

TOWN OF VERNON
Planning & Zoning Commission (PZC)
Meeting Notice
Thursday, December 16, 2021 7:30 PM
Town Hall--14 Park Place, 3rd Floor Council Chambers
Vernon, CT

AGENDA

1. **Call to Order & Roll Call by Roland Klee, Chairman**
2. **Administrative Actions/Requests**
 - 2.1 Amendment/Adoption of Agenda - Additional business to be considered under agenda item #7 "Other Business" requires Commission vote
 - 2.2 Approval of the Minutes from the **December 2, 2021**.
3. **New Application(s) for receipt, if any:**
4. **Public Hearing(s) and Action on Applications**
 - 4.1 Application [**PZ-2021-18**] of Pritam, LLC c/o Jagdev Toor: A Special Permit Use for the sale of alcoholic beverages (package/liquor store) at 234 Talcottville Rd. (Assessor's ID: Map 10, Block 15R, Parcel 40G).
5. **8-24 Referrals, If any**
6. **Other Business/Discussion**
7. **Adjournment**

Roland Klee, Chairman
Planning & Zoning Commission

DRAFT MINUTES

TOWN OF VERNON
Planning & Zoning Commission (PZC)
Meeting Notice
Thursday, December 2, 2021 7:30 PM
Town Hall--14 Park Place, 3rd Floor Council Chambers
Vernon, CT

Draft Minutes

1. **Call to Order & Roll Call by Roland Klee, Chairman 7:30 PM.**
 - Regular members present: Roland Klee, Robin Lockwood, Joseph Miller, Mike Mitchell, Iris Mullan, Susan Reudgen, and Jesse Schoolnik
 - Alternate Member: Carl Bard
 - Absent Members: Mike Baum
 - Staff present: George McGregor, Town Planner and Shaun Gately, EDC
 - Recording secretary: Jill Rocco
2. **Administrative Actions/Requests**
 - 2.1 Amendment/Adoption of Agenda - Additional business to be considered under agenda item #7 "Other Business" requires Commission vote

Robin Lockwood **MOVED** to **ADOPT** the agenda. Iris Mullan seconded and the motion carried unanimously.
 - 2.2 Approval of the Minutes from the **November 18, 2021.**

Mike Mitchell **MOVED** to **APPROVE** the minutes from November 18, 2021. Iris Mullan seconded and the motion carried unanimously.
3. **New Application(s) for receipt, if any:**
 - 3.1 **PZ-2021-18, 234 Talcottville Rd.** An Application of Pritam, LLC c/o Jagdev Toor for a Special Permit Use for the sale of alcoholic beverages (package store) at 234 Talcottville Rd. (Assessor's ID: Map 10, Block 15R, Parcel 40G).

Town Planner George McGregor recommended a hearing date of December 16, 2021.

Robin Lockwood **MOVED** to **RECEIVE** application **PZ-2021-18** An Application of Pritam, LLC c/o Jagdev Toor for a Special Permit at the December 16, 2021 meeting. Joseph Miller seconded and the motion carried unanimously.
 - 3.2 **PZ-2021-19, Village at Naek Road.** An Application of Rashid Hamid for a Site Plan and Special Permits to allow a 70-unit apartment development on multiple parcels located at 291 and 293 Talcottville Rd. (Assessor ID: Map 3 Block 4 Parcels 9A & 9E) and at 27, 32, 37, 38, and 46 Naek Rd. (Assessor ID: Map 3 Block 4 Parcels 008-8, 7,4, 6, 5). Specials Permits requested from the Planned Develop Zone-Gerber Farm zoning district (PDZ) include Section 4.24.4.3.2 (multi-family units); 4.24.3.15.1 (more than 40 off

street parking spaces); 4.24.4.3.15.2 (proposed structures within 200 feet of a residential structure); Section 4.24.4.3.15.3 (proposed parking within 200 feet of a residential structure); Section 4.24.4.3.15.4 (aggregate square footage in excess of 25,000 sq. ft.); Section 4.24.4.3.15.9 (a development having less than the required yards).

Town Planner George McGregor recommended a hearing date of January 20, 2022.

Robin Lockwood **MOVED** to **RECEIVE** application **PZ-2021-19** An Application of Rashid Hamid for a Site Plan and Special Permits at the January 20, 2022 meeting. Joseph Miller seconded and the motion carried unanimously.

