

The Planning and Zoning Commission of the Town of Avon held a *GoToMeeting* on Tuesday, April 11, 2023. Present were Peter Mahoney, Chair, Lisa Levin, Vice Chair, Dean Hamilton, Mary Harrop, Chet Bukowski, Joseph Gentile, and Alternates Elaine Primeau (did not sit), Tom Armstrong (sat) and Julie Rousey (did not sit). Robin Baran was absent. Also present was Hiram Peck, Director of Planning and Community Development.

Mr. Mahoney called the meeting to order at 7pm.

#### **PUBLIC HEARING**

App. #5000 - Proposed amendment to Avon Zoning Regulations pertaining to the commercial retail zone; Town of Avon, applicant

Mr. Peck explained that the proposed changes to the CR zone are very minimal and will allow redevelopment of two existing parcels on Route 44. This amendment would not affect most existing parcels in the CR Zone.

The hearing was opened for public comment; there were no comments from the public or the Commission.

The public hearing for App. #5000 was closed.

Mr. Mahoney motioned to approve App. #5000, as presented. The motion was seconded by Mr. Gentile and received unanimous approval.

App. #5001 - Proposed amendment to Avon Zoning Regulations pertaining to window signs; Town of Avon, applicant

Mr. Peck explained that the new language allows window signs having text to a maximum of 8 SF and limited to one window. Window signs not containing any text are limited to 25% of the total window area.

In response to Mr. Mahoney, Mr. Peck explained that the Staff currently monitors/regulates window signage as much as possible. It was very tough during the pandemic but businesses have been good about removing signs when asked by the Town.

In response to Mr. Gentile, Mr. Peck explained that zoning permits will be required for all window signs.

In response to Ms. Levin, Mr. Peck explained that sign regulations were reviewed from a lot of other towns. He noted that the proposed window regulations are somewhat tighter/more restrictive/better than many others such that they are more in keeping with what we want to see.

Ms. Levin asked why we would want to limit signage now that it's been defined. She said that she is sympathetic towards businesses trying to make it, adding that there are a lot of vacancies in Town.

Mr. Peck noted his understanding explaining that the Town is trying to keep signage under control and not let it get out of hand. There is no doubt that most businesses would always want a bigger sign, if allowed. The new window sign regulation is pretty much in keeping with the existing overall sign regulations. The Planning Staff works continuously with the businesses in Town regarding signage to reach fair and reasonable outcomes.

Mr. Armstrong commented that the window sign regulations should apply only to windows and not glass contained in doors or doorways.

In response to Mrs. Primeau, Mr. Peck confirmed that he did speak with the police about window signs. He clarified that, at most, 25% of the windows could have signs leaving 75% of the windows without signs. The intent of this regulation is to allow businesses to have something on the windows that is in keeping with their business.

After some discussion, it was agreed that the word "copy" would be taken out of the language and the word "text" would remain.

The hearing was opened for public comment.

Lawrin Rosen, ArtFX Signs, commented in general about Avon's sign regulations noting that 24 SF is fair but the 5 feet height should be increased to 5'6" and the building numbers should be reduced to 5 or 6 inches maximum.

There being no further comments, the public hearing for App. #5001 was closed.

Ms. Levin motioned to approve App. #5001, as amended. The motion was seconded by Mr. Armstrong and received unanimous approval.

App. #5002 - Thirty West Avon Road, LLC, owner, Adams/Ahern Sign Solutions, applicant, request for Special Exception under Sections VII.C.4.b.(1),(7) and VII C.5.a.b.c. of Avon Zoning Regulations to permit detached signs and wall signs, 30 West Avon Road, Parcel 4520030, in an OP Zone

Chris Adams, Adams and Ahern Sign Solutions, was present and displayed his sign presentation. The existing 12 SF detached signs at both site entrances (30 West Avon Road and Dale Road) will be replaced with new 12 SF signs. Directional signs internal to the site have been upgraded. The wall sign proposed for the West Avon Road building elevation is 42 SF, as the building is 150 feet from the road. The wall sign proposed for the Dale Road building elevation is 54 SF, as the building is 250 feet from the road.

