

**MINUTES  
TOWN PLANNING AND ZONING COMMISSION  
OCTOBER 8, 2019  
7:00 P.M. COUNCIL CHAMBERS, TOWN HALL  
275 BROAD STREET, WINDSOR, CT**

**Present: Commissioners Mips, Levine, Profe, Smith and Harvey was seated for Correia. Alternate Commissioner Jaggon was present but not seated. Commissioner Correia was absent. Also Present: Town Planner Barz, Assistant Town Planner Sealy and Recording Secretary Ozaki.**

**I. NEW BUSINESS**

Commissioner Mips opened the meeting at 7:00 p.m.

**A. Public Communications and Petitions (five-minute time limit per person)**

Mark Pinard, 650 Stone Road, the landlord for 35 Poquonock Avenue, and Enzo Beskovic, owner of the San Marino Restaurant, addressed the Commission. Mr. Pinard stated that the San Marino Restaurant would like to keep rope lighting around the top perimeter of the building. Mr. Beskovic installed roped lighting around the top of the roof line to attract business for the restaurant. Mr. Pinard stated that he was told he would need a site plan to change the lighting.

Town Planner Barz explained that the zoning regulations prohibit strings of light under the sign regulations. Strings of lights are considered a sign because a sign is anything that is designed to attract attention to a business. Town Planner Barz stated that we have a policy of not encouraging strings of lights and permitting them only for holidays and outdoor eating areas by right. Mr. Pinard noted he had some pictures of the lighting that had been installed. The two pictures were handed into the Commission to review them.

Commissioner Mips asked if the sign was lit at night. Mr. Beskovic stated that there is one sign that is lit while the restaurant is open. Mr. Beskovic stated that it is not a great sign, since the glare off of it makes it illegible. Commissioner Mips stated that the picture showed not a string of lights, but a band of lights. Mr. Pinard stated that it is a rope light. Mr. Beskovic handed a sample piece of the rope light to the Commission to inspect.

Commissioner Smith asked how late the lights stay on. Mr. Pinard stated during business hours, 10 p.m. at the latest. Commissioner Smith asked if the lights were LED. Mr. Beskovic stated that he believed so.

Commissioner Levine asked if there were tenants that lived above the restaurant. Mr. Beskovic stated that he is the tenant who lives there. Mr. Beskovic stated that he is

getting complaints that customers cannot find the building at night since the location is very dark. Mr. Beskovic stated that the lights will promote the location of the building and more people will notice it from the road.

Commissioner Mips stated that she is not into setting a precedent. If we allowed this in town, every restaurant would then come in for the same thing.

Commissioner Levine asked if they have spoken to a lighting expert and maybe one can offer some suggestions. Mr. Beskovic stated that he has not.

Town Planner Barz stated that there are other ways to architecturally light the building, stating that architectural ground lighting can illuminate the two visible sides of the building and are allowed. Commissioner Smith asked if that can be handled by staff. Town Planner Barz stated yes.

Commissioner Mips stated that she thinks that rather than setting a precedent, she would like to see Mr. Beskovic communicate with the town staff for other alternatives. Mr. Beskovic asked Town Planner Barz how the ground lighting would be powered. Town Planner Barz stated with an underground conduit. Commissioner Mips noted that you can find solar lighting. Commissioner Levine stated that a lot of businesses along Day Hill Road have solar lighting. Mr. Beskovic stated that his concerns are with the winter time coming and it getting darker earlier.

Commissioner Levine stated to Mr. Beskovic, you should speak with staff and they can point you in the right direction. Mr. Pinard and Mr. Beskovic thanked all the Commission and Town staff.

Commissioner Levine read a letter dated October 7, 2019 from Alford Associated, Inc. regarding Proposed Extended-Stay Hotel, 777 Day Hill Road postponement.

#### **B. Communications and Petitions from the Town Planning and Zoning Commission**

Commissioner Smith stated that he attended the CRCOG meeting on September 19, 2019. These were the items discussed at the meeting:

1. Transit Oriented Development Collaborative
2. Regional Bike Share
3. Urban Footprint
4. Lincoln Institute seminar on October 15, 2019
5. Lincoln Institute Conference in Hartford on November 6-8, 2019

#### **C. Zoning Enforcement Officer's Report - None**

**D. CGS § 8-24 Referral Requests****1. CGS Section 8-24 Recommendation to Lease Office Space at 72 Mack Street**

Town Planner Barz presented the CGS 8-24 to the Commission. The town acquired a single-family home at 72 Mack Street when we acquired the golf course. The town intends to use the property for pedestrian access from Windsor Center, but a single-family home would conflict with this. The Committee's study of the property recommended that a professional office use would be more compatible with pedestrian access. Town Planner Barz stated that there is indication that someone is interested in leasing the space for an office.

