

The Planning and Zoning Commission of the Town of Avon held a **GoToMeeting** on Tuesday, June 14, 2022. Present were Peter Mahoney, Chair, Lisa Levin, Vice Chair, Mary Harrop, Joseph Gentile, Robin Baran, Chet Bukowski, and Alternates Thomas Armstrong (sat), Elaine Primeau (did not sit), and Julie Rousey (did not sit). Dean Hamilton was absent. Also present was Hiram Peck, Director of Planning and Community Development.

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

PLANNING AND ZONING COMMISSION MEETING

NEW APPLICATION

App. #4972 - Nod Brook Investors LLC, owner/applicant, request for Site Plan Approval to construct 23K SF building addition, Nod Brook Mall, 315 West Main Street, Parcel 4540315, in a CR Zone

Present were Paul Vitaliano, PE, VHB; Lee Zekeria, owner/Paramount Realty; and Frankie Campione, CREATE Architecture Planning and Design

Lee Zekeria explained that he and his brother own Paramount Realty and recently purchased 315 West Main Street adding that they own several properties across New England. Paramount Realty takes great pride in overseeing and taking care of all aspects of all their properties and look forward to doing great things at this site.

Paul Vitaliano displayed drawings/maps of the site explaining that the proposal is to add a new tenant and also request waivers for parking and landscaping. The subject site contains about 102K SF of existing building. Approval was granted by the Inland Wetlands Commission on June 13. He explained that demolition is proposed of the existing 7,540 SF restaurant on the east end of the site and replaced with a 23,500 SF Home Goods. All regrading and repaving will be done within the limits of the existing parking lot and existing improved areas. There is a ten-foot sidewalk in front of the Home Goods (the main entrance will be front and center) with the loading and compactor areas in the rear of the building. Site circulation will not change; the site has access from two main points along Route 44. The truck circulation patterns for all tenants will be maintained as they are now. He explained that currently there are four handicap parking spaces that are located in an awkward position that lead to a dead concrete space/area in the plaza. The owners want to reinvent this area to be used as a common area/seating space for shoppers. This idea is conceptual at this point but if the Commission is agreeable the applicant can work with Town Staff on the details. A couple of existing landscaped islands in the front will be modified in connection with the proposed expansion. A landscape waiver of 18% is requested (overall landscaping will be reduced from 20% to 18%). The Regulations permit the Commission to grant up to a 25% landscape waiver. He noted that the applicant is agreeable to having their landscape architect work with Mr. Peck if the Commission is agreeable. The current drainage patterns will be maintained. Only two existing light poles in the islands in the parking area will be moved over to be outside of the building limits and the rest of the lighting will come from the building. The lights will be full cutoff such that no issues are expected for the surrounding neighborhoods. The current parking requirement for the site is 593 spaces (5 spaces per 1,000 SF, in accordance with recently revised parking regulations). Parking is proposed at 500 spaces (4.2 per 1,000 sf); the Regulations permit a reduction of 25%. Reducing parking from 593 to 500 spaces equates to a 16% reduction. The 93 spaces would be deferred as part of the Temporary

Installation Reduction (TIR) Plan, included in the site plans. Of the 93 spaces, 83 spaces have been approved in previous TIR Plans (Fresh Market). He explained that currently the site has 550 parking spaces in total so a reduction of 50 spaces is requested. Mr. Vitaliano concluded by noting that the Trip Generation Analysis reveals that traffic impacts will be very small, with an insignificant change in traffic.

Frankie Campione, architect, explained that he has worked on plenty of other TJX branded stores. He indicated that he has presented the owner (Lee Zekeria) with a conceptual plan on how to revitalize and refresh the exterior pedestrian spaces (Michael's and Marshals and extend to proposed Home Goods). Activate the streetscape and carry a new aesthetic to both ends of the plaza. All materials used would match the aesthetics of the existing plaza.

