



Town of Watertown, Connecticut

Land Use Administration

Watertown Municipal Center

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PLANNING AND ZONING COMMISSION

REGULAR MEETING AGENDA

MINUTES

May 4, 2022

6:30PM

CALL TO ORDER

Vice -Chairman Antonacci called the meeting to order at 6:30PM

ROLL CALL

Members Present:

Raymond Antonacci, Vice-Chairman
Lou Cavallo, Secretary
Ken Demirs
Dan DiVito
Joe D'uva
Dave Marinaro
Dave Pope

Members Absent:

Richard Antonetti, Chairman
Lou Esposito
Jack Mchugh

Others Present:

Mark Massoud, Administrator For Land Use/Building
Services
Carol Allen, Administrative Assistant

Joe D'Uva seated for Lou Esposito

Bob Marinaro seated for Richard Antonetti

PUBLIC PARTICIPATION – none.

ACCEPTANCE OF MINUTES:

1. Regular Meeting February 2, 2022

Text of Motion: Approve February 2, 2022 minutes

Motion made by: L. Cavallo

Second by: D. DiVito

Aye: Raymond Antonacci, Lou Cavallo, Dan DiVito, Joe D'uva,

Dave Marinaro, Dave Pope

Nay: 0

Abstain: K. Demirs

Text of Motion: Table April 6, 2022 minutes

Motion made by: L. Cavallo

Second by: D. DiVito

All in Favor

STAFF REPORT:

Mark Massoud reported:

1. Update on regulation revisions: The committee has finished its review of the regulation revisions. I am going to meet with the consultant next week Wednesday to clarify some of the comments that the committee has made. We will then send it back to the sub-committee for finalization of the recommendation and it will then be presented to the commission for adoption.

Vice Chair Raymond Antonacci thanked the subcommittee for their work.

2. We are spearheading the creation and adoption of the Fair Housing Plan which will be due in a couple of months. We started a draft which includes the demographics, writing some of the sections, reaching out to the commission and others in town to help craft that report. We are meeting with representatives from COG for professional support for advice in moving that forward. We will keep up as we move forward.

CHAIRMAN'S REPORT

NEW BUSINESS: none.

CONTINUED PUBLIC HEARING

1. Site Plan/Special Permit #2022-01 of Bela Sztanko, EPS Sport LLC for auto sales at 11 Falls Avenue, Oakville, CT in a B-C zoning district Map 133 Block 197 Lot 2.

Bela Sztanko, 21 Dickerman Street: We are picking up where we left off. The commission wanted to clarify some issues with town regulations and wanted to hear some recommendations from Mr. Massoud. He put his thoughts on paper and all things seem agreeable to me with your permission lets proceed.

Mark Massoud, Administrator For Land Use/Building: There was some questions about how this would be licensed and the question of fitting it into some of the standards that are in the zoning regulations in regards to automotive dealership. I looked through those standards and my opinion is that those sections were written primarily for new automobile dealerships as we see on the Straits Turnpike and that is where they have been applied. I don't believe they would be appropriately applied to this situation. This is the BC zoning district and the district does allow for used automotive sales and service with some caviat to repairs and service including car washing conducted entirely within an enclosed building and outdoor storage and sale of wrecked vehicles not permitted. This is a little bit of a unique situation in that Mr. Sztanko wants to have the ability to facilitate sales between his customers. The nature of the autos does lend itself to display outdoors, they are specialty race cars, I just hand a conversation with him prior and he is happy with the restriction that has no outdoor display of cars. This is meant to be a low-key kind operation, not your typical car sales situation. I think there was worry about any precedent that might be set if he eventually vacates that building and say someone else comes in they would have to apply for a license all over again, at least a continuation and a new set of restrictions could be looked at for that particular future operation. I crafted a resolution with some conditions of approval that included his statement of use because those would be our guiding standard as to what the commission approved. If you wanted to clarify adding a condition number 3, if you wanted to specify a number of autos that are for sale and for overnight parking, he would be okay with that.

