

The Planning and Zoning Commission of the Town of Avon held a GoToMeeting on Tuesday, March 8, 2022. Present were Peter Mahoney, Chair, Lisa Levin, Vice Chair, Mary Harrop, Dean Hamilton, Robin Baran, Chet Bukowski, and Alternates Julie Rousey (sat), Elaine Primeau (did not sit), and Thomas Armstrong (did not sit). Joseph Gentile was absent. Also present was Hiram Peck, Director of Planning and Community Development.

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

NEW APPLICATION

App. #4968 - Vrakas LLC, owner, John Vrakas, applicant, request for Site Plan Approval for outdoor dining at Amici Grill, 401 West Main Street, Parcel 4540401 in a CR Zone

Present were John Vrakas, owner, and Erika Fairlie, Fairlie Architecture.

Ms. Fairlie displayed drawings/renderings of the proposed outdoor dining patio area. The proposed string lights are all single-bulb LED; they are not high intensity and will all be hung from the beams located under the canopy so they will not distract motorists. The furniture proposed is made to be used outside to withstand weather. She explained that a 42-inch high fence is proposed to be installed along the existing retaining wall and evergreen plantings will also be installed to soften the look and provide screening and an additional barrier. The hours for outdoor dining is proposed to be the same as the restaurant hours which are Monday through Thursday from 11am to 9pm and Friday and Saturday from 11am to 10pm; the restaurant is closed on Sundays. She indicated that the restaurant will be applying to the CT DCP to be able to serve alcohol on the outdoor patio. No signage will be placed on the awning and no live entertainment is requested.

In response to Mr. Mahoney, Mr. Peck explained that there is a difference in elevation of about six feet between the subject site and the property to the east such that the requirement for a fence to be installed on top of the retaining wall is for safety reasons. Both the Police and Fire Marshal have agreed as well as the applicant. There is a sidewalk and a one-lane drive and the width of one parking space; the proposed patio will be located in an area where four parking spaces now exist.

In response to Ms. Levin, Mr. Peck confirmed that everything in the application meets his requirements as well as those of the Building Official and Fire Marshal; there are no safety issues with the setback and the requirement for the fence/railing. He explained that the loss of four parking spaces in the aforementioned area is not an issue as a significant amount of parking exists on the west end of the building as well as across the front of the site providing more than adequate parking for this use.

In response to Mrs. Harrop, Mr. Peck explained that the applicant proposes to discontinue the use of the current driveway access that goes around the building due to the proposed location of the outdoor patio. The traffic will now enter and exit the site from the west side. He noted that the rear access is quite tight such that less traffic in that area is probably best. Mrs. Harrop noted her support for the outdoor patio.

PUBLIC HEARING

App. #4970 - DP3 LLC, owner, Michelle Norris, applicant, request for Special Exception under Sections VI.C.3.b. and V.J.5. of Avon Zoning Regulations to permit live entertainment for Class III restaurant/tap room, 300 West Main Street, Parcel 4540300, in a CR Zone

Michelle Norris was present and indicated that she is requesting permission to have live entertainment both inside and outside on the patio. She noted that she provided letters of support from two adjacent businesses (NE Pasta and Ignite Fitness). She said she would like the option to have karaoke, DJs, and amplified live entertainment. Outside on the patio it would most likely be kept to an acoustic guitar with a singer but would like to keep open the possibility for amplified music too. She said she is not going to put a hard rock band on the patio.

In response to Mr. Mahoney, Mr. Peck agreed that the closest residence is about 500 feet away.

Mrs. Harrop said there are no neighbors and NE Pasta is closed at night.

In response to Ms. Levin, Michelle said that she would like to have the option to have entertainment both during the day and at night and would rather not be locked into specific days and times to allow for flexibility. The business is only open in the afternoons on the weekends adding that the hours of operation are Wednesday, Thursday, and Friday from 3pm to 9pm and weekends from 12pm to 9pm.

Mr. Mahoney said the entertainment could do well if it was kept acoustic and mildly amplified because any louder and we may hear from the neighbors. A sound check done in the parking lot should decide things quickly.

Thomas Armstrong, Ayrshire Lane, commented that the music noise should not go beyond the property boundary.

Ms. Levin said that she agrees with Mr. Mahoney's suggestion about using only mild amplification for outdoor music.

In response to Ms. Norris' question about where the boundary is, Mr. Peck confirmed that the boundary is the parking lot. He said that the test will be whether the music bothers anyone.

Ms. Norris also asked if it is ok to have food trucks on site. She noted that the original approval allows for food deliveries to her patrons from other businesses.

In response to Mr. Mahoney, Mr. Peck indicated that food trucks can be permitted as long as they don't take up parking spaces needed by the businesses. All food trucks have to be licensed by the Health Department.

There being no further comments, the public hearing for App #4970 was closed, as well as the entire public hearing portion of the meeting.

PLANNING AND ZONING COMMISSION MEETING

Ms. Levin motioned to waive Administrative Procedure #6 and consider Apps. #4968 and #4970. Mr. Bukowski seconded the motion that received unanimous approval.