In response to Mr. Mahoney, Mr. Peck confirmed that he has received clarifications to the questions in his Staff Comments adding that his recommendations remain the same. He noted that it is his understanding that the applicant would like to move forward with this project as soon as possible adding that he will work closely with the applicant and Town Staff (Building Official, Fire Marshal) to review all the details before any construction begins. He explained that the Staff can handle any requests for wall sign changes as long as they comply with the Regulations; anything in question would return to the Commission.

In response to Mr. Mahoney, Mr. Vitaliano confirmed that the proposal is to make the aforementioned façade changes at the same time as the construction of the Home Goods.

Mr. Gentile noted that the wall signs for Marshals and Michaels have a pitched roof or façade behind them but the Home Goods sign is just a flat vacant space. He asked, from a style perspective, if a pitched façade behind the Home Goods sign could be considered for continuity.

Mr. Mahoney noted his understanding but indicated that he is fine with the façade as it is, adding that he doesn't think everything has to be symmetrical.

In response to Mrs. Harrop, Mr. Zekeria said that the Home Goods currently located in Simsbury will be moving to the subject site.

In response to Ms. Levin, Mr. Peck explained that this application is a site plan review (and not a public hearing) because the use is already allowed in the zone (CR) and on the site. The only thing being changed is the building itself. He further explained, relative to parking, that there is a limitation as to the percentage of the waiver being requested but there is no limitation as to the number of times a waiver can be granted.

Mr. Vitaliano explained that currently there are 550 parking spaces on the site. The proposal is to take down 7K SF of building and construct 22K SF so the parking requirement goes from 550 to 593 due to the additional square footage. The applicant is asking to be at 500 parking spaces.

In response to Ms. Levin, Mr. Peck explained/clarified that the parking requirement is 593 spaces for the site plan that is currently being proposed with the square footage of the entire mall. The applicant is asking for a waiver down to 500 spaces. He pointed out that the parking that was previously waived (Fresh Market) is located to the rear of the west end of the building, which is in an area that we hope does not need to be disturbed because it is near the wetlands. Parking needs on the site continue to be monitored.

In response to Ms. Levin, Mr. Vitaliano addressed sidewalks and explained that there are reasons why they are not being proposed (same discussion as during PetSmart application in 2018). One reason is the sidewalk would lead to nowhere and on the east side there is a grade issue. State DOT approval would be needed as the sidewalk would potentially be tied into the traffic signal and crosswalks making it very complicated as well as derail the timeline for the subject project. The applicant is eager to get started as soon as possible.

Ms. Levin noted her understanding and asked if there is some way to make this application approval conditioned on a later sidewalk installation.

Mr. Peck recalled that we heard the same argument during the PetSmart application adding that he believes the Commission said at that time that if further development of the property to the east was proposed that the applicant for the subject site would be willing to discuss sidewalks at that time. He noted that this is a reasonable approach.

Mr. Mahoney said that it would take a lot of work to install a sidewalk to the east; the grade is very difficult and challenging. He voiced his favor for sidewalks in general but also noted that building sidewalks that don't connect or link to anything will just sit there and deteriorate. He said that he likes the existing landscape berm in front of the subject site and would not want to disturb it for a sidewalk that is not necessary right now.

Ms. Levin said that a sidewalk could be installed ending at the east property boundary and then people could walk on the shoulder to reach the car wash and then you're in the shopping center.

Ms. Baran noted her agreement with Ms. Levin as there are many people who use the bus system to get to work.

Mrs. Harrop said that she has driven up and down Route 44 for many years and there are very few people who walk along Route 44.

In response to Mr. Peck's comments, Mr. Vitaliano agreed that the applicant is open/willing to having a discussion regarding sidewalks in the future should development be proposed on the subject site or on an adjacent site. Mr. Vitaliano added that there was an approval condition for PetSmart that noted that sidewalks could be brought up in the future by the Commission.

Mr. Armstrong said he is ok as long as sidewalks are reserved as an option in the future. He clarified that he doesn't necessarily mean a sidewalk along the entire frontage of the subject site but rather a sidewalk that pours into the parking lot at Nod Brook Mall. The residents of Spring Meadow may want to go through Foster's Ice Cream and enter at Fresh Market.

