

**TOWN OF SOMERS
ZONING COMMISSION**

PUBLIC HEARING/REGULAR MEETING MINUTES

MONDAY, JULY 2, 2012

7:00 PM TOWN HALL

I. CALL TO ORDER

The regular meeting was called to order by Chairperson Jill Conklin at 7:00 pm. Members present were Sam Smith, Paige Rasid and Karl Walton. Also present: Julia Sarno, recording secretary and John Collins, Building Official/Town Liaison.

Absent: Daniel Fraro and Robert Martin III

II. PUBLIC HEARING:

a. Application of Somers Solar Center LLC, 117 4th Street, SE, Suite B, Charlottesville, VA 22902: Special Use permit for construction of a ground-mounted solar voltaic facility with a capacity of 5.0 Mwac at 488 South Road, Somers, CT, vol 77, pg 80.

NOTE: THIS HEARING WAS INFORMATIONAL ONLY. This application is under the purview of the CT Siting Council.

Nelson Teague, Co-Founder of HelioSage was present for the Public Hearing. No one from the public was present for the Solar Center informational hearing. Mr. Teague explained when it was determined that the CT Siting Council had sold jurisdiction over the project, they decided to keep the Public Hearing as an informational session since it had already been published.

About six weeks ago the Somers Rotary Club hosted a public meeting regarding the Solar Center. Mr. Teague met with the Planning Commission last week and informed them about the CT Siting Council taking jurisdiction over the project. An official letter stating the withdrawal of the application process will be written by Mr. Teague and filed with the town hall to ensure proper documentation.

It was noted there have been no other changes since the last meeting regarding the solar panels. The commission had no questions for Mr. Teague. Further outreach to the public will be done by the town hall to answer any concerns the general public has. The CT Siting Council will also be sponsoring a meeting locally to get input from the community.

Public informational meeting for the Solar Center ended. The Public Hearing for Application of the Driving Range at 349 Main Street Somers, CT began at 7:10 pm.

b. Application of Driving Range at 349 Main Street LLC:

1. Modification to the existing Special Use Permit to include a 16' X 30" cooking shed to service the seasonal accessory tents pursuant to section 214-98, B11, B17
2. Modification of existing Special Use permit to include a pavilion as a location for the sale of alcoholic beverages pursuant to section 214-87-D2.

Tim Coon from JR Russo and Associates was present representing Jonathan Murray and Jerry Antonacci. Mr. Murray made an opening statement thanking the commission for their time and apologized for building the structure ahead of schedule. He understood they got a little ahead of themselves so they have since stopped construction until they finish the process through the Zoning Commission. He stated that everything had been being done up to to code its just that they got a little ahead of schedule.

Mr. Coon stated the two parts of the application for the record. He explained the first part was for the cooking shed, which will be located between the two accessory tents to move the food in a manner so they don't have to carry it to and from the food bar. This is the building that is already under construction.

The second part of the application is for a pavilion that would be put out in front of the tents. This pavilion will house a bar and the idea here is to try to further limit the areas where alcohol sales will be sold and consumed.

Mr. Coon provided architectural drawings for the commission to review. All members reviewed the drawings during the meeting. There were some written comments read at the last meeting by the Town Sanitarian, Steven Jacobs. Mr. Cune said they did submit a response regarding their plans. No response has been received since Mr. Jacobs has been on vacation.

Mr Coon reviewed the plans of action to implement Mr. Jacobs suggestions. These include:

1. The cooking shed being raised to the base flood elevation.
2. Compensatory flood storage being relocated and added to the site plan
3. Reconfiguring the tent pad and pulling it back out of the flood way.
4. To address sewage disposal comments water reading data is being collected and submitted to the Dept. of Public Health by the end of the week to demonstrate compliance.
5. Specification and details regarding grease traps to service the cooking shed were addressed as well as lift stations to demonstrate they were water tight.
6. Food service and floor plan comments were also addressed in the building plans.
7. Fire safety/Fire Marshall's suggestions are being addressed regarding tent setbacks

The Fire Marshall is involved to address the issues with setbacks to the tents. Mr. Collins explained in order to get a variance from the 10 ft requirement, an alternative has to be proposed by some authority in fire safety. Some consultants will be talking to Mr. Cune regarding this issue. Mr. Coon stated he was aware that they must meet the Fire Marshall's requirements in regard to the location of the tents in proximity to the cooking shed.

After Mr. Coon's opening presentation as noted above, the floor was opened up for questions/ comments. Paige Rasid ask about holding capacity of tents. If both tents were full and functioning the count would be 640 occupants.

