

Town of Watertown
Planning and Zoning Commission
Public Hearing
Special Permit #280

Time: 8:14 PM
Date: October 7, 2009
Place: Watertown High School
Lecture Hall
324 French Street
Watertown, CT

1. Call meeting to order

The Chairman called the meeting to order at 8:14pm.

2. Roll call

The secretary executed the roll call.

Present: Chairman, Mr. David Minnich
Secretary, Mr. Michael Masayda
Mr. Ronald Russ
Mr. Carl Mancini
Mr. Jim Blais
Mr. Glen Duplissie
Alternate, Mr. Ray Rondeau
Alternate, Mr. Ken Demirs

Absent: Vice Chairman, Mr. Gary Martin
Alternate, Mr. Duane George

Also Present: Land Use Administrator, Ms. Ruth Mulcahy
Town Engineer, Mr. Chuck Berger
Land Use Secretary, Ms. Carol Allen

Ray Rondeau sat in for Gary Martin

3. **Hearing of applications**

- c. **An application for Site Plan/Special Permit #280 for a 30X30 addition to an existing pavilion, 16X10 open covered function area for use as a band stand, speakers, platform display area etc and also 2 covered walk across shelters for use during inclement weather located on 550 Sylvan Lake Road, Oakville, CT in an R-30 Residence District.**

Mr. Masayda read the public hearing notice:

The Planning and Zoning Commission for the Town of Watertown, Ct. will hold a public hearing on Wednesday, October 7, 2009 at 7PM at the Watertown High School, Lecture Center, 324 French Street, Watertown, Ct. on the following:

An application for Site Plan/Special Permit #280 for a 30X30 addition to an existing pavilion, 16X10 open covered function area for use as a band stand, speakers, platform display area etc and also 2 covered walk across shelters for use during inclement weather located on 550 Sylvan Lake Road, Oakville, CT in an R-30 Residence District.

John Vitone – President

Mr. Vitone said he wanted to add another 30 feet to the exiting pavilion which is presently 90 feet in length. The present facility is small and cannot handle the number of people that attend the functions and as a result he has to rent tents. It is very costly, uncomfortable and more of a detriment to people. Mr. Vitone would also like to put up a small function area 10 feet deep by 16 feet long and it would serve as a band stand. He would be using the same materials that are on the existing pavilion. Mr. Vitone proposes to put in two walk across covers for inclement weather. He said there will be no encroachment on any property lines and no violation of wetlands. Mr. Vitone has the avadavat and receipts notifying property owners.

Board Member Concerns

Mr. Mancini asked for the larger functions how many square feet of tents does he use?
Mr. Vitone replied approximately 1,000 feet.

Mr. Mancini asked would this increase the amount of attendees to the functions.
Mr. Vitone replied absolutely no. He was concerned about the senior people attending religious functions being more comfortable.

Mr. Mancini asked you do have music now; it is not that you are adding an area for a band.
Mr. Vitone replied it is the same area instead of putting a tent we are putting a roof over them.

Mr. Masayda asked if you make something bigger how that not increases the number of attendees.
Mr. Vitone replied it is just for accommodating the attendees that are there now. The present conditions are very uncomfortable and inconvenient.

Mr. Minnich asked what would be your comment if the Commission put conditions if we are going to approve it, that you may not have tents or canopy after this construction is done?
Mr. Vitone replied there are concessioners who sell items, but these are not tents that we provide.
Mr. Minnich said what would be the size of the concession tents?
Mr. Vitone replied small 10 by 10.

Mr. Masayda asked would there be more events now that you did not need tents?
Mr. Vitone replied no.

Mr. Duplissie asked they are open pavilions you are not adding more time or more occasions.
Mr. Vitone replied it is a continuation of what is there right now. It is only a roof and a concrete floor supported by masonry pillars. We are just adding two more pillars, same rafters, same plywood and shingles. We are just making the 90 foot pavilion 30 feet longer.

Public Concerns

Judith Pilicy Sprano– 245 Deer Run, Watertown

Ms. Sprano volunteers for the club and explained the costs of renting the tents for the club and the safety issues for the attendees. Ms. Sprano said we do not want another vacant building and lose a tax payer.

Angelo Tedesco – Chipman Street Extension, Waterbury

Mr. Tedesco question the term none conforming use and asked is it a hardship on the club, is it a non conforming use or closer to commercial use. Mr. Tedesco owns six lots behind the pavilion and this expansion could be a detriment to him if he wanted to sell his property. He explained they are growing too fast and by adding 30 feet to the pavilion it would be too close to his property and questioned when it is going to stop. Mr. Tedesco expressed concern for the lights and sound in a residential area and there are no trees there for a sound barrier. Mr. Tedesco asked if doubling the size of the pavilion would mean more people attending and whether there are any restrictions on the club for events now.

