



# Town of Griswold



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**GRISWOLD PLANNING & ZONING COMMISSION  
PUBLIC HEARING & REGULAR MEETING  
GRISWOLD TOWN HALL**

**APPROVED MINUTES  
MARCH 14, 2016**

**I. PUBLIC HEARING (6:30 P.M.)**

**1. Call to order:**

M. McKinney called the public hearing to order at 6:35 p.m.

**2. Roll Call:**

**Present:** Martin McKinney, Charlotte Geer, James Krueger, Erik Kudlis, Alternates Tom Palasky, Robert Parrette, Peter W. Zvingilas, Town Planner Mario Tristany, ZEO Peter Zvingilas

**Also present:** Town Attorney Eliza Heins

**Absent:** Courtland Kinnie, Recording Secretary Donna Szall

**3. Determination of Quorum**

There was a quorum for this public hearing.

**4. Matter Presented for Public Comment**

**A. SE 02-16 MATT KORATOWSKI, PROPERTY AT 5 COLONEL BROWN ROAD, GRISWOLD, CT. Requesting approval of a Special Exception application for an Equine Veterinary Office with the possibility of a future building for haul-in purposes. The property is zoned R-80.**

M. McKinney asked if there was anyone representing the applicant, SE 02-16. Tom Kornatowski and Ashley Kornatowski were present to present their application. T. Kornatowski stated that they want to amend their application to use the existing structure as a business and not to create any structures at this time. He stated that we want to use the existing house as their office in the R-80 zone. He stated that they are an equine ambulatory practice so it is their base of operations. He stated they run from 8 am to 5 pm. and the traffic would be minimal where clients would pick up and drop off things.

M. McKinney asked that you are amending your initial application. T. Kornatowski stated yes, they are not asking for a special exception to put in a building at this time. M. McKinney asked M. Tristany to explain. M. Tristany stated that the intention was to use the house as a professional office and later to put up a small barn structure to put up horse or two in the event they needed 24 hour care. He stated that it is a reduction in the overall scope of the operation rather than an increase in the scope of the application.

E. Heinz asked if this will be changed to a site plan review. M. Tristany stated no, it is still a special exception because in the zoning regulations veterinary clinics in an R-80 zone require a special exception. M. McKinney stated that we can take input from the public at this time. M. Tristany stated yes. M. McKinney asked if the reduced application meets most of our regulations. M. Tristany stated yes, it is being used for owners of horses to drop off samples and pick up medications. T. Kornatowski stated that there would be an occasional horse-owner who would bring the horse in for a vaccination; but it would not be that frequent.

M. McKinney asked P. Zvingilas if he had any comments. P. Zvingilas stated no, he has not seen it.

M. McKinney asked for any comments in opposition.

Don Poitras, Colonel Brown Road stated that looking into the property from the Bonchuk property into Colonel Brown from the second driveway down the sight line, it is impossible to see with all the fir trees there and there is a berm. He stated that there is more traffic with the Monastery down the road; and with Bethel road was paved making it a race

way. He stated that someone with a horse trailer will find it difficult pulling in and out if he is using the same entrance as the house. He asked if another entrance would be created rather than using the corner at Colonel Brown Road. He asked how much traffic will be generated by this office. M. McKinney stated that this application was greatly diminished than what it was to start.

M. McKinney asked for other comments in opposition.

Dave Vieaux, 59 Leha Avenue, stated that the zoning regulation Section 7.3.24 that is C-2 commercial zoning and read it for the record. He stated that veterinary clinics are not allowed in the R-80 or other residential areas as a special exception and that he was opposed to putting another commercial business in a residential area. M. Tristany stated for the record that in Section 4.3.9 under Section 4.3 Special Exceptions under offices to practice medicine, veterinary medicine and dentistry, hospitals, clinics and other medical buildings are allowed by special exception in the residential zone and they are allowed in commercial zones which Mr. Vieaux incorrectly referred to.

M. McKinney asked for any other comments in opposition. Hearing none, he asked for comments in support of this application.

Jason Vincent, 470 Roode Road, he stated that he was in favor of this application since a small business owner is coming to do business in our town; and a veterinary office in our rural community lines right up with that principle; and with the scale of the project, he can accommodate the traffic and sight line concerns as were expressed.

Clarence Merrill, Edmond Road asked if there was anything the applicant could do about the sight line to removing the boughs from the fir trees to make the sight line better. M. McKinney stated that the object is to keep the rural characteristics having the one driveway; but that is not the nature of this application.

Phil Flowers, Rixtown Road, stated that the applicant is an asset to the community. He stated that the applicant would look into what needs to be done to make this area safe and not have a dangerous situation for his business or his clients.

M. McKinney asked for other comments positive or negative for this application. He asked for comments from the commission. There were no comments.

**MOTION:** C. Geer moved to close the public hearing on March 24, 2016. J. Krueger seconded the motion. All were in favor. The motion was carried.

