

July 7, 2021

**Planning & Zoning Commission
Approved Minutes
Regular Meeting
July 7, 2021**

The PZC meeting was held in person at the Prospect Town Hall, 36 Center Street. Chairman Graveline called the meeting to order at 7:07 p.m. After the Pledge of Allegiance, a roll call for attendance was taken by Land Use Inspector, Mary Barton.

Members in Attendance: G. Graveline, A. Havican, M. Dreher, B. Albert, J. Crumb, R. Russell, S. Duffany

Members Absent: J. Kollcinaku

Also, in Attendance: Mary Barton Land Use Inspector; Rosalyn Moffo, PZC Clerk;

Speakers: Bob Molnar & Lucia Venditti; Tom DellaValle, Dave Carson, OCC Group, Inc, Cheshire, CT

Approval of Minutes: **Motion** made by A. Havican, seconded by S. Duffany to approve the minutes of 6/16/2021. **Unanimous.**

Correspondence:

Thank You Card from Pat & Robert Colby, 13 Pondview; Chairman Graveline read the card into the record. **Motion** made by R. Russell, seconded by S. Duffany to place correspondence on file.

Unanimous.

Public Participation: None

Public Hearing:

Cont'd - 7:05 p.m. - Applicant-John Muratori, Property Owner, John Muratori Ministries, Inc, 32 Tress Rd, for a Special Permit for a Detached Garage 48'x30'. A revised plan was submitted to the PZC and Dave Carson of OCC Group Inc, Cheshire, CT, representing John Muratori, property owner, presented the plan. The PZC were advised that the applicant and D. Carson reviewed the site plan and reduced the dimensions from 48'x30' to 37'x30' to equal 1,110 sq ft by shortening the length of the proposed garage. D. Carson continued that the garage will be used to store a motorhome, boat and several collectible vehicles. The distance to the nearest adjacent home is 120'. The distance to homes across the street is 270' and 380'; with adjoining homes in the rear to be 290' and 390'. The property has been cleared for a house and septic; the back of the home was graded for a backyard, otherwise, most of the property is wooded with mostly deciduous trees. For landscaping, giant Arborvitae will be planted around the garage, obstructing the view for the adjoining properties in the rear and side. New copies of elevation drawings were given to the Commissioners. D. Carson advised that the application was approved through Wetlands. Chairman Graveline questioned distance from street to garage which was stated to be 220 ft back from the street. Chairman Graveline read into the record the letter received from James M. Wampach and Sandra Liss Wampach, 9 Forest Ridge Rd, requesting to be added to the petition opposing the Special Permit for a Detached Garage 48'x30' application for John Muratori. Chairman Graveline asked for further comments. Tom DellaValle, 35 Tress Rd. questioned if the structure is 2 stories to which he was advised that it was not. Bob Molnar, 27 Cornwall Ave commented that the diminished size of the structure is more palatable, but is not in harmony with the neighborhood. B. Molnar gave his concern of the structure being not in

regulation for an RA-1 Zone. Chairman Graveline asked for other comments. No other comments were made. Chairman Graveline thanked the applicant for reducing the size of the structure and adding trees to the back of the structure. Chairman Graveline again noted the new size of the garage to be 37'x30' for a 1,110 sq ft structure. Chairman Graveline asked for further comments. No other comments were made. **Motion** made by A. Havican, seconded by M. Dreher to close the Public Hearing of Applicant-John Muratori, Property Owner, John Muratori Ministries, Inc, 32 Tress Rd, for a Special Permit for a Detached Garage 37'x30'. **Unanimous.** The Chairman noted that this item will be on the agenda for the next meeting for a decision.

New Business:

-28 Waterbury Rd (Shell Station) – Steven Hennessey, appeared before the PZC. As a retired State Liquor Control Agent, he is currently a consultant working with clients to increase their business by obtaining a liquor permit. S. Hennessey continued that he was hired by the new store owners of 28 Waterbury Rd stating that they would like to sell beer at this location and change their convenience store into a grocery store. S. Hennessey advised that per the requirements of the ST of CT Department of Consumer Protection, the store owners would need to increase their items to add fresh produce; fruits, vegetables; canned goods and less convenience store items. The discussion turned to parking spaces to which S. Hennessey advised that there are 11 designated parking spots, if you include parking at the gas pumps. M. Barton advised that there are legally 7 parking spots, one of which is partially in the right of way; per the Zoning regulations there should be 13 parking spots for a building of this size. M. Barton stated that you cannot count parking at the pumps as a parking spot. M. Barton stated that there are no parking spaces in the back of the building. A. Havican questioned if there was access from the rear of the building. Commissioners noted that the building is non-conforming and the property is in a tight spot to enter and exit. A discussion took place on the difference of convenience store vs. grocery store as stated per the regulations, noting the selling of gas at a convenience store. S. Hennessey noted that a change to a grocery store would need to be made to obtain a Beer License. S. Hennessey noted that the gas station would need to be one entity and the store another. Comments were made as to using the same attendant for both the gas purchase and the grocery items; S. Hennessey noted that there would be two different registers. M. Barton questioned if the change would be an expansion or an intensification. J. Crumb questioned if carts would be used for the grocery items to which he was advised it would be baskets. M. Barton stated as to a survey dated 2015, an island with landscape was to be placed in the rear of the building which was not. S. Hennessey commented on getting the maximum potential of the store. Chairman Graveline questioned if it was worth the applicant's time to get an updated plot plan if they are still short 6 parking spaces. Commissioners asked that M. Barton bring this information before the Town Attorney for her opinion.