Peter Fuller – 101 Valleyview Road, Thomaston

Mr. Fuller is representing his parents who live at 86 Ridgeway Avenue, Oakville and their property abuts the club. Mr. Fuller's parents are against any expansion specifically the bandstand, walk across shelters, and the creation of any additional parking. The special permit that the club obtained was for members only establishment. It has gone from a quiet neighborhood club to a commercial establishment holding public festivals, receptions and parties. Since when does a hardship for a private club become a town concern. State law states financial hardships are not a reason for granting any type of zoning variance. Since the club was granted a special permit to operate it appears they been granted special privileges that allow them to skirt laws and regulations that most citizens of this town have to follow.

Reading lines from the July 24, 1974 minutes

In the July 24, 1974 minutes the club applied for a special permit to quote "*construction a clubhouse with adjacent recreation area.*" The clubhouse is the current pavilion and the recreation area is the bocce area. Mr. Vitone stated this club would be a nonprofit social club strictly for use by members and the club should not detract from the neighborhood or traffic patterns. The minutes go on to say Albert Izzi stated "*the club will hold clam bakes which will be held on weekends and stop by 7pm.*" Another quote from Mr. Vitone spoke "*there will be no mass activity outdoors and there should be very little noise.*" Mr. Fuller questioned these

statements and why is the board not holding them accountable for what they said to get their special permit.

Thomas Downey, a member of the Planning & Zoning Board states “*no zoning change only special use*” and he said where does the special use end and the rights of the abutting property owners.

Mr. Fuller said they have more parking that is needed for club members only.

The maps submitted for the current applications there are areas of wetlands missing or omitted from this map. He asked where did the swamp go and was it filled in.

Mr. Fuller questioned the creation of the ball field where are the original site as built maps that must be recorded before any construction can begin.

Mr. Fuller asked that his parent’s letter be included in the application folder and become part of the public record.

Mr. Minnich said your request is granted.

Mr. Fuller said speaking as a Board Member for the Town of Thomaston if he had any interests in a club he would definitely recuse himself before any type of decision was made.

Lou Genova – Botelle Street

Mr. Genova asked about the decibels of noise, on Friday night there was an event until 2:30 in the morning and he is 100 feet from the barrier line. Mr. Genova said the police have been up there many times with the noise problem.

Valerie Genova

Ms. Genova mentioned the meeting previously in the placing of the large propane tank on the club site, the issue was brought up if this would be related to an intended increase in larger gatherings for the building and it was completely denied by club officials. At all the meetings the club says they only want to be good neighbors, they might try by attempting to find ways to lower the noise level generating from there facility. Ms. Genova said the tree barrier between the club and her property is not sufficient for the noise and with the winter months are coming it will only get worst. She mentioned several calls have been made to the police department during the summer months. Ms. Genova expressed concern for the increase in traffic and safety along Sylvan Lake Road.

Marie O’Silva - 116 Pineridge Extension

Ms. O’Silva recently purchased a new house and her property borders the planned site that they want to expand on. She said the noise is every weekend all hours of the night and they do work early in the morning. Ms. O’Silva was concerned about her house value when this addition is constructed.

Liz Wasiutynski – 514 Sylvan Lake Road

Ms. Wasiutynski said it is difficult for her to accept Mr. Vitone's statement that the reason for the buildings is for elderly ladies that come once a year to the property. Ms. Wasiutynski talked about the site plan being incorrect and said the site plan has a club house and a very large club hall and the Grand Oak Villa why they are not on the site plan. The cook house pavilion and a storage building if they have ever come before the Zoning Commission in order to be accepted. Ms. Wasiutynski said if the pavilion is connected by the two proposed walkways they do become in her opinion part of the older pavilion as such they are non conforming. Ms. Wasiutynski said the site plan is dated January 21, 1998 it is old and should be updated. This is an R30 residential zone it is not a pleasure to hear a large building literally rock. We come to you telling you our property values are suffering because of unrestricted growth of the club which is supposed to be a community club in a residential zone and is a widely advertised banquet hall. The standards of the regulations should be taken in consideration when approving this application. Ms. Wasiutynski asked about Section 52.4a which talks about high traffic generators would this also apply to the issue at hand.

Mr. Minnich replied if there is no intensification of use it is a replacement of what is currently there one then cannot logically say without anything on the record that there is any more traffic than what is currently there.

