

TOWN OF VERNON
Planning & Zoning Commission (PZC)
Meeting Notice & Agenda
Thursday, April 6, 2023 7:30 PM
Town Hall Memorial Building- 3rd Floor Council Chambers
14 Park Place
Vernon, CT 06066

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VERNON TOWN CLERK
23 APR 10 PM 2:52

DRAFT MINUTES

1. **Call to Order & Roll Call by Roland Klee, Chairman**

Meeting was called to order by Chairman Roland Klee at 7:31 pm
Regular Members present: Commissioner Charles Bard, Commissioner Michael Baum and Commissioner Robin Lockwood
Alternate Members present: Commissioner Steve Ransom was seated for Joe Miller. Commissioner Eva Perrina was seated for Commissioner Wil Nicholson
Regular Members absent: Commissioners Nicholson, Miller, Mullan
Alternate Members absent: Commissioner Damsky
Alternate Members Present: Staff Present: Ashley Stephens, Town Planner
Recording Secretary: Leslie Campolongo

Commissioner Klee
2. **Administrative Actions/Requests**
 - 2.1 Amendment/Adoption of Agenda - Additional business to be considered under agenda item #6 "Other Business" requires a Commission vote.
Commissioner Lockwood motioned to adopt the agenda as presented. Motion seconded by Commissioner Bard. Motion carried unanimously.
 - 2.2 Approval of the Minutes from **March 2, 2023**
Commissioner Lockwood motioned to adopt the agenda as presented. Motion seconded by Commissioner Ransom. Motion carried with one abstention, Commissioner Bard.
3. **New Application(s) for receipt, if any:**
 - 3.1. None
4. **Public Hearing(s) and Action on Applications:**
 - 4.1 **PZ 2023-04 - 400 Talcottville Road (Suite #2)** An application of Kenny Gonzalez & Sharlene Otero, Modern Style Events, LLC for a Special Permit [4.9.4.6] for a Commercial Recreational Facility. The property is zoned Commercial. [Map #09, Block #015H, Lot #00026]
 - Commissioner Klee read the Rules for Public Hearing
 - Ms. Stephens read Public Hearing Notice PZ 2023-04 - 400 Talcottville Road (Suite #2) into the record.
 - The applicant, Kenny Gonzalez, presented plans to open an event venue/facility to host a variety of events.
 - Commissioner Klee asked there were questions from the Commission.
 - The applicant clarified the amount of space, the proximity to other businesses and the capacity of the space, which is 295 occupants. It is anticipated there will be 180 seated. Clarification was also given regarding storage areas, and a description of the kitchenette, which meets the NCDHD health code requirements. No liquor permit is sought. Hours of operation will be after hours in relation to other adjoining businesses in the plaza.
 - Commissioner Baum asked for clarification on the definition of a Commercial Recreational facility from Ms. Stephens.

- Ms. Stephens added there are staff comments included with packet regarding stipulations on music and entertainment with regard to residential homes behind the business.
- At 7:42 pm, Commissioner Klee opened the floor to attendees in favor of the application. No one spoke. The floor was then opened to those in opposition of the application. John Barton, 58 Vinetta Drive commented regarding light and noise from other businesses in the area, and the impact on his property. The applicant clarified lighting and noise concerns.
- There were no further questions. Commissioner Lockwood moved to close the Public Hearing. Motion seconded by Commissioner Bard. Motion carried unanimously at 7:46 pm
- Discussion ensued.
- Commissioner Lockwood made a motion the Planning & Zoning Commission **APPROVE** PZ 2023-04, a special permit to have a commercial recreational facility (4.9.4.6) because we have confirmed that all safeguards have been taken to ensure the use will not affect surrounding businesses or residential homes. The application shall have the following stipulations:
 - Hours of operation are limited to Monday to Thursday 6 pm- 10pm; Friday 6pm-12am; Saturday & Sunday 10am-12am.
 - Loud music/entertainment shall cease at 12am on Friday and Saturdays, and 10pm on Sundays.
 - Commissioner Lockwood also motioned an **additional stipulation** that loud music/entertainment shall also cease Monday through Thursday at 10 pm.
- Commissioner Bard seconded the motion.
- Commissioner Baum asked for definition of loud music. Discussion ensued.
- Commissioner Ransom asked for clarification on enforcement of stipulation. Discussion ensued.
- Commissioner Klee called for a vote on the motion. The Motion carried unanimously.