4. **Public Hearing(s) and Action on Applications**

4.1 CONTINUATION of Public Hearing: PZ-2021-17, 20 Mountain St. An Application of Sal Alhujaji for a Special Permit pursuant to Section 4.15.6 & 3.26 to allow Adaptive Reuse in the Historic District-Planned Neighborhood Development (PND) Zoning District for the purposes of appliance and other product storage at 20 Mountain St. (Tax ID: Map 41, Block 0113, Parcel 00015).

- Chairman Roland Klee explained the continuation of the Public Hearing.
- Town Planner George McGregor explained that the applicant will explain details of the application and answer any questions.
- Applicant Sal Alhujaji addressed the commission and explained his plan for future use of the site.
- Commission asked questions in regards to what will be stored onsite, lighting, potential hours, hazardous waste cleanup concerns and sprinklers.
- Applicant responded.
- Lengthy discussion ensued.
- Town Planner George McGregor shared some information in regards to the site.
- Applicant responded.
- Chairman Roland Klee **OPENED** the Public Hearing.
- No one spoke in favor of.
- Bill Walach, 12 Mountain Street, spoke in opposition citing concerns with noise, weight limits for traffic, turn around access, hazardous waste, grounds upkeep and that it is a Historic District.
- Commission asked questions.
- Town Planner George McGregor responded.
- Bill Walach cited more issues he sees with the site.
- Liz Bologna, tenant, 12 Mountain Street, spoke in opposition.
- Applicant responded.
- Bill Walach spoke again in opposition

Mike Mitchell **MOVED** to **CLOSE** the Public Hearing at 8:22 PM. Joseph Miller seconded and the motion carried unanimously.

- Discussion ensued.

Susan Reudgen **MOVED** that the Planning and Zoning Commission **DENY PZ-2021-17, 20 Mountain St.** based on the fact that the application did not provide enough detailed information on the request and the application does not meet any of the relevant permit criteria of **Section 17.3.1**. Mike Mitchell seconded and the motion carried unanimously.

5. **8-24 Referrals, If any**

NONE

6. **Other Business/Discussion**

NONE

7. **Adjournment**

Robin Lockwood **MOVED** to **ADJOURN** at 8:32 PM. Mike Mitchell seconded and the motion carried unanimously.

Jill Rocco
Recording Secretary

APPLICATION

1

NARRATIVE FOR ZONING APPLICATION

November 30, 2021

Application: **234 Talcottville Road – Liquor Store**
Applicant: **Pritam, LLC c/o Jagdev Toor**
Property Location: **234 Talcottville Road**

Pritam, LLC (the "Applicant") seeks the approval of the Vernon Planning and Zoning Commission for a Special Permit for the sale of alcohol at property located at 234 Talcottville Road, Vernon (the "Property"). Pritam, LLC is owned and controlled by Jagdev Toor. The Property is owned by 234 Talcottville Road, LLC (the "Owner"). The Owner has consented to the filing of this application. The Applicant holds an interest in the Property by virtue of an Indenture of Lease, dated November 5, 2021 by and between the Applicant and the Owner.

The Property is located within the Commercial Zone and contains approximately 0.99 acres. One commercial building, containing approximately 12,000 square feet, presently exist upon the Property.

The Applicant hereby requests a Special Permit for the sale of alcohol, pursuant to Section 4.9.4.11 of the Vernon Zoning Regulations. The Applicant will conduct this use within the existing building on the Property. The Application proposes no site improvements or exterior changes upon the Property at this time. As such, this request is for a Special Permit relative to a proposed use only; there is no accompanying request for a Site Plan Approval.

Standards for approval of a Special Permit for the sale of alcohol are contained in Section 17.1 and 17.3 of the Regulations. Section 17.1 of the Regulations requires that the proposed use not be located within 3000 feet of another "seller of alcohol", within 2000 feet of a high school, or within 1000 feet of a "public institution" (i.e., a church, library, school or town-owned or state-owned park or open space). Although the Property is within 3000 feet of the Lazy Liquor package store presently located at 212 Talcottville Road, the Applicant represents that it owns and controls that package store. As a condition of the Commission's approval of the subject application, prior to commencing any sale of alcohol from the Property, the Applicant will agree to cease all sale of alcohol from 212 Talcottville Road and relinquish its liquor license for that location. With this condition, the Property will satisfy all of the aforementioned separating distances. The Applicant will be prepared to present testimony regarding satisfaction of the standards set forth in Section 17.3 of the Regulations at the public hearing on this application.

