

VILLAGE OF SUNBURY
PLANNING AND ZONING COMMISSION
January 27, 2020

Mayor Tommy Hatfield called the Sunbury Planning and Zoning meeting to order at 6:30 p.m., on January 27, 2020, in Council Chambers at Town Hall with a moment of silent prayer and the Pledge of Allegiance.

Those answering roll call: Tommy Hatfield, Joe St. John, John Lieurance, Joe Gochenour and Rick Ryba

Also present: Dave Parkinson, David Brehm Allen Rothermel and Steve Pyles

Major Site Plan Review - 1804 Properties is proposing to build a 5,000 S.F. commercial office building on parcel B of their lot located on North Miller Drive. The building is nearly identical to the recently completed building on parcel A, which has been fully occupied.

Kurt Lape presented on behalf of the owners. He noted this is a copy of the building previously built, that they want to extend and tie in the parking for the buildings and create a small medical office complex of two unified buildings. He stated the idea for tonight is to informally discuss the project, identify any preliminary issues and bounding limits they may have. Further, they have had discussions with Engineer Parkinson as the plan evolves.

Engineer Parkinson presented his review report of the project. He noted some missing items needed from the review process, including storm water. Of the significant items in his review, he noted that there was a ditch that would be recommended to be enclosed and that the applicant should coordinate this project with an adjoining project which plans a private road that will require a culvert. He further stated that there is some parking shown on the plan that encroaches upon an access agreement and that it must either be moved or be coordinated with the entity holding that easement. He also noted some other minor issues, such as the applicant has not identified the type of businesses locating in the building which could impact parking requirements. He said the parking allotment was sufficient for office type uses, but that a more intensive commercial use (such as retail) may require additional parking.

Engineer Parkinson concluded his formal comments by noting that the zoning on the neighboring lots is currently commercial but the lot to the north is being considered for residential. The setback difference between the current zoning of commercial and the contemplated zoning of residential is significant, with neighboring residential being much higher, from 35 feet to 100 feet, and this would make the remainder of this lot and Mr. Romanelli's lot D nearly unbuildable. Exhibit 4 of his report is an overlay of the two projects with setbacks detailed and illustrates this difficulty. As of today, the setbacks are within code, but Engineer Parkinson does want the commission to account for future rezoning under consideration by council.

Mr. Lape commented that this interpretation would indeed make the remainder of his lot and the other lot owned and zoned PCD by Mr. Romaneli nearly unbuildable.

Mr. Brehm discussed that the rezoning would have some potential unintended consequence for both this project and lot D that will need addressed. He added that the commission was aware of the intentions of the applicant and the existence of the other lot and that commercial buildings were previously contemplated on both lots. He noted that the residential plan provides a good degree of separation as there will be the building setback, some buffering, a private road and then the front yards between the planned homes and this proposed building. Mr. Brehm added that there are ways to resolve and acknowledge how the commercial buildings and the adjoining rezoned planned residential projects can work together and that Mr. Lape's building would likely be underway before lots are sold in the residential area, which should prevent the after the fact impact of a commercial structure being built adjacent to an existing home.

Mr. Brehm stated that this seems to be a paperwork and technical issue as opposed to a real issue.

Mayor Hatfield stated it is important to make sure all parties know about the situation.

Mr. Lape stated one of his purposes in presenting tonight was to get an idea of his bounds and the issue of parking pavement in the access easement. He provided the easement which states no buildings or structures can be erected in the easement, that parking seems allowed and that he currently did have some parking for his first building in the easement.

Mr. Brehm added that the easement will especially impact this building and lot D.

Mr. Lape asked for clarity on what is considered the side, front and backyard setbacks for the lot. He noted when he worked with Mr. Kiss of CT, Miller Drive was considered the front yard for the first building. Mr. Parkinson replied that he speculates that was determined based upon the nearest public right of way. He continued that the code is not specific in delineating between private streets and public right of way as it relates to determining fronts for setback requirements but his interpretation is for the proposed building, as it faces south, the front is to the south. He also noted the easement is 60', which is very wide and does create constraints.

Discussion continued between Mr. Parkinson and Mr. Lape about setbacks, determining fronts and calculation methods.

Mayor Hatfield noted that the proposed building could be sited further south. Mr. Lape replied the proposed building was sited to allow for shared parking.

Mr. Gochenour asked about a future access point from the private road to the east. Mr. Lape replied that if and when the private road was constructed, he would like to have that additional access point. Mr. Gochenour then asked about a sidewalk on the east side of the property with that apron. Mr. Lape replied it would be added to the project.

Mr. Lape added that they were acceptable to enclosing the ditch.

Mayor Hatfield asked about the coordination of dates and approvals between the two projects. Mr. Brehm replied that some additional paperwork will be needed to resolve the issue. The fact we are dealing with two property owners should make resolution as an approval or as a contingency of the approval. There may need to be a variance and he needs to think through it with a new Board of Zoning Appeals being organized.

Mr. St. John agreed that memorializing the situation with an agreement will be helpful in the future as this is a unique situation.

Mayor Hatfield asked if there were any other questions. Mr. Pyles asked if any street lighting was contemplated as the private road does get dark toward the end of the street. The easement agreement does not contemplate further lighting according to Mr. Lape.

Discussion of fronts of buildings, entry points and setbacks continued. The discussion concluded with Engineer Parkinson stating Miller Drive would be considered the front of the building for determination of setbacks. Mr. Brehm added a concern that he would like to see parking avoided on the north side of the building as future residents would likely rather see the building and lawn as opposed to parking on that side. Mr. Lape stated he wanted to keep parking on the south and west sides of the building.

Mayor Hatfield asked if Mr. Lape was comfortable putting parking on a portion of the private street easement if it was allowed. Mr. Lape stated he was, the amount in the easement was very limited and he was comfortable taking that risk if repairs in the easement necessitated the parking being disrupted and needing repairs during that process.

Mr. St. John added he would like to see an agreement between the two property owners, Lape and Romanelli, on the setbacks of this project, the patio homes and lot D.

Discussion concluded with Mayor Hatfield asking if there were other questions and hearing none.

There were no visitors desiring to speak to the commission.

Minutes from the December 27, 2020 meeting were reviewed. Mayor Hatfield made a motion to approve the minutes, second by Mr. St. John. The motion to approve minutes was passed with four ayes and one abstention from Mr. Ryba as he was not present at the December 27th meeting.

The Zoning Report was reviewed.

Mayor Hatfield asked about location of No Parking signs and mailboxes for new subdivisions as zoning code updates are being prepared.

Under new business, Mr. Rothermel mentioned that the posting of the additional member for the Planning and Zoning Commission specified in the charter had been concluded and two individuals who are residents of Sunbury were forwarded on to council for consideration.

Motion to adjourn by Mayor Hatfield, second by Mr. Ryba, passed with five ayes.

The next meeting of the Planning and Zoning Commission is scheduled for February 24, 2020.