4.2 PZ 2023-05 – 26 Tunnel View Terrace An application of Ashiq Ali & Saeeda Dode for a Special Permit [3.29.3] for a Major - Type 2 home-based business. The property is zoned Residential 27-Single-Family Residential (R-27). [Map #18, Block #0144, Lot # 02A12]

- Ms. Stephens read Public Hearing Notice for 4.2 PZ 2023-05 – 26 Tunnel View Terrace into the record.
- The applicant, Saeeda Dode spoke regarding her application to sell house plants from her home.
- Commissioner Klee requested clarification of the amount of space that will be dedicated to the business, and how business is attracted to the home. Ms. Dode clarified the space used will be one room, 13' x 13', but the whole room will not be used. The applicant indicated that she advertises her business on Facebook Marketplace. Discussion ensued regarding number of customers and where plants were grown.
- Commissioner Lockwood expressed concerns regarding the location being in a cul-de-sac, and whether a traffic study had been conducted. Ms. Stephens indicated a study was not required for home-business.
- Commissioner Baum inquired whether there would be parking being on the street or any signage. Ms. Dode indicated no parking on the street and no signage.
- Commissioner Klee asked if there were other questions from the Commission, and input from Ms. Stephens. Ms. Stephens clarified parking restrictions on public streets.
- Commissioner Baum inquired about the number of customers and the length of operation of Ms. Dode's business.
- Mr. Klee opened the hearing to those who would like to speak in favor of the application.
- Jen Blackburn, 257 Vernon Avenue spoke in favor of the application.
- Julianna Berube, 33 Tunnel View Terrace spoke against the application. Ms. Stephens clarified that this application is a result of a zoning complaint regarding traffic on the street.
- Michael Flint, 27 Tunnel View Terrace spoke against the application.
- Gregory Francis, 20 Tunnel View Terrace spoke against the application.
- The applicant, Ms. Dode spoke regarding traffic from customers, and family.
- Debra Flint, 27 Tunnel View Terrace spoke against the application.

- Ms. Stephens clarified the following items: Tunnel View Estates was accepted on January 17, 2023 by the Town Council as a town road. Residential signage is permitted in the district, and could state owner name but no business name. Town can not limit number of visitors to a residence. Inspections of home-based business can be conducted annually by the Zoning Enforcement Officer, and home-based businesses are permitted per Vernon Zoning Regulations.
- Gregory Francis, 20 Tunnel View Terrace clarified earlier testimony.
- Debra Flint, 27 Tunnel View Terrace spoke again regarding the identification of customers vs. neighbors and friends.
- Jen Blackburn, 257 Vernon Avenue, spoke again regarding the identification of customers vs. neighbors and friends.
- The applicant, Saeeda Dode, clarified testimony provided earlier during the public hearing.
- Commissioner Ransom inquired of the applicant whether she has considered opening her business in area zoned for business. The applicant states there are not enough customers to open a business elsewhere.
- Commissioner Bard motioned to close the Public Hearing at 8:33. Motion was seconded by Commissioner Lockwood. Motion carried unanimously.
- Discussion ensued regarding **17.3 - Special Permits**. Commissioner Lockwood stated that per **17.3.1.1 It shall not create a hazardous condition relative to public health or safety**, and the potential home-based businesses' location in a cul-de-sac. Discussion took place.
- Commissioner Ransom inquired about additional discussion. Mr. Stephens clarified that the Public Hearing is closed and no further information can be introduced. Discussion ensued.
- Commissioner Baum motioned that the Planning & Zoning Commission **DENY** PZ 2023-05, a special permit to have a Major Type 2 home-based business (3.29.3), per Vernon Zoning Regulations:
 - 17.3.1.1 - It shall not create a hazardous condition relative to public health or safety.
- Motion was seconded by Commissioner Lockwood. Discussion took place.
- Commissioner Bard motioned to modify the motion to include:
 - 17.3.1.2 - It shall be compatible with neighboring uses.
 - 17.3.1.3 - It shall not create a nuisance.
 - Motion was seconded by Commissioner Lockwood.
- Commissioner Klee motioned for a vote. Commissioners Lockwood, Bard, Baum and Ransom voted in favor and Commissioner Perrina voted opposed. There were no abstentions. Motion carried.

5. **8-24 Referrals, if any - None**

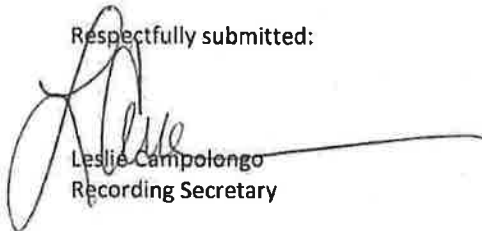
6. **Other Business/Discussion - None**

7. **Public Comments Received**

8. **Adjournment**

Motion made by Commissioner Lockwood and seconded by Commissioner Bard to adjourn the meeting. Motion carried unanimously. The meeting was adjourned at 8:44 pm.

Respectfully submitted:


 Leslie Campolongo
 Recording Secretary