Bela Sztanko: Absolutely it does not change our business model. We are not a car dealership, we are car repair shop, we customize race cars. Occassionally we sell some and according to the state I am outside of my boundaries doing so, I just want to make it legal. We are not going to keep cars outside for car sale, Oakville is not a highly frequented location for a race car driver it is not our demographic. Zero cars outside and overnight I am happy to oblige.

Motion: Close the public hearing.

Dan DiVito: I believe this is similar to what we approved at the Porter & Chester with German Auto.

Ken Demirs: So my understanding is we are just going to add item four to the conditions about the outdoor storage at night or display at night and everything else everything else here makes sense.

Motion made by: K. Demir
Second by: D. Pope
All in Favor

NEW PUBLIC HEARING

1. Site Plan/Special Permit #2022-03 from Waterbury Auto Group for a used car and sales repair at 55 McLennan Drive, Oakville, CT. Map 125 Block 186 Lot 37E

Carol Allen, Administrative Assistant: Read the legal notice into the record.

Richard Gilland Jr.: Representing the applicant as well as the owner of the property. I have for Carol the return of the certified mails. Mr. Gilland gave a brief overview of the property, the property is located at 55 McLennan Drive in Oakville. The property consists of .4 acres, it is located in an IG district. The improvements on the property consist of a single story metal building which has approximately 6,200 square feet and that building was constructed in 1974. The building is being used by Complete Construction Services or Complete Services although that occupant of the property is presently in the process of vacating property. Historically speaking that property has been used for construction contractors to conduct their businesses, store equipment and material and conduct repairs to construction equipment. What we are looking at this evening is a approval of a special permit for an accessory use to that property and that use is for automobile repair as well as the sale of used cars. The area that is going to be used for that purpose is 1,800 square feet of the building, it is located on the right hand side of the building as you are looking at the map that was filed with the application. It would extend a third of the way down the front of the building, there is a single bay garage door there and it would extend to the rear of the property. The potential applicant or tenant of that property is entitled to use of the entire right side of the building. The remaining part of the building is going to continue to be used by a construction contractor. Historically speaking that use and the use of the property as a automobile repair, the auto sale part of it is very limited. It is my understanding that in order to even sell one or two vehicles there needs to be a license assigned to that particular location. We were scheduled to be before the ZBA last week and that meeting was

for the purpose of having that use location approved and unfortunately that board was without a quorum, we were unable to be heard at that meeting. The use of the property for automobile repairs and the sale of a few used motorvehicles is consistent with not only that particular property because as I mentioned the property historically speaking has been used by construction contractors, the interior of the building was used to conduct repairs to the construction equipment that was being used. So whether you are repairing construction equipment or repairing a motor vehicle there is not much of a difference there. I believe that use is consistent with the Watertown Plan of Development as well as your zoning regulations. I would like to recite that the district purpose for an IG80 zone is accommodate basic industrial uses and heavy commercial operations compatible with residential environments it is intended to be less restrictive than restricted industrial districts. I don't believe that the intended use of this property for both a construction contractor and a limited auto repair business and sales is going to disturb the neighborhood in any manner moving forward. I am made aware of the fact that you have before you some letters submitted, with the application that there is on the left hand side of the property a notation about there being a 12 foot wide right of way claimed on the by 55 McLeannan Drive LLC, on the abutting property owner which is an address of 45 McLeannan Drive. That claim is not before you I believe it is totally irrelevant to your decision. The matter that is before you and even though I certainly respect your board and commission, I don't think that is a topic that you would have any weight in deciding and it is not an issue that currently exists between this particular board. It is certainly not an area that is going to be used by the auto repair and used sales area because their activity is going to be limited to the right hand side of the building and will not impact the property to the right. For my purposes and the purposes of our application you can totally disregard that notation as if it were not on the map, it is not important for today's proceedings. I do know you have a letter in your packet from Mr. Solia and Mr. Columb I will point out it appears that the basis of their concern has to do with this easement claim and as I mentioned this is not an easement claim that is before your commission. We are not asserting that this evening and I don't think it is relevant. I would ask the commission approve the site plan and the special permit this evening. If there are any questions I am happy to try to respond to them.