Ms. Wasiutynski said I am looking at it from a perspective that a special permit use involving high traffic generators according to the regulations has to be reviewed from the perspective of traffic if it has 100 parking spaces or more. Ms. Wasiutynski said we have all been caught up in statements made by the club in which we are assured that something is not going to happen or that something very small is going to happen when in fact it gets to be a really uncomfortable, unpleasant and long standing and a non negotiable situation. There have been parties every single weekend and some Thursdays all summer long starting in May ending in October. Page 117 of the regulations section 52.9 talks about standards for approval that they are applied to a non conforming situation.

Board Member Concerns

Mr. Demirs asked after listening to the public why has nothing been put in place years ago so they could shut down at an earlier time.

Mr. Genova replied we brought this up in front of zoning before and they told us there is nothing we can to call the police. Do we have to come forward to get an agenda to say okay is there a way we can put a time zone you tell me.

Mr. Rondeau said an applicant came before us to ask about putting a generator on a roof and we established a criterion that says you cannot have more than 45 decibels. Within our regulations we have a protection for other people in other areas of town in terms of when they can test their generator. The point is we can make a condition of any approval to include things of that nature for example on restrictions for time or decibels.

Mr. Masayda commented we have put conditions on other applicants because of their expansions because they were in residential areas.

Mr. Minnich said it needs to be clearly stated you cannot continue to address complaints to which there is no standard to which those need to be measured as to whether they are conforming or no conforming.

My suggestions are:

The noise if generated from the amplified sound system is not greater than 45 decibels at the nearest property line.

The amplified sound system at the pavilion may not be operable past 9:00 at night.

No amplified sound system anywhere on the site other than the pavilion and can only be at time of events.

No tents or canopy's allowed on the subject property except those being used for covering patrons of the property.

We affirm what the time is to which events at the outdoor pavilion only allowed between the hours of 10am and 11pm for example.

All the exterior lightings on the buildings are at full cut off fixtures and there be no light trespass beyond the site boundaries.

In response to a letter that we received as part of the record is that there are no trucks allowed to enter the property or exit the property between the hours of 11pm and 8:30 am in the morning only for the pavilion.

The existing parking spaces that are in the paved areas now be shown on the site plan as to where they are located and be lined like any site plan where those parking spaces are.

The grassed areas for parking are shown on the plan as overflow parking enforcing the overflow parking that this Commission has jurisdiction on private property including the flow of traffic and the number of parking spaces.

In the opinion of the Zoning Enforcement Officer or her designee that there are safety issues regarding how the parking is being done in the overflow area as well as the flow of traffic that the Commission gives her authority she then through the Police Department cannot allow further vehicles onto the property.

The structures that are on the site plan as well as the structures that they are connecting shall have no sidewalls at any time.

Those are my suggestions which I would like to hear comments.

Mr. Masayda asked about the YMCA on amplified sound application.

Mr. Minnich replied the neighbors worked out the amplification system and they had no problems during certain hours and days.

Mr. Masayda said that it was brought up that the site plan be updated with all the associated approvals that go along with it.

Mr. Minnich replied I concur what currently exists there should be on that site plan.

Mr. Masayda suggested to get an aerial GIS plan.

Mr. Rondeau asked are we to accept this plan as it is now based on the fact that there are buildings that have been mitigated in the plan and the listed property owners on this plan are not correct.

Mr. Minnich replied they must comply at the time of all the things that are required at the time the final Mylar is presented for signature and there are some issues that need to be detailed on the plan. The question is that something that we need to consider in terms of our approval, is it a substantial matter or a technical issue on compliance of this plan. Everything that is being requested in terms of the site plan should be on the site plan.

Mr. Rondeau asked would your decision be influenced if in fact based on what we have heard here that there are buildings of various natures on this property that have never been approved or permitted by the Planning and Zoning Board.

Mr. Minnich replied I am concerned that it is not done, but the issue is what we do about it. When buildings get put on the site plan that should not have been there, there is an enforcement mechanism. I do not know how long these structures have been there and how we can enforce it. But what is clear to me is what is before us which are the pavilions that they are asking. What you are asking should be noted on the site plan but whether it is enforced or not is not a subject matter of this particular application.

Ms. Mulcahy said that one of the problems with that is they have a site plan and Mylar filed with these buildings shown on it signed by the Chairman after approval by this Commission.

Mr. Minnich replied then the site plan which is referenced tonight is not the current site plan to which includes those.

Ms. Mulcahy said we approved two site plans, all those buildings were on there and once you put a signature on the site plan and in a sense you approved everything.

Mr. Vitone I would request that you allow a continuation of this hearing so that we can review some of the suggestions. Is that possible?