## II. PUBLIC HEARING (6:45 P.M.)

### 1. Call to order:

M. McKinney called the public hearing to order at 6:50 p.m.

### 2. Roll Call:

**Present:** Martin McKinney, Charlotte Geer, James Krueger, Erik Kudlis, Alternates Tom Palasky, Robert Parrette Peter W. Zvingilas, Town Planner Mario Tristany, ZEO Peter Zvingilas

**Also Present:** Town Attorney Eliza Heins

**Absent:** Courtland Kinnie, Recording Secretary Donna Szall

### 3. Determination of Quorum

M. McKinney appointed P. W. Zvingilas to sit for C. Kinnie. C. Geer recused herself from SE 01-16. M. McKinney appointed T. Palasky to sit for C. Geer. There is a quorum for this public hearing.. He stated that everyone who was not present at the February 29 public hearing listened to the audio except for R. Parrette.

### 4. Matter Presented for Public Comment

**A. ZC 01-16 GRISWOLD ECONOMIC DEVELOPMENT COMMISSION, 28 MAIN STREET, GRISWOLD, CT. Requesting a Text amendment to blend the C-1 Zone and C-2 Zone into one C Commercial Zone town-wide and a Map Amendment to replace C-1 and C-2 Zones on the zoning map town-wide into one C Commercial Zone in order to reduce the barriers to increase economic development.**

M. McKinney stated that we have taken comments from the public; he stated that we will hear from the Economic Development Commission, Staff, legal counsel and then we will open to the public.

Tom Giard, Chairman of the Economic Development Commission stated that there were a number of questions and comments and he handed out material to the commission. He stated that for the record, the planning office sent out the written minutes and CD audio copies to the commission members who were absent and everyone had a chance to review the audio minutes; only one had not reviewed the audio minutes.

T. Giard stated that we are requesting a text change to blend or merge the C1 and C2 zones into one Commercial identity. He stated that separate C1 and C2 zones pose a barrier to commercial growth and economic development. He explained that this change, if approved, does not expand any commercial land already zoned commercial; does not add any residential land to the commercial zones; does not add or delete any permitted land uses already listed; does not change any special exceptions; does not change the appeal process or legal challenges afforded Griswold residents; does not change the buffer or landscaping requirements; does not change the special exception evaluation criteria; does not rezone any residential areas; does not impact any viable agricultural land; does not change the number of commercially zoned parcels already on the zoning map.

T. Giard stated that this text change eliminates the time and financial cost of a zone change from C1 to C2 or C2 to C1. The Plan of Conservation and Development (PoCD) adopted in 2007 was submitted in previous testimony two weeks ago. He explained that the PoCD report is an advisory document available to Planning and Zoning when considering future land use changes; the text application is not a land use change; uses are not being changed; it does not increase or decrease any already-zoned commercial lands nor change any residential land to commercial.

T. Giard stated that in previous testimony called this change a quality of life issue and explained that quality of life is not only about traffic counts and buildings; but that quality of life is a town wide issue that speaks to affordable schools, safe roads and bridges, and town services that rely on a steady tax revenue source.

T. Giard stated that quality of life comes down to the Planning and Zoning Commission, during the application process, to enforce buffers, setbacks and applying the evaluation criteria outlined in the Planning and Zoning Regulations. He stated that this text change is to increase economic development opportunities for economic growth that supports a town-wide quality of life.

M. McKinney asked for comments from staff. M. Tristany stated that for the record that Attorney Holth's letter that was submitted was reviewed by him and the town attorney and had referenced; and stated that in Attorney Holth's letter, there should be reconciliation between this application and the PoCD. M. Tristany stated that this application is reconciled to the PoCD. He stated that Mark Branse, using Attorney Holth's March 2, 2016 as outlined, stated that the C1-C2 application is consistent Section 8-3 of CT General Statutes for POCD. He stated that it called for other map or text amendments that are outside the scope of this application and does not make the PoCD inconsistent with this application. M. Tristany cited an example of the C2 zone on the Voluntown line where there are two businesses.

M. Tristany stated that the PoCD must be dynamic and subject to change, to change with the economy and to change with the way the town develops. He was confident that the proposed C1-C2 application before the commission does not hinder the suggestions of the PoCD

M. McKinney asked Atty. E. Heins if she wanted to elaborate.

Atty. E. Heins stated no but wanted to mention that the commission is at its highest level of discretion because this is your legislative rule and deciding what your regulation should be in evaluating applications based on the regulations that you set. She stated that what you are doing is within your zoning powers and you have wide discretion.

M. McKinney asked for other comments from members. He asked for negative public comment.

David Vieaux, 59 Leha asked if this should go to referendum for the people to decide how the tax money is spent. M. McKinney stated that there is no tax money involved with the regulations. D. Vieaux stated that they are citing getting more tax money for schools and bridges and roads and maybe people don't want that. He stated that the appeals process is cited but that he cannot find anything about an appeals process in anything from the town on lines. E. Heins stated that the appeals process is in Section 8-6 of the CT State Statutes. She stated that the town cannot give legal advice and suggested that he contact an attorney to ask about his rights. She stated that the Zoning Commission makes zoning regulations.

