

**TOWN OF EAST WINDSOR
PLANNING AND ZONING COMMISSION**

**Meeting #1635
July 9, 2013**

***Minutes Heading: MEETING MINUTES
*****Draft Document Subject to Commission Review/Approval********

The Meeting was called to order in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT. at 7:03 P. M. by Chairman Ouellette.

ESTABLISHMENT OF QUORUM:

A quorum was established as three Regular Members (Gowdy, Ouellette, and Sullivan) and one Alternate Member (Zhigailo) were present. Regular Member Devanney was absent; Regular Commissioner Thurz had advised the Planning Office he planned to arrive later in the meeting. Chairman Ouellette noted Alternate Member Zhigailo would join the Regular Members in discussion and votes on all Items of Business this evening.

Also present was Assistant Town Planner Newton.

GUESTS: Dick Pippin, Selectmen; Kathy Pippin, Board of Finance.

LEGAL NOTICE:

The following Legal Notice, which appeared in the Journal Inquirer on Thursday, June 27, 2013, and Thursday, July 4, 2013, was read by Chairman Ouellette:

- Application of Dimitri Mitsalexakis for a Special Use Permit per Section 502, to allow an auto body repair shop at 179 South Main Street, owned by Donald J. Corkum. {B-2 Zone; Map 32, Block 21, Lot 69}.

ADDED AGENDA ITEMS: None.

PUBLIC PARTICIPATION:

Kathy Pippin, Woolam Road: Mrs. Pippin indicated she felt the Commission does a great job.

APPROVAL OF MINUTES/June 25, 2013:

MOTION: To APPROVE the Minutes of Regular Meeting #1634 dated June 25, 2013 as written.

Sullivan moved/Zhigailo seconded/

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VOTE: **In Favor:** **Ouellette/Sullivan/Zhigailo**
 Opposed: **No one**
 Abstained: **Gowdy**

RECEIPT OF APPLICATIONS:

Chairman Ouellette acknowledged receipt of the following Application:

1. Application of Tony Potts for Site Plan Approval to allow an internet café and reduced parking at Sofia's Plaza, 2 North Road and 122 Prospect Hill Road, owned by Sofia's Plaza, LLC. [B-2 Zone; Map 112, Block 17, Lots 1, 1A-1 & 1A, B, C].

PERFORMANCE BONDS – ACTIONS; PERMIT EXTENSIONS; ROAD ACCEPTANCE:

Nothing presented this evening.

CONTINUED PUBLIC HEARINGS: None.

NEW PUBLIC HEARING: Dimitri Mitsalexakis – Special Use Permit per Section 502, to allow an auto body repair shop at 179 South Main Street, owned by Donald J. Corkum. [B-2 Zone; Map 32, Block 21, Lot 69} – **(TABLED)**

Chairman Ouellette noted the subject Application/Public Hearing won't be heard tonight.

MOTION: **To TABLE the Application of Dimitri Mitsalexakis for a Special Use Permit per Section 502, to allow an auto body repair shop at 179 South Main Street, owned by Donald J. Corkum. [B-2 Zone; Map 32, Block 21, Lot 69}. Application tabled until the Commission's regularly scheduled Meeting on July 23, 2013 at 7:00 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.**

Gowdy moved/Sullivan seconded/VOTE: In Favor: Unanimous

OLD BUSINESS: None.

NEW BUSINESS: Tony Potts – Site Plan Approval to allow an internet café and reduced parking at Sofia's Plaza, 2 North Road and 122 Prospect Hill Road, owned by Sofia's Plaza, LLC. [B-2 Zone; Map 112, Block 17, Lots 1, 1A-1 & 1 A, B, C].
(Deadline for decision 9/12/2013):

Appearing to represent the Applicant was Attorney Thomas Fahey. The property owner, Despina Tartsinis, joined Attorney Fahey at 7:15 p.m.

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Commissioner Gowdy reported he had read the Minutes of the previous Meeting regarding the informal discussion on this proposal and felt he was prepared to participate in discussion, and vote, this evening.

Attorney Fahey initiated discussion by noting that considerable time was spent during the informal discussion regarding the parking plan and the square footage for the two plazas. He noted that Town Planner Whitten had suggested they consider cross-easements for all of the plazas so the parking would apply to all tenants. Attorney Fahey indicated Ms. Tartsinis has agreed to the cross-easements, which is important to the potential tenant, Tony Potts, who is looking at two units – a 2,400 square foot unit or a 5,000 square foot unit - as Mr. Potts wants to be sure the parking applies to both units.