The Applicant does not anticipate a change in traffic conditions in connection with the issuance of this Special Permit. Access to the Property will continue to be from the existing curb cut on Talcottville Road and there is adequate on-site parking for the proposed use.

PZ 2021-18

TOWN OF VERNON PLANNING & ZONING COMMISSION (PZC)

APPLICATION

This form is to be used to apply to the Vernon Planning & Zoning Commission (PZC) for a change of zoning district, amendment of the Zoning Regulations, Site Plan of Development (POD), Special Permit(s), amendment of the Subdivision Regulations, and/or approval of a (re) subdivision, or DMV location approval. **Provide all the information requested.**

The applicant must be the property owner, the property owner's agent, the Town of Vernon, or someone with a direct financial interest in the subject property; said interest shall be explained and written permission for this application must be obtained from the property owner and submitted with this application if the applicant is not the property owner (ZR Section 2.3).

The list of approvals and the references to sections of the Regulations are for informational purposes only to assist with preparation of the PZC application and are not a definitive statement of the sole requirements that may apply to a specific project.

The applicant understands that the application is complete only when all information and documents required by the PZC have been submitted and, further, that any approval by the PZC relies upon complete and accurate information being provided by the applicant. **Incorrect information provided by the applicant may make the approval invalid.** The PZC may require additional information to be provided by the applicant in the course of reviewing the application and during the monitoring of the project.

Provide all the information requested:

I. APPLICANT:

Name: Pritam, LLC c/o Jagdev Toor

Title: _____

Company: _____

Address: 36 Cardinal Way

South Windsor, CT 06074

Telephone: 860-965-9579

Fax: _____

E-mail: _____

II. PROPERTY OWNER (S):

Name: 236 Talcottville Road, LLC

Title: _____

Company: _____

Address: P.O. Box 531

Glastonbury, CT 06033

Telephone: _____ Fax: _____

E-mail: _____

RECEIVED

NOV 30 2021

05/05/2015

TOWN PLANNERS OFFICE

III. PROPERTY

Address: 234 Talcottville Road

Assessor's ID Code: Map # 10 Block # 15R Lot/Parcel # 40G

Land Record Reference to Deed Description: Volume: 1835 Page 83

Does this site contain a watercourse and/or wetlands? (See the Inland Wetlands Map and IWR Section 2.14, 2.15, 2.23, 2.24, 3.11; 4)

☒ No

☐ Yes

☐ No work will be done in regulated area

☐ Work will be done in the regulated area

☐ IWC application has been submitted

☐ IWC application has not been submitted

Zoning District Commercial

Is this property located within five hundred (500) feet of a municipal boundary?

☒ No

☐ Yes:

☐ Bolton

☐ Coventry

☐ Ellington

☐ Manchester

☐ South Windsor

☐ Tolland

Check if Historic Status Applies:

☐ Located in historic district:

☐ Rockville

☐ Talcottville

☐ Individual historic property

IV. PROJECT

Project Name: 234 Talcottville Road - Liquor Store

Project Contact Person:

Name: Dorian R. Famiglietti

Title: Attorney for Applicant

Company: Kahan, Kerensky, Capossela LLP

Address: 45 Hartford Turnpike

Vernon, CT 06066

Telephone: 860-812-1765 Fax: 860-647-8302

E-mail: dfamiglietti@kkc-law.com

V. PZC APPLICATION PROJECT SUMMARY

Describe the project briefly in regard to the purpose of the project and the activities that will occur. Attach to this application a complete and detailed description with maps and documentation as required by the "Town of Vernon Zoning Regulations" and "Town of Vernon Subdivision Regulations".

Purpose: Special Permit for Sale of Alcohol

General Activities: Special Permit for use only; no new
site improvements proposed (see attached narrative)

VI. APPROVAL (S) REQUESTED

Subdivision or Resubdivision

- Subdivision (Sub. Sec. 4, 5, 6)
- Resubdivision (Sub. Sec. 4, 5, 6)
- Minor modification of subdivision or resubdivision (Sub. Sec. 4.6)
- Town acceptance of a road (Sub. Sec. 6.5-6.8 & 9)
- Amendment of Subdivision Regulations (Sub. Sec. II)

See Subdivision Regulations Sec. 4 for application fee schedules.