Sherry Tanguay, 146 Banjo Sullivan Road, stated that Mr. Giard talked about all the things that would not change if the C1 and C2 zones were merged into one commercial zone. She asked M. Tristany what was the function of having two different zones. M. Tristany stated that the C1 and C2 zones are in the Griswold Zoning Regulations. He stated that typically there are different levels of commercial development and that the C1 zone may have been programmed to have a lighter commercial development than the C2.

S. Tanguay stated that when the zones were developed, the authors decided that there was an importance to designate two different zones. M. Tristany stated that when you look at the permitted uses permitted by right in the C1 zone and the C2 zone there is no difference; you are asked to refer to the permitted uses in the C1 zone. S. Tanguay stated that you are saying that there is no substantial difference between C1 and C2. M. Tristany stated that there is no difference in the permitted uses by right in the C1 and C2 zones.

S. Tanguay asked then why are they being merged. M. Tristany stated that the commercial regulations have been confusing. He cited examples from the chart where the left side for C1 zones and by special exception and on the right side the uses permitted by special exception. He stated that all of the C1 and C2 zones are located on state highways. He stated that there are no C zones on town roads. He cited a C1 zone on Route 201 which is still a state highway having a hot dog stand as an example for a "village type" commercial having low-impact seasonal commercial use.

S. Tanguay stated that it would become just C. M. Tristany stated that anyone can buy that property now can put any use in a C1 use there now. S. Tanguay asked what the permitted uses in a C1 zone are. M. Tristany read the permitted uses for the record such as retail businesses, groceries, banks, professional office, food vending services, personal services such as salons and barbershops. S. Tanguay stated to have a higher use in the C1 you need a special exception so by merging the zones, you are eroding the power of the Planning and Zoning Commission.

M. Tristany stated no; they still must go through a special exception application process for the uses that require a special exception. S. Tanguay asked then what is changing. She was concerned with automotive shops and big box stores and residences. M. McKinney stated that there are buffers that are required between commercial uses and residences; he stated that there is still the public hearing process for the special exception. M. Tristany stated that you mentioned automotive repair in the C1; that is a permitted use. S. Tanguay stated but not sales. M. Tristany stated that sales are, in his opinion, accessory to the main business which is repair. He stated that you could have a gas station with a 24 hour drive thru window by special exception in a C1 zone. S. Tanguay stated that it would go through the Planning and Zoning Commission for the special exception. M. Tristany stated correct.

S. Tanguay asked if the commission can do that now, why not leave it the way it is. M. Tristany stated the EDC Chairman stated earlier that it was to do away with the inconsistencies of the two zones. M. Tristany cited an example that in the C1 zone, you can have hotel and motel but you cannot have a hotel in a C2 zone which is a multi story building and is a more intensive use compared to motels.

Ed Burdick, 761 Voluntown Road, stated that the example from the letter that M. Tristany referenced from Attorney Holth whose argument was more thoroughly laid out than M. Tristany summarized. E. Burdick stated that he disagreed that the C1 and C2 zones are identical. He stated that in C2 it is explicit as being highly commercial uses. He read the language for the record. E. Burdick stated also in the Holth letter he read that land uses should be guided to areas of the town amenable to the type based in part on infrastructure. He stated that some places having intensive commercial development does not have the infrastructure in place and can contaminate ground water and private wells. He stated that he would be less concerned if there was public water.

E. Burdick stated that he is not opposed to what the Economic Development Commission is trying to do. He stated that M. Tristany cannot say the uses are identical between C1 and C2 and they are not. M. Tristany stated that what he said was that the permitted uses by right in both zones are identical.

T. Giard stated that the question is why we are doing this as asked by S. Tanguay. He stated that the permitted uses in C1 and C2 are identical which about 50 percent are; the other 50 percent is by special exception. He stated that the special exceptions for the C1 and C2 zones are similar with about 15 percent of them being different. He stated that the map prepared shows the difference zonings and over the years; the Planning and Zoning Commission have, on their own, created a mix of uses in all of the commercial zones spread throughout the town. He stated that blending the C1 and C2 zones consolidates and makes things more uniform. T. Giard stated that E. Burdick had concerns for contaminating wells. He stated that the Planning and Zoning Commission has evaluation criteria that are applied to every single application. He stated that for a special exception application, they will identify the issues of a proposed application and do what is needed for protections such as buffers, setbacks, lot size requirements that are in the regulations and the commission enforces that.

Theresa Madonna, Osga Lane, voiced concerned that we are eliminating the village commercial and ending up with just C2 as she interprets the language of the merger, then the purpose of the village commercial is to provide professional, financial, retail services for daily needs within a village trade. She stated that the C2 commercial uses are larger commercial establishments that are not in the special exceptions in the C1 such as hospitals and truck stops and so we are eliminating our village identity and most of us live in Griswold because we like a village identity.