Lou Cavallo: On the complaints it says on here the parking submitted by the Waterbury Auto Group shows here five spaces that can only be accessed from the abutting property.

Richard Gilland Jr.: Those spaces are located along the left hand side of the building and those spaces are not going to be occupied by the auto sales or auto repair. They are strictly going to be located on the right hand side of the property.

Lou Cavallo: On the plans submitted did it show cars on the left hand side initially.

Richard Gilland Jr.: I think the way they are depicted on there would cause one to travel upon the abutting property owner. Perhaps that depiction of those parking spaces is not accurate for tonight's hearing. We are not proposing any claim to that easement but certainly by looking at the way those they are configured it would call upon someone to drive upon the neighboring property and that is not what is being proposed this evening.

Lou Cavallo: You are saying there is not going to be any cars on that side or on the neighboring...

Richard Gilland Jr.: I think there is going to be parking as there always has been on the left hand side of the property consistent with the construction contractor's at this point we are not pursuing any claim to an easement.

Lou Cavallo: So there is no plans going on to that easement or the other property.

Richard Gilland Jr.: There certainly is not as part of that easement that we are reporting with this property this evening. The use of the right hand side of the building for auto repair and sale is strictly going to be limited to the right hand side of the property. The use of the left hand as well as the front of the property will continue to be used by Construction Contractors.

Lou Cavallo: There is a picture on there that shows a dotted line and it shows that vehicles will be parked close to the building and they will not be in the other half of the dotted line.

Richard Gilland Jr.: That is my understanding. We may hear other testimony this evening, but it is my understanding that is not being used to date and I don't believe we are pursuing that this evening.

Dan DiVito: I understand this is more of a repair shop if they come by a car that they are going to sell this is going to be spurious versus lining of used cars.

Richard Gilland Jr.: Yes, there is not room in that location for that particular use for displaying vehicles is my impression and that in order to sell one or two cars just as the prior applicant had mentioned it requires a license and approval and that is what brings us to you this evening.

Dan DiVito: Did they have a current location?

Richard Gilland Jr.: I believe they are from Waterbury.

Ken Demirs: You had mentioned earlier that complete is 90 percent out of there correct?

Richard Gilland Jr.: That is my understanding yes.

Ken Demirs: My understand is that they have quite the fleet of big vehicles and medium vehicles and small vehicles there is a lot of them in this picture. I think that the neighbors will be pretty happy that he is 90 percent out of there. A lot less noise and disturbance with a small used car dealership than a construction company.

Richard Gilland Jr.: Yes I think that in speaking with the owner of the property the impact in that location will decrease significantly by the exiting of Complete Services from that site. There will still be a construction contractor occupying three fourths of the building but certainly not to the magnitude of what was there.

Mark Massoud, Administrator For Land Use/Building: Just a procedural point first, we did not seat alternates. Would you want to seat Joe Duva for Lou Esposito and Bob Marinaro for Richard Antonetti. My understanding was very similar to Attorney Gilland this is located in an IG80 zoning district it does allow for a variety of heavy uses. My understanding was the same in terms of the primary use still being for construction services with the accessory use for repair and sales. We crafted a resolution again along those lines. Since they haven't specifically received the locational approval stating that is the condition and the two other conditions are relative to the IG80 zone maintenance, repair and washing should be conducted within the enclosed building.

Ken Demirs: IG80 is that the same zone for Porter & Chester building where the German Auto moved in.

Mark Massoud, Administrator For Land Use/Building: Yes I believe it is. In that case we also found that going along the accessory use that the German Auto Repair use was accessory to the former educational services that was in that building but there are also additional services in that building so it was looked on as an accessory to other permitted uses.

