting the location of the cashier. Mr. Virbickas also presented a car turning area rendering, reflecting traffic flow on the site. He also provided a truck turning plan, too, which shows how the tanker truck can access into the site to drop its fuel into the underground tanks and then re-access the main road. Mr. Steadman asked what the proposed queuing, or stacking, plan looks like, which represents how many cars can sit and wait for the drive-through service. Mr. Virbickas explained that the DOT would like a Dunkin Donuts to have the capacity for fourteen (14) vehicles stacked, or 280 feet. The distance of this plan reflects the ability to have ten (10) or eleven (11) vehicles, albeit smaller vehicles as they were the sample used on the plan, according to Mr. Virbickas. He noted that twenty feet is the distance for each vehicle but doubted that this location would be a Dunkin Donuts because there is a bona fide Dunkin Donuts just down the road. Mr. Sadlowski noted that location Mr. Virbickas was referencing has a very bad problem with stacking. Mr. Virbickas noted that the DOT in 2001 put together a study because it became such an issue statewide that the requirements are such that all the new Dunkin Donuts should be good.

Mr. Virbickas noted that the subject property is located within an Aquifer Protection area and that a special application for that commission needs to be filed. The site is registered with that agency, he noted. Additionally, a portion of the site is located within the 100 year flood zone according to the FEMA maps, Mr. Virbickas noted. The applicant's surveyor reported that based on the elevation, the flood zone is just shy of the site and as a result, the applicants have filed a letter of map amendment with FEMA. Mr. Virbickas then reviewed the landscaping plan. Site lighting was discussed. Mr. Steadman inquired whether the Architecture Review Board has seen the drawings. Mr. Sadlowski confirmed that they have and noted he has forwarded via email to the Planning and Zoning Commission their comments. With regards to lighting, Mr. Virbickas reviewed the types and detailed the programs their using and the consultants their dealing with to best utilize LED lighting. Mr. Delbene inquired whether an environmental study has been done. Mr. Virbickas referred to the owner. Mr. Suhail noted that an environmental study has been done which reflected no pollution. He explained that as the construction gets underway and replacing of the tanks is begun, the "state guard" and town fire marshal will then review. He continued, explaining that he did not want to spend the money now for an inspection and then later have to spend it again. He noted that a check with the DEEP revealed nothing

has occurred but for one or two drive-offs and no spillage occurred. Mr. Delbene inquired from Mr. Suhail what the hours of the drive-through window would be. Mr. Suhail noted that because there is very little business transacted after 10:00PM, it is likely the end time of a drive-through. Mr. Delbene noted that there is an existing school bus stop for children that often drivers already often ignore and drive through. Mr. Suhail commented that he would be agreeable to creating signs.

The lighting was then discussed in greater detail. Mr. Post inquired about signage. Mr. Virbickas noted that only one ID sign on front of property is all that is being proposed. Mr. Suhail confirmed that there will be no signs on the canopy or any extra signage beyond what is required for the gas and pump stations. In response to a question from Mr. Steadman regarding landscaping, Mr. Virbickas commented that anything beyond annuals in the islands would likely require special permission from DOT but that they could inquire about it if requested to do so. Mr. Post referenced the commission's engineer report regarding bollards. Mr. Virbickas commented that there are bollards depicted already on the rendered drawings but may be difficult to make out. They are on either end of the islands. He noted that the positive limiting barriers requested by the town's engineer are included already in the proposal but may be difficult to make out. He explained that these are grooves cut into the concrete pad associated with all the dispenser islands. Mr. Sadlowski suggested that regular bollards ought to be considered at the parking spaces rather than the wheel stops proposed. Mr. Virbickas agreed that these could be implemented rather than the wheel stops.

Mr. Post inquired as to how the engineer is going to reconcile the drainage issue. Mr. Virbickas explained that he will have to first dig a test pit and to review through a walk around of the property.