T. Madonna stated that if the problem is that we look like this and we shouldn't then she suggested that maybe we should take some of what is designated as C1 that really is C2 and designate it as C2 and expand the C1 and make it C2. M. McKinney stated that that would be spot zoning which is illegal. T. Madonna stated that she was not suggesting changing on a case by case basis; but changing the zones the way they are written. She stated that it might be more expensive to change the zones. She is not advocating eliminating the C1 village commercial.

S. Tanguay read the differences of the C1 special exceptions and C2 special exceptions for the record. M. McKinney stated that those references to airports and runway are in the regulations because there were individuals who had airports in town. He stated that we are not advocating putting in new airports. S. Tanguay stated that there was one C zone then any of those things someone would just ask for a special exception. She stated C1 gives the commission more guidelines and the ability to use good judgment. She agreed that our village esthetic and roots are important to us.

Judith Merrill, Edmond Road, stated that she was here because she was interested and was glad to see so many people here. She stated she is very much against changing the zone for exacting the reasons Theresa said. She is not against economic development and that there should be well thought out development to help with the taxes and the esthetic of the community; we live here because we like it here. We don't want to have things coming in without a way to stop it. She stated that the letter from Atty. Holth's and that it is more complex and it shows a lot of examples of how it contradicts the PoCD that the zoning board established for themselves.

M. McKinney stated that the PoCD is just a guideline for the commission. She stated that there are state statutes that have bearing here and to just except this change will open the board to other law suits. She stated that the commission should post pone making decisions like this until the PoCD is updated.

Beverly Cholewa, 16 Fairview Avenue, stated that the PoCD is a guideline and why it needs to be updated. She stated that T. Giard stated all the things that will not change; and there was the letter from Atty. Holth, She stated that she was confused and would like it to stay the same; if you have to go for special exceptions, why change it.

M. McKinney asked Attorney Holth to speak. He stated that he was representing Valery and Jim Grills of Edmond Road. He stated that their argument was that Section C1 and C2 lay out the policies of what is built in each zone; and when we talked about the 8-3b it is required that the commission take in the PoCD when adopting or revising the regulation. He stated that when the PoCD was drafted, the four commissions looked at impacts of all the neighborhoods and the theme of the rural character of Griswold be preserved. He stated the PoCD recommended that the C1 zones in the Hopeville area and the C2 zone near the Voluntown town line were to be eliminated. He stated that this proposal is to be expanded for all these zones next to people's homes; they are on a highway that is two lanes and not divided highways; there is no water service and if there is contamination of the wells from a larger development is a concern and these policies are being eliminated. He stated that we object to this text amendment amendment as it is proposed.

M. McKinney asked for other public comment.

Judith Merrill stated that she hopes that the members of the commission received a copy of this letter. M. Tristany stated that they all received copies with their agenda.

M. McKinney asked for other comments.

Peter Kusy, 206 Lake Road and 688 Hopeville Road, stated that he has been in this town for 40 years and we are committed to see the welfare of the town be taken care of. He stated that the amount of C1 and C2 in the town is small in the overall scope of things. He stated that in the last 40 years, we have seen every major business close such as Triangle PWC and Wyre Wynd, Tripp's Lumber, Ashland Mills. He stated there is a cancer from within here and that the town is eroding in terms of its base. He stated that the C1 and C2 isn't that big; we have seen Plainfield and Lisbon grow because certain people throw up personal road blocks that hinder the overall welfare of this town. He stated that the State has a \$300 million deficit going up to \$900 million deficit so we won't be getting money from the State. He stated that we must make it easier to have things happen in the town which will be limited or everyone's taxes will be going up.

M. McKinney asked for more comments.

Bev Cholewa asked M. Tristany if he said that someone was putting up 55 houses. M. Tristany stated that it was elderly housing 55 and over in the regulations.

S. Tanguay stated that she was not against economic development and wanted to see economic development; but not all development is good development and suggested to have consultants come in to determine how best to grow our economic development. She stated not all development is good development and we must be smart on how we approach it and to see what we are overlooking.

T. Giard stated there are two subjects he would like to address. He stated that the C1 village concept was accurate for this community in the 1970s which was created and was legitimate in the downtown so the creation of a village commercial was appropriate. He stated that now on the map we have evolved to have the C1 village commercial where 22 locations are on state highways out of town. He stated that the village commercial has evaporated downtown; now there is a hardware store, a bank, a couple of tattoo parlors; that is the village commercial we have right now; it won't be coming back.

T. Giard stated that, second, why we are doing this and what does it do, he stated that investors who read the regulations, and looking at a parcel of land, and the special exceptions which is the majority of uses, the developer notices that the parcel is zoned C2 but he has a C1 use, he must do two things, a zone change which costs money and time for an application fee, a public hearing, and no guarantee of an approval; and if you get the zone change, then a special exception application requires a public hearing which is another application fee and more money, more advertising for a special exception approval. He stated that other communities along I-395 are doing better than we are. If you are an investor, there is six months and more than \$15,000 of expenses and no guarantee of approval to start your business, why in the world would you come to Griswold; they go up or down the road where you have a more accessible economic development land use regulations.