Commissioner Mips stated that this is a good way to still utilize the building, giving the town the access that we need and parking can also be increased if needed.

Commissioner Smith asked if it became an office use, would they have to comply with office use parking. Town Planner Barz stated yes and there is room on the property to add more parking.

**Motion: Commissioner Levine moved to recommend to Town Council the leasing of town-owned property at 72 Mack Street for office use, as described. Commissioner Smith seconded the motion and it passed unanimously, 5-0-0.**

**E. Pre-Application Scrutiny - None****F. Re-Approvals/Revisions/Extensions****1. Subdivision Extension – 355T Prospect Hill Road, Three-Year Extension, AA Zone, Lord Family of Windsor, LLC**

Commissioner Mips asked Town Planner Barz if this had an extension already. Town Planner Barz reviewed the applicant's extensions with the Commission. This subdivision was appealed on numerous fronts. The clock started ticking when the court case was resolved and by our estimate they have three years left of the fourteen years from the date the appeal was settled. Town Planner Barz stated that nothing has changed and the plans are the same.

John Lord, Manager of the Lord Family of Windsor, LLC was present and addressed the Commission. Mr. Lord stated that he is seeking a three-year extension which is expiring in May 2020.

Commissioner Mips stated that there is an IWWC approval that is due to expire in 2021. Town Planner Barz stated that yes, it will, and they will have to deal with it separately.

Mr. Lord stated that they have applied for an extension of the IWWC permit and waiting to hear back.

Town Planner Barz stated that they have three years not just to start this subdivision, but to complete it and they may be back to ask for a reapproval.

Commissioner Levine asked Town Planner Barz if we were to approve this would we need to reinstate the original conditions. Town Planner Barz stated that all the conditions would remain the same, as this is an extension and not a new application.

**Motion: Commissioner Levine moved to approve the Subdivision Extension – 355T Prospect Hill Road, Three-Year Extension, AA Zone, Lord Family of Windsor, LLC with the following conditions:**

1. Previous Conditions;
2. Three-Year Extension;

**Commissioner Profe seconded the motion and it passed unanimously, 5-0-0.**

## **2. Site Plan Modification – 318 Broad Street, Walkup ATM, B2 Zone, Bank of America**

Anthony Albano, Professional Engineer from Stonefield Engineering & Design was present and addressed the Commission. Mr. Albano stated that the proposal is for an ATM in the existing Geissler's shopping plaza located at 318 Broad Street. The ATM will be closer to the Ace Hardware side and new curbing will be installed around the ATM. One tree needs to be removed but a new tree will be planted somewhere else.

Commissioner Mips asked how far in from the property line will the ATM be. Mr. Albano stated that the ATM was near the entrance to the plaza. Commissioner Mips noted that it is very close to the drive aisle. Town Planner Barz stated that the plans only show up to the property line for Geissler's and there is another aisle of parking against the hardware store. Commissioner Mips stated that she is concerned that the ATM is located too close to the drive aisle.

Mr. Albano stated that the ATM will be installed with six additional light posts for safety concerns. All utilities for the ATM are underground. Mr. Albano stated that Bank of America received a variance for a three sq. ft. sign that will be located on the front and the back of the ATM. Mr. Albano stated that Bank of America feels this is great opportunity to serve Windsor.

Commissioner Levine asked if this is an ATM where you go inside a building. Mr. Albano stated that no, it is a stand-alone kiosk with a canopy over the top. Commissioner Levine asked who is responsible for snow. Mr. Albano stated that it will depend on the lease agreement but it would be addressed by Bank of America or the owner and it will not be an issue. Commissioner Levine stated that she is a little concerned with the driveway and

people crossing the center to get into it. Mr. Albano stated that his firm tends to find the ATMs are highly visible and people tend to slow down. Mr. Albano noted it is not a safety concern. Commissioner Levine asked Town Planner Barz if the town has considered closing that driveway and making people use the one with the traffic light. Town Planner Barz stated that is a different property and belongs to the hardware store.

