

NORFOLK PLANNING & ZONING COMMISSION

Special Meeting

July 19, 2016 @ 6:30 p.m.

**Minutes - Draft**

Present: Schuyler Thomson – Acting Chair, Michele Sloane, Tom Fahsbender, Betsy Little, Paul Madore.

Also Present: Mike Halloran, ZEO and West Lowe, assistant ZEO

**1. Public Hearing – continued from July 12, 2016:**

A. Applications for Site Plan Approval and Special Permit for Village District Review as submitted by Four Winds Endeavors, applicant for the Norfolk Foundation, Owner, 6 Station Place

1. Schuyler Thomson explained that, although Michele Sloane had recused herself from the public hearing on July 12, 2016 because of her additional role as the town assessor, since that time it has been made clear that the Norfolk Foundation is not seeking tax exempt status thus the reason for her recusal no longer exists. Schuyler noted that Michele Sloane was present for the duration of the July 12, 2016 Public Hearing and confirmed that Michele Sloane has reviewed the record and able to resume consideration of the application.
2. Schuyler Thomson noted that this hearing is a continuance of the public hearing opened on July 12, 2016.
3. Commission members seated for the hearing: Schuyler Thomson, Michele Sloane, Tom Fahsbender, Betsy Little, and Paul Madore. Also present: Mike Halloran, ZEO and West Lowe, assistant ZEO.
4. Mike Halloran, Michele Sloane and Schuyler Thomson read correspondence items #9 through #58 into the record. See list attached and note that all exhibits are in the file in the Zoning office.
5. Schuyler Thomson opened up the hearing to public comment asking those present if they would please limit their comments to five minutes and stick to material that is not a repeat of what was presented during the first part of the Public Hearing.
  - a. Ted Briggs asked the commission to clarify what the tax implications will be in relation to this application and asked why the commission had not considered locating the convenience store/deli in the former Haystack Pizza building. Michele Sloane stated that tax income to the town

will not change. She added that choosing another venue for the convenience store/deli does not fall under the Planning and Zoning Commission's Regulations.

- b. Larry Hannafin spoke to say he and his wife Sally are lifelong residents of Norfolk and when they were younger there were at least 4-5 grocery stores in the town. He said that the more businesses there are in town the more people will come and this will create ancillary business for other businesses. He ended by saying it is time to make Norfolk great again.
- c. Michael Dinsmore, chef/owner of the Wood Creek Bar and Grill stated that he is not against the convenience store/deli, but he is concerned about the lack of parking and feels that the commercial kitchen in the convenience store/deli is larger than is necessary for the use described. He also stated that he is concerned for the property value of Joe Stannard's building.
- d. Bill Brown, member of Norfolk's Economic Development Commission, said that in his discussions with people around town it has become very clear to him that there is enormous support for the convenience store/deli. He described to those assembled that the EDC is tasked with bringing vitality to the town especially the downtown area. It is the EDC's position that more traffic, especially foot traffic, will enhance and help revitalize the town and all the businesses in town will benefit. He said the town's people have contributed financially to the convenience store/deli project and that a consultant is being engaged to increase parking. He feels that the Norfolk Foundation and Ryan Craig have been fully cooperative with Joe Stannard in his willingness to collaborate on compromise solutions that would be acceptable to Mr. Stannard. He stated the Ryan Craig has made some pretty significant sacrifices in his life to try to make this project happen, he has already made a serious investment in the business and the money he is getting from the Foundation is a loan that he will have to re-pay. The EDC respectfully requests that Joe Stannard cooperate to find acceptable solutions to the various sticking points.
- e. Tom McDermott, Attorney for Joe Stannard, submitted a series of photographs showing the relationship between the convenience store/deli and Joe Stannard's building, most

particularly the proximity of the propane tanks. He read aloud Section 6.06 Performance Standards from the Planning and Zoning Regulations. He said that Mr. Stannard would like to have a convenience store/deli and suggested a list of possible conditions to an approval of the application which might mitigate problems like noise, vibration and fumes. 1) Use refrigerators and freezers that have integrated condensers and move them into the basement. 2) Place the mechanical equipment needed for the air replacement system in the basement. 3) Move the cooking vent to a more remote spot on the northeast side of the building so “contaminants” are further away. 4) Minimize the size of the propane tanks and move them to a more remote location because they are dangerous. He also stated that he does not agree with Mr. Chalder’s statement that a Special Permit is not required for this application.

- f. Eileen Fitzgibbons, head of children’s programs at the Norfolk Library, said that there are children’s programs on Monday nights. The actors come early to set up and there is nowhere in town where they can go to get a bite to eat. She is in support of the convenience store/deli.
- g. Bob Gilchrest, Norfolk resident and landscape planner spoke about the sidewalk and beautification project he recently worked on in the town center of Falls Village, CT. He stated that at first there was a lot of controversy about the project because people had a fear of change. However, now that the project is complete the nay-sayers are thrilled, the town is proud of what has been accomplished and businesses are benefiting from the increase in foot traffic. He concluded by saying that a project like the convenience store/deli will do the same thing for Norfolk as the sidewalk project did for Falls Village, this is a great opportunity for the town of Norfolk and it will help bring a sense of community back to the town.
- h. Michael Dinsmore stated that he wanted to speak in defense of Joe Stannard because no property owner in town would stand for a lowering of their property values.
- i. Ryan Craig told those assembled he is very much looking forward to collaborating with the Station Place Café and other businesses in town and he will work unwaveringly to make compromises acceptable to Joe Stannard. He said that

his Berkshire Store in Cornwall, CT was very successful, attaining a five star rating on Yelp and equally well-rated on Facebook. He stated that he will work tirelessly to be a best friend, neighbor and a community orientated business.