T. Giard explained so we are trying to improve the economic development of the town to eliminate the zone change process to make it more attractive for investors to start their business here; they still have to go through the special exception process which does not change which he pointed out to people several times; and the commission will use the evaluation criteria to look at the special exception request; it requires a public hearing and people can come to the public hearing to voice their comments; that is the commission's job to see that your quality of life does not change and this is all under the special exception.

Ed Burdick, 761 Voluntown Road, applauded T. Giard's summary and it was his strongest argument. He stated that there could have an impact, and there is no guarantee that the village commercial will be supported. He stated that the present zoning regulations do not make it attractive for a developer to come to Griswold for commercial development. He stated that a developer could take advantage of the blending, not deliberately, which could impact someone's housing value because X rather than Y goes in one of these 22 districts. He stated that the community must address that issue and look at the dwindling tax base; the state and the municipalities are spending more than they are taking in.

E. Burdick stated that he wished there were businesses here and it was diverse. He stated that he supports T. Giard's argument he just made, to override the potential penalty either financial or quality of life that might be impacted. He stated that instead of having one contiguous commercial area; there are 22 areas all over the town which probably should never have been done because it looks like spot zoning.

M. McKinney asked if he was for or against. E. Burdick stated that he was for T. Giard's last argument. He stated that the best argument for someone who does not want to spend a lot of money to develop in Griswold.

Kevin Skulczyck, First Selectman, Town of Griswold, stated that he was for this project. He stated that we can agree that we love our community and the quality of life issues raised are serious. He stated the he and T. Giard have worked on economic development over the past two years and has been a priority and will continue to be over the next few years. He stated that there is a lot of potential. He stated that he certainly did not want to see a hospital or airport near your home and the commission doesn't want to see that either; but he did not want to see a free pass to make that decision.

K. Skulczyck stated that the process that is in place; and there is a complete process for any project that comes into town and it will continue to go through that process. He stated that there is great potential in this community. He stated that we are not talking about industrial zoning; it is C1 and C2 opportunities. He stated that he speaks with two or three projects a week; it is a challenge when people hear the reputation of our community and he has heard from many developers who think that Griswold is still going in the same direction and we have to work very

hard to convince them otherwise. He stated we don't want to make it a blanket opportunity for anything to come in here; but he agreed that the requirements should lighten up and a \$10,000 bill is the difference between coming to our community and the next.

K. Skulczyck appealed to those present that this is the right decision; he respectfully disagreed with some of the opinions; but it is time for us to realize that there are opportunities for those commercial zoned areas that should be expanded for those future opportunities and times have changed since 1972. We must start thinking that way.

S. Tanguay asked to what is allowed in the C2 zone. M. McKinney asked if she wanted C1 and C2 zones. S. Tanguay stated yes and to explain the differences. M. Tristany stated that it could take some time. S. Tanguay stated just the special exceptions. M. Tristany read the special exceptions uses for the C1 for the record. He stated that there was an amendment in 2009 for the C1 zone that if it is a permitted use by right with a building area was over 5,000 sq. ft. it required a special exception and a public hearing that was an extra criteria that the Planning and Zoning Commission felt was necessary at the time get better control of permitted uses by right. He stated that permitted uses by right, there is no public hearing and as long as they meet all of the requirements for that zone it is an automatic approval. M. Tristany read the special exception uses for C2 zones for the record. S. Tanguay stated that they are very similar in a lot of cases. M. Tristany stated yes.

Tom Holowaty, Banjo Sullivan Road, asked that with the zoning the way it is for C1 and C2, are we holding back getting development, or is it because it is very expensive to get our infrastructure out there, the sewer, the water. He stated that for some time there was a moratorium through the sewer company that nothing could be added on; that held back development. He stated he thought it was the water and the sewer lines that we cannot expand them over a certain capacity right now.

M. Tristany stated that sewer treatment facility that was built a number of years ago has a capacity in excess of 1.1 million gallons a day. M. McKinney stated that we need a developer to put the infrastructure in. M. Tristany stated that sewer was extended across I-395 to the Petro Max gas station, so it is on that side of the highway.

S. Tanguay asked how communities like Glastonbury that do separate the commercial zones, how do they attract business and are the place makers. M. McKinney stated because they are near Hartford. S. Tanguay stated yes they are a suburb of Hartford yet they maintain the rural character there; and we do have the same potential and maybe we should start looking at ourselves as a place maker.

M. McKinney asked for any other public comment. There was no other public comment. E. Kudlis asked if he wanted input from staff. M. McKinney stated that staff can comment at any time before we make our decision.

**MOTION:** E. Kudlis moved to close the public hearing for ZC 01-16 Griswold Economic Development Commission at 7:45 p.m. J. Krueger seconded the motion. All were in favor. The motion was carried.