 Soil Erosion and Sediment Control Plan (ESCP) (ZR Sec. 2.117; 18) (Sub. 6.14)

 Site Plan of Development (POD) (ZR Sec. 14)

- POD approval (ZR Sec. 14.1.1.1; 14.1.2)
- Modification of an approved POD (ZR Sec. 14.1.1.1)
- Minor modification of a site POD (ZR Sec. 14.1.1.2)

 X Special Permit(s) (ZR Section 17.3)

- Special Permit in an aquifer area (ZR Sec. 2.4; 2.5; 2.119; 20)
- Special Permit for excavation (ZR Sec. 2.52; 2.79; 15)
- X Special Permit for use in a district (ZR Sec. 1.2 & 4)
- Special Permit for lot coverage (ZR Sec. 1.2; 2.61; 2.68; 4)
- Special Permit for signs (ZR Sec. 1.2; 2.106-115; 4; 16; 21.7)
- Special Permit for parking (ZR Sec. 4; 12; 21.4)
- Special Permit for elderly housing (ZR Sec. 2.60; 17.4)
- Special Permit for Bed & Breakfast (B & B) (ZR Sec. 2.9; 17.3.4)
- X Special Permit for serving alcohol (ZR Sec. 2.103, 17.1)
- Special Permit for massage (ZR Sec. 2.76-78; 4)
- Special Permit for telecommunications (ZR Sec. 2.21; 3.23 & 23)
- Special Permit for dumps and/or incinerators (ZR Section 8)

____ Other Special Permit(s). Cite ZR Section and describe activity:

____ Special Permit modifications (ZR Sec. 17.3.2.2). Cite ZR Section and describe activity.

____ **Zoning:**

____ Site specific change of zoning district and map (ZR Sec. 1.2; 1.3; 4)

____ Amendment of Zoning Regulations (Sec. 1.2; 1.3; 4)

____ Site specific change to the Aquifer Protection Overlay Zone Map (ZR Sec. 20.3.2)

See Zoning Regulations Section 22 for application fee schedules.


____ Dealer or Repairer License (location approval for DMV)

Per Connecticut General Statutes (CGS) Section 8-26: If an application submitted to the Planning & Zoning Commission (PZC) involves any activity or area regulated under the wetlands statutes, an application for this activity must be filed with the Inland Wetlands Commission (IWC) on or before the day the Planning & Zoning Commission (PZC) application is filed by the applicant. (TWR Sec. 3.11)

Per CGS Sec. 8-31: If the proposed activity is to take place within a watershed of a Water company, the applicant is required to file a copy of the application with the Water Company via certified mail within seven (7) days of the date of the application. (TWR Sec. 4.3.6).

The applicant, undersigned, has reviewed the "Town of Vernon Planning and Zoning Regulations and Inland Wetlands and Watercourses Regulations" and has prepared this application with complete and accurate information:

Property Owner, Applicant, or Applicant's Agent:

| | |
|---|-------------------------|
|  Signature | <u>11/30/21</u> Date |
| <u>Julian R. Famiglietti, atty for</u> Signature applicant | Date |

TO BE FILLED IN BY THE PLANNING DEPARTMENT

Date Application Submitted _____

Date Application Received by Commission _____

PZC File: _____

November 30, 2021

Vernon Planning and Zoning Commission
55 West Main Street
Vernon, CT 06066

Re: 234 Talcottville Road, Vernon

To Whom It May Concern:

Please be advised that the undersigned is the owner of land located at 234 Talcottville Road, Vernon, CT. In this regard, please take this letter as the owner's consent to allow Pritam, LLC and/or Jagdev Toor to file an application with the Vernon Planning and Zoning Commission for a special permit to allow the sale of alcoholic beverages upon the property.

If you have any questions, please do not hesitate to contact me.