Attorney Fahey noted they also spoke of the ability to utilize a 25% reduction of parking requirements when business uses within the plaza are open at different times, thereby allowing parking spaces to be intermingled. Attorney Fahey gave examples of various situations, and noted the total parking requirements vs. the reduced calculation.

Discussion followed. The Commissioners raised the following discussion points:

- **Parking allocation/layout:** Commissioner Sullivan noted he has visited the plaza at different times of the day; he suggested that the parking near the billiard club seems to always be full, while parking areas in the “front” are not always full. He questioned the fairness in taking parking from an already established business. Ms. Tartsinis reported that the owner of the billiards club has downgraded his tenant space as he plans to reduce the number of tournaments run at his facility. Attorney Fahey felt the demand for parking would occur at night. Mr. Potts plans to provide 55 terminals but the average usage is 35 terminals. He reiterated that this business would cater to an older crowd which typically comes in a group in one car. Discussion continued regarding the parking configuration; it was noted the consideration of parking throughout the entire plaza may require some patrons to walk to their choice of business. Ms. Tartsinis confirmed she has no problem with the cross-parking easements.
- **Rear entrance/exit to front 2,400 square foot unit:** Commissioner Sullivan questioned why there was no back entrance/exit for the 2400 square foot unit? Ms. Tartsinis confirmed there is a back entrance, but it’s located near a garbage dumpster.
- **Plaza vacancy rate:** Commissioner Zhigailo questioned if the plaza has ever been at its rental capacity? Ms. Tartsinis indicated the rear building has experienced a 50% vacancy rate, while the whole plaza is currently at a 30% vacancy.
- **Driveway circulation from front to rear building:** Commissioner Zhigailo referenced the driveway near the coffee shop which allows patrons to flow over to the rear area of the plaza – she questioned if the area is adequately marked, especially for pedestrians? She suggested considering some type of signage or other safety features as the overflow parking may require more use of this area.

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- **Potential approval condition #13:** Chairman Ouellette noted the condition references a possible need to return to the Commission if there is a change in the business use; he questioned if this condition had been discussed? Ms. Tartsinis reported they would return to this Commission if a change in use required further review.
- **Fulfillment of request from previous meeting of submission of brief and minutes from Enfield meeting regarding determination of sweepstakes as a non-gambling activity:** Chairman Ouellette noted discussion had occurred during the informal presentation made by Attorney Fahey at this Commission's previous meeting regarding a similar application which appeared before the Enfield Planning Commission; that application also involved the question of sweepstakes as gambling. Attorney Fahey had reported a brief had been prepared for the Enfield Planning Commission which was ultimately submitted to the State's Attorney General; a determination was made and became part of the Enfield application's record indicating that sweepstakes did not constitute gambling under Connecticut's definition. Chairman Ouellette recalled this Commission had requested a copy of the determination be submitted; that has not occurred. Attorney Fahey suggested he could provide that information and the Commission could impose the submission as a condition of approval. Commissioner Gowdy preferred the information prior to voting on this application. Attorney Fahey suggested the applicant wouldn't be able to acquire a Zoning Permit without fulfilling conditions of approval; Ms. Tartsinis suggested they could provide a copy of the meeting minutes from the Enfield Planning Commission meeting. Lengthy discussion followed; Attorney Fahey and Ms. Tartsinis eventually agreed to provide a copy of the minutes of the Enfield Planning Commission Meeting. See condition #14 of the approval motion regarding specifics of document submission.
- **Parking plan/parking schedule/mylar submission:** Assistant Town Planner Newton reported the parking plan submitted by Attorney Fahey recently didn't match the plan discussed previously; she questioned if the plan before the Commission this evening was the applicant's final plan with a parking study/schedule? Attorney Fahey suggested the plan was the parking study. Assistant Town Planner Newton questioned that this submission was the plan the applicant expected to have on file with the Planning Department; she noted normally the applicant's engineer would submit a plan with a typed table included. Attorney Fahey countered this was the table; he argued that the Commission speaks of being business friendly yet they require a plan which would cost the applicant \$2500. Assistant Town Planner Newton noted a mylar is a condition of approval; the least the applicant can do is submit a clean plan with a typed, rather than hand-written, parking table. Chairman Ouellette referenced a mylar, with typed parking table, submitted by Friendly's at the time of their approval; he offered this as an example of the mylar expected with this application. The mylar being submitted should also show the cross-easements discussed earlier.