- j. Schuyler Thomson asked if there were any further comments or information from the public or questions from the Commission and there being none:

A motion made by Tom Fahsbender, seconded by Michele Sloane, to close the public hearing at 8:12 p.m. was approved unanimously.

## B. Deliberations

- a. Design guidelines in 8.09 N of the Regulations were reviewed by the commission.
- b. Michele Sloane said that the applications we are considering are for the re-use of an existing building in the Village Business Zone under our Regulations.
- c. It was discussed that it is the Town Building Inspector's job to approve the location and size of the propane tanks.
- d. It was discussed that town parking throughout the town is and always has been for all of the businesses in town. There would be no businesses in the Village Business District if each business had to have their own parking on their own lot.
- e. Tom Fahsbender asked does this business change the parking demands from the previous businesses in the same building? He went on to say that, having studied the proposed use and calculated the square footage which will be used up by the bathrooms, kitchen and equipment, there may in fact be a decrease in parking demand.
- f. It was discussed that delivery trucks for all of the businesses in town, other than the Post Office, park on the roads and deliver items across the sidewalks.
- g. In response to Attorney Mc Dermott's argument on waiving aspects of the zoning regulations (MacKenzie) Michele Sloane referred to Chalder's report on this issue and read from the Appellate Court decision on David W. Santarsiero et al. vs P&Z Commission of the Town of Monroe et al. dated May 31, 2016. The court decided modifications can be made if they are narrowly specified, are available to all parties and are specified for review by the Commission.
- h. The Commission discussed the refuse containment system, the exterior lighting, the propane tanks, the mechanical systems, the

cedar hedge and the statements made by the applicant assuring his neighbors that he will make every reasonable effort to accommodate them.

i. It is the opinion of the Commission that there is ample shared parking and/or loading spaces in town sufficient for the proposed use and therefore the commission is waiving the requirements under 6.02-1C.

j. The Village District Review has been completed by Glenn Chalder and it is the opinion of the Commission that all exterior improvements are minor in nature and fit in with the surroundings in a harmonious fashion.

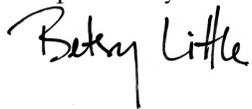
A motion made by Michele Sloane, seconded by Tom Fahsbender, to approve the Site Plan subject to the following conditions: 1) the trash area shall be maintained in such a way as to minimize odor and 2) exterior lighting will be downward, shielded and set on a timer so that the lights are on no earlier than one hour before opening time and no later than one hour after closing time; because the application complies with the standards of Section 4.03-1 A.1 of the Zoning Regulations and is consistent with the Town Plan of Conservation & Development which encourages local business and village vitality, was unanimously approved.

A motion made by Betsy Little, seconded by Paul Madore, to approve the Special Permit for Village District Review per Section 4.02 of the Zoning Regulations as the commission finds there is no new construction or substantial remodeling of the exterior of the building in that the proposal is for the re-use of an existing commercial building in the Village Business Zone, was approved unanimously.

## **2. Adjournment:**

A motion made by Schuyler Thomson, seconded by Michele Sloane, to adjourn the meeting at 9:05 p.m. was approved unanimously.

Respectfully submitted,



Betsy K. Little  
Secretary

Town of Norfolk  
Zoning Enforcement Office  
mhalloranzeo@yahoo.com

List of exhibits for 6 Station Place;

1. 7/3/16 letter from Judith and Paul Dorphley
2. 7/6/16 letter from Tara Yard
3. 7/6/16 Planimetrics report for Village District review
4. 7/7/16 Email from Jerry Waters, Building Inspector regarding propane tanks
5. 7/12/16 letter from Susan Dyer re: parking
6. Voided
7. Voided
8. Atty. McDermott 10 page memo
9. Sec. 8-2j Village District statute
10. 7/13/16 Letter from Norfolk foundation RE. recusal
11. Email from Joan Gardiner
12. Email from Billy Gridley
13. Letter from Michael Kelly
14. Letter from Bruce and Sue Frisch
15. Email from Christina Vanderlip
16. Email from Sue and Frank Dooley
17. Email from Roger Miller and Patricia Nooy
18. Email from Tom Hlas
19. Email from Barbara Speigal
20. Email from Dorothy Bazzano
21. Email from Janet Gokay
22. Email from Alyson Thomson
23. Email from Tony Thomson
24. Email from Martin Tandler
25. Email from Joel Howard
26. Email from Linda and Bill Levinson
27. Email from Betsy Gill
28. Email from Anita Holmes
29. Email from Suzy and Edward Colt
30. Email from Barbara Gridley
31. Email from Vanessa Lilly
32. Email from Caitlin Macy and Jeremy Barnum
33. Email from Mary Gridley
34. Email from Madonna Sullivan
35. Letter from Patricia Driscoll Carruthers and Jeffery Carruthers
36. Email from Sally and Nick Thacher
37. Letter from Norfolk Foundation
38. Email from Liela and Daniel Javitch
39. Letter from Judy Maxwell

40. Letter from Kim Maxwell
41. Letter from Susan Dyer
42. Email from Leslie Battis
43. Email from Linda Garrettson
44. Email from Sukey Wagner
45. Email from Kitty Humpstone
46. Email from Chris Little
47. Email from Hannah Silverman
48. Email from David Low
49. Email from Stefanie Gouey
50. Email from Ted Briggs
51. Email from Liz and Graham Allyn
52. Email from Lou Barbagallo
53. Email from Nancy Kriegel
54. Email from Marilyn Schatzberg
55. Email from Galene Kessin
56. Email from Jeremy Koch
57. Petition
58. Planimetrics report of 7/18/2016
59. Photos A-I Submitted by Atty. McDermott
60. Norfolk regulation 6.06 performance standards
61. Letter from Ryan Craig