In response to Mr. Armstrong, Mr. Vitaliano explained that the project does not expand beyond the limits of the curbing and parking to the rear of the building. He explained that the loading dock area has a trench drain pipe that is connected to the oil water separator (storm water runoff). There is currently an in ground grease trap for the restaurant that has not been in use for years and will be removed. He further explained that the building owner understands that the proposed project will take away some snow storage area and that they will have to manage it (store snow in corners of site or truck off site). Mr. Vitaliano acknowledged that he is not aware of any issue regarding salt application and runoff into the wetlands. Mr. Armstrong asked that the applicant work with Mr. Peck to find out if this will or will not be an issue.

Mr. Mahoney pointed out that there is a sidewalk that runs in front of Fresh Market and then comes into the parking lot and runs along all the storefronts; an internal sidewalk runs across the whole site.

Mr. Bukowski noted his agreement with other Commissioners that an approval for this project can include a statement noting that a sidewalk could be addressed at some future date.

Mr. Peck confirmed that if the Commission wishes the same wording that was used relative to a sidewalk in connection with the PetSmart approval can be used here.

In response to Mr. Bukowski, Mr. Peck explained that the Commission is in a good position to require a discussion on sidewalks in connection with any future applications, given the language that has been added to prior approvals. He added that the same could apply to parking.

Mr. Armstrong motioned to approve App #4972 subject to the following:

1. A temporary parking waiver of 16% is granted. A total of 500 parking spaces are to be provided at this time. The total square footage of the shopping center is then to be 118,562 SF.
2. A landscape waiver from 20% to 18% is granted. Applicant shall provide to Town Staff contact information for their landscape architect. The landscape architect shall work with Town Staff to optimize the aesthetics of the property.
3. Applicant shall revise all plan sheets and narratives to be consistent with discussions and representations relative to the size of the proposed building, as well as parking, landscaping, and traffic.
4. Truck idling to the rear of the building is prohibited. Trucks arriving at this location for deliveries/unloading for any tenant space prior to any store opening shall park and idle in the front parking lot. Any violations regarding idling time shall be subject to the State of Connecticut Regulations and appropriate enforcement.
5. All requirements/standards of the Town Engineer and the AWPCA, Building Official, Fire Marshal, and Fire Chief shall demonstrate compliance with all applicable codes on the submitted construction plans.
6. Applicant shall work with Town Staff regarding staging areas prior to the onset of construction noting the restrictions placed by the Inland Wetlands Commission approval.
7. Applicant shall schedule a preconstruction meeting with Town Staff at least 2 weeks prior to beginning any site work.

In addition, the Commission discussed the possibility of requiring an addition to the existing sidewalk along the north side of the property at this time. It was determined, with the applicant's agreement, that the sidewalk does not need to be constructed at this time but may be the subject of discussion and possible construction at some point in the future, especially if additional development is proposed on the subject property.

The motion was seconded by Mr. Gentile and received unanimous approval.

STAFF UPDATES

Stratford Crossing – status update from developer

Mr. Peck reported that all but two monuments have been set and all property pins have been set. Curbing repairs are scheduled for June 30. Electric service for street lighting on the two private roads is in process. The most important thing is that much work has been accomplished to correct the HOA formation that was previously done in a fashion that was not acceptable. Two attorneys have been working with the residents to record a declaration that was not done by the previous attorney. This declaration will ensure the viability of the HOA to correctly maintain the private open space, the trails, and the signage. He noted that the HOA was part of the Commission's approval. No completion date is known but the work is underway.

AVC Update

Mr. Peck reported that some progress has been made with tenants; some are moving in and some are in the process of lease signing. He confirmed that he made it very clear to the developer of the Commission's concern of having too many medical offices and would like restaurants and other stores. There is no information yet about developing the north side of Main Street. The Town is still working on all the deeds and maps (land and roads) for both the Town and the developer. The surveyor has prepared a map for the Town Engineering Department to review but there are revisions needed. He noted that the tower sign (Climax at Route 44) that was approved recently should begin construction soon.

There being no further business the meeting adjourned at 8:20pm

Linda Sadlon

Avon Planning and Community Development