-29 Waterbury Road: Preliminary discussion with Mr. Ricci of Ricci Construction Group reviewing the plans for the renovations to the old Diary Bar for the future home of Hometown Pizza. Mr. Ricci advised that part of the sidewalk would be removed for a bump-out for a vestibule for the front entrance; the sidewalk will be realigned for better access. A new front door would be installed; two windows in front will be remove; HVAC, Electric and Plumbing upgraded. The inside stairwell would be relocated; bathrooms would be brought up to code for handicap and ADA compliant. The roof to back of the kitchen would be elevated for ventilation. Two means of egress, including a staff entrance would be provided. Stoves and refrigerators from the current location would be moved to this location. The wood deck would be removed and a foundation slab would be constructed with fireplace for outside dining. The Fire Dept.

had been notified, given a plan and walked through the facility; there was no problem with fire apparatus going around the building as there is a 15' access. Mr. Ricci had handed out a letter of conditional approval from the CHD and the Fire Marshal to the PZC. Scott Myers would be completing the survey for the site. A sign would be determined by location once survey is completed. Chairman Graveline asked that the applicant to take into consideration the center island and where the new Town sidewalk would be built. M. Barton advised that a special permit is necessary for a Beer and Wine permit. Mr. Ricci questioned if interior renovations could begin. M. Barton advised that due to time constraints, the interior renovations could begin, but without any increase exteriorly to the footprint until a detailed site plan was presented to the Commission. The application for Beer and Wine could be made at a later date. The PZC advised Mr. Ricci to contact the Building Department prior to gutting the building. An application and a survey will be back before the PZC at the next meeting

-207 Summit Road-Sam Silvinski, 2101 Scott Rd, Cheshire appeared before the PZC. M. Barton advised that S. Silvinski would like to purchase property in Prospect at 207 Summit Road that does not have road frontage in Prospect. The potential buyer of 207 Summit Road currently owns 2101 Scott Rd, Cheshire, and would also like to purchase 2105 Scott Road, Cheshire, which abuts 207 Summit Road in Prospect. The potential buyer would like to create a fee simple accessway on the property from 2105 Scott Road Cheshire, so he could build a home in Prospect. M. Barton advised that she had contacted Cheshire's Town Planner, Wm. Voelker and was informally advised that their PZC would have no issue with the situation as long as Cheshire has received approvals from their PZC and Wetlands. M. Barton also stated that the Board of Education, Public Safety of Police and Fire of both towns would need to be notified. M. Barton stated that she had advised S. Silvinski that his children would become part of Regional School District 16 and not Cheshire, as the home would be in Prospect. M. Barton also commented that the home could not be have on one property of Cheshire and half on the property of Prospect. Chairman Graveline asked for further comments. No other comments were made.

Old Business:

- a. **Affordable Housing:** M. Barton advised that she hopes to file an application as required by the ST of CT, for a grant for a consultant to file with the State of CT Prospect's Affordable Housing plan. M. Barton stated that after reviewing several other towns, she had applied with a monetary amount of \$15,000 for the grant and \$2,500 from the Town to do the plan. M. Barton stated that the information was provided to the Mayor and the Town Council as a resolution is required by the Town Council to apply for a grant. M. Barton commented that the Affordable numbers for Toll Brothers was sent to the State on 6/30/2021 that also included all of the deeds and CO's. M. Barton advised that a forum on Affordable housing should be set for the fall.
- b. **Text Amendments:** M. Barton commented on the information that was received from the State regarding the changes to 8-2 and mandatory training for ZEO's, staff and PZC members. M. Barton would like to set a training session for August of this year with the Town's attorney, Jennifer Yoxall.
- c. M. Barton advised that the PZC would need to set a Public Hearing to amend the Cannabis Resolution to include 'or transporter' and change the Bill number from (SB 888) to SB 1201. The information was not sent to M. Barton at the time of the meeting of 6/16/2021. M. Barton also stated that she had spoken with the Chair of the Town Council and advised that the Ordinance Sub-committee needs to review an Ordinance to adopt the prohibition smoking which would include Cannabis on Public Property, in particular at children's sports games at the fields.

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- d. M. Dreher had also requested that the PZC look at adopting a regulation to prohibit new filling/gas stations from building within 1500 ft of another filling/gas station in the corridor. M. Dreher gave examples of other towns and what they have proposed.
- e. M. Barton commented on beginning to look for consultants for the POCD which is coming up for renewal in 2024.

Land Use Inspector's Report:

-99 Union City Road: The work is moving along; PPW Assist. Director, Mark Capanna, has been doing the inspections. Dymar Engineering, the 3rd engineer, is doing the drainage as the drainage is inadequate at this time.

-Dollar General: D.O.T. had requested that Dollar General correct the drainage at that location.

Motion made by R. Russell, seconded by S. Duffany to place the Land Use Inspector's Report on file.

Unanimous.

Public Participation: None

Adjournment:

Motion made by A. Havican, seconded S. Duffany to adjourn the meeting. Unanimous. The meeting adjourned @ 9:06 p.m.

E. Gil Graveline
PZC Chairman