A new item for discussion was accepted into the record. Sonny's Place Parking Requirement Summary was given to commission members.

The question was raised whether or not there would be enough parking during a tent event. The requirement for the facility with no tent event is 152 spaces. Sonny's provides 175 spaces with

an excess of 17 spaces. Requirements with two full tents occupied is 107 spaces (need 90 additional spaces) It was suggested by Mr. Coon that select attractions would be closed to provide necessary spaces.

Paige Rasid and Karl Walton both asked how the tents would still be considered an “accessory” to the golf center if you have to close other attractions to provide enough parking spaces. Jill Conklin suggested they would have to keep the driving range or minigolf open during business hours.

Jerry Antonacci explained they would only need to close attractions for big tent parties and these usually only last 3-4 hours. Sam Smith asked Mr. Collins if it was common practice for someone to calculate parking this way where certain portions of a business are turned on and off to co-inside with parking issues. Mr. Collins explained that would be a question of approval. Mr. Collins explained he has seen uses in other towns where they had parking schedules for different events. Mr. Collins said it was not unprecedented to come up with a parking solution this way. Mr. Coon noted it is common in other towns where they have “shared parking”. Sam Smith asked if there was another example in town of this idea. Mr. Collins was not aware of one in Somers but he has seen it in near by towns. Jill Conklin offered parking suggestions to help overflow parking such as using the Maturo property or a gravel lot on another part of the property. Jerry Antonacci said he would do what it takes to accommodate parking.

Sam Smith raised the question what happens if there is not enough parking? Mr. Murray explained they have had no problems yet. He explained when it gets busy they have parking attendants to help direct people into spaces. There have been no complaints that they know of and they have never seen any issues with back-up on the I90. It was also noted that the Funeral Home lets them use parking at times as well.

Karl Walton ask if a traffic study had been done. Mr. Murray said a traffic study had been done at the beginning of the project and the road was widened to allow bypass. He explained they were not looking increase use over what they had approved in prior sessions. Karl Walton and Paige Rasid both disagreed saying adding alcohol sales would draw attraction to the golf center so naturally there would be more people.

Karl Walton stated he felt a traffic study is important to ensure the safety and well-being of the town. He was concerned about traffic backup on the I90 during rush hour and busy times of day. Mr. Antonacci stated they did not open until 10:00 so the morning was not a problem and that their busy time is after 6:00. He has never seen a problem with traffic backup on the I90 during peak traffic times.

Sam Smith noted his main concern was with the Fire Marshall and the issues he has raised. Mr. Collins then reviewed the Fire Marshall's suggestions and a plan of action. The Fire Marshall's concerns have been addressed by installing an alarm for this season. His approval may change depending on what a fire safety expert comes up with. If someone comes up with a different plan the 10 ft distance could be reduced. Right now, under the Fire Marshall approval the tent can stay put with the installation of the fire alarm.

Mr. Murray told the commission that the Fire Marshall spends a lot of time at the golf center during events and has a good idea of what is going on at the center to ensure safety of the public during events.

Sam Smith then ask if the public hearing was still in session. Jill Conkiln ask Mr. Coon, Mr. Murray and Mr. Antonacci if they were done giving their presentation. Karl Walton then ask if they had anymore information to give the Zoning Commission. He made it clear that if the public hearing is closed no more information can be taken. Jill Conklin informed the applicants the public hearing could be kept open if needed since other information may be coming in from the Fire Marshall. Karl Walton stated he would like to see an actual report from Steven Jacobs, Town Sanitarian instead of just being told what was worked out. Mr. Antonacci explained they really didn't "work it out", they have to go to the state. Jill Conklin said based on this, it may be a good idea to keep the public hearing open so more information can be taken in.

Karl Walton mentioned having the traffic study done again. Mr. Coon said he and his clients preferred not to do a traffic study but the commission did have the right to require one. Mr. Coon said he felt pretty confident no issues would be found with traffic flow. Jill Conklin then said she felt like the public hearing should be kept open. She felt this would benefit the applicant. Karl Walton agreed and said if they made a decision today he felt they did not have enough information.

Mr. Coon asked what "information" they looking for so he could understand what was still needed. Jill said they would be looking for an updated report from Steven Jacobs, Town Sanitarian, updated report from the Fire Marshall explaining exactly what had been done.

