

WETHERSFIELD PLANNING AND ZONING COMMISSION

PUBLIC HEARING AND MEETING

July 19, 2016

The Wethersfield Planning and Zoning Commission held a public hearing and meeting on Tuesday, July 19, 2016 at 7:00 p.m. in the Wethersfield Town Council Chambers located at the Town Hall, 505 Silas Deane Highway, Wethersfield, Connecticut 06109.

1. CALL TO ORDER

Chairman Thomas Harley called the meeting to order at 7:03 p.m. welcoming all to the Planning and Zoning meeting. He explained the process and procedures of the public hearing and Commissioner Richard Roberts commenced the roll call.

1.1 ROLL CALL AND SEATING OF ALTERNATES (5 members required for a quorum).

Member Name	Present	Absent	Excused
Thomas Harley, Chairman	√		
Antonio Margiotta, Vice Chairman	√		
Richard Roberts, Clerk	√		
James Hughes			√
George Oickle	√		
Joseph Hammer	√		
Anthony Homicki			√
Thomas Dean	√		
Ryan Allard	√		
David Edwards, (alternate)	√		
Daniel Silver (alternate)	√		
Yolanda Antoniak (alternate)	√		

Also present, Mr. Peter Gillespie, Economics Development/Town Planner, Ms. Denise Bradley, Assistant Town Planner and Mary Lou Wall, Recording Secretary.

Members of the public were present.

Chairman Harley stated there are ten (10) members present and three (3) alternates; nine (9) members will be participating; Commissioner Daniel Silver will not be voting.

2. OLD BUSINESS

None

3. NEW BUSINESS

3.1 PUBLIC HEARING APPLICATION NO. 1917-16-Z Saleem Siddique seeking a Special Permit in accordance with Section 3.5 (Accessory Uses) to park a recreational vehicle larger than permitted (30 ft.) in a residential zone at 7 Wedgewood Drive, --
Continued from 7-6-16.

Mr. Saleem Siddique 7 Wedgewood, Wethersfield explained that the people next door have no problem with the RV and that it is not fair for him to pay a storage fee of \$200.00 per month, when he pays taxes to the town. He told the Commission that he has spent approximately \$15,000 to \$20,000 since he bought the property. Mr. Siddique requested that his son speak, since he is part owner of the property.

Mr. Nadir Siddique indicated that he was never approached by any neighbors and did not have direct conversation with them and expressed this lack of conversation brings us together unnecessarily. He felt they had a right to bring the RV to the property. He indicated they made improvements to the property that added value. He feels the RV was moved back so that it is not intrusive; the RV they have had since children. Aesthetically is incredibly subjective, in his opinion, and feels that the RV is not causing issues with plantings not getting enough sunlight.

Chairman Harley stated he does not hear anything different in the way of changes on the proposal. It is not compliant with zoning regulations and the applicant does not have a right to just park the vehicle on the property. It is very simple, the Chairman went on to say, you are asking for an exception to the rule.

Mr. Nadir Siddique 7 Wedgewood, Wethersfield stated that it is in the side yard. Commissioner Oickle reminded applicant that they indicated they would move it back and that they have not shown the Commission anything.

Commissioner Silver added that the Rule is the RV not exceed 18', and therefore, applicant is asking for a variance that is double in size. Referring to the fact that the Commission is bound to zoning rules and regulations; it is not in the backyard and it is double in size.

Vice Chairman Antonio Margiotta asked if there is a hardship for you to store the RV, other people store vehicles off site.

Mr. Nadir Siddique responded no to Commissioner Margiotta's question of hardship and saying it is an inconvenience, and does not feel he should pay storage for something that is on his property.

Sharon Paiva, 44 Palomina Way, Wethersfield there are two RV's on Collier and Two Rod pass Liberty, asking the Commission why those were not addressed.

Mr. Fred Paiva 44 Palomina Way, Wethersfield speaking in favor of the applicant indicating that he has seen two RV's in front yards of houses over 30' and why that problem has never been addressed; he feels new people are being picked on.

