

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

**ZONING MINUTES
REGULAR MEETING
April 17, 2006
7:00 p.m. Town Hall**

I. CALL TO ORDER

Acting Chairman Rob Martin called the regular meeting to order at 7:01 p.m. Members Anita Calder, Rob Martin, Lise Wood, and Alternate Members Jill Conklin (seated for Peter Klein) and Wes Smith (seated for Peter Chipouras) were present and constituted a quorum. Town Planner Patrice Carson was also present. The Commission held a moment of silence for the passing of Member Peter Chiporas.

II. MINUTES APPROVAL

A motion was made by Lise Wood, seconded by Anita Calder and unanimously voted to approve the minutes of April 3, 2006 as presented.

III. OLD BUSINESS

a. Discussion/Possible Decision: Site Plan Application for Change of Use From Non-Conforming Residential To Commercial, 36 South Road, Jacewicz

The Commission reviewed the application submitted at the April 3, 2006 meeting. The applicants are seeking to change the use of the complete building to commercial. Presently, the second floor is designated non-conforming residential use because it was an apartment. Mr. and Mrs. Jacewicz would now like to use that area commercially as part of the day spa. The applicants understand that once the use is changed to a conforming use, it is permanent and the only way to change it back would be to apply for a special use permit.

The Planning Commission reviewed the application at this Commission's request and returned it with a favorable recommendation, commenting that the building will conform to the Plan of Conservation and Development since the building is no longer set up to be used as a residence, so the change is a suitable one.

A motion was made by Jill Conklin, seconded by Lise Wood and unanimously voted to approve Jacewicz's site plan application for change of use from non-conforming residential to commercial at 36 South Road.

b. Other - There was no other Old Business.

IV. NEW BUSINESS

a. Special Use Permit Application for Construction Trailer, Shaker Road (Somers Village ARH Project) Gingras Development, LLC

Mr. Tom Carenzo with Gingras Development explained the application to the Commission. In order to provide a place to meet with prospective buyers, the applicant is seeking to set up a 10 foot by 50 foot trailer, with electricity on the Shaker Road side of the building site. There will be no bathrooms. It is expected that the trailer will be used for about 6 months. Mrs. Carson stated that the permit term is one year.

A motion was made by Lise Wood, seconded by Anita Calder and unanimously voted to accept the application, refer it to the Planning Commission and set the public hearing for May 1, 2006 at 7:00 p.m.

b. Site Plan Application for Shopping Center, 85 South Road, Somers Crossing, LLC

Applicant Chet Ladd explained that an application for this site was approved years ago and has since expired. He now has a tenant and is re-submitting his application to accommodate a Geissler's Market. The Land Use Staff has met with the applicant to briefly discuss the application and Mrs. Carson explained that the only possible positioning of the septic system is at the front of the site. Mr. Bomely of Plan B Retail Design, the design engineer for Geisslers who is also working with Mr. Ladd, explained how the preliminary plan is well suited for shoppers and fits into the town's landscape. Mr. Bomley presented initial sketches of the building which include staggered facings to prevent a flat, strip mall appearance. As other stores are added during the second phase of the project, they will be broken up in a relief-fashion, which will conform with the street-like design. The Commissioners suggested cupolas along the roof to prevent a straight, flat line and Mr. Bomley noted that this option would be considered.

There are a few parking spaces along the side of the store, but most parking will be situated in front of the store due to the location of the septic system and the loading areas required. The roadway will include a round-about which will direct the flow of traffic.

Lighting is proposed as 1-1/2 foot candles set on approximately 30-foot poles. It is expected that about 4 poles will be adequate. Cut-offs will be used to prevent lighting spillover on abutting properties.

Sandy Aeschliman has contacted the State Traffic Commission regarding the application.

It was noted that a full architectural design, a lighting plan with photometrics and a landscaping overview needs to be presented for staff and Zoning Commissioners review. It was the consensus of the Commission to hold the application until complete so that it may be presented in its entirety to the Planning Commission for review.

A motion was made by Wes Smith, seconded by Jill Conklin and unanimously voted to accept the site plan application, pending receipt of the architectural renderings, lighting plans and landscaping plans.

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c. Other - No Other New Business was presented.

V. DISCUSSION: PLAN OF CONSERVATION AND DEVELOPMENT

A reminder was given that the next POCD meeting is scheduled for April 24, 2006, at 7:00 p.m. POCD Consultant Glen Chalder will be attending this anniversary meeting to discuss the year's activities.

VI. STAFF/COMMISSIONER REPORTS

In February, the Town Planner reviewed and issued 5 zoning permits. She also reviewed 9 certificates of occupancy of which 6 were issued.

Jim Taylor's Zoning Enforcement Officer Report was reviewed and after brief discussion, a motion was made by Lise Wood, seconded by Jill Conklin and unanimously voted to accept the Report.

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VII. CORRESPONDENCE AND BILLS

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An invitation to a legislative reception on Thursday, April 27, 2006, has been received.

David Pinney has sent a memo regarding the Design Review Board. He asks that Commissioners help with the search for individuals to serve on the new Board. It was the consensus of the Commission to meet with prospective members for interviews at the May 1, 2006 meeting.

A letter was received from Kenneth Prior, Mountain Road, regarding a corral area which has been set up at Worthington Pond Farm to hold several cows. The Zoning Commission referred this letter to the Zoning Enforcement Officer for his review of the situation.