In response to Mr. Mahoney and Ms. Levin, Mr. Peck explained that the distance of this building from both West Avon Road and Dale Road is significant such that both wall signs are larger than 32 square feet. He indicated that this is a multi-tenant building with two different road entrances and noted that the Sign Regulations (Section VII.C.4.b.(7) d. and Section VII.C.5.a.b.c) give the Commission discretion relative to special exceptions and circumstances unique to a premises.

In response to Mr. Armstrong, Mr. Adams confirmed that Farmington Valley Dermatology & Surgery own the building.

In response to Mr. Gentile, Mr. Adams explained that the owner wanted to apply for the wall signs, as represented, but further explained that if these signs were denied the signs would be reworked and reapplied for. The owner definitely wants wall signs.

The hearing was opened for public comment. There were none.

There being no further comments, the public hearing for App. #5002 was closed, as well as the entire public hearing portion of the meeting.

Ms. Levin motioned to approve App. #5002 subject to the following conditions:

1. A 12-square-foot, double sided, detached sign is approved for the building entrance at 30 West Avon Road, as represented by the applicant's submitted drawings. The new detached sign shall be installed in the same location as the existing sign (A-1 on the "Sign Locations" plan).
2. A 12-square-foot, double sided, detached sign is approved for the building entrance at Dale Road, as represented by the applicant's submitted drawings. The new detached sign shall be installed in the same location as the existing sign (A-2 on the "Sign Locations" plan).
3. The directional signage internal to the site is approved, as represented by the applicant's submitted drawings.
4. One 42-square-foot wall sign, as represented, is approved for the West Avon Road building elevation; one 54-square-foot wall sign, as represented, is approved for the Dale Road building elevation.
5. Prior to any sign installation, the applicant shall apply for building permits online using the following link <https://avonct.viewpointcloud.com>

The motion was seconded by Mrs. Harrop.

Mr. Gentile noted that while he understands the importance of having signage that can be seen from the road this is a long name for a sign; if they dropped the word "surgery" they could have a bigger sign and I understand they don't want to do that. There are a lot of commercial businesses that don't have signs visible to the road. He said he is torn on this issue. He added that he is ok with the replacement signs.

Mr. Mahoney noted his understanding and agreement.

Ms. Levin commented that there is enough language in the Regulations to allow the Commission to consider a lot of different circumstances. It is very confusing to find your way around medical facilities without adequate signage.

In response to Mr. Mahoney, Mr. Peck indicated that he doesn't think this will open a can of worms; this building is unique relative to its significant distance from both roads. The Sign Regulations will be reworked as part of the ongoing overall to the Zoning Regulations.

Mr. Bukowski noted his agreement with Ms. Levin and Mr. Peck regarding future applications such that the sign regulations give the Commission discretion to take into account any special circumstances for a site.

Voting in favor of App. #5002 were Mesdames Levin and Harrop and Messrs. Mahoney, Bukowski, Gentile, Hamilton, and Armstrong.

## **PLANNING AND ZONING COMMISSION MEETING**

### **NEW APPLICATION**

App. #4999 - DP1 LLC, owner, Khaled Ayad, applicant, request for Site Plan Approval to permit outdoor dining, 210 West Main Street, Parcel 4540210, in a CR Zone

Present was Marwan Ayad, owner, who explained that the proposal is to move the outdoor dining for River's Edge Bistro from the front parking area to the side of the building, for safety and efficiency. Mr. Ayad confirmed that he has seen and agrees with Mr. Peck's Staff comments/recommendations. Mr. Peck indicated that the new proposed location is much better/safer than the existing location. He pointed out that legislation was recently passed allowing outdoor dining as of right by any licensed food permittee.

In response to Mr. Mahoney, Mr. Peck confirmed that the handicap parking spaces would need to be relocated to the parking area in front of the building.

