

TOWN PLAN & ZONING COMMISSION

MINUTES
Thursday, July 22, 2010

The Town of Bloomfield Town Plan & Zoning Commission held a meeting on July 22, 2010 scheduled for 7:00 p.m. at the Senior Center, 330 Park Avenue in Bloomfield, Connecticut with the following members present:

Present:
Barry Berson, Chairman
Abraham Ford, Jr.
Fannie Gabriel
Byron Lester
Elene Needelman
Nick Panke

Also Present: Thomas Hooper
Maureen Sullivan, Recording Clerk

Absent: Charlotte Gregg
Alfred LeFebvre
Barbara Reid
Joseph Washington

**LEGAL NOTICE
TOWN OF BLOOMFIELD
TOWN PLAN & ZONING COMMISSION**
Notice is hereby given that the Town Plan & Zoning Commission will conduct public hearings on July 22, 2010, commencing at 7 P.M. at the Senior Center, 330 Park Avenue, to consider the following:
1. Application of L & D Realty, LLC for a Special Permit to allow construction of an office/garage building a storage building, and outside storage at 33 Mucko Road, I-2 zone.
Dated at Bloomfield, Connecticut this 7th day of July, 2010.
TOWN PLAN & ZONING COMMISSION
Barry Berson, Chair 7-9-10
Nicholas Panke, Secretary

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1. **Call to Order**

Mr. Berson called the meeting to order at 7:02 p.m.

2. **June 24, 2010 minutes.**

Ms. Gabriel made a motion to approve the minutes of June 24, 2010 as amended. Ms. Needelman seconded the motion and it was approved unanimously.

3. **Application of L & D Realty, LLC for a Special Permit, Site Plan and Sign Permit to allow construction of an office/garage building, a storage building, and outside storage at 33 Mucko Road, I-2 zone.**

Mr. Panke read the Legal Notice that appeared in The Hartford Courant on July 9, 2010 and July 16, 2010. Mr. Berson discussed the procedures for public hearings.

Attorney Edward Shelton of MacDermid, Reynolds and Glissman in Hartford spoke on behalf of the applicant. The total footprint will be 36, 900 square feet. The office space and most of the garage will be 20,500 square feet, and Phase II, which will add an additional eight bays to the garage, will be 6,400 square feet. The second building will contain about 10,000 square feet. The applicant requested a Special Permit to allow for outside storage which is allowed as an accessory use which will be used for storing clean and empty dumpsters and extra curb side containers. The applicant also applied for a Special Permit for storage of recyclable materials only; i.e., white goods. The Regulations were discussed. The business is family run.

Mr. Ed Lally, a Licensed Professional Engineer and Land Surveyor from Windsor, discussed the property. The signed affidavit and certificates of mailings were submitted to the Planning Office. The plans, storm water detention system and logging that took place on the site were discussed. About 59 percent of the site is in a conservation easement. Mr. Lally distributed a document entitled "Special

Permit Criteria” and discussed the document. At the previous meeting it was asked how many dumpsters could fit on the site. Mr. Lally replied 151 large dumpsters, 278 medium dumpsters or 669 small dumpsters could fit on the site. The storage area of white goods is 400 square feet. The applicant requested outside storage for extra curbside pick-up containers which will be a pad of 16’ x 20’. The location of the pads was shown on the plans. There was also the request of recycling use for 10 dumpsters which will be 1,760 square feet.

Mr. David Spear, a Professional Engineer of DLS Traffic Engineering in Windsor, discussed the traffic report. The proposed use is a low generator from a traffic engineering point of view. All trucks will access the site to and from the north. The conclusion of the traffic study was the proposed development at 33 Mucko Road will have an insignificant impact on area traffic operations and safety. The levels of service at the study intersections are currently at level service “C” or better and with the development in full operation it will remain at level service “C”.

Mr. Hooper stated both the Fire Marshall and Town Engineer’s report were received. The engineers found that basically everything on the site plan is in conformance with the Regulations. The Fire Marshall is looking for a padlock on the gate, an additional fire hydrant on the property and the existing house’s street number needs to be changed to an odd number. Mr. Hooper discussed additional staff comments that will be added to the plans. Mucko Road is a town road. The “Special Permit Criteria” and Traffic Study were discussed.

Mr. Lally showed a draft of the sign design and where the sign will be located on the site. The design of the building and landscaping were discussed. There are 3 different categories of vehicles on the site and five of each category.

Questions from the public:

Ms. Phyllis Starkie of 202 Castlewood Drive was concerned about the beeping from the trucks in the morning. Mr. Lally discussed the truck area and stated the trucks that will be leaving in the morning will drive forward through the building. There will not be any beeping. There may be an occasion when someone is maneuvering to pick up a dumpster, but that will not be frequent and will be in the middle part of the day.

Ms. Toby Neuwirth of Castlewood Drive asked about the gas and oil for the trucks, how will leaking oil or gas be prevented and maintenance. Mr. Lally stated the fuel will be diesel and will be in a double walled tank or inside a concrete enclosure. It meets all DEP criteria. It will be on a pad that drains to a drain that goes to an oil/water separator. The site will be maintained by the people who own the building and business and have been in business for 35 years. The maintenance will be top grade.

