

The Planning and Zoning Commission of the Town of Avon held a *GoToMeeting* on Tuesday, January 31, 2023. Present were Lisa Levin, Vice Chair (acting Chair), Mary Harrop, Robin Baran, Dean Hamilton, Joseph Gentile, Chet Bukowski and Alternates Elaine Primeau (sat), Julie Rousey (did not sit), and Thomas Armstrong (did not sit). Peter Mahoney, Chair, was not present. Also present was Hiram Peck, Director of Planning and Community Development.

Ms. Levin called the meeting to order at 7pm.

### **PUBLIC HEARING**

App. #4997 - MGN Co. LLC, owner, L'ARC Architects applicant, request for Special Exception under Section VI.D.3.a. of Avon Zoning Regulations to permit Class III restaurant, 26 West Main Street, Parcel 4540026, located in a CS Zone

Also heard at this time but not part of the public hearing.

App. #4998 - MGN Co LLC, owner, L'ARC Architects, applicant, request for Site Plan approval for Class III restaurant, 26 West Main Street, Parcel 4540026, located in a CS Zone

Present were Sheldon Crosby, L'ARC Architects and Lisa Damiano, Controller, MRG.

Mr. Sheldon displayed maps of the site explaining that there are 60 parking spaces on the site located to the right of the building and there are also shared parking spaces with adjacent sites via an easement. The addition that was added about 30 years ago is proposed to be taken down because it obscures both the restaurant and the existing colonial house. The wish is for the house to stand out better so that's its very clear that it is a part of the Main Street as well as a part of the Town Green. The existing outdoor patio/dining area is proposed to be relocated and split into two outdoor areas (one in the front and one to the rear). The proposed outdoor area in the front will be located next to the aforementioned building addition that is proposed to be removed (located next to the bar area). The floor of the lower level of the restaurant will be lifted up so as to make the floor of the entire restaurant at one level. The center of the restaurant will be preserved as a well-lit lobby. Landscape plans to screen the outdoor patio areas will be submitted to Town Staff for review, as requested. Skylights in the center area would provide a good source of natural light for the restaurant and can be discussed if wished. An overhang is proposed for the building entryway as well as a roof for the outdoor area proposed in the front. A small outdoor fire pit area is also proposed. The exterior color of the building is proposed to be darkened a bit and also to change the entryway colors to barn red, to maintain the barnlike character of the restaurant.

In response to Mrs. Primeau, Mr. Crosby confirmed that the restaurant floor will be raised but clarified that the barn area (dining area located behind the kitchen area) will remain as is. He confirmed that the roof of the building will not be raised, as there is plenty of existing height.

Mrs. Primeau commented that she thinks the patio dining area located near the bar and the historical house is too large.

Mr. Gentile commented that currently the existing house and the restaurant blend in (style, materials, and color) as viewed from the road but they won't blend in after this is finished, as there will be a modern structure abutting an historic home. Aesthetically there will be a clash. We don't have a future rendering available as seen from Route 44. He noted that he is not opposed to what they are doing but the two

structures don't look like they belong together. Mrs. Primeau noted her agreement.

Mr. Crosby noted that future renderings were provided for views from halfway down the driveway and near Route 44. The existing house is a great piece of architecture.

Mrs. Harrop said that she likes the renderings of the new part and the house restoration but asked that some trees be planted to blend the two areas together and soften the view from Route 44. She asked if something could be done to minimize noise levels inside the restaurant.

Mr. Crosby noted his understanding adding that although it may be tricky due to the high ceilings, measures will be taken to absorb sounds along the walls and floors. He indicated that adding doors in some areas to mitigate noise could be investigated.

In response to Ms. Levin, Mr. Peck confirmed that all the items that have been brought up can be addressed by Town Staff as the building plans evolve. The applicant is sensitive to the look of the building from the street. He noted that he also requested in his staff comments for a softening of the proposed outdoor patio area located behind the house; adding landscaping will soften the view from Route 44. The building renovations will have to meet all requirements of the Building and Fire Codes. The metal roof proposed for the outdoor patio area will also be closely examined to make sure it blends it well.

Ms. Levin asked that consideration be given to both the aesthetics and the noise associated with a metal roof.