Chairman Harley asked Town Planner Gillespie, in regard to the Paiva's statement. Mr. Gillespie indicated it will be checked out and asking them to provide him with those addresses.

Mr. Walter Martinez 14 Palomina Way, Wethersfield stated that they are new in town and he has seen lots of RV's around town and supports the application.

Mrs. Martinez 14 Palomina Way, Wethersfield stated the applicant has tried planting trees and hopes that a common ground can be found, and expressed that they should be given a break in their new home. She is in support of the application.

Mr. Anastasiades 15 Westmont Road, Wethersfield stated he was at the last meeting and there has never been a personal vendetta but we have forty (40) plus signatures on a petition from the neighborhood stating that they do not want a 30' RV parked in the neighborhood. He wanted it to be made very clear that at the last meeting, the Chairman asked for remedies to be bought back to this meeting. It was a fair process, in his opinion. He remarked that these are zoning regulations and rules. He does not feel he heard a convincing argument.

Mr. Gavino Cartiera 24 Wedgwood Drive, Wethersfield spoke in opposition based on the aesthetics and character of the neighborhood. He stated that he did look at the zoning rules and regulations prior to buying his house. While he sympathizes with the applicant, he feels the applicant did not do his homework and that it is common knowledge that an RV is not always permitted. He felt that he should have asked his Realtor or the town or the former owner or he should have looked at the zoning regulations. In regard to the hardship, Mr. Cartiera heard at the last meeting the applicant state, he has a home in Newington as well, and so he does have an alternative.

Mr. Mark Korber 424 Old Reservoir Road, Wethersfield said he does not know any of his neighbors, including the applicant here. He noted that the Commission knows the laws and he has not heard any good reasons to grant the exception. He is concerned about the 2nd, 3rd and the 4th application, telling the Commission to change the regulations, if they are sympathetic, but really that is not what should happen; as a matter of proper administration of the town, deny this application for the exception.

Mr. Siddique another Son of Applicant 7 Wedgewood, Wethersfield stated he is not in agreement that they did not make accommodations. They moved the RV back as far as possible, planted trees that will grow and feels it is fair to make an exception to lessen the burden.

Mr. Nadir Siddique 7 Wedgewood, Wethersfield stating the RV is not obstructing the pool and enhanced the backyard and invites all of you to check out the property yourself instead of looking at diagrams.

Chairman Harley indicated that what he was hoping to hear from the applicant were alternatives, solutions. This body has granted exceptions in the past. Exceptions in side yards are particularly difficult. He gave some examples.

Mr. Siddique stating he does not want to sell it or park it elsewhere and feels it is unfair.

Discussion ensued on the back and side yards and where the vehicle is parked and the size of the vehicle.

Commissioner Antoniak questioned if the applicant did push it back, how much distance between the concrete and the perimeter of the pool. It seems that you have pushed it back as far as it can go after the Commissioner indicated she looked at it.

The applicant responded that he can park it further back 10 or 15 feet back; he didn't want to ruin the grass.

Chairman Harley will consider in their deliberations the applicant's statement that they can move another ten feet. Commissioner Silver indicated the Commission does not have any diagram showing that they could go back more. Commissioner Silver said it is not fair to the neighbors to have to come back again. Commissioner Margiotta stated the applicant has been given enough time and that a decision should be made tonight.

Commissioner Dean noted for the benefit of the applicant, the Commission is obliged to follow the Rules and Regulations, which only allow 18' this exceeds Regulations at 30'. The Commission has authority but we need to look for something to mitigate the concerns of the neighbors expressed here or a benefit to the community at large that is the burden you have in your application and the applicant has not met this burden. Further stating, we have town standards and we do not have much of a basis to proceed with this application. The Commission was not shown a plan and we have not seen this in an adequate level and deeply regrets the applicant is in this position but this is what the commission is faced with. In Commissioner Dean's prospective, he was not persuaded to move forward to justify this special permit

Commissioner Roberts made a **Motion to close** the hearing.