C. Geer returned to the meeting room and took her seat on the Commission.

### **III. REGULAR MEETING (7:00 P.M.)**

#### **1. Call to order:**

M. McKinney called this regular meeting to order at 7:45 p.m.

#### **2. Roll Call**

**Present:** Martin McKinney, Charlotte Geer, James Krueger, Erik Kudlis, Alternates Tom Palasky, Robert Parrette Peter W. Zvingilas, Town Planner Mario Tristany, ZEO Peter Zvingilas,

**Also Present:** Town Attorney Eliza Heins

**Absent:** Courtland Kinnie, Recording Secretary Donna Szall

#### **3. Determination of Quorum**

There was a quorum for this regular meeting.

#### **4. Approval of Minutes**

**A.** Approval of Minutes of the Regular Meeting of February 8, 2016

**B.** Approval of Minutes of the Special Meeting of February 29, 2016

M. McKinney asked for a motion for approval of the past minutes.

**MOTION:** J. Krueger moved to approve the minutes of February 8, 2016. R. Parrette seconded the motion. All were in favor. The motion was carried.

**5. Correspondence and Attachments**

M. McKinney asked M. Tristany about these items.

- A.** Connecticut Federation of Planning & Zoning Agencies Membership dues of \$110.00 which includes the receipt of the Connecticut Federation of Planning & Zoning Agencies Newsletter.

M. Tristany stated that these are dues of \$110 to Connecticut Federation of Planning and Zoning Agencies. This is a normal yearly expense.

- B.** Written complaints from David Vieaux, 59 Leha Avenue against Joseph Fellows, 61 Leha Avenue for (1) a violation of Griswold Zoning Regulation Section 11.11 Animals and Poultry and Section 11.18 Accessory Apartments. Discussion under ZEO Report.

M. Tristany stated that this comes up under the Zoning Enforcement Officers Report. He stated that there is no action needed for item 5.

M. McKinney stated that we have to sit some people. He appointed P. W. Zvingilas o sit for C. Kinnie. M. McKinney stated that we are looking for approval of the minutes of the Special meeting of February 29, 2016.

**MOTION:** C. Geer moved to approve the minutes of special meeting February 29, 2016. P. W. Zvingilas seconded the motion. All were in favor. The motion was carried.

**6. Matters Presented for Consideration**

- A. ZC 01-16 GRISWOLD ECONOMIC DEVELOPMENT COMMISSION, 28 MAIN STREET, GRISWOLD, CT. Requesting a Text amendment to blend the C-1 Zone and C-2 Zone into one C Commercial Zone town-wide and a Map Amendment to replace c-1 and C-2 Zones on the zoning map town-wide into one C Commercial Zone in order to reduce the barriers to increase economic development.**

M. McKinney stated that he recommended that for ZC 01-16 to table this matter until Staff gets its report for the next regular meeting. E. Heins stated that she would like to prepare some motions for the commission's review. M. McKinney stated that we have 60 days before we must make a decision on this matter. R. Parrette stated that Mario stated that several years back there was an amendment regarding an access of 5000 sq. ft. M. McKinney stated that he was on the commission and they were worried about big box stores coming in and wanted some type of mechanism so they could review it. M. Tristany stated that under a special exception application, the commission can go way beyond the landscaping requirements if they feel it is necessary to do so; basically under a special exception, the sky is the limit.

R. Parrette stated we can assign working hours. M. McKinney stated yes. We can assign noise. E. Heins stated that the commission cannot regulate noise. We can put some regulation on this. M. McKinney stated yes. M. McKinney stated that he would like to wait to get feedback from our attorneys and staff.

**MOTION:** P. W. Zvingilas moved to table until next month. J. Krueger seconded the motion. C. Geer recused herself from the vote. There were 4 aye votes. The motion was carried.

- B. SE 02-16 MATT KORATOWSKI, PROPERTY AT 5 COLONEL BROWN ROAD, GRISWOLD, CT. Requesting approval of a Special Exception application for an Equine Veterinary Office with the possibility of a future building for haul-in purposes. The property is zoned R-80.**

M. McKinney asked for questions or concerns from staff. P. W. Zvingilas asked if the whole building was dedicated for the office space or only a portion of it; and are there any square footage requirements. M. McKinney stated that this application was significantly amended. M. Tristany stated that they had plans to utilize the whole building. He stated that there is no minimum requirement for the office space. M. Kornatowski stated yes. M. McKinney stated that originally they were going to build a little barn but they are not doing it now. Matt Kornatowski stated that the house is

M. McKinney stated that there was a problem with sight lines. E. Heins stated that you can make that a condition of approval if you like. M. Tristany stated that there was mentioned that there was an issue with some fir trees and those should be looked. E. Heins stated to the satisfaction of the town. P. Zvingilas asked if there was a barn already on that property. M. Kornatowski stated no there was not. P. Zvingilas asked a garage? M. Kornatowski stated no.

Matt Kornatowski stated that the house is about 800 sq. ft. the remainder of the property is non-wooded flat land and the house is the only thing on it. P. Zvingilas stated that there is a barn there. M. Kornatowski stated that there is a yellow house with a barn or garage and there is another lot next to it.