Commissioner Mips stated that there are no staff comments except for the lighting. Assistant Town Planner Sealy stated yes, and he worked with the applicant to come to an agreement for the lighting levels in the parking lot. Assistant Town Planner Sealy noted that staff felt the levels were too high given the light levels of the surrounding area. Assistant Town Planner Sealy stated that they have met the requirement and at this time, we have no comments. Town Planner Barz stated that Geissler's lighting is getting old and we negotiated Bank of America's lighting levels down so it would not be an abrupt transition from light to dark.

Commissioner Smith asked if this lot is the proposed shared parking in Windsor. Town Planner Barz stated that yes, it is exempt under the regulations in terms of changes of use. Town Planner Barz stated that no parking spaces have been lost due to the ATM. Commissioner Smith asked if with the shared parking and other businesses opening, more lighting would be better. Commissioner Smith noted he knows Town Planner Barz thought it was too bright, but in the interest of public safety, you don't think it would be better to have it brighter. Town Planner Barz stated that if they retrofitted the entire site we would agree with you.

Town Planner Barz stated that this would have been a 3.9 staff review, but there was disagreement among the staff regarding the nature of this use. Town Planner Barz stated that from his standpoint, it's a 3 x 4 box with a lighted overhang. Town Planner Barz noted he thinks this is the future of banking.

Commissioner Levine asked if the police department had any comments on this. Town Planner Barz stated no.

**Motion: Commissioner Levine moved to approve the Site Plan Modification – 318 Broad Street, Walkup ATM, B2 Zone, Bank of America.**

**Commissioner Profe seconded the motion and it passed unanimously, 5-0-0.**

## **G. Site Plans**

- 1. Site Plan – 2101 Poquonock Avenue, Cemetery and Columbarium, NZ Zone, Saint Damien of Molokai Parish Corp.**

Jay Ussery, Professional Engineer from JR Russo & Associates, was present and addressed the Commission. The church would like to install a columbarium in the northwest corner

of the cemetery. Mr. Ussery stated that a walkway and pavers around the columbarium would be installed with a small addition to the driveway to connect the other two existing driveways together, essentially creating a loop around the cemetery. Mr. Ussery noted the columbarium is 60 sq. ft. and would hold 96 urns. Mr. Ussery noted this would have been a staff approval, but since there was no previous site plan approved, it needed to go before the Commission.

**Motion: Commissioner Levine moved to approve the Site Plan – 2101 Poquonock Avenue, Cemetery and Columbarium, NZ Zone, Saint Damien of Molokai Parish Corp. Commissioner Profe seconded the motion and it passed unanimously, 5-0-0.**

#### H. Minutes

##### 1. September 10, 2019

**Motion: Commissioner Levine moved to approve the minutes as amended. Commissioner Smith seconded the motion and it passed unanimously, 5-0-0.**

##### 2. September 26, 2019

**Motion: Commissioner Levine moved to approve the minutes as amended. Commissioner Profe seconded the motion and it passed, Commissioner Smith abstained. 4-0-1.**

#### II. MISCELLANEOUS

1. **FYI: 3.9 Site Plan Revision – 1101 Kennedy Road, Signage and gate opening for buses, CREC**
2. **Zoning Practice – September 2019**
3. **Farmington River News – Summer 2019**

Assistant Town Planner Sealy reviewed the above site plan revision application approved by staff pursuant to Zoning Regulations Section 3.9.

#### III. PLANNER'S REPORT

##### 1. Update on recent development.

Town Planner Barz stated nothing at this time.

#### IV. PUBLIC HEARINGS – None

1. **Special Use – 903 / 777 Day Hill Rd., Section 8.6P, Extended Stay Hotel, I Zone, Alford Associates**  
**Postponed until November 12, 2019 meeting.**

#### V. BUSINESS MEETING

##### A. Continuation of New Business – None

TP&ZC

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**B. Application Acceptance**

1. **Special Use Re-approval – 40 Stevens Mill Road**, Section 1.5.1.9, Cat Adoption Facility, I Zone, Spinnato

**C. Old Business – None**

**D. Public Communications and Petitions – None**

**VI. ADJOURNMENT**

**Motion: Commissioner Levine moved to adjourn the meeting at 7:40 p.m. Commissioner Profe seconded the motion and it passed unanimously, 5-0-0.**

Respectfully submitted,  \_\_\_\_\_, Lisa Ozaki, Recording Secretary

I certify these minutes were adopted on November 12, 2019

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Jill Levine, Secretary