MOTION: Mr. Post, Mr. Krimmel second, **to continue the public hearing in the matter of J&S Enterprises, Inc. – Special Exception – Map 44A – Block 114 – Lot 002 – 443 Main Street – Demolish and Rebuild Existing Gas Station / Repair Facility to Gas Station With Convenience Store/ Drive-Through. Special Exception for Drive-Through; unanimously approved.**

2. PENDING APPLICATIONS:

A. J&S Enterprises, Inc. – Special Exception – Map 44A – Block 114 – Lot 002 – 443 Main Street – Demolish and Rebuild Existing Gas Station / Repair Facility to Gas Station With Convenience Store/ Drive-Through. Special Exception for Drive-Through.

No action taken.

3. NEW APPLICATIONS:

A. Kenneth & Barbara Krohner/Applicant – Barbara J. Krohner/Owner – Sand and Gravel Removal Application/Renewal – Map 043 – Block 013 - Lot 021 – 97 Main Street (rear).

Mr. Kenneth Krohner appeared before the commission and provided the history of the sand and gravel operation that has occurred on the subject property. He noted that this type of activity has been occurring for many years and has never had a problem, having all necessary precautions in place in terms of a berm surrounding the perimeter of the work and then additionally, silt fence, too. He noted that the work does not take place near wetlands. The commission reviewed their regulations. Mr. Sadlowski shared with commissioners notes received from the town's engineer.

MOTION: Mr. Krimmel, Mr. Post second, **to set for public hearing the application of Kenneth & Barbara Krohner/Applicant – Barbara J. Krohner/Owner – Sand and Gravel Removal Application/Renewal – Map 043 – Block 013 - Lot 021 – 97 Main Street (rear) for the next regularly scheduled meeting on July 8, 2015; unanimously approved.**

Mr. LaPlante stepped out of the room at 8:25PM.

MOTION: Mr. Steadman to modify the agenda, to include under New Applications 3B. Lepore & Sons, LLC, Ramstein Road, Re-Subdivision, Map 002 Block 002 Lot 11-2 Ramstein Road; Motion carried with Mr. Steadman, Mr. Krimmel, and Mr. Post voting aye.

Mr. LaPlante rejoined the meeting at 8:28PM.

B. Lepore & Sons, LLC, Ramstein Road, Re-Subdivision, Map 002 Block 002 Lot 11-2 Ramstein Road.

Mr. Karl Nielson, agent for the applicant, addressed the commission regarding this application. Mr. Nielson explained that this subdivision is the one recently granted to the Castellani family, subsequently purchased by Lepore & Sons, LLC. He reminded the commission that the density factor originally used was modified through a text amendment of the regulations at the February 25, 2015 meeting. As such, these are new plans based on the "new" density factor which will increase the number of lots at this subdivision location from seven (7) to nine (9) lots. Mr. Nielson noted that the "through road" will now be eliminated under these new plans.

MOTION: Mr. Steadman, Mr. Post second, to set for public hearing the matter of Lepore & Sons, LLC, Ramstein Road, Re-Subdivision, Map 002 Block 002 Lot 11-2 Ramstein Road; unanimously approved.

4. APPROVAL OF MINUTES: May 27, 2015.

MOTION: Mr. Krimmel, Mr. LaPlante second, to approve the May 27, 2015 Minutes; unanimously approved.

5. ZONING ENFORCEMENT OFFICER'S REPORT:

None.

6. CORRESPONDENCE:

None.

7. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION

A. Discuss Plan of Conservation Draft.

Mr. Sadlowski distributed a cleaned up draft of the POCD from Glenn Chalder of Planimetrics and noted that he has modified Mr. Chalder's copy only to include the comments received from commissioners. The commission agreed that Mr. Sadlowski should forward this copy to Ms. Jocelyn Ayer, Community & Economic Development Director at the Northwest Hills Council of Governments.

MOTION: Mr. Post, Mr. Krimmel second, to set the review of the POCD for public hearing on July 22, 2015; unanimously approved.

Mr. Sadlowski distributed a proposed copy of a potential regulation to add, discuss, and/or modify relating to Outdoor Dining. He also distributed a draft of the Request for Qualifications Incentive Housing Zoning Feasibility Study for the commission to review.

MOTION: Mr. Post, Mr. Krimmel second, to adjourn at 8:58PM; unanimously approved.

Respectfully submitted,

**Pamela Colombie
Recording Secretary**