

TOWN PLAN & ZONING COMMISSION

MINUTES

Thursday, February 23, 2012

The Town of Bloomfield Town Plan & Zoning Commission held a meeting on February 23, 2012 scheduled for 7:00 p.m. at Town Hall, 800 Bloomfield Avenue in Bloomfield, Connecticut with the following members present:

Present:

Barry Berson, Chairman
Abraham Ford, Jr.
Fannie Gabriel
Pamela Gray
Charlotte Gregg
Alfred LeFebvre
Byron Lester
Elene Needelman
Nick Panke
Barbara Reid

Also Present: Thomas Hooper

Absent: Maureen Sullivan,
Recording Clerk

1. Call to Order

Mr. Berson called the meeting to order at 7:00 p.m.

2. Organizational Meeting

A. Election of Officers

Mr. Hooper asked for nominations for the position of Chairman.

Mr. Panke made a motion to nominate Mr. Berson as Chairman of the Town Plan & Zoning Commission. Mr. Lester seconded the motion. Mr. LeFebvre made a motion that the nominations for Chairman be closed. Mr. Panke seconded the motion and it was approved unanimously. The motion to nominate Mr. Berson as Chairman of the Town Plan & Zoning for a two year period was approved. Mr. Berson abstained from voting.

Mr. Berson asked for nominations for the position of Secretary.

Ms. Needelman made a motion to nominate Mr. Lester as Secretary of the Town Plan & Zoning Commission. Mr. LeFebvre seconded the motion. Ms. Gabriel made a motion to nominate Mr. Panke as Secretary of the Town Plan & Zoning Commission. Ms. Gregg seconded the motion. Mr. LeFebvre made a motion that the nominations for Secretary be closed. Ms. Needelman seconded the motion and it was approved unanimously. Mr. Lester received six votes; Mr. Panke received three 3 votes. The motion to nominate Mr. Lester as Secretary of the Town Plan & Zoning was approved.

B. Review of By-Laws

Mr. Hooper asked the Commission to contact him if there were any issues with the by-laws. The review of the by-laws will take place at next month's meeting.

3. January 26, 2012 Minutes

Mr. LeFebvre made a motion to approve the minutes of January 26, 2012. Ms. Gabriel seconded the motion and it was approved. Mr. Berson and Mr. Lester abstained from voting on the minutes.

4. Application of Blue Hills Associates, LLC for a Zone Change from I-2 to GWB at a portion of a parcel west of 27 Maplewood Avenue, 9 Maplewood Avenue and a parcel east of 903 and 885 Blue Hills Avenue, known as lot numbers 89-1-85, 89-1-75 and 89-1-80, and more specifically shown on the proposed zone change map on file with the Bloomfield Town Clerk.

Mr. Lester read the Legal Notice that appeared in The Hartford Courant on February 10, 2012 and February 17, 2012. Mr. Berson discussed the procedures for public hearings.

Mr. Tom Moriarty spoke on behalf of Mr. Dominic Marandino, Sr., Mr. Dominic Marandino, owner of Sav-Mor Supermarket and Advanced Gas Company, Inc. Mr. Moriarty wanted to discuss what he believed to be a conflict of interest before the proceedings began. Mr. Moriarty stated the Commission unanimously approved a zone change application for this site on October 27, 2011. On October 28, 2011, the day after the approval, the Town entered into a purchase and sale agreement to sell 59 Cottage Grove Road, one acre of land that fronts on Cottage Grove Road and Douglas Street for \$25,000. That land abuts the applicant's property and gives the applicant direct access to Douglas Road and Cottage Grove Road. Mr. Moriarty stated the Town of Bloomfield, as a condition of the contract, agreed to fully cooperate with the applicant in the pursuit to obtain all permits and approvals required to construct and operate a retail development on this property, including without limitation executing any applications or other documents required to obtain the approvals. Mr. Moriarty requested that the Commission excuse themselves from hearing this application as this Commission is an agency of the Town of Bloomfield. Mr. Moriarty submitted that an independent temporary board of citizens should be appointed to hear this application. Mr. Moriarty passed out a copy of the contract to the Commissioners and stated the agreement was not recorded until December 2011.

Mr. Berson stated he was not aware of the agreement. Mr. Berson stated the Commission is elected by the citizens of Bloomfield. It is not an agency operating under anyone who works for the town who may have entered into an agreement. Mr. Berson was a little distressed that the Commission was blindsided by this. Mr. Berson and Mr. Hooper agreed to proceed with the application this evening. Mr. Hooper explained the Council entered into an agreement to sell the property. The Council authorized the Manager to sign it. This has nothing to do with the TPZ. Mr. Hooper believed that unless the Commissioners were involved with the negotiations, then they were not involved in this. Mr. Moriarty stated he thought it was a huge coincidence that this document was signed the day after the zone change application was approved. Mr. Moriarty stated Mr. Hesketh's report of September 11, 2011 incorporated this parcel in the exhibit. Mr. Moriarty considered this a serious matter and was reserving this for purposes of appeal. Mr. Berson stated it has been noted.