In response to Mrs. Harrop, Mr. Peck explained that the outdoor dining plan shows some walls to be constructed around the eating area; there is also a requirement to separate the parking areas from the eating area.

In response to Ms. Levin, Mr. Ayad explained that the plan is to have access to the outdoor dining from both inside the restaurant and also from the parking area. The restaurant's restrooms are in the back of the room so customers will be able to walk in through the back door. The outdoor dining area will be walled off from traffic, as there could be cars driving by the outdoor area heading to the rear of the site.

There were no further comments for App. #4999.

Mrs. Harrop motioned to approve App. #4999 subject to the following conditions:

1. The outdoor dining area is approved for 8 tables and 32 chairs in the location represented in the submitted application materials.
2. A safety barrier shall be constructed between the existing driveway and the outdoor seating area, in compliance with the requirements of the Fire Marshal.
3. The applicant shall comply with all requirements of the AWPCA, Farmington Valley Health District, Building Official, and Fire Marshal.
4. The existing handicap parking spaces to be covered by the outdoor dining area shall be relocated to the parking area in front of the restaurant.
5. The applicant shall apply for a building permit (online here: <https://avonct.viewpointcloud.com>) with the Building Department prior to beginning any site activities related to the outdoor dining area.

Mr. Armstrong seconded the motion that received unanimous approval.

## **OTHER BUSINESS**

### Consultant Introduction - Zoning Regulations Revision Process

Robert Collins, SLR Consulting, noted that he will be working closely with the Town to update the Zoning Regulations for Avon. He explained that other Town Plans will be incorporated into the Zoning Regulations such as the Affordable Housing Plan and other initiatives that might be appropriate to be guided or imbedded in the Zoning Regulations. The Regulations also need to be updated based on changes in State Statutes. Outdated concepts will be eliminated while considering new planning trends. The final product will be permissive and user-friendly to Town Staff and officials as well as the general public. He explained that currently he is in the initial task of baseline review and assessment of the existing Zoning Code as well as the POCD. An outline will be prepared to show how the Code could be updated to be more user friendly. The next task looks at the major components and any supplemental regulations and then lastly the final regulations and adoption. The next task involves community engagement that will occur throughout the process; two open house sessions will be held for the general public (dates TBD). The entire project is projected to take about 12 months. He noted he will likely return in the next month or so to discuss the annotated outline; there will be talks with the Commission throughout the summer about specific subjects to focus on. Late fall and winter will be a review and fine tuning of the final regulations before adoption. Mr. Collins explained that a Story Map project website (to be posted on the Town's website) is proposed and will be reviewed and finalized with Town Staff soon and then shared with the Commission.

**STAFF UPDATES**

Mr. Peck reported that he emailed the Commission today the most current tenant list for the Avon Village Center; there are a couple of new potential tenants. He explained that he is still working to try to get the Stratford Crossing and Bailey Road projects completed. The Firestone store approved at 225 West Main Street should begin construction soon and the HomeGoods Store at 315 West Main Street is currently under construction. He asked if anyone has any questions or comments or suggestions about the Zoning Regulations update to please email them to him so he can pass the information along to Mr. Collins. He reported that the new owner of the Avon Mill Apartment complex (Avonwood Road) has had a hard time communicating with the Building Department about things that needed to be done. Town Staff has been struggling to get the new owner to comply with the conditions of that approval. He reported that the applicant is working very hard with the State on the financing and funding for 20 Security Drive (affordable units) and still plan to move forward with the project. He reported that he doesn't have any information on why Amici Grill (401 West Main) did not move forward with building their outdoor dining area. He confirmed that the project recently approved at 26 West Main (First and Last Tavern) has fallen through due to financial reasons. Mr. Peck offered to provide the Commission with a periodic update of ongoing projects in Town.

There being no further business, the meeting adjourned at 9pm.

Linda Sadlon  
Avon Planning and Community Development