Mr. Marc Richman of 2 Kent Lane asked if the dumpsters will be stacked to which Mr. Lally replied no.

Mr. John Sheehan of 217 Woodland Avenue asked the Traffic Engineer about the truck counts, how big the trucks were, their length, weight and axles and what were the ton miles for the vehicles. Mr. Spear stated the traffic counts were at three intersections; Blue Hills Avenue and Woodland Avenue, Woodland Avenue and West Newbury Road and Woodland Avenue and Mucko Road. There were a.m. and p.m. peak period counts. The number of trucks was recorded separately. The percentage of trucks was included in the analysis. Mr. Spear did not have information on the ton number of miles of the trucks.

Mr. Joe Wactowski of 144 Duncaster Road asked about sanitation and vermin. Mr. Wactowski asked if it was practical to keep a large amount of vermin out of this site because the Pepperidge Farm facility, which is extremely clean, has rat traps everywhere. Mr. Wactowski questioned the truck traffic with a school around the corner. Mr. Wactowski asked why Windsor did not renew the applicant’s license. If the residents do not want this facility, why would the Commission approve this?

Mr. Ricardo Chambers of 203 Woodland Avenue asked about a smell at the facility. The traffic on the street was discussed.

Mr. Lally replied there is no food for the rats at the site. The dumpsters that come back to the site are construction and debris dumpsters. The dumpsters come back empty and are swept out and washed. The vehicles are close to air tight and stored inside. The applicant has a vermin control program. Mr. Lally stated the Traffic Report was submitted to the town, the police looked at it and found it not to be unsafe. Mr. Lally stated Windsor Sanitation was given a two year special use permit in Windsor. The town has rules and regulations and the applicant followed them. Mr. Lally stated this site will not generate a smell like a heap of refuse or something left out in the sun. Traffic and speeding on the street was discussed. Mr. Lally stated the traffic issue is not a problem.

Attorney Shelton discussed the trucks and stated smell will not be an issue.

Mr. Spear stated the traffic study was completed when the schools were open, so the school traffic is in the traffic analysis. The DOT counts from 2007 were discussed.

A board member from the ZBA wanted to speak at the public hearing. Mr. Hooper informed the board member that members of ZBA cannot speak before TPZ, and members of TPZ cannot speak before ZBA.

Ms. Starkie asked about the white recyclables and how long they will remain on the site. Mr. Lally gave examples of white goods which will be stored on a concrete platform, and showed the area on the plans. The Freon from the refrigerators will be removed before recycling. The area will be well screened from Mucko Road and Woodland Avenue by the vegetation and the building. The area will be 20' x 20' and it will not be piled up. Mr. Lally stated the items will be there a few days and then recycled.

Questions from the Commission:

Mr. Panke asked if the 5 trucks will do 8 trips a day. Mr. Lally replied the C & D dumpsters (the vehicles that take dumpsters off the site and come back) will have a total of 16 trips per day.

Mr. Panke asked if the structure or infrastructure of Woodland Avenue from Mucko Road to Blue Hills Avenue north is sufficient to handle the heavy trucks for a long time period. Mr. Lally responded yes. The Town Engineer had no concerns with the proposal or application.

Mr. Panke understood the trucks will go left out Mucko Road north to Blue Hills and come back the same way. The Commissioner asked what will prevent the trucks from returning to the facility through the center of town and going through Woodland Avenue. Mr. Lally responded the applicant stated they would not use that part of Woodland Avenue unless they had customers on Woodland Avenue. Mr. Lally stated the applicant will warn drivers not to use that area. If the trucks are in the center of Bloomfield, it would seem inappropriate to go through three times as many streets in town to reach this site.

Mr. Panke asked if there will be sufficient room if the applicant adds to the truck fleet. Mr. Lally discussed Phase 2 and the eight bays. Mr. Panke asked if any other company in the same business will need to come to this site with their trucks to which Mr. Lally responded no.

Mr. Panke asked the hours of operation. Mr. Lally replied the municipal solid waste trucks leave the site at 7:00 a.m. and will be back around 5:30 p.m. The trucks that pick up dumpsters will leave the site at 2:00 a.m. Mr. Panke asked about the noise level of the trucks. Mr. Lally responded the trucks are started and leave the site. The applicant will not be picking up dumpsters and moving them in the early a.m. Mr. Panke asked if there is any activity on Saturday or Sunday. The applicant replied there are one to two trucks on Saturdays until 11:00 a.m. The residential trucks will go out on Saturdays when there is a holiday during the week.

Mr. Panke asked how long the recycling dumpsters will stay on the site and if they will be covered. Mr. Lally replied the dumpsters will be on the site until they are full. Usually one dumpster will be taken out every day. The recycling dumpsters will not be covered. Mr. Lally explained the process for taking out the Freon.

Mr. Berson asked about the lights on the site to which Mr. Lally replied the lights will be on sensors and a timer.