VIII. ADJOURNMENT

A motion was made by Jill Conklin, seconded by Lise Wood and unanimously voted to adjourn the April 17, 2006 Zoning Commission meeting at 8:00 p.m.

Respectfully submitted,

A.P. Calder, Secretary

Robin Timmons, Recording Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT MEETING.

Town of Somers Zoning Enforcement Officer
For the Zoning Commission Meeting of April 17, 2006

Covering from 4/02/06 thru 4/14/06 Activities listed by Address

Enforcement activity:

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1, 359 Mountain Road. Worthington Pond, LLC. Section 214-87.D. (Sales & consumption of alcoholic beverages .Issued Cease and Desist Order. Cease and Desist Order has been appealed to the ZBA with a hearing set for Sept 14, 2004. 9/20/04, The ZBA hearing has been continued to October 19, 2004. The ZBA voted to uphold the C&D order. Mr. Roulier has appealed the ZBA decision to the Superior Court. Case Pending.

2. 3/21/06 663 Main St. P. Smith. Sections 214-98 (Storage of Junk Material) and 214-60 (Storage of Unregistered Vehicles). Issued Cease & Desist Order.

4/13/06. In 30 day appeal period.

3. 4/03/06. 63 Bradfield Dr. M. Kloter. Section 214-98.A. (Failure to meet Set-Back requirements. Requested compliance.

4. 16 Birch Hill Dr. R. Mohammah. Section 214-101 (Failure to obtain Zoning Permit for Accessory Structure. Requested Compliance. 9/22/05 Spoke with owner's attorney. They are in process of how to best come into compliance. 10/13/05 No progress on a resolution to this matter. Issued Cease & Desist Order.

11/16/05 Awaiting appeal to expire before taking further action.

11/19/05. Referred file to Town Attorney to commence injunctive action in Superior Court.

12/08/05. Mr. Mohammah has agreed to obtain a Zoning Permit and relocate the building on or before the 2nd week of May 2006. The reason for this delay is winter weather. Will follow up in May.

5. 4/05/06. 124 Main St. F. Albano. Section 214-98.B.22. (Non-permitted Motor Vehicle Sales). Issued Cease & Desist Order.

6. 2/07/06 64 Main St. L. Sonski. Sections 214-101 (Failure to obtain Zoning Permit for accessory building) and 214-98.A (Failure to comply with Set-Back Requirements). Requested Compliance.

3/15/06. In process of obtaining permits.

3/25/06. Permit for structure has been issued. Structure to be moved to comply with Set-Back requirements.

7.. 164 Hampden Rd. Growers Direct. Section 214-67 (Removal of Earth Products without Special Use Permit) and 214-101 (Failure to obtain Site Plan Approval for Site Changes and Improvements. 7/14/05 Site plan application in process of being prepared for submission according to Mike Mocko of Ward Engineering. 9/06/05 Spoke with Mike Mocko. Site Plan is approximately 80% prepared. He was advised to expedite the Site Plan Application. 9/16/05 No change. Commission may want consider setting a deadline for the submission of a Site Plan application in order for Growers Direct to avoid Enforcement of

the Cease & Desist Order which was issued on May 18, 2005. 10/3/05 Commission to consider deadline for submission of completed Site Plan application. 10/11/05 Sent letter to Growers Direct setting a deadline of October 17, 2005 for submission of Site Plan Application. Subject application was received in the Land Use Department on October 14, 2005.

11/05/05 Commission is anticipating Mr. Van Wingerden or his representative to appear at the November 21, 2005 meeting to present the subject application.

12/01/05_Mr. Van Wingerden has granted to the Commission an extension to February 6, 2006 to apply for a permit for a Gravel Bank.

1/11/06. No change at this time. 1/25/06. Notified M. Mocko's office to be prepared for February 6, 2006 zoning meeting. It was confirmed that he will attend that meeting.

3/02/06. Public hearing scheduled for 3-06/06.

3/17/06. Public Hearing scheduled for 3/20/06.

4/04/06. Commission approved Special Use Permit at meeting of 2/03/06. Violation Eliminated.

8.. 11/16/05. 343 Hall Hill Road, T. Barnes. Sections 214-98.B.1.(More than one single family dwelling per lot) and 214-98.101 (Failure to obtain Zoning Permit).

11/28/05 Barnes has agreed to cease the residential use of the subject building. Waiting for promised affidavit stating that agreement to close this file.

1/05/06_Resolution of this case is pending Building Code compliance with Building Official.

2/02/06 No change at this time.

3/01/06 Building Official is working with property owner toward compliance.

9. 3/14/06. 701 Stafford Rd. R. Bourque. Sections 214-98 (Storage of Junk Material) and 214-60 (Unregistered Vehicles). Requested Compliance.

3/29/06. Issued Cease & Desist Order.

4/13/06. Pending 30 day Appeal Period.

10. 2/01/06. 515 Springfield Rd. M. Bushior. Section 214-98.B. (Storage of Junk Material). Requested Compliance.

3/02/06. About to commence further enforcement action.

3/15/06. Issued Cease and Desist Order.

3/29/06. Pending 30 day appeal period.

11. 3/22/06. 682 Springfield Rd. T. Nguyen. Sections 214-57 (Sign Violation) and 214.98.B. (Non-permitted Business. Requested Compliance.

4/13/06. Violation Eliminated.

12. 3/22/06. 3 Turnpike Rd. R. Dembinske. Section 214-98..B.22. (Motor Vehicle Sales in Residential Zone) Requested Compliance.

Respectfully submitted:

James R. Taylor

Zoning Enforcement Officer