Mr. Douglas Columb: Louis Solia who lives at 45 the loft of that building could not be here tonight. His concern is that site plan that has been put in there has nothing to do with the right of way, there is no parking spaces on the right hand side of the building that are depicted in this site plan. Five years from now someone is going to pull the site plan out for public record and is going to say there is a right of way right there on the plan. The plan when Carol reproduced it was a larger format there was a note on here #2 which you don't have in your packets #2 says the map was drawn up as a negotiating tool between the two neighbors, for negotiation that never bore any fruit. The two neighbors are at odds over the use of the property and they became at odds a number of years ago when a vehicle belonging to #55 leaked oil or hydraulic fluid on the ground which Mr. Solia paid for in order to clean up, expensively. Number 45 already has a long

history of site clean up that is well documented. He had to spend a lot of money to clean up that little spot and that little spot is in that flow line that comes from the front of 55. Recently this spring I was down there and #55 had trucks out front and they were washing the salt out of the salt spreaders and the white salt was coming down through onto Louis's property right down into the brook. Number 55 prior to 1975 was built, the river use to be right where the building is. When they put the building in they moved the river over to have space for that building. Subsequently Guerrero Construction was hired by the Town with federal money is my understanding to correct all of that channel in there because everybody had continual flooding. Apparently #55 has modified the channel to the end of the cul de sac and recently there was flooding this spring again. At one point the flooding was bad enough they had to repave the whole side of McLeannan Drive. So if you look closely at the photos you will see some pavement lines that were back in the day when Mr. Solia could point out to you what was paved because it was all ripped up. They had to bring in roadbase material and pave that section. The fact that Complete Construction might be moving in actually is not a good thing because if they leave and it happens again they are not going to be around to make the repairs. So I hope they still continue to own the building because at least there is some ownership there any future damage they will repair. They need to put the channel back the way it was when Guerrero fixed the channel that is a major problem. The pictures that I provided for you in my letter show 4 pickup trucks parked in the cul-de-sac and if you look at the angle from across the street you will notice from the map and the pictures that the trucks are actually in the turn around they are not on private property. There is a telephone pole behind one of those trucks and that telephone pole is the beginning of the property line. Those trucks are so far in the road and that is actually a quiet day because there is more than 5 trucks there. A fire truck cannot turn around and a city plow truck cannot turn around. The only reason there is no complaint is that Complete Construction has been plowing the end of that driveway. If this is a site plan it should depict parking somewhere for the new use of the building. The only parking it is depicting is parking that has to be accessed from this supposed right of way. Ray Antonacci is in conversations with Joe Mohan is Louis's Attorney. Ray happens to be acting as an Attorney for #55, that thing is not settled. There is one other problem too whenever you have runoff from one property to that one of the properties happens to be drycleaner or an automotive repair facility it subjects both that property and the adjoining property to the transfer act. Which means whoever owns either one of those properties is going through a lot of trouble to be able to sell the building down the road. If Mr. Solia wants to sell his building he is not going to be able to sell that building. He has a pollution spot that has not been cleaned up yet. There is an environmental company coming down on Monday to dig up a little bit of area on the property left over from Complete Construction's truck over there. There is obviously a drainage issue so unless they correct the way the water flows when it comes around that building by lowering the grade or raising Louis's grade you are subjecting Louis's to his inability to sell his building

five or ten years from now. Separate from all the traffic generated by Complete there is times that Louis said there is more than 30 cars down there. Louis has a shipping dock in front of his building, the tractor trailer comes in he cannot get into the dock because there is so many cars there. His basic concern is he does not want their runoff on his property. He needs to be able to operate a business there, which means to get to his shipping dock. If this is truly a site plan it needs to be drawn up as a site plan showing some parking some where that they are going to use. The way it is here there is parking to nowhere. To give you a site plan they just grabbed this up out of a file. The architect usually draws you a nice little sketch that show the parking and everybody is happy, that is not the case here.

Lou Cavallo: I am a little confused I thought we were just approving the use for auto repair/sales correct? If he is going to stay on his property lines and not go outside of it, what kind of control do we have over that correct. We don't have a right to make decisions on that correct.

Mark Massoud, Administrator For Land Use/Building: Correct.

Lou Cavallo: So our decision correct me if I am wrong has to be just on the use. How do these other matters get addressed. Does he have to go to Wetlands that does not fall under our umbrella correct.

Mark Massoud, Administrator for Land Use/Building: I agree that the dispute with regards to what is called a claimed right of way is between the private properties and not subject to our jurisdiction.