Sincerely,

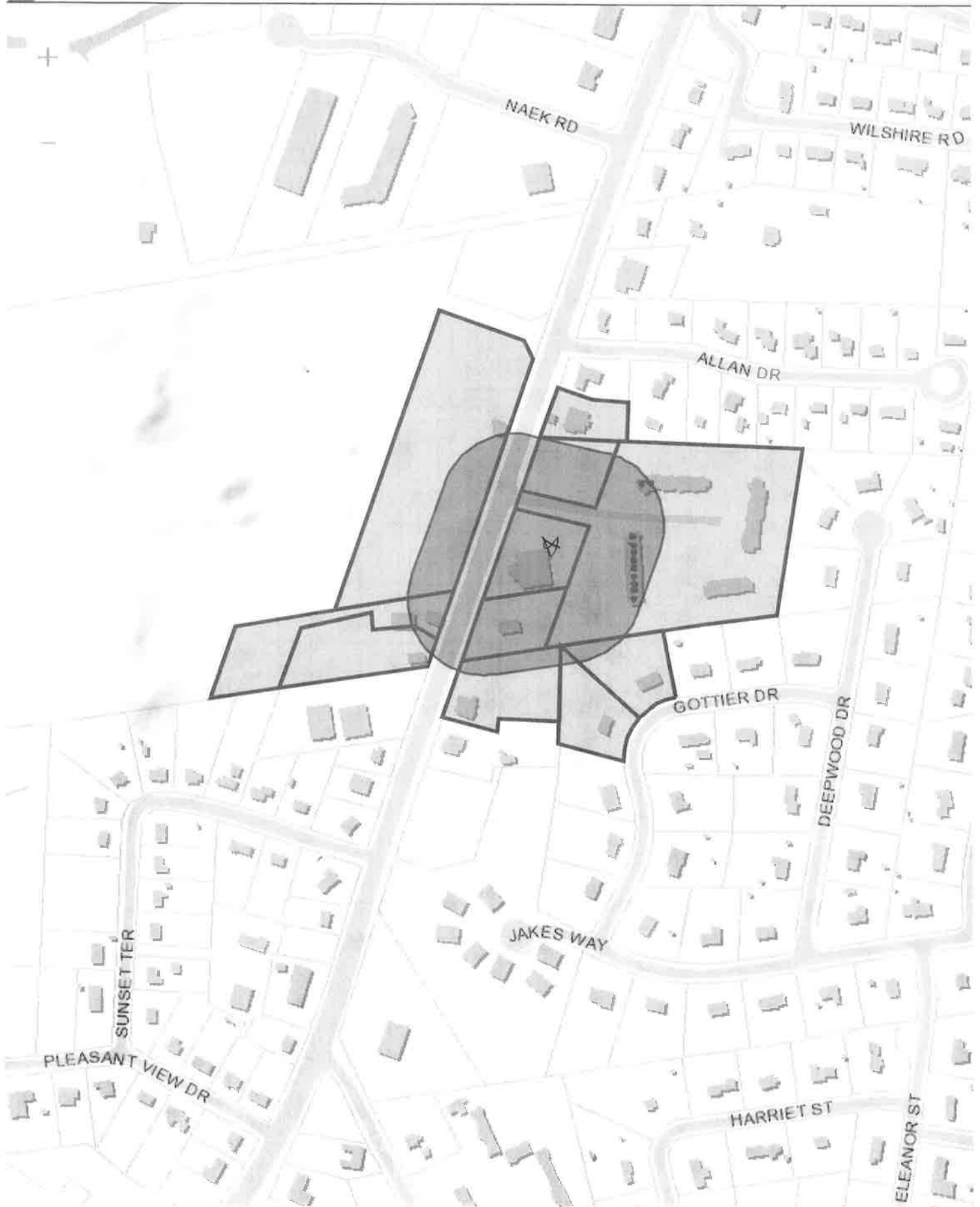
234 Talcottville Road, LLC

By: 

Member

(860) 601-4464

Peter Rusconi



STATUTORY FORM QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS

THAT **PETER A. RUSCONI**, of the Town of Vernon, County of Tolland and State of Connecticut ("Releasor")

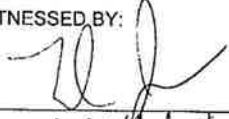
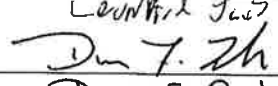
For no consideration paid, grant to **234 TALCOTTVILLE ROAD, LLC**, a Connecticut limited liability company, having a place of business in the Town of Vernon, County of Tolland and State of Connecticut ("Releasee"),

With QUIT-CLAIM COVENANTS,

All such right and title as the Releasor has or ought to have in a parcel of land located in the Town of Vernon, Connecticut and described in Schedule A, attached and made a part hereof.

SIGNED THIS 31st day of May, 2006.

WITNESSED BY:


Leonhard J. J. J.

Dean F. Radke


Peter A. Rusconi

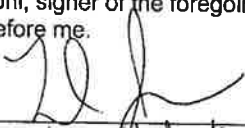
STATE OF CONNECTICUT)

) ss Manchester

May 31, 2006

COUNTY OF HARTFORD)

Personally appeared Peter A. Rusconi, signer of the foregoing and acknowledged the same to be his free act and deed, before me.