The comments from the engineer and plans were discussed. Mr. Hooper stated if the plans are approved, there will be a cover sheet that states combined Planning and Zoning and Wetlands plans.

Comments from the public:

Mr. Sheehan discussed the four Garden Apartment Zoning apartments 40 years ago. Traffic along Woodland Avenue and projections from CRCOG related to traffic was discussed. Woodland Avenue's infrastructure was discussed. Mr. Sheehan discussed the Bloomfield Zoning Regulations, specifically Article 1.2.B.2. and Article 1.2.A.2. Pictures of a truck lost along Woodland Avenue that tried to turn around were shown to the Commission. Quality of life and safety issues were discussed. Mr. Sheehan stated a child was killed on Woodland Avenue years ago. Mr. Sheehan discussed the Regulations, 4.4.C.4.Y and 4.4.C.4.R and 4.4.C.4.S.

Mr. Sheehan read Section 7.7.C.3.B. of the Regulations and stated Woodland Avenue is not an arterial road. It was a collector road. Mr. Sheehan stated there was evidence that this applicant has not

maintained a terrific relationship with the town or its neighbors. The constant traffic and speed limits on Woodland Avenue were discussed. Mr. Sheehan commented Woodland Avenue is a road which base is not there for the truck traffic that is already there. The road is not wide enough now; it is not deep enough in its base now and is not within 1,000 feet for this installation to an arterial road. Mr. Sheehan believed the application was thoroughly and professionally complete but it was not a good reality for this parcel of land in this I-2 zone. The Woodland Avenue infrastructure was discussed. Mr. Sheehan discussed Page 1 of the Regulations and the Commission's duties.

Mr. Chambers discussed the sidewalks that run out on Woodland Avenue. There are no biking lanes. Mr. Chambers was concerned about trucks not being able to stop quickly enough. The town needs to look at safety issues.

Mr. Sheehan commented the road needs to have a rebuild, reengineered and a new bed. Woodland Avenue is not an arterial road.

Ms. Deborah Feingold of 7 Hampton Lane commented Woodland Avenue is not safe for walkers or people on bicycles. It is very unsafe in the winter.

Comments from the Commission:

Mr. Ford commented about the I-2 zone and Section 7.7 of the Regulations which will be taken into consideration when making his decision.

Ms. Needelman discussed the condition of the road and sidewalks. Ms. Needelman commented she believed the applicant met all the Regulations, the requirements of the Fire District and the Traffic Study and would vote to approve the application.

Mr. Panke commented this was one of the best presentations before the Commission in a long time. The Special Permit criteria were discussed. The Commissioner stated he would support this application

Ms. Gabriel stated this was a public hearing and the purpose was to hear what the public's comments. At the same time, the Commission has to make sure that if a proposal meets the criteria it must be given thought.

Mr. Berson discussed some of the comments that were made this evening. Mr. Berson was the Town Engineer in Bloomfield in 1970 and discussed the Garden Apartments which were brought up previously. The application is for a zone that permits the use. Mr. Berson discussed the comment about the 1,000 feet from an arterial road and stated Woodland Avenue is not an arterial road. The Commissioner believed the only way that would come into play was if this were a bulky waste operation. Mr. Berson did not believe this was a bulky waste operation. The Commission relies on the professional staff which did not mention that the base of the street was not sufficient.

Mr. Lally stated this is not a bulky waste facility. The application process was discussed. Staff reviewed the plans and if the applicant was a bulky waste facility or needed to be 1,000 feet from an arterial road, staff would have informed the applicant. The infrastructure that is there for the use is or will be appropriate for the use. If the road is suffering from lack of substance and needs to be rebuilt, that issue would be decided by others, not the TPZ. The dumpsters are an accessory use and their primary function is municipal solid waste. The area of the dumpsters is less than the area of the buildings. Speeding and safety are not an issue for the applicant. There are three types of trucks and five of each type and a dumpster which totals 16 trucks. The issue of sidewalks would need to be decided by another commission. Mr. Lally has been in touch with staff on this application for almost 15 months. Mr. Lally believed the plans met the Regulations and all the criteria of a Special Permit and requested the Commission's approval.

Mr. Sheldon made final comments. The criteria for Special Permits were discussed.

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

Mr. Panke made a motion to approve the application of L & D Realty, LLC for a Special Permit to allow construction of an office/garage building, a storage building and outside storage at 33 Mucko Road, I-2 zone as per the application's compliance with the Regulations and as per compliance with the Special Permit criteria; also as agreed with the seven staff conditions and the revised map supplied to the Commission this evening dated 7/7/10. Ms. Gabriel seconded the motion and it was approved 5:1 (Mr. Ford voted against the application).

Mr. Hooper stated there was a minor revision approval to Duncaster for a small addition to the dining area.

There is a Plan of Development meeting next Tuesday.

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

The meeting adjourned at 9:15 p.m.

Nick Panke (H.D.)

Nick Panke, Secretary

Maureen Sullivan (H.D.)

Maureen Sullivan, Recording Secretary