

**TOWN OF SOMERS
ZONING COMMISSION
P.O. BOX 308
SOMERS, CONNECTICUT 06071**

**ZONING MINUTES
REGULAR MEETING
DECEMBER 1, 2008
TOWN HALL - 7:00 p.m.**

I. PUBLIC HEARINGS:

a. CONTINUATION OF MODIFICATION OF SPECIAL USE PERMIT APPLICATION FOR GOLF CENTER, 349 MAIN STREET, DRIVING RANGE 349 MAIN STREET, LLC

Chairman Rob Martin opened the public hearing at 7:04pm. Commission members present were Rob Martin, Jill Conklin, Wes Smith, and alternate member Paige Rasid (seated for Dan Fraro).

Dana Steele of J.R. Russo & Associates spoke on behalf of the applicant. Also present for the applicant was Property Manager, Gil Rivard.

Mr. Steele presented the plan and explained that the original plan called for 82 parking spaces but only seventy parking spaces were required per the formula devised by the ZEO. The applicant does not believe that this much parking is necessary and a deferral of 30 parking spaces has been requested.

Some of the parking spaces to be deferred encroach on a wetland area. The Conservation Commission has approved this encroachment but they encourage acceptance of this application for modification. If the spaces are needed in the future, the drainage design will be in place to accommodate their construction. The project will increase the current wetlands on the site by about 35%.

It is proposed that a bond of \$101,622.00 will remain in place for 5 years. During that time the Town Planner, Zoning Enforcement Officer or the Zoning Commission can re-evaluate the need for parking and require it if necessary. If after the 5-year period is up and the need for additional parking has not been established the bond will be released.

Town Sanitarian, Steve Jacobs, has determined that toilet facilities will not be required for the current proposed use. A screened area will be provided for portable toilets. Some time in the future the applicant plans to upgrade the port-a-potties with units that flush into a holding tank. In the future, food service may be provided. At that time toilets and a septic system would need to be constructed. Mr. Rivard explained that to provide food service the current building would need to come down and a new one would be built but this is at least a year from now. However, even with the food service they would hope to defer the parking.

A photometric plan has been submitted that shows calculations for the light levels at the property lines. It was determined by the Town Engineering staff that the plan meets requirements and does not exceed the regulations. The current lighting is controlled from inside. The system does have a timing unit but it is not in use.

FEMA has determined that the compensatory flood storage has been provided to offset the changes in the flood plain, so there will be no impact to surrounding properties. The FEMA letter stating these findings has been submitted to the Town.

A dumpster pad has been added to the plan per the recommendation of the Town Engineering Consultant, Merv Strauss. This area will be concealed with landscape screening and a fence with privacy slats.

The storm drainage system includes water quality treatment as well as proper control of storm water from the property. A maintenance schedule for the water quality unit and the drainage plan has been included in the plan. Mr. Strauss indicated in his memo that this has been satisfactorily addressed.

Mr. Steele said that the sign that the applicant wanted does not conform to Town regulations. At this time the applicant requests that the sign not be included in this special permit. No sign dimensions are included in this plan.

The golf course will be screened by 70 feet of netting on 80-foot tall poles. Trajectory projections have been done showing that if a ball clears the 70 feet it would also clear the entire golf park. The applicant also intends to angle at least half of the hitting stations at the driving range away from the golf park.

The driving range will be manned from 9:00am to 9:00pm during the height of the season. The hours of operation for both facilities will be sunrise to 10:00pm, Sunday to Thursday, and sunrise to midnight, Friday and Saturday depending on attendance. Usage on the driving range is anticipated to increase 25-30% after the golf course is built. The golf park will probably be open from March to October, dictated by the amount of business they have. After the yearly closing, the park will be winterized, all water will be drained and the system will be shut down and secured.

A motion was made by Ms. Conklin; seconded by Mr. Smith and unanimously voted to close the Public Hearing at 7:29pm.

II. CALL TO ORDER

Chairman Rob Martin called the regular meeting of the Zoning Commission to order at 7:29pm. Commission members Rob Martin, Jill Conklin, Wes Smith, and alternate member Paige Rasid (seated for Dan Fraro) were present and constituted a quorum.

III. MINUTES APPROVAL: NOVEMBER 17, 2008

Approval of the minutes of November 17, 2008 was deferred pending clarification of the hours of operation for the drywall company. The minutes as written state the hours are from 1:00am to 7:00pm.

IV. OLD BUSINESS

a. DISCUSSION/POSSIBLE DECISION: MODIFICATION OF SPECIAL USE PERMIT APPLICATION FOR GOLF CENTER, 349 MAIN STREET, DRIVING RANGE 349 MAIN STREET, LLC

There was a discussion regarding the terms to be used for the motion. It was suggested that the motion should read that "the parking lot is approved for up to 82 spaces". After discussion it was agreed to phrase the motion as the Town Planner has suggested.

A motion was made by Mr. Smith; seconded by Mr. Fraro and unanimously voted to approve Driving Range 349 Main Street LLC's request for modification of a Special Use Permit Application for a golf center at 349 Main Street in accordance with the site plan entitled "Somers Golf Center 349 Main Street – Rte. 190 Somers, Connecticut" dated 08-22-08 and revised through 10-03-08 with the following conditions:

- 1. The site will be built in accordance with the plans submitted.*
- 2. All signs will comply with the Zoning Regulations.*
- 3. The parking lot is approved for 82 spaces. The Commission will allow the applicant to post a bond in the amount of \$101,622.00 in order to defer building 30 of the parking spaces to some time within the next five years. At any time and as many times within the next five years, the Commission, the Town Planner, or the Zoning Enforcement Officer can re-evaluate the need for additional parking spaces per the approved Site Plan and if needed, will inform the developer of the need to install them. If the developer does not complete the work, the Town can call the bond to have the deferred parking installed. If, at the end of the five-year time period, the deferred parking spaces are not needed, the bond will be released, subject to a final evaluation by the town at the end of the five-year time period.*
- 4. Presentation of a \$101, 622.00 bond shall be in a form agreeable to the Town Planner and Town Attorney.*

b. OTHER – There was no other Old Business.

V. NEW BUSINESS

- a. **OTHER** – There was no other New Business.

VI. DISCUSSION: PLAN OF CONSERVATION & DEVELOPMENT

- a. **RIDGELINE REGULATIONS**

Mr. Martin reported that Ms. Carson has not had the opportunity to make the revisions to the regulation and therefore the proposed regulation has not been posted to the website for citizen review.

VII. STAFF/COMMISSIONER REPORTS

There were no reports, however the format of the Zoning Enforcement Officer's (ZEO) report was discussed. The Commission prefers the format of the most recent report. However, Ms. Rasid suggested that if the ZEO keeps a single line and row for the addresses on the Excel file she creates, she will be able to sort by address.

VIII. CORRESPONDENCE AND BILLS – There were none.

IX. ADJOURNMENT

A motion was made by Ms. Conklin; seconded by Mr. Smith and unanimously voted to adjourn the December 1, 2008 meeting of the Zoning Commission at 7:42pm.

Respectfully submitted,

Wesley Smith, Secretary

Jeanne Reed, Recording Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT MEETING.