

RUTKA LANE 20 multi-family proposed

Colchester 2006 DENIAL SightLINE
Planning + Zoning Commission

July 18 2006

ZBA HEARING

F. ZBA # 06-142

1st HEARING
pg 5

- Continued to August 15 2006 -

ZBA Special MEETING
August 17, 2006

DENIED (4-1)

A Shilosky stated he abstained because
He felt the hardship was proven but Application
should be denied due to "public Health
+ Safety"

Enclosed complete Denial

John J. Wisler
220 WALL ST
Colchester, CT

August 17, 2006 – Special Meeting
Town Hall – Room #2
127 Norwich Avenue

MEMBERS PRESENT: Chairman Laurie Robinson, Denise Mizla, Arthur Shilosky, Fay Sherman,
Patricia Lambert-Moody.

MEMBERS ABSENT: Alternate James Ducharme. Zoning Enforcement Office Gary Goeschel

RECEIVED
COLCHESTER, CT
06 AUG 23 PM 3:24
Nancy A. Berk
OWN CLERK

1. CALL TO ORDER.

Chairman Robinson called this meeting to order at 7:01 P.M.

2. PUBLIC HEARINGS.

A. ZBA#06-142 – Joseph Rutka, Leo Rutka, MORUT, LLC, owner, Gerald Hardisty Applicant, for property located at Wall Street/Rutka Lane, Assessor's Map 10, Lot 3-7, located in R-30 Urban Residential Zone, application for a variance from Section 12.3.12, to reduce the sight distance requirement for 500 feet to 300 feet for an exit driveway along a collector road for the purpose of constructing a 20 unit multi-family development. *(Public Hearing continued from July 18, 2006).*

Chairman Robinson continued the Public Hearing at 7:05 P.M. and reviewed the procedure for the Public Hearing. Chairman Robinson read the Legal Notice as it appeared in The Hartford Courant on August 4 and August 11, 2006.

Voting members for this application are F. Sherman, D. Mizla, L. Robinson, P. Lambert-Moody, A. Shilosky.

Additional record items were introduced:

- L. Memo from G. Goeschel to the Zoning Board of Appeals dated August 15, 2006;
- M. A United States Geographic (USG) Map.

Chairman Robinson asked the applicant G. Hardisty to begin the presentation. G. Hardisty presented a copy of the USG map and reviewed the location with the Board members.

Gerald Hardisty, P.E. of CES Engineering, stated that this site had adequate sight distance for this project based on a study he presented to the Board entitled Sight Line Analysis.

A design sight line is to allow enough time for a person to get out onto the road, for the person coming toward them to see in time to stop with no problem. The stopping sight distance is when someone sees a stop sign, recognizes a situation, put foot on brake and slows down and stops with no problem.

He feels there is more than enough stopping distance for 20-25 miles per hour (mph) as there is a 25 mph speed limit on Wall Street. He stated he realizes that is the posted speed but that people do not drive that speed. More enforcement has been suggested.

G. Hardisty added that to get 500 feet of distance the road would have to be cut down four to five feet in front of 232 and 215 Wall Street and that cannot be done.

A letter from University of Connecticut Associate Head of Traffic Engineering, John Ivan supporting the 350' sight line became Record Item "N".

L. Robinson asked if Mr. Ivan surveyed the property.

G. Hardisty stated no, J. Ivan reviewed the plans and the report being presented.

Chairman Robinson read paragraphs from G. Goeschel's memo dated August 15, 2006.

Zoning Board of Appeals
August 17, 2006

G. Hardisty said there are two engineering reports, his and J. Ivan's that should be more than adequate.

P. Lambert-Moody said she drives that road two times a day and is guilty of going up from Linwood Cemetery Road and driving beyond the speed limit, and she knows to watch for people backing out of driveways, kids and people walking dogs. Sitting at a desk and not driving down Wall Street is not practical to the actual conditions that exist.