Mr. Bukowski noted his concerns with aesthetics for both a metal roof (rear outdoor patio area) and the view of the building from Route 44 which will primarily be of the outdoor dining area (near entrance – no roof). He noted his support for adding landscaping to soften the view from Route 44.

In response to Mr. Bukowski, Mr. Crosby confirmed that the restaurant will be closed during the construction/renovation.

Mr. Crosby noted his understanding on all the items discussed adding that he will work closely with Town Staff.

In response to Mrs. Primeau, Mr. Crosby reported that the existing house is currently a light/blue gray color and the plan is to keep it the same color. The hope is to darken the gray color of the existing First and Last Tavern building (the computer renderings make the building look black). The vertical wood siding that exists will remain.

In response to Ms. Levin, Mr. Crosby indicated that they would be happy to paint the house whatever color is deemed acceptable; light blue, gray, or black and white is good. Mrs. Harrop noted that she likes the white and black as it exists now.

In response to comments from the Commission, Mr. Peck confirmed that Staff would work with the applicant to come up with acceptable colors.

Ms. Baran said that she likes the building renovations but noted her concern for the outdoor fire pits where alcohol would be served adding the need for constant monitoring. She referenced a very bad fire pit injury that happened to people she knows at a location on Nod Road some months ago.

Mr. Crosby noted his understanding and agreement.

The hearing was opened for public comment; there were none.

There being no further comments, the public hearing for App. #4997 was closed, as well as the entire public hearing portion of the meeting.

## **PLANNING AND ZONING COMMISSION MEETING**

Mr. Bukowski motioned to approve Apps. #4997 and #4998 subject to the following:

1. The Commission determined that the Special Exception requirements contained in Section VIII of the Regulations have been met for App. #4997.
2. The property owner shall continue to maintain adequate parking for the restaurant facility, including specifically the existing parking lot owned by the restaurant and including maintenance of the existing shared parking agreement with abutting and nearby property owners as is currently in existence. Any change to this shared parking agreement which results in loss of parking space capacity may be cause for re-examination of the subject approval if such loss results in a noncompliant parking situation.
3. The applicant shall submit to the Planning Director for review and approval a landscape plan that illustrates the softening and partial screening of both outdoor dining areas.
4. The applicant shall submit to the Planning Director and Building Official for review and approval adequate plans showing site plan changes, as represented to the Commission, for building renovations. Any substantial changes may require re review by Staff or the Commission including building color and roofing over outdoor area.
5. The applicant shall demonstrate compliance with all standards and requirements, including as-built requirements, of the Town Departments of Engineering, AWPCA, Building, Fire, and the FVHD.
6. Any proposals for signage on the site shall be submitted to the Planning Department for review and approval prior to applying for a building permit.

The motion seconded by Mrs. Harrop received unanimous approval

## **OTHER BUSINESS**

### 25 Climax Road – Good Feet Store – window signage

Mr. Peck reported that currently the Town does not have a regulation for the type of signs that were installed at the Good Feet store; the window graphics were put up without permission. He explained that he is looking for direction from the Commission on this type of signage. If the signage is found acceptable the Zoning Regulations need to be modified; if the signage is not acceptable then a zoning enforcement may be needed.

Mr. Lawrin Rosen, ArtFX Signs, explained that he is here to represent the Good Feet store. He noted that permits were acquired for the main signs in the front and rear of the store adding that he didn't know there was a permit required for the window graphic signs. He noted he wasn't informed by the store owner or the property owner that there had been correspondence with the Town other than positive feedback for this store. He noted from his experience working in Avon that neon and illuminated displays are not allowed. He noted that in his experience in Avon that although not written into Avon 's code, non-illuminated window signs provided they do not encompass an area totaling more than 25% of the aggregate window signage

have never been questioned. He added that this general rule has dictated window signage in many Towns in the State. The Good Feet store is 1,500 SF in size and the front of the store faces a parking lot, away from Climax Road. The back of the store is visible from Climax Road, which is a work room and inventory storage; this area needed to be shielded from view. The window graphics that were installed professionally advertise the space. The graphics occupy 14 of the store's 60 windows (23%). He referenced a store on Route 44 in Avon where window graphics currently exist.

In response to Mr. Gentile, Mr. Peck confirmed that signs are typically for the identification of a business but there is nothing in the Regulations that says signs are to be used to block what is inside the store. The size of these signs is in excess of what is typically seen; anything over 100 SF is reviewed by the Commission. Mr. Gentile commented that these graphics are more marketing ads than identification signs and if we are going to allow them we should have a regulation stating what the size can be.