Public Concerns

Judy Wick – Northfield Road

Ms. Wick said one of things that concerned her was the regulation allowing one principal building on a lot. What is the principal building on this lot? If you take this existing pavilion which is less than 50 feet from the rear property line and you connect it to the hall, you are then making it part of that hall and creating a non conformity.

The other thing that I have concern you are never able to enforce decibel levels. The only one who can check is Torrington Area Health. Are they going to be doing this check late at night? The only way you can make this work is if you say the music has to be over by a certain time.

Mr. Minnich said if someone is going to have a band at a time that is acceptable and that band it extremely loud that you do want to have a mechanism in place by which you would stop it. Having the decibel metering ability as well as the time is important.

Mr. Blais commented when we asked for the decibel level at Swift Middle School he would come out at a time they would ask him.

Lou Tedesco

I think some of your suggestions are feasible. But I think back to enforcement, at these functions is normally a Fireman or a Policeman with some people. Why can it not be enforce as part of their job. I am willing work with these people if it could be enforced.

Mr. Minnich replied having enforcement on the site requires a Town Official to do that. Having enforcement on the site with a Police Officer beyond what he is there to do which is traffic and other things requires another Police Officer to come. The bottom line is having the appropriate appropriations to do this both in terms of equipment and staff. We are not opposing any kinds of means of enforcing we do not have that authority.

Mr. Demirs asked do we have the authority to put a time on it.
Mr. Minnich replied yes.

Liz Wasiutynski – 514 Sylvan Lake Road

Ms. Wasiutynski said the discussion you are having now is the same discussion with the gazebo issue which was brought up. At that point in time you as a Commission said at our request that no truck traffic before 7am and after 10 pm and it has never been adhered to. Enforcement should not be left up to the neighbors and the club has not been a good neighbor.

Mr. Minnich replied we have set the standards of what the enforcement should be, the issue that we have is one of appropriation we don't have appropriated money to do the enforcement after the hours our employees work. Somebody has to do the enforcement and if you are suggesting that the Police do the enforcement that is fine our hands as a Commission are tied after.

Bo Wasiutynski – 514 Sylvan Lake Road

They never honored anything else that has been approved and they bring you a request and you say no that is your enforcement.

Valerie Genova

On the amplification why is it necessary to have amplification in outside area?

Mr. Minnich it is not necessary to have it outside here, the dilemma is what currently has existed at that site whether we like it or not is the starting point for what we are doing now and they have had outdoor music every year. So to suggest that there be no amplification of outdoor music at the pavilion area they have had.

Ms. Genova replied they are pushing the band out further than where it was originally.
Mr. Vinton replied it is going in the same place; it is currently under a tent we are going to take the tent away and put a permanent roof over it that is all.

Mr. Genova said you did put a time on this and you mentioned the decibels.

Mr. Minnich replied is becomes a matter of appropriation.

Mr. Genova said without appropriation passing it does not mean nothing. It is really up to John Vitone.

Mr. Minnich replied ask the Town Council to get the appropriation money to enforce it.

Mr. Genova said decibels will not help but a time zone will.

Mr. Minnich replied it would be better with both the decibel and the time citing Lake Compounds as an example.

Ms. Wick asked because they have music why can you not put in a time restriction. They have come to ask for these things you do have the authority to say no and if they do not listen then they have lost the right to do anything else until they start to listen. That is the only way you get the response you want.

Mr. Fuller asked if go over and start doing construction on a road in Watertown and I start blocking that road normally I have to hire a Police Officer to direct traffic. Who pays for that Police Officer? Why can't the club pay for a Police Officer to be there to make restrictions are adhered to.

Mr. Minnich replied maybe the Police Commission should be addressed and to determine what the responsibility of the Police Officer is that is there on private duty.

Mr. Rondeau we have asked things beyond the normal and the applicant can say yes we can do that or no they won't and we the ability based on their response as to whether we are going to approve or disapprove an application. Based on what I heard Mr. Vitone wanting to be a good neighbor I would like to recommend to see Mr. Vitone donate a decibel meter to the Police Department if it is not an expensive device and if you are willing to live by the rules it would not be a big issue.

Mr. Rondeau recommended that there should not be any music anywhere greater than 45 decibels due to the comments from the public.

Mr. Masayda said maybe Ruth can come up with the conditions and can contact Mr. Vitone and the neighbors.

Mr. Vitone asked are these comments on record and when will they be available.

Mr. Minnich said by the end of the week. .

MOTION: Duplissie moved to continue to next meeting

SECOND: Mancini

All in favor

Michael Masayda _____

Secretary