G. Hardisty stated that the Town Plan of Development addressed this kind of development calling for more densely populated areas to be closer to Town. It maintains a buffer area from single family and industrial areas. If this subdivision were constructed tomorrow with Rutka Lane as a town road, the sight line would be 350'. This is an already approved subdivision.

G. Hardisty said the traffic study done was for three hours one morning with an average of 57 cars in 45 minutes, 68 cars at the peak. State Police counted 1,288 in October going both ways. Elm Street had a count of 1,575 and Pleasant Street 1,501. These are the traffic counts and there are two reports.

Chairman Robinson said the reason we have a 500' sight distance requirement on collector roads is because those roads are anticipated to do exactly what the name is - collect traffic. There is nothing to indicate that the volume of traffic will lessen or speeds will go lower. If anything, we already know there are speeders and a good amount of traffic on this road. There is nothing to indicate that the traffic will decrease or the speed will be enforced. You are asking the Board to reduce the sight line distance by 40% of what the regulations require. Your burden is to show that this is perfectly safe or would be safer, this situation would add to traffic and reduce the safety. The burden is on the applicant to prove this is a good thing to reduce sight line. The burden should not be on the Town

G. Hardisty said a blinking light or stop sign could be installed or more police enforcement could take place.

L. Robinson said the only thing before this Board is the 500' variance and the data before us now.

A. Shilosky stated that to grant the variance you must have exhausted all measures. There has to be of way of not doing this. If the road was turned over to the town, the project does not need a variance.

G. Hardisty said without the variance he cannot do what the developer wants, which is multi-family dwellings at this site.

A. Shilosky said if there are other means to achieve what you want, this Board cannot grant a variance because there is no hardship.

G. Hardisty said he understood A. Shilosky's point.

No further questions from the Board.

Chairman Robinson asked for those to speak in favor, no one came forward, then asked for those speaking in opposition to come forward.

Delores Tarnowski, 183 Wall Street, felt the engineer's figures were given for dry road conditions but we live in New England, where fog, sleet, rain, snow would impact stopping distances. These figures are for automobiles, there are lots of trucks on Wall Street and the stopping distance would be greater for trucks. They have not taken into account skateboarders, bicycles, pedestrians, and no sidewalks. Recently a van flipped over and cut the CL&P pole. Adding 20 homes would increase traffic by at least 40 cars. The 500' distance is in the regulations for a reason, for the public health and safety.

Beth Mansfield, 224 Wall Street, has a 17 month old grandson and cannot walk on the road, a neighbor was almost hit backing out of his driveway. More traffic would just not be safe.

John J. Wissler, 220 Wall Street, referenced the Assessor's map, Record Item "H", stating there are four driveways not three as G. Hardisty's map shows. J. Wissler presented two pictures that became Item "O" and referenced Section 12.3.13 stating that a clear sight line is necessary. The drawing presented does not show trees or mailboxes on the site plan.

L. Robinson asked at what height the sight line is taken. G. Hardisty answered at 3.5' – a seated driver's sight line.

Joe Rutka, 180 Wall Street, stated that he met with Mark Decker, Town Engineer, regarding a three way stop sign. M. Decker said that a stop sign cannot be approved until the development is completed and specific criteria must be met. The number for consideration of a stop sign is 300 cars in one hour. J. Rutka asked how did Cabin Road and Old Hebron Road get three way stop signs.

J. Rutka said the houses would be \$350,000 houses increasing the property values of the neighborhood. He plans to stay where he is. The development would have a two acre park. The Plan of Development was written with this land in mind. There is sewer and water available and it would be a buffer between single family residential and industrial zone.

No further comments were received.

Motion by: A Shilosky
to close the Public Hearing.

Second by: P. Lambert-Moody.

Vote: Unanimous to close. Time 8:14 P.M.

Motion by: P. Lambert-Moody
to deny application ZBA#06-142, Joseph Rutka, Leo Rutka, MORUT, LLC, owner, for the reduction of the 500' sight line based on the fact that the applicant did not adequately prove a hardship, and to drop 500' to 300' is too much of a public safety risk for the actual road conditions on Wall Street.

Second by: D. Mizla.