E. Kudlis stated that the business is in keeping with rural nature of the town and veterinary services are needed in the town. E. Kudlis stated that he was in favor of this use. He asked if the house was set back away from the road. E. Kudlis pointed to a house on the site plan and asked if that was the house. M. Tristany stated no and pointed to the location on the site plan. E. Kudlis thank him for clearing up that clarification. E. Kudlis stated that he was not sure that a condition should be placed on it to require that the site line be improved; it would be in the owner's best interest to speak to his clients about it. He stated that he like the use of the property and those services are needed since the next veterinary clinic is in Lisbon; and it wouldn't negatively impact the area and it is not a service that would have a high traffic conditions.

R. Parrette asked if this was a horse clinic. M. Kornatowski stated yes, it is equine only and it is ambulatory. R. Parrette asked if he was going to expand to other animals. M. Kornatowski stated no, no other species.

M. McKinney asked for more discussion; he asked for a motion

**MOTION:** E. Kudlis moved to approve SE 02-16 Matt Kornatowski, Property at 5 Colonel Brown Road special exception for equine veterinary services. J. Krueger seconded the motion. R. Parrette asked if he knew that if he was to put a barn up he would have to come back to the commission. M. Kornatowski stated yes he was aware of that and we did it this way to expedite process. M. McKinney asked for a vote. All were in favor. The motion was carried.

- C. SE 03-16 HANNAH'S MARKET AND DELI, LLC, 1027 VOLUNTOWN ROAD, GRISWOLD. Request approval of a Special Exception to change the use of an existing commercial building to a restaurant use with up to 30 seats. No addition to the existing 48 ft. by 30 ft. (1,400± S.F.) building. Site improvements include access drive, parking areas, addition to existing septic system, landscaping and associated improvements. Property is zoned C-1. This requires a public hearing to be set.**

M. McKinney stated that this requires a motion to set a public hearing. J. Krueger moved to set a public hearing for SE 03-16 on April 11, 2016 at 6:30 pm. C. Geer seconded the motion. All were in favor. The motion carried.

## **8. Additional Business**

- A. Discussion and possible action regarding 80 North Main Street, Jewett City, John Wood, III, property owner.**

M. Tristany stated that John Wood is here. John Wood stated that we are redoing the old Zuckerbraun building. He stated that he has a tenant who wants to put a hair salon and barber shop in the small side of the building: 600 sq. ft. He stated that there is a floor plan of the salon layout. He stated that Frank Imperato is here if you have questions.

M. Tristany stated that the application requires a zoning permit under Borough zoning regulations Section 2.2.3 for single family and two family zoning permits can be approved by the zoning officer; but commercial zoning permit applications must be reviewed by the Planning and Zoning Commission. He stated that there is a Google Earth photo showing the new façade of the building and one of the issues has been a change of use in vacant buildings regarding off street parking. He stated that they have 4-5 spaces for parking on the north side of the building and there is on street parking in the Borough.

M. Tristany stated the Commission needs to look at the Borough regulations to review the reuse of existing real estate on the Main Street area for off street parking requirements. He stated that the practicality of off street parking in the Borough since the majority of the existing buildings in the Borough do not have any off street parking.

M. Tristany stated that the application shows a little floor plan showing three chairs. He stated that the Borough regulations require that there is one space for each customer. He stated that they must provide three off street parking spaces under the current zoning and from the aerial photograph; it looks like they can meet that requirement. M. Tristany stated that for the balance of the building hopefully the commission can put an amendment together so as not to hinder the redevelopment of these properties. He asked J. Wood if there was any potential to get behind the building. J. Wood stated that there is access from the other side in the future.

M. Tristany stated that the applicant has been working with the Deputy Fire Marshal for State Fire Code and State Building Codes. M. Tristany read the parking requirements for the record. He stated that the northerly side, the parking is covered. He stated that where the excavator is located and behind the property, they may be able to add more. M. McKinney stated that they can ask for a waiver from us. E. Heins stated that the Commission cannot waiver based on the McKenzie Rule. M. Tristany stated that they would have to go the Zoning Board of Appeals for waivers. M. Tristany stated that the commission can made a decision on the Zoning Permit.

M. McKinney asked the commission for comments. P. W. Zvingilas asked if this was the first part of the building being used. M. Tristany stated yes. P. W. Zvingilas stated so it is being done in phases. E. Kudlis asked M. Tristany the bottle recycling place is a salon and barber shop. M. Tristany stated yes. E. Kudlis stated that he did not see a reason why this should be denied.

P. W. Zvingilas asked if there is concern about handicapped spots and ADA compliance. M. Tristany stated that one of the spots could be labeled handicapped but there is a currently handicapped issue with the entrance to the building. That they are dealing with the building code level. He stated that the on street parking spot could be a handicapped parking area. E. Kudlis stated that there is no rear entry to the building.