Commissioner Dean **Second**

AYE - Commissioners Allard, Antoniak, Dean, Edwards, Harley, Hammer, Margiotta, Oickle, Roberts.

NAY - None

ABS. - None

Motion to close 9-0

Commissioner Richard Roberts made a **Motion to Approve** with discussion **APPLICATION NO. 1917-16-Z Saleem Siddique** seeking a Special Permit in accordance with Section 3.5 (Accessory Uses) to park a recreational vehicle larger than permitted (30 ft.) in a residential zone at 7 Wedgewood Drive, --Continued from 7-6-16. Motion to approve with stipulation that RV will be

moved at least ten feet (10') more to the rear of the lot, reworking the pool area and to incorporate additional plantings along the Old Reservoir Road side with staff to be specific.

Commissioner Thomas Dean **Second**

Commissioner Roberts stated the regulations allow 18' in the Rear Yard, anything else requires a special permit. The Commissioner went over the regulations in detail describing those that are relevant to this application 8.1.A, B, 8.2.A,B, 8.3.A,B, 8.8.A,B,C, 8.9B, 8.9E. Commissioner Roberts indicated that exceptions are made if special criteria is sufficient for granting a Special Permit.

Commissioner Silver listened to all the comments and regarding the regulations, he felt the applicant has not met the burden of the criteria based on the evidence presented to the Commission.

Commissioner Oickle agreed with colleague and does not feel the burden of proof was given by the applicant to the Commission.

Chairman Harley stated it is the applicant's responsibility to prove to the Commission that it is not detrimental; always concerned with other neighbors as well.

AYE - None

NAY - Commissioners Allard, Antoniak, Dean, Edwards, Harley, Hammer, Margiotta, Oickle, Roberts.

ABS. - None

Motion Denied 9-0

Town Planner Gillespie answered the applicant's question regarding an appeal in court indicating it was an option and that the Zoning Officer will issue a final order to relocate the vehicle but could not speak to the period of time.

3.2 PUBLIC HEARING APPLICATION NO. APPLICATION NO. 1919-16-Z John Jakubowski seeking a Special Permit in accordance with Section 5.8 of the Wethersfield Zoning Regulations for a tavern license at 221 Main Street.

Mr. John Jakubowski and Megan Kirk, 97 State Street, Wethersfield. Mr. Jakubowski noted that his business is the Old Wethersfield Country Store and he is here requesting approval for a tavern license allowing wine and beer and cider for consumption but not liquor, which will pair very well with some of the items that they supply, particularly cheese and chocolate. He also would like to have wine tasting and outdoor seating.

Chairman Harley referenced a Memo dated July 15, 2015 from Peter D. Gillespie, Economic Development Manager/Town Planner & Denise Bradley - Assistant Planner to Planning & Zoning Commission discussing permit history and constraints.

Commissioner Oickle discussed concern about parking with the other businesses in close proximity.

Mr. Jakubowski concurred that parking is always an issue in that area and does not have any concern with other businesses close by, since this is a specialty niche to serve our existing customers. He noted that they use the Keeney Center for parking and all our neighbors have the same issues but we work it out.

Commissioner Silver asked about the hours of operations. Mr. Jakubowski responded that he plans on opening until eight (8) and holiday's nine (9) o'clock and occasionally wine tasting.

Commissioner Roberts noted his concern regarding the consumption of alcohol outside, where there is a portion of town property referring to item #11 of Memo from Mr. Gillespie/Ms. Bradley; much discussion ensued.

Commissioner Silver noted that he façade of the building is going to be modernized with new windows, which was approved by the Economic and Development Agency.

Mr. Jakubowski stated he started the process first with the town prior to going to the expense of the state liquor Commission. The applicant indicated it has previous approval for eight (8) outdoor seating, three (3) tables are in the back.

Commissioner Hammer discussed the town property line and discussed indemnifying the Town.

Chairman Harley was concerned with crafted conditions for the town property and consumption.