Vote: **In favor:** D. Mizla, L. Robinson, P. Lambert-Moody, F. Sherman.

Opposed: No one.

Abstaining: A. Shilosky.

A. Shilosky stated he is abstaining because he felt the hardship was proven but the application should be denied due to the public health and safety. **DENIED.** (4-1).

- A. **ZBA#06-144- Terence and Diane Clark, owners, Terence Clark, applicant of property located at 44 West Road, Assessor's Map 3-9, Lo 26, located in R-60 Rural Residential Zone, Application for variance from Section 4A.4.4, for a variance in the amount of four feet over the setback line for a swimming pool.**

Chairman Robinson continued the Public Hearing from August 15, 2006, opening the Hearing at 8:18 P.M. and reviewed the procedure for the Public Hearing.

Voting members for this application are F. Sherman, D. Mizla, L. Robinson, P. Lambert-Moody, A. Shilosky.

T. Clark, Clark Landscaping, stated that he has a small business on his property and where the swimming pool is located now, it provides no privacy for his family or safety for his grandchildren. With the shape of the property and the existing buildings there is no other place to put the pool.

This variance is for four feet to the back property line. There is an existing six-foot vinyl privacy fence that will be extended around the pool if the variance is granted.

Zoning Board of Appeals
August 17, 2006

There were no citizens present to speak in favor or in opposition of this application.

Motion by: A. Shilosky
to close the public Hearing.

Second by: D. Mizla.

Vote: Unanimous. Time: 8:27 P.M.

Motion by: D. Mizla
to approve the request for a variance for application ZBA#06-144, Terence Clark at 44 West Road for four (4') feet over the setback requirement for the purpose of a swimming pool.

Second by: A. Shilosky.

Vote: Unanimous.

3. APPROVAL OF MINUTES OF MAY 16, 2006, JUNE 20, 2006 AND JULY 18, 2006 MEETING.

Motion by: P. Lambert-Moody

to approve the minutes of the May 16, 2006, Regular Meeting as read.

Second by: D. Mizla.

Vote: Unanimous.

Motion by: D. Mizla.

to approve the minutes of the June 20, 2006, Regular Meeting as read.

Second by: A. Shilosky.

Vote: Unanimous.

Motion by: D. Mizla.

to approve the minutes of the July 18, 2006, Regular Meeting with corrections to the dates on pages 2-8 and on page 3, the paragraph beginning with C. Vullo, third sentence to read, ". . . four to five hundred yards"; Page 3, a spelling correction to read, 're-vegetated'.

Second by: P. Lambert-Moody.

Vote: Unanimous.

4. ZONING OFFICER'S REPORT.

No report at this time.

5. NEW BUSINESS.

No new business.

6. OLD BUSINESS.

Old Business as listed on the agenda – ZBA#06-135 Thomas Rankl application and ZBA#06-136 Ira Wasniewski were addressed on the August 15, 2006 meeting agenda and decisions were made at that time. Both items were listed on this agenda in error.

7. CORRESPONDENCE.

None at this time.

8. ADJOURNMENT.

Motion by: A. Shilosky
to adjourn this meeting.

Second by: D. Mizla.

Vote: Unanimous.

Chairman Robinson adjourned the meeting at 8:57 P.M.

Respectfully submitted,

Mary Jane Slade
Clerk

To: Colchester Planning + Zoning
Commission

On August 17 2006 special meeting
Town Hall Room #2 127 Norwich Ave

Public Hearings:

A ZBA # 06-142

Please Read on Pg 2 Chairman
Robinson Reasons Highlighted in Blue

*** THIS HAS NOT CHANGED ***

PLEASE TAKE THIS INTO CONSIDERATION
TO PROCEED OR DENY

pg 3 Denied (4-1) "A shiloskey denied
due to public health + safety"
NO ONE OPPOSED

Thank-you
John J. Wisden
220 WALL ST
Colchester CT.