Commissioner of Superior Court

CONVEYANCE TAX RECEIVED
STATE: 0.00 TOWN: 0.00
Bernice K. Dixon, VERNON TOWN CLERK
TOWN CLERK OF VERNON

SCHEDULE A

**POOR ORIGINAL
RECEIVED**

A certain piece or parcel of land, situated in the Town of Vernon, County of Tolland and State of Connecticut, being located on the easterly side of Connecticut Route 83 and being more particularly bounded and described as follows:

Commencing at a point in the easterly line of Connecticut Route 83, which said point is One Hundred Sixty-nine and Eighty-six One-hundredths (169.86) feet as measured in a northeasterly direction along said highway from an iron pin at land now or formerly of Karenkraut;

thence in a generally northeasterly direction and along the easterly line of Connecticut Route 83, a distance of Seven and Seventy-four One-hundredths (7.74) feet to a Connecticut Highway monument;

thence continuing in said easterly line of Connecticut Route 83 in a generally northeasterly direction, a distance of Two Hundred Fifty and Seventy-eight one-hundredths (250.78) feet to a point;

thence turning in a generally northeasterly direction and forming an interior angle with the last named course of $96^{\circ} 28' 15''$, a distance of Two Hundred One and Twenty-eight One-hundredths (201.28) feet to a point;

thence turning in a generally southwesterly direction and forming an interior angle with the last named course of $83^{\circ} 31' 45''$, a distance of One Hundred Seventy-four and Seventy-eight One-hundredths (174.78) feet to a point at land now or formerly of Courtside Condominiums;

thence turning in a generally southwesterly direction and forming an interior angle with the last named course of $117^{\circ} 59'$, a distance of Two Hundred Twenty-six and Forty-eight One-hundredths (226.48) feet to a point in the easterly line of Connecticut Route 83, which said point marks the point and place of beginning.

Together with the right to pass and repass on foot or by vehicle or otherwise over a certain strip of land located along the northerly line of the aforesaid described premises.