In response to Ms. Levin, Mr. Peck confirmed that the 25% rule referenced earlier does not currently exist in our Regulations. There are other businesses in Town that are starting to do the same thing (window signs) so it's time to address it in the Regulations.

Ms. Baran referenced the earlier discussion about existing window signs at a business on Route 44 (that don't face Route 44) and asked how they can be allowed but not the window signs at Good Feet. She said that the window signs on Route 44 seem to be the same size as those at Good Feet.

In response to Ms. Levin, Mr. Peck said that while he can't explain historically how the window signs on Route 44 happened we need to figure out, from an enforcement standpoint, how to deal with this issue moving forward and how it's going to be regulated. Ms. Levin noted her agreement that some of the window signs appear to be used just for marketing purposes and therefore a discussion on the use of these signs is needed if/when a regulation is created. She noted her opinion that the window signs for Good Feet are tastefully done adding that some businesses may use window signs to shield their backroom process.

Mr. Peck indicated that he is happy to do research to find out what other towns are doing in connection with window signage and bring that information to the Commission. It was agreed that there would be no enforcement action taken at this time in connection with the window signs at the Good Feet store.

## **INFORMAL DISCUSSION**

### 104 West Avon Road – The Learning Experience (daycare)

Present were Attorney Robert Meyers; Tim Coon, project engineer, J.R. Russo Associates; and Eric and Greg Spungin.

Mr. Meyers explained that the proposal is for a daycare use located adjacent to an existing daycare center use, in the same zone.

Mr. Coon displayed a map of the subject site noting that it contains about 6.6 acres located in the R30 zone. The existing house on the site is proposed to be taken down. The Tender Care Daycare exists directly to the north and there is an office park further to the north. There's an existing wooded wetland area at the rear of the site that provides a buffer to the residential development to the east. There is a vacant parcel to the south and residential properties across the street (West Avon Road). The proposed daycare is called "The Learning Experience Academy of Adult Education", which is a daycare with over 300 facilities nationwide. The typical prototype building is 10K SF with a 5K SF playground located behind the building. The parking

requirement is typically 38-40 spaces; 40 spaces are shown on the map. The development is proposed to be kept towards the street as there are wetlands to the rear; some room would be needed for an onsite septic system as well as onsite stormwater management. Mr. Coon addressed architecture noting that these facilities typically use an attractive stone knee wall and Hardie board siding with beige and brown colors and white trim.

Mr. Hamilton noted his concern for traffic during pickup in the evenings; it will be tough to take a left turn.

Mr. Gentile noted his agreement regarding concerns with traffic. It will be hard for traffic heading south in the evening to make a left into the daycare. He also noted concerns with setbacks from the road and landscaping.

Ms. Levin noted her concerns with traffic and asked if there is any way that an easement could be created between the existing daycare and the proposed daycare such that everyone could access one traffic light.

Mr. Meyers indicated that West Avon Road is a State road adding that it is unlikely that the State would want to put a traffic light in close proximity to the existing light. He noted that should the proposal move forward a traffic study is very likely to be needed. A discussion about an easement could be had as well as possibly coordination of hours between the two daycares.

In response to Ms. Levin, Mr. Coon explained that the proposed daycare has the maximum capacity for 153 students with 26 staff. The drop off and pickup times are staggered that take place over a 2-3 hour time period. These facilities typically have an 80% occupancy rate. The traffic generation is not significant enough to require a traffic light for this use but a traffic study could be done.

In response to Mrs. Harrop, Eric Spungin explained that the ages of the students range from 6 weeks to 6 years old. A certain percentage of students come in the same vehicle; drop off and pick up times are established to ensure that there are no traffic issues. He added that a traffic study would be done and presented along with traffic studies of existing facilities that are 80% full.

Ms. Baran commented that there is a ton of traffic on West Avon Road as most of Avon's Schools are located there adding that school bus times would need to be considered.

#### **STAFF UPDATES**

##### AVC update on tenants

Mr. Peck reported that the latest copy of the tenant list was emailed to the Commission.

There being no further business, the meeting adjourned at 8:50pm.

Linda Sadlon  
Avon Planning and Community Development