**MOTION:** E. Kudlis moved to approve ZP 03-16 John Wood's application for a barber shop hair salon located at 80 North Main Street, Borough of Jewett City. P. W. Zvingilas seconded the motion. All were in favor. The motion was carried.

## **9. Old Business**

### **A. Discussion of Letter from Attorney Harry Heller dated January 11, 2016 regarding American Industries, 630 Plainfield Road, Griswold.**

M. McKinney asked for a motion to table this to next meeting

**MOTION:** E. Kudlis move to table. J. Krueger seconded the motion. All were in favor. The motion was carried.

## **10. New Business**

There was no new business.

## **11. Reports from the Enforcement Officer**

### **A. Written complaints from David Vieaux, 59 Leha Avenue against Joseph Fellows, 61 Leha Avenue for (1) a violation of Griswold Zoning Regulation Section 11.11 Poultry for having more than 12 birds; (2) a violation of Section 11.11 Animals for having 2 goats on property with less than 3 acres of land; (3) a violation of Section 11.18 Accessory Apartments for renting to non-family member with the argument that that the property should be re-inspected and reassessed as an income property,**

Peter Zvingilas stated that he is in receipt of a signed agreement between Joe Fellows and Bill Przulucki that he has leased five acres of land from Bill Przulucki to qualify as a farm, so the violation poultry of having more than twelve birds he can have as many as he wants; the violation of the two goats, he as now 7.5 acres so he can have as many as he wants. M. McKinney asked if this was Leha Drive. M. Tristany stated yes. David Vieaux asked where this property was located. P. Zvingilas stated that it was adjacent to Joe Fellows property.

P. Zvingilas stated that the accessory apartment violation is a non-issue because he has twice the required lot size in that zone; it qualifies as a two family house. He stated that we talked about using the accessory apartments

around town to designate them as affordable housing units and M. Branse will be drafting something for us. He stated that Joe Fellows house does qualify as two-family so the accessory apartment does not affect him.

M. McKinney stated that for 61 Leha Drive extra property has been leased, the accessory use because of the extra land. P. Zvingilas stated that he has 2.5 acres that he owns now. D. Vieaux stated that he has 1.38 acres. P. Zvingilas stated that it is the largest lot in that subdivision that was created with .5 acres lots because it as public water.

**B. Cease & Desist Order issued to German Calle 473 Plainfield Road, Griswold, in violation of Section 11.12 Refuse Disposal for outdoor storage or used or discarded materials such as wastepaper, rags, scrap metal, building materials, house furnishings etc. ( See definition for Junk Yard)**

P. Zvingilas stated that the house that is under construction on Route 12 that was Tess's Antiques. He stated that he is doing a good job on the inside; but is doing a lousy job on the outside where he is discarding the left over building materials out in the back. It will be a wetlands violation if it is not moved. M. McKinney stated that we can leave this on for the next meeting for an update.

M. McKinney asked M. Tristany if he had anything else. M. Tristany stated that the letter we got from Attorney Heller a couple months ago, Rob had asked about the additional sound study. M. McKinney stated that we should wait on that. E. Heins stated that she agreed.

M. McKinney asked for some public comments and to keep it to a minute and a half. A gentleman asked why it will not be gone over tonight. M. McKinney stated that we are not prepared to go over it tonight and American Industries is a pending litigation. The gentleman stated that two weeks ago it was not discussed so why is it old business. M. McKinney stated that the attorney was not present so it was tabled. The gentleman stated that it was not discussed on February 29, it was just tabled then it becomes old business. E. Heins stated yes, if it is on the agenda more than once it becomes old business. The gentleman asked if it will be first on the list at the next meeting. M. McKinney stated that it will still be old business. The lady asked that isn't it 60 days now. E. Heins stated that this is just correspondence. M. McKinney stated that they have no pending application, there really is nothing we can do; we can address the letters.

Bev Cholewa asked if they have looked at the maps in Mario's office that clearly shows the expansion at American Industries and the asphalt plant prior to 1972.

M. McKinney stated that there is nothing we can do because there is no pending application. We can only be a sounding board.

David Vieaux, 59 Leha, stated that he would like a copy of the lease, because if it is for a month, we will be right back here next month; but if it is for 99 years, there is no problem.

Joe Fellows, 61 Leha Avenue, stated that he got the lease for this property. He asked if they could clarify something, with this lease, what exactly does this mean. M. Tristany stated that you are a farm and you can have horses and chickens, no pigs.

J. Fellows stated that the accessory apartment can be converted to a two-family and this is in the works. J. Fellows explained the years of issues between him and D. Vieaux. He asked what he can do to end this. E. Heins stated that there is nothing.

M. McKinney asked if there was any other public comment. There was no other public comment.

**12. Adjournment**

M. McKinney asked for a motion to adjourn. J. Krueger moved to adjourn the P & Z meeting at 8:22 pm. C. Geer seconded the motion. All were in favor. The meeting adjourned at 8:22 p.m.

Respectfully Submitted,

Mario J. Tristany  
Town Planner