RECORDED IN
VERNON LAND RECORDS
Bernice K. Dixon, VERNON TOWN CLERK
06/01/2006 11:27:37AM

JOEL M. FULLER
LICENSED LAND SURVEYOR
191 JONES HOLLOW ROAD
MARLBOROUGH, CONNECTICUT 06447
86-670-1800

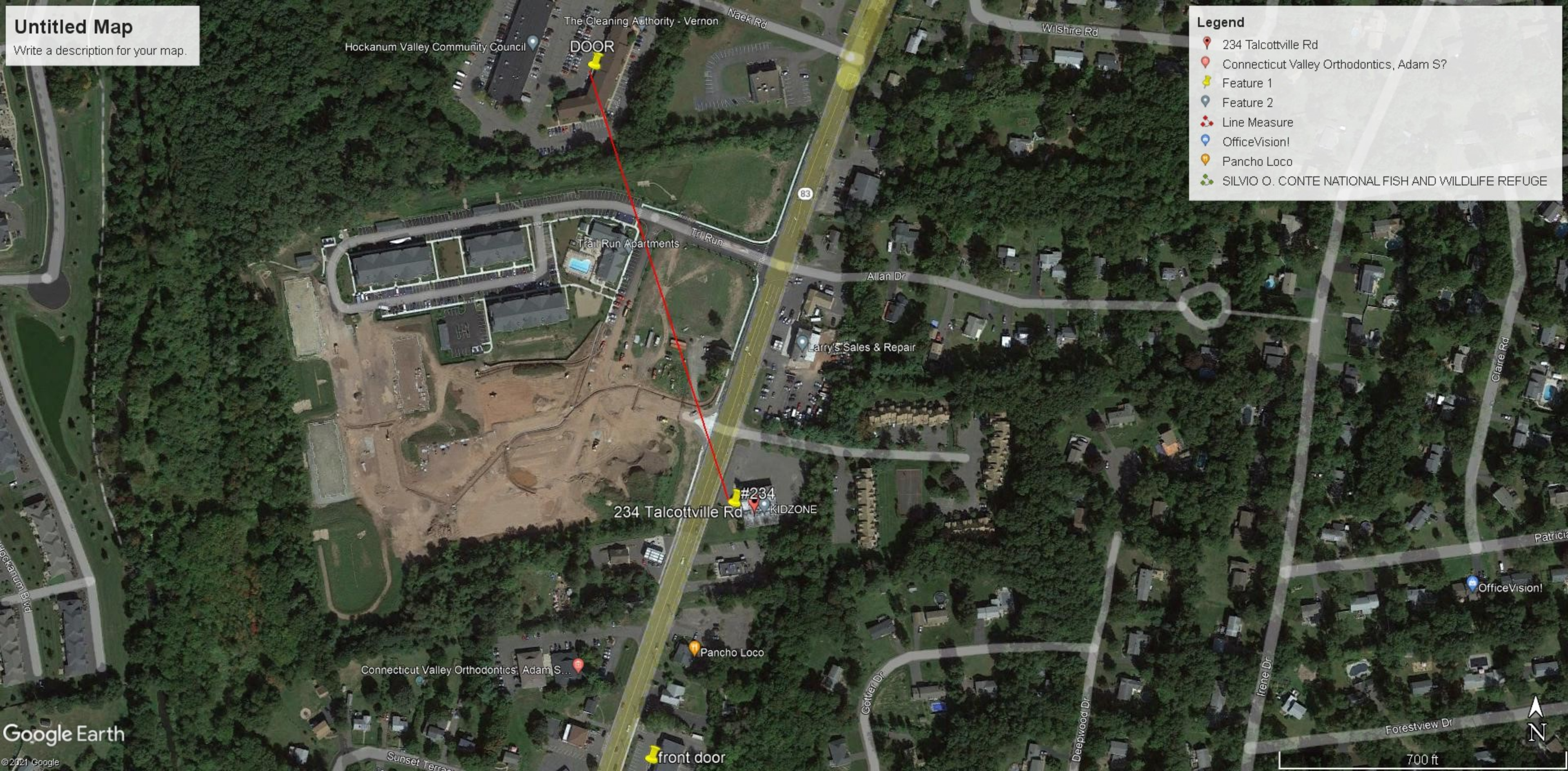
12/06/20200

DOOR TO DOOR DISTANCE

ALL DISTANCES FROM PROPOSED PACKAGE STORE @ #234 TALCOTTVILLE ROAD.

NEW STORE TO

The Islamic Center of Vernon @ #27 NAEK ROAD 1135 FEET



Untitled Map

Write a description for your map.

Legend

- 234 Talcottville Rd
- Connecticut Valley Orthodontics, Adam S?
- Feature 1
- Feature 2
- Line Measure
- OfficeVision!
- Pancho Loco
- SILVIO O. CONTE NATIONAL FISH AND WILDLIFE REFUGE

STAFF COMMENTS



PLANNING
DEPARTMENT

TOWN OF VERNON

14 PARK PLACE, VERNON, CT 06066
(860) 870-3640
gmcgregor@vernon-ct.gov

MEMORANDUM

TO: Planning and Zoning Commission

FROM: George K. McGregor, AICP, Town Planner

SUBJECT: PZ-2021-18, 234 Talcottville Rd. Special Permit for the selling of alcoholic beverages (liquor store).