Lou Cavallo: According to the attorney they are not looking to do anything in that right of way, that doesn't have to do with us anyway. It is a legal issue,

Mark Massoud, Administrator for Land Use/Building: I agree.

Lou Cavallo: I want to understand this correctly before I make a decision. We are making a decision on the use and the properties lines we don't have jurisdiction on, correct.

Mark Massoud, Administrator for Land Use/Building: Correct.

Dan DiVito: He does bring up a valid point that is does not show parking on the right hand side, maybe the Attorney could speak of where the parking will be.

Richard Gilland Jr.: The parking would be limited for auto repair and auto sales is on the right hand side of the property. It will not be near the abutting property owner's property. Yes, there is a single bay garage door and there is a pretty decent paved area there for vehicles to be parked there.

Joe D'uva: Is your objection to this strictly based on the car sales itself?

Douglas Columb: No I don't think that is the situation, I think this property and 45 and everybody on that street it is very easy to exceed the intensity level of use that could make it objectionable to people around you. So you could fix all the cars there you want it wouldn't bother me. If there is any runoff from that to the neighbor there is eventually a lawsuit down the road and they need to park off the street so that the tractor trailers can turn around and back in and the fire trucks can get through. The mailbox is not in front of the place because there is no space. They put the mailbox in front of number 45. It is in a five gallon milk can with cement on the bottom. They need to think twice about the site plan and draw it. They are going to need at least 5 outdoor spaces for any business that has 2 or 3 employees. So if not are not going to use the left draw something that you can use.

Ken Demirs: I just wanted to make a comment I drove down here today it's extremely difficult I thought I knew how to look at property lines but it is very difficult to tell who is who. You get to the bottom of the street it is wide open to the left and to the right. Without having a map like this, you would assume that when you get down to the bottom of the road that a lot of that property you see would belonged to this particular building. However that doesn't appear to be the case but they do in my opinion they have plenty of room on the right side of the building to make parking spots to run their used car repair business. I don't think they have any need to go the the left side of the building where there is a conflict in what is going on for crossing over your property. I don't think it has anything to do with this application. It looks like there is plenty of land on the right side of this building to park vehicles.

Douglas Columb: There is not as much as you see there because because of the lein on there. That is why they need to draw it for a better understanding.

Ken Demirs: I am not an engineer but if you take this and you put it over here it fits pretty good, that is five spots.

Douglas Columb: Let him draw it and hand it in that would be my suggestion.

Ken Demirs: This is the site plan that was submitted with the application, correct?

Mark Massoud, Administrator for Land Use/Building: Yes

Ken Demirs: Those parking spots were they added to this for whatever is going on with the neighbors or is this actually what is on file?

Mark Massoud, Administrator for Land Use/Building: I believe that is what is on file because I have seen that map before. I am aware from previous conversations

of the conflict between the two adjacent property owners relative to the eastment, to the access off the two parking spaces.

Lou Cavallo: I am thinking if I own a home and I have my property lines and if I park in the street or park in my neighbors home and somebody complains, Public Works comes by and says hey you have to move your car you cannot have it there it's the same thing here. If these guys stay within their property they could get 5 cars, 2 cars or 8 I don't see where we have an issue. If they are outside of their property then somebody should complain to the appropriate department and have them remove those cars or stick to their property lines. As long as they stay in their property line we really just need to approve the use, correct?

Mark Massoud, Administrator for Land Use/Building: I was just looking up parking requirements for an automotive repair or service facility you need 3 parking spaces per bay and for a building construction or landscape contractor's yard the number of parking spaces is left to the discretion of the commission.

Dan DiVito: The 1,800 square feet is there only one door access for that one bay.

Richard Gilland Jr.: Yes, the 800 square feet consists of a single bay.

Dan DiVito: If I can make a recommendation, would be a condition of approval that they add three parking spots to the right approved by staff, if we do approve the motion.

Ken Demirs: Mark would that make sense.

Mark Massoud, Administrator for Land Use/Building: I was thinking the same thing.