Mr. Collins made a comment to the commission regarding fire safety and the tents. He reminded the commission that the tents are temporary tents. They get permits from the Fire Marshall every year. That is why his comments were made only for the remainder of this year. Mr. Collins said the commission may want to consider not putting to many of these "Code" items on a Special Use Permit because those will all be handled through the Building, Health, and Fire Code approvals, permits and inspections. Sam Smith reminded the commission the point of the this public hearing was whether or not to approve the modification of their existing special use permit for the cooking shed and pavilion which is not fundamentally changing activities, its more changing the location of activities. Mr. Smith said that this did offset several issues that are "downstream of us" due to the fact that the construction started before the approval process. He felt those were things that would take their natural course with the various parts of the town administration. Mr. Smith said he did not see a dramatic change in the way they were using the property.

Mr. Antonacci stated he has never seen back up on the I90 due to golf center. Karl Walton said he has seen buses block the flow of traffic. Mr. Murray said the police and fire dept are on that road and drive it frequently and had never come to them with any traffic concerns. Mr. Antonacci stated he did not want to have traffic problems and they have built the parking lots to address this.

Sam Smith posed the question what recourse would the the town have if their judgment was incorrect. He also brought up the concern of how much the traffic study would cost the applicant and the time it would take to get the traffic study completed.

Karl Walton stated his main concern was with what the town regulations reasonably require. Mr. Walton looked at the Zoning Regulations under 214-102-C2. It states a traffic study is required for special use permits under these circumstances. Mr. Collins stated

this is not an application for a special use permit it is a modification of an existing permit. Karl Walton said then if there was not a problem with it, he was fine with it and that he was just raising the question for discussion.

The Public Hearing was then opened up to the public for discussion. Jill Conklin asked if anyone present wanted speak in favor or in opposition the applicant.

Jeff Lipton of 452 South Road spoke in favor of the applicant. No one from the general public spoke against the applicant.

There was discussion among commission members and Mr. Antonacci regarding what he would do if he saw traffic being backed up. He said they have a plan in place to move cars to the Funeral Home or by the fruit stand. Mr. Murray made it clear they want their customers to be happy and do not want traffic or parking problems.

Kevin Riley of 379 Main St Somers, CT spoke in regards to the parking. He said the only time he has seen traffic built up on the I90 is when the Girls Soft Ball League had a fund raiser. He said on a normal business day he has never seen any traffic problems. He works at the golf center and has never seen traffic problems on the highway.

Mr. Antonacci felt with the additional parking would help take care of any parking issues. He also said they are more than willing to add parking.

Commission members felt they had enough information to vote on the modification.

*Paige Rasid made a motion to close the public hearing. Sam Smith seconded it, all in favor, motion carried. **The public hearing was closed at 8:17 pm.***

III. MINUTES APPROVAL (JUNE 18, 2012)

Paige Rasid made a motion to approve the minutes as written, seconded by Sam Smith, all in favor, motion carried.

IV. OLD BUSINESS

Discussion of application of Driving range 349 Main Street as mentioned above during the public hearing (see above..1,2) Possible decision was discussed.

Paige Rasid said she thought the pavilion added draw of people and a nightlife atmosphere to the property. She had concerns on the number of people the alcohol sales and nightlife would bring. She discussed approving the application with the contingency of the Fire Marshall's comments. Mr. Collins reminded the commission they are doing that anyway and that is already being addressed.

Sam Smith made a motion to approve application for a modification to the existing Special Use Permit to include a 16' x 30' cooking shed to service the seasonal accessory tents and to approve the modification of existing Special Use Permit to include a pavilion for the sale of alcoholic beverages pursuant to section 214-87-D2. Seconded by Jill Conklin. Paige Rasid and Karl Walton were opposed.

Mr. Coon asked if they could state their reasons for opposing. Mr. Collins said no they did not.

V. NEW BUSINESS

NONE

VI. DISCUSSION:

Mr. Collins informed the commission that Anytime Fitness is getting close to making an application to take 5000 sq ft in the Geissler's Shopping Plaza. Mr. Collins wanted to make sure the commission had no comments regarding the hours of operation. Commission members agreed the Fitness Center would be a nice addition to the town.

VI. STAFF/COMMISSIONER REPORTS

NONE

VI. CORRESPONDENCE AND BILLS

NONE

VIX. ADJOURNMENT

Sam Smith made a motion to adjourn the meeting at 8:40 pm. Paige Rasid seconded it, all in favor motion carried.

Respectfully submitted,

Julia Sarno, Recording Secretary

The Zoning Commission appreciates citizen input. Please contact the Land Use Office or the Building Official during regular business hours or in writing to find out the best way to communicate your concerns.

If you are unable to attend this meeting PLEASE CALL the Land Use Office
at 860-763-8220 or 860-763-8215

****The Commission must have a quorum to meet. Thank you****