DATE: December 16, 2021

Request and Background

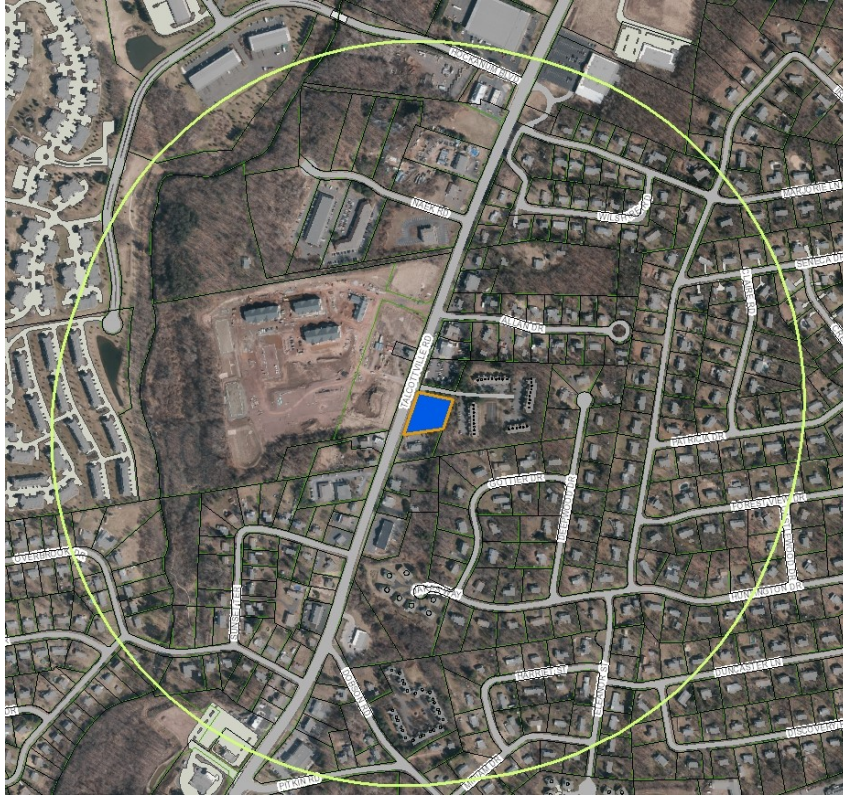


Pritam, LLC (“Applicant”) requests a Special Permit in order to allow the selling of alcoholic beverages at 234 Talcottville Rd. (Assessor ID: Map 10, Block 15 R, Parcel 0040G). The property is .99 acres and zoned Commercial. Pursuant to Section 4.8.4.11, selling or serving alcohol is permitted upon Special Permit review and approval and upon a finding that the applicable standards of Section 17 are met.

The Applicant wishes to move an existing liquor store operation now located at 212 Talcottville (PZ 2020-01) to 234 Talcottville. Also, in 2020, the Commission approved a special permit at this location for the sale of beer and wine associated with GiGi’s Bounce house indoor amusement venue. Nonetheless, a new special permit is required.

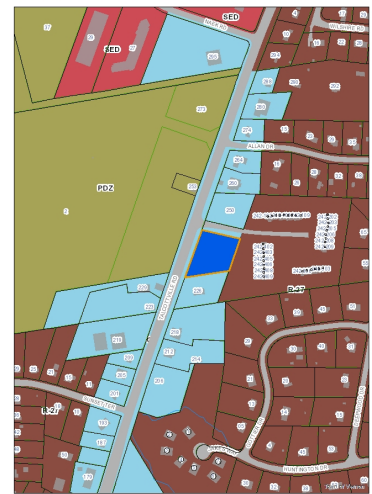
Special Permit Review

Section 17 sets forth specific separating distance requirements for sellers and servers of alcohol. Alcohol beverage *sellers* must be separated from each other by a distance of 3,000 feet, measured in a front “door to door” manner. In addition, sellers must be separated from public institutions/schools and public high schools by 1,000 and 2,000 feet, respectively. This metric is satisfied.



The Vernon GIS data (map left) and site visits to the corridor indicate that no other seller in this category falls within 3,000 feet--**so long as the permit/license and store approved at 212 is abandoned.**

PZ 2020-09 234 Talcottville Rd, Location and Zoning



Furthermore, in order to approve a special permit, the Commission must find that the applicant meets the relevant general special permit criteria of Section 17.3.1, specifically:

- 17.3.1.1 It shall not create a hazardous condition relative to public health and safety;
- 17.3.1.2 It shall be compatible with neighboring uses;
- 17.3.1.3 It shall not create a nuisance;
- 17.3.1.4 It shall not hinder the future sound development of the community;
- 17.3.1.5 It shall conform to all applicable sections of this ordinance;

Analysis and Recommendation

This application was circulated to all relevant Staff referral agents for comment. Planning and Zoning Town Staff have reviewed the site and finds that the request generally meets the special permit criteria established in 17.3.1. We find it also meets the separation criteria found in 17.1.2.

The proposed location, in the Commercial Zoning District, is appropriate for this type of use, providing ample parking, safe access, and a large retail space for the proposed operation.

Draft Motions

A. I move that the Planning and Zoning Commission Approve PZ-2021-08, a special permit for the selling of alcoholic beverages at 234 Talcottville Rd., based upon a finding that the special permit meets the relevant general special permit criteria of 17.3.1 and exceeds the distance separation requirement of Section 17.1.2. and subject to the following condition of approval:

1. Prior to commencing any sale of alcohol from the Premises, the owner/applicant shall provide documentation to the Planning Department demonstrating that it has relinquished its liquor license for property at 212 Talcottville Road and a new liquor license for 234 Talcottville Road has been obtained.

OR

B. I move an alternate motion