Town Planner Gillespie stating that most of these sixteen conditions came from previous approvals, and some language can be added with some exceptions on certain occasions and changes on the insurance and any changes from the state liquor control, may require the applicant to come back to modify the approval.

Commissioner Dean discussed modifications to the hours of operation and asked the applicant if he has an estimate of days for certain times of the year. Mr. Jakubowski felt that there would be a maximum of 24 days a year and that he would like to be opened until ten (10) o'clock for special occasions.

Commissioner Roberts commented that the Commission is here to vote on a Tavern License. Once the applicant has heard from the state and if any changes need to be made, the Commission can waive the application fee and modify the tavern license approval.

Commissioner Silver suggested to the applicant to also contact the Department of Consumer Protection; some discussion ensued.

Commissioner Hammer made a **Motion to Close** the hearing.

Commissioner Dean **Second**.

AYE - Commissioners Allard, Antoniak, Dean, Edwards, Harley, Hammer, Margiotta, Oickle, Roberts.

NAY - None

ABS. - None

Motion to Close 9-0

Commissioner Hammer made a **Motion to Approve APPLICATION NO. 1919-16-Z John Jakubowski** seeking a Special Permit in accordance with Section 5.8 of the Wethersfield Zoning Regulations for a tavern license at 221 Main Street with the stipulation that if any operational changes required by the tavern permit that would necessitate modifications to the conditions of approval for Application 1819-13-Z, the Commission will waive the application fee for those modifications.

Commissioner Roberts **Second**

AYE - Commissioners Allard, Antoniak, Dean, Edwards, Harley, Hammer, Margiotta, Oickle, Roberts.

NAY - None

ABS. - None

Motion Passed 9-0

4. **OTHER BUSINESS** A discussion regarding setting the bond for the Whippoorwill Estates Subdivision.

Town Planner Peter Gillespie reviewed and referenced his July 15, 2016 memo regarding the provisions of 143-34 of the Wethersfield Subdivision Regulations whereas the Commission may accept the financial guarantee (performance bond) to the Town. Additionally, Planner Gillespie referenced the Memo from Derrick D. Gregor, Town Engineer to the Chairman of the Planning and Zoning Commission dated July 14, 2016 regarding Whippoorwill Estate Subdivision - Bond Estimate with a recommendation setting the total bond amount at \$133,156.06 as indicated on Revised July 13, 2016, summarizing the Bond Estimate from Kevin Johnson of Close, Jensen & Miller for the work to be completed.

Mr. Paul Uccello developer of Whippoorwill Estates answered questions regarding the time frame of the development. A discussion ensued among the Commissioners with a positive motion made.

Commissioner Richard Roberts made a **Motion to approve the bond amount of \$133,156.06 for Whippoorwill Estates Subdivision** as noted in Memo from Derrick D. Gregor, Town Engineer to Thomas A. Harley, Chairman, Planning and Zoning Commission dated July 14, 2016.

Commissioner Edwards **Second**

AYE - Commissioners Allard, Antoniak, Dean, Edwards, Harley, Hammer, Margiotta, Oickle, Roberts.

NAY - None

ABS. - None

Motion Approved 9-0

Town Planner Gillespie informed the Commission regarding a letter from Deputy State Building Inspector regarding 500 (B) Silas Deane Highway, Wethersfield smoking lounge, letter dated May 13, 2016 from Mr. Daniel Tierney, Deputy State Building Inspector, the Division of Construction Services, Office of the State Building Inspector to Mr. Jose Angeles, 164 Harvest Lane, East Hartford, CT. 06118. This letter was received on July 14, 2016 by the Town of Wethersfield, Building Department with a copy to Steve Lattarulo, Wethersfield Building Official. Said letter will allow them to go forward using an air cleaner filtration system along with the existing exhaust system.

5. MINUTES - July 6, 2016

Changes - on page 3 change "Motion to Close to Motion to Continue". Page 3 change "audience to attendance" - top of page 4 add "parked in the driveway. On page 5, add Supreme Court in front of Reed & Town of Gilbert...Page 5 third paragraph revise last word to manner.