App. #4968 - Vrakas LLC, owner, John Vrakas, applicant, request for Site Plan Approval for outdoor dining at Amici Grill, 401 West Main Street, Parcel 4540401 in a CR Zone

Ms. Levin motioned to approve App. #4968 subject to the following conditions:

1. Outdoor dining is approved. The hours for outdoor dining shall be the same as the hours for indoor dining at the existing restaurant.
2. As represented by the applicant, a 42-inch high aesthetically-pleasing fence shall be installed on top of the existing retaining wall on site. Plantings/landscaping shall be installed in front of the fence to provide screening. Prior to installing any plantings, a landscape plan shall be submitted to the Planning Department for review and approval.
3. Applicant shall submit a site lighting plan to the Planning Department for review and approval prior to beginning any lighting activities.
4. Applicant shall obtain State of CT DCP approval, as well as Town Staff approval and signatures, prior to serving any alcohol in the outdoor dining patio area.
5. Applicant shall submit all necessary plans and obtain permits from the Avon Building Department prior to beginning any site construction activities. Compliance shall be demonstrated for Zoning, Fire and Building Codes, and the Farmington Valley Health District.
6. No live entertainment is approved.
7. No additional signage is approved as part of this application.

The motion was seconded by Ms. Rousey and received unanimous approval.

App. #4970 - DP3 LLC, owner, Michelle Norris, applicant, request for Special Exception under Sections VI.C.3.b. and V.J.5. of Avon Zoning Regulations to permit live entertainment for Class III restaurant/tap room, 300 West Main Street, Parcel 4540300, in a CR Zone

Ms. Levin motioned to approve App. #4970 subject to the following conditions:

1. Live entertainment, as represented by the applicant, (amplified DJs, karaoke, live acoustic guitars) is permitted inside the building or outside on the patio during the following days and times - Wednesday through Friday from 3pm to 9pm and Saturday and Sunday from 12pm to 9pm.
2. Sound/noise levels from live entertainment shall not exceed or be detectable beyond the boundary of the parking lot for the subject property.
3. Food trucks are permitted subject to parking availability, as long as no adverse parking conditions are created for any of the adjacent businesses.
4. This approval is valid for one year. At that time, approval may be extended by Town Staff if no valid complaints are received.

The motion was seconded by Mrs. Harrop and received unanimous approval.

OTHER BUSINESS**Vault Expansion – Building #2 Avon Town Hall – 8-24 Referral**

Mr. Peck explained that a number of years ago the existing vault was found to be deficient by the State Records Keeping Department. The original proposal to expand the vault went to referendum where it was defeated. The extra vault space is still needed and a new scaled-down plan has been prepared (a new referendum is not needed) and found to be acceptable with the State's record keeping requirements. Building #2 (Town Clerk/Revenue) will look the same after the expansion as it does currently but with a slight addition off the back.

In response to Ms. Levin, Mr. Peck explained that the building addition may require some tree branch trimming and some slight vegetation removal; not a large amount. This plan was reviewed with the Public Works Department. If necessary excavation for the addition foundation damages a tree it may have to be removed; additional landscaping is proposed in that area to soften the corner.

Ms. Mahoney asked if this project is all budgeted and ready to go.

Mr. Peck said that he believes that is correct.

Ms. Levin motioned to approve the 8-24 Referral for the vault expansion to Building #2 at the Town Hall as the proposed plan does not conflict with the 2016 POCD. The motion was seconded by Mr. Bukowski and received unanimous approval.

Stratford Crossing – status update from developer

Mr. Peck reported that there has been no activity since the last meeting. The developer indicates that in about two weeks he will start finishing the installation of monuments, completing property corners, and planting trees. He noted that he will continue to report to the Commission.

STAFF UPDATES**Review and possible revision of PZC Procedural Rules**

Mr. Mahoney said that likes the updates that have been made to the PZC Rules.

Mr. Peck said that if the Commission is happy with the current revisions they can be approved at any time and noted that modifications could also be made at any time in the future. He noted he's happy to make revisions in response to suggestions from members. He confirmed that we can ask questions of the Town Attorney whenever it's necessary. He agreed to make all the revision requests he has received and send out to the Commission the latest draft for action at the next meeting.

In response to comments/questions from the Commission, Mr. Peck explained that he keeps up with the State Legislature noting that virtual meetings will continue until April 30 when the Governor's current Executive Orders end. At that time there will likely be new information coming out of the Legislative as to how to proceed. The Town has the option to hold hybrid meetings.

Mr. Mahoney noted his preference for virtual meetings but further noted that he can see the need for in person meetings or hybrid meetings for big issues. He said that it's important that the public always have the option to see the meetings remotely.

Ms. Levin agreed.

Ms. Baran said that she prefers in person meetings but agrees with Mr. Mahoney that if meetings go back to in person that the virtual option remain.

Mr. Bukowski said that he agrees with hybrid meetings; he likes in person but also likes remote.

In response to Ms. Levin, Mr. Peck confirmed that he would review the PZC Procedures relative to addressing the meeting minutes and how to amend them, if necessary. Mr. Mahoney noted his agreement. Ms. Baran pointed out that Policy #6 addresses meeting minutes.

There being no further business, the meeting adjourned at 8:15pm.

Linda Sadlon
Avon Planning and Community Development