Mr. Bill Crowe of Mayo Crowe of 185 Asylum Street, Hartford represented the applicant. Due to a technical deficiency at the first application, the applicant felt it was appropriate to come back and reapply. From a procedural aspect, the contract which Mr. Moriarty referred to was a matter of a public hearing in front of the Town Council. Mr. Crowe stated the applicant was here in October and was proposing that the subject properties be changed from an existing I-2 to a Gateway business zone. The applicant believed it was in the best interest of the town, the neighborhood and the land owner to grant this zone change because it was consistent with the Plan of Development.

Mr. Ed Lally, a Licensed Professional Engineer and Land Surveyor from Windsor represented Blue Hills Associates, LLC and their application for a zone change. The total of the parcels is about 9.6 acres. The appropriate paperwork was presented to staff. Mr. Lally discussed the plans, site, uses in the neighborhood, Blue Hills Gateway district and traffic.

Mr. Scott Hesketh of F.A. Hesketh & Associates in East Granby conducted the traffic reports dated September 9, 2011 and October 26, 2011 which were presented as part of this application. The applicant was here for a zone change, not a site plan approval. The site, traffic study and mitigation measures were discussed.

Mr. Lally discussed the purpose of the I-2 district. The Plan of Conservation and Development was discussed. Mr. Lally believed the Blue Hills Gateway District was the most appropriate zone for this parcel.

Mr. Hooper stated this was the same application the Commission acted on in October 2011 and commented unless the Commissioners find something substantially different than what was heard on October 2011, the decision has already been made for you. Mr. Hooper stated the earlier decision in October 2011 was appealed and that appeal is still underway. The Plan of Development was discussed. There has been a history of over 60 years of poor use for this property. There have been no other applications for use on this property in 23 years, so Mr. Hooper believed the industrial zoning was not appropriate for this location any longer. The traffic report was discussed.

There were no questions from the public.

Questions from the Commission:

Mr. LeFebvre discussed the traffic study that was discussed and commented he would like to study the material and requested a different format for the report. (tape ended)

Mr. Moriarty stated his clients are opposed to this zone change for two major reasons; the application does not conform to and is inconsistent with the town's Plan of Development and traffic and public safety issues. The intersection of Blue Hills Avenue and Cottage Grove Road was discussed. Run sheets from the Bloomfield Police Department were distributed to the Commission. Mr. Moriarty had serious questions about the data used and the assumptions made in the traffic study. A 2006 traffic study prepared by Hesketh & Associates was discussed. Mr. Moriarty disagreed with Mr. Hooper's comment that the Commission is bound by their prior decision. This is a new application and the Commission has a right to change their mind. The applicant has not submitted a marketing study demonstrating any compelling need to change this from industrial to retail.

Comments from the Commission:

Ms. Reid commented about the traffic study and public safety.

Mr. LeFebvre apologized for his previous comments. The Commissioner commented he would like a more complete report.

Mr. Ford commented he had faith in the traffic engineer's ability. The Commissioner stated there are a lot of other traffic problems in the town of Bloomfield. Mr. Ford believed a retail use on this property would be a good idea and would like the experts figure out the best and safest ways to do that.

Ms. Needelman stated a committee has been working on rewriting the Plan of Development. Ms. Needelman was satisfied with the traffic plan that were submitted to the Commission and stood by her original approval of the plan as presented.

Mr. Panke stated in October he voted in favor of this zone change. He did not vote in favor of the traffic studies, the type of development, or Mr. Hesketh's traffic studies. This application is for a zone change.

Ms. Gabriel agreed with Mr. Panke. This application is for a zone change and did not feel there was a conflict.

Ms. Gregg approved the zone change in October 2011 as well as at this time.

Mr. Berson discussed Mr. Moriarty's material from the police department about the intersection. The Commissioner stated this hearing was strictly because of a technical glitch that occurred when the first zone change went through.

Mr. Crowe believed the zone change was consistent with the Plan of Development and discussed sections of the plan. The Gateway District and traffic were discussed.

Mr. Panke made a motion to close the public hearing. Ms. Gabriel seconded the motion and it was approved unanimously.

Ms. Needelman made a motion to approve the application of Blue Hills Associates, LLC for a Zone Change from I-2 to GWB at a portion of a parcel west of 27 Maplewood Avenue, 9 Maplewood Avenue and a parcel east of 903 and 885 Blue Hills Avenue, known as lot numbers 89-1-85, 89-1-75 and 89-1-80, and more specifically shown on the proposed zone change map on file with the Bloomfield Town Clerk, for the purposes of approving it as an appropriate site to be part of the Gateway District and it includes support for one of the requirements on the Gateway that it could be used for retail development as mentioned in the Plan of Development. Ms. Gabriel seconded the motion and it was approved (Mr. LeFebvre voted against the motion).

Mr. LeFebvre commented a zone change would allow a commercial development and horrendous traffic problems. The Blue Hills intersection is a disaster now and it will only get worse. Mr. LeFebvre stated he cannot vote for something that is going to be a disaster.

Mr. Berson stated he would prefer to see this site developed with this Commission having almost total control over what goes in on the site and that is allowed by the Gateway District.

Ms. Gabriel made a motion for the meeting to adjourn. Ms. Needelman seconded the motion and it was approved unanimously.

The meeting adjourned at 8:20 PM.

Byron Lester, Secretary

Maureen Sullivan, Recording Secretary