Commissioner Oickle made a **Motion to Approve**

Commissioner Hammer **Second**

AYE - Commissioners Allard, Antoniak, Dean, Edwards, Harley, Hammer, Margiotta, Oickle, Roberts.

NAY - None

ABS. - None

Motion Passed 9-0

6. STAFF REPORTS

Agenda - Wethersfield Planning and Zoning Commission Annual Organization Meeting -
Election of Officers:

Commissioner Roberts made a **Motion for Nomination and election of Chairman Thomas Harley**

Commissioner Margiotta **Second**

AYE - Commissioners Allard, Antoniak, Dean, Edwards, Harley, Hammer, Margiotta, Oickle, Roberts.

NAY - None

ABS. - None

Motion Passed 9-0

Commissioner Roberts made a **Motion for Nomination and election of Vice Chairman Antonio Margiotta**

Commissioner Oickle **Second**

AYE - Commissioners Allard, Antoniak, Dean, Edwards, Harley, Hammer, Margiotta, Oickle, Roberts.

NAY - None

ABS. - None

Motion Passed 9-0

Commissioner Dean made a **Motion for Nomination and Election of Clerk Richard Roberts**

Commissioner Hammer **Second**

AYE - Commissioners Allard, Antoniak, Dean, Edwards, Harley, Hammer, Margiotta, Oickle, Roberts.

NAY - None

ABS. - None

Motion Passed 9-0

Commissioner Hammer made a **Motion for Authorization of Peter D. Gillespie to sign notices of the Commission.**

Commissioner Oickle **Second**

AYE - Commissioners Allard, Antoniak, Dean, Edwards, Harley, Hammer, Margiotta, Oickle, Roberts.

NAY - None

ABS. - None

Motion Passed 9-0

Commissioner Hammer made a **Motion for Authorization of Derrick Gregor to sign notices of the Commission.**

Commissioner Oickle **Second**

AYE - Commissioners Allard, Antoniak, Dean, Edwards, Harley, Hammer, Margiotta, Oickle, Roberts.

NAY - None

ABS. - None

Motion Passed 9-0

Commissioner Oickle made a **Motion for Jeff Bridges, Town Manager as Ex Officio Member.**

Commissioner Hammer **Second**

AYE - Commissioners Allard, Antoniak, Dean, Edwards, Harley, Hammer, Margiotta, Oickle, Roberts.

NAY - None

ABS. - None

Motion Passed 9-0

Commissioner Margiotta made a **Motion for Nomination and election of representative Commissioner James Hughes and alternate Commissioner Anthony Homicki to the Regional Planning Commission of CROG**

Commissioner Hammer **Second**

AYE - Commissioners Allard, Antoniak, Dean, Edwards, Harley, Hammer, Margiotta, Oickle, Roberts.

NAY - None

ABS. - None

Motion Passed 9-0

Commissioner Roberts made a **Motion for Nomination and election of liaison to the Economic Development and Improvement Commission for Commissioner Daniel Silver.**

Commissioner Margiotta **Second.**

AYE - Commissioners Allard, Antoniak, Dean, Edwards, Harley, Hammer, Margiotta, Oickle, Roberts.

NAY - None

ABS. - None

Motion Passed 9-0

Commissioner Roberts made a **Motion for Commission Rules and Procedures to be readopted.**

Commissioner Dean **Second.**

AYE - Commissioners Allard, Antoniak, Dean, Edwards, Harley, Hammer, Margiotta, Oickle, Roberts.

NAY - None

ABS. - None

Motion Passed 9-0

7. PUBLIC COMMENTS ON GENERAL MATTERS OF PLANNING AND ZONING

None

8. CORRESPONDENCE

None

9. PENDING APPLICATIONS TO BE HEARD AT FUTURE MEETINGS

None

10. ADJOURNMENT

Meeting Adjourned at 9:00 p.m.

Respectfully Submitted By:

Mary Lou Wall, Recording Secretary.