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Discussion continued regarding the applicant's responsibility for his own business decisions, the effect of shared parking on this or any of the other businesses, and Ms. Tartsinis' knowledge as a lessor.

MOTION TO APPROVE Request of owner Sophia's Plaza LLC and Applicant Tony Potts requesting a site plan modification with reduction in parking, approval of Internet Café' as retail use and approval of campus development at Sophia's

Plaza located at 122 Prospect Hill Road and 2 North Road in the B2 zone - Map 112, Blk 17, Lots 001; 001A-01; 001A; 001B; 001C,

This approval is granted subject to conformance with the referenced plans (as may be modified by the Conditions) and the following conditions:

Referenced Plans:

Sheet 1/1 Property of Sophia's Plazas LLC North Road & Prospect Hill Road, East Windsor CT prepared by JR Russo and Assoc., LLC 1 Shoham Road, East Windsor CT 06088 860/623-0569 860/623-2485 fax dated 10/25/11

-Conditions which must be met prior to signing of mylars:

1. All final plans submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for preparation of the plans.
2. The conditions of this approval shall be binding upon the applicant, land owners, and their successors and assigns. A copy of this approval motion shall be filed in the land records prior to the signing of the final plans.

-Conditions which must be met prior to the issuance of any permits:

3. One set of final plans, with any required revisions incorporated on the sheets shall be submitted for signature of the Commission. Mylar shall be filed in the Planning and Zoning Department.
4. Cross Easements for parking, ingress and egress must be filed on the land records for all properties

-Conditions which must be met prior to certificates of compliance:

5. Final grading and seeding shall be in place or a bond for the unfinished work submitted. N.A.

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6. All public health and safety components of the project must be satisfactorily completed prior to occupancy. In cases where all public health and safety components have been completed, the Zoning Officer may issue a Certificate of Zoning Compliance provided a suitable bond is retained for any remaining site work.

General Conditions:

7. In accordance with Chapter 900.3.h of the Zoning Regulations, any approval of a site plan application shall commence the construction of buildings and/or site work within **one year from the date of approval** and **complete all improvements within five years of the date of approval**, otherwise the approval shall become null and void, unless an extension is granted by the Commission.
8. A Zoning Permit shall be obtained prior to the commencement of any site work.
9. This project shall be constructed and maintained in accordance with the filed plans. Minor modifications to the approved plans that result in lesser impacts may be allowed subject to staff review and approval.
10. Any modifications to the proposed drainage or grading for the site plan is subject to the approval of the town engineer.
11. Additional erosion control measures are to be installed as directed by town staff if field conditions necessitate.
12. By acceptance of this approval and conditions, the applicant, owner and/or their successors and assigns acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval
13. Should a use be proposed that is not considered “retail” or “personal service” in nature, an additional review of the parking may be required.

Additional Condition:

14. **That the Applicant provide a copy of the analysis provided for Enfield referencing the State Attorney General’s confirmation that the sweepstakes is not considered gambling under Connecticut State law.**

Gowdy moved/Zhigailo seconded/

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DISCUSSION: Commissioner Sullivan saw no reason to deny the application; Commissioner Zhigailo concurred, noting again the concerns regarding pedestrian safety.

VOTE: In Favor: Unanimous
No one opposed/no abstentions.

OTHER BUSINESS: None.

BUSINESS MEETING/(1) Plan of Conservation & Development – 2014 – General Discussion:

Brief discussion occurred regarding language/format changes to the SurveyMonkey draft.

BUSINESS MEETING/(2) Discussion – Adult Regulations (tabled).

BUSINESS MEETING/(3) Signing of Mylars/Plans, Motions:

Motions:

- DMD Realty, LTD Family Partnership – Special Use Permit under Section 407 to allow an accessory apartment at 341 Rye Street, Broad Brook. [A-1 Zone; Map 15, Block 50, Lot 13]

ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 8:10 p.m.

Sullivan moved/Gowdy seconded/VOTE: In Favor: Unanimous

Respectfully submitted,

Peg Hoffman, Recording Secretary, East Windsor Planning and Zoning Commission
(2216)