Lou Cavallo: Then that would answer your question if you put those parking spots in.

Mark Massoud, Administrator for Land Use/Building: That would be a conditional of approval to show the 3 spots to the right.

Douglas Columb: And they take the map and that they remove the right of way on there because it does not exist.

Lou Cavallo: We are not questioning the right of way like that. None of this is conditioned upon the right of way. This is conditioned upon them being on their property.

Douglas Columb: All I know Mr. Solia will be on the phone to his lawyer if he sees a right of way on there because 5 years from now somebody is going to pull it out of the file and say a right of way exists. Next thing you know there will be an adverse possessin lawsuit going which doesn't need to be.

Lou Cavallo: I don't think we can legally dispute a right of way or not that is a legal issue.

Douglas Columb: There is no dispute it does not exist. You just approving a site plan that has it in it, the problem is going to continue legally. It's not there and it says so on the map. The part you did not get, it says it was put on to negotiate a right of way which is not in any record any where. Then cut Mr. Solia's part of the map because that has the right of way on it.

Lou Cavallo: That is up to the Attorney.

Douglas Columb: I think he needs to take it off the map. Mr. Mohan will be on the phone tomorrow.

Ken Demirs: We are not in a position to remove anything, all we are adding to the condition of approval is just the parkings spots be added to the site plan. We don't have the authority.

Douglas Columb: Then it will say the site plan the right side is for the auto repair and the left side continues to be undecided, it's not part of the application.

Ken Demirs: The left side is not on the table.

Douglas Columb: It is not part of the application.

Richard Gilland Jr.: I think the members of the commission have covered it and have a clear understanding of the issues that are revelant for this evening.

Ken Demirs: Any closing arguments Mark.

Mark Massoud, Administrator for Land Use/Building: No, I am good.

Text of Motion: To Close Public Hearing

Motion made by: D. DiVito

Second by: L. Cavallo

Aye: L. Cavallo, D. DiVito, J. D'uva, D. Marinaro, K. Demirs

Nay: 0

Abstain: R. Antonacci, D. Pope

OLD BUSINESS – none.

ARTICLES ON AGENDA (READY FOR POSSIBLE ACTION)

1. Site Plan/Special Permit #2022-01 of Bela Sztanko, EPS Sport LLC for auto sales at 11 Falls Avenue, Oakville, CT in a B-C zoning district Map 133 Block 197 Lot 2.

Text of Motion: Approve Site Plan/Special Permit #2022-01 of Bela Sztanko, EPS Sport LLC for auto sales at 11 Falls Avenue, Oakville, CT in a B-C zoning district Map 133 Block 197 Lot 2 in accordance with a resolution prepared by Mark Massoud dated May 3, 2022 with the stipulation that all vehicles will be moved indoors at night and no display of vehicles outside.

Motion made by: L. Cavallo
Second by: K. Demirs
All in Favor

2. Site Plan/Special Permit #2022-03 from Waterbury Auto Group for used auto sales and repair at 55 McLennan Drive, Oakville, CT. Map 125 Block 186 Lot 37E

Text of Motion: Approve Site Plan/Special Permit #2022-03 from Waterbury Auto Group for used auto sales and repair at 55 McLennan Drive, Oakville, CT. Map 125 Block 186 Lot 37E in accordance with a resolution prepared by Mark Massoud dated May 3, 2022 with the stipulation there will be approval from the Zoning Board of Appeals and the addition of parking spaces on the right side of the building.

Motion made by: B. Marinaro
Second by: L. Cavallo
Aye: L. Cavallo, D. DiVito, J. D'uva, D. Marinaro, K. Demirs
Nay: 0
Abstain: R. Antonacci, D. Pope

COMMUNICATIONS AND BILLS – none.

INFORMAL DISCUSSION- Ken Demirs I have a comment to make I think we should add the pledge of allegiance to the agenda.

NEXT MEETING DATE: June 1, 2022

ADJOURNMENT

Text of Motion: Adjourn at 7:30PM

Motion made by: L. Cavallo

Second by: D. Divito

All in Favor

Lou Cavallo _____
Secretary