Zoning Board of Appeals

August 17, 2006

G. Hardisty said there are two engineering reports, his and J. Ivan's that should be more than adequate.

P. Lambert-Moody said she drives that road two times a day and is guilty of going up from Linwood Cemetery Road and driving beyond the speed limit, and she knows to watch for people backing out of driveways, kids and people walking dogs. Sitting at a desk and not driving down Wall Street is not practical to the actual conditions that exist.

G. Hardisty stated that the Town Plan of Development addressed this kind of development calling for more densely populated areas to be closer to Town. It maintains a buffer area from single family and industrial areas. If this subdivision were constructed tomorrow with Rutka Lane as a town road, the sight line would be 350'. This is an already approved subdivision.

G. Hardisty said the traffic study done was for three hours one morning with an average of 57 cars in 45 minutes, 68 cars at the peak. State Police counted 1,288 in October going both ways. Elm Street had a count of 1,575 and Pleasant Street 1,501. These are the traffic counts and there are two reports.

Chairman Robinson said the reason we have a 500' sight distance requirement on collector roads is because those roads are anticipated to do exactly what the name is - collect traffic. There is nothing to indicate that the volume of traffic will lessen or speeds will go lower. If anything, we already know there are speeders and a good amount of traffic on this road. There is nothing to indicate that the traffic will decrease or the speed will be enforced. You are asking the Board to reduce the sight line distance by 40% of what the regulations require. Your burden is to show that this is perfectly safe or would be safer, this situation would add to traffic and reduce the safety. The burden is on the applicant to prove this is a good thing to reduce sight line. The burden should not be on the Town

G. Hardisty said a blinking light or stop sign could be installed or more police enforcement could take place.

L. Robinson said the only thing before this Board is the 500' variance and the data before us now.

A. Shilosky stated that to grant the variance you must have exhausted all measures. There has to be a way of not doing this. If the road was turned over to the town, the project does not need a variance.

G. Hardisty said without the variance he cannot do what the developer wants, which is multi-family dwellings at this site.

A. Shilosky said if there are other means to achieve what you want, this Board cannot grant a variance because there is no hardship.

G. Hardisty said he understood A. Shilosky's point.

No further questions from the Board.

Chairman Robinson asked for those to speak in favor, no one came forward, then asked for those speaking in opposition to come forward.

Delores Tarnowski, 183 Wall Street, felt the engineer's figures were given for dry road conditions but we live in New England, where fog, sleet, rain, snow would impact stopping distances. These figures are for automobiles, there are lots of trucks on Wall Street and the stopping distance would be greater for trucks. They have not taken into account skateboarders, bicycles, pedestrians, and no sidewalks. Recently a van flipped over and cut the CL&P pole. Adding 20 homes would increase traffic by at least 40 cars. The 500' distance is in the regulations for a reason, for the public health and safety.

Beth Mansfield, 224 Wall Street, has a 17 month old grandson and cannot walk on the road, a neighbor was almost hit backing out of his driveway. More traffic would just not be safe.

Sept 6th 2022

TO: The Planning and Zoning Commission

Regulations Effective January 15 2015

Pg 124

15.0 Site Plan Review

15.1 Site Plan Review Requirements

1. The purpose and Intent of Regulations, protection of Public health, Safety, Welfare, Property Values and Environment

Lets Address Each one of these:

Public health: project in (APZ) Possible Detrimental to public water Supply.

Safety: Wall Street is a Collector Road No side walks or Bicycle Path which creates an UNSAFE Environment for Both Pedestrians and Drivers.

WELFARE: No Concern For

Property Values: Unknown Could Have Negative Effect from Old to New Housing

Cont. from pg 1

1. ENVIRONMENT : ALL concerns from previous written communication ~~and~~ July 27th Planning + zoning Meeting

This Proposed Project Does NOT protect Any of the ABOVE purpose

Thank - you ~~to~~

John J Wissler
220 Wacc St
Colchester, CT.

15.0 SITE PLAN REVIEW

15.1 SITE PLAN REVIEW REQUIREMENTS

Most zoning applications include requirements for submission and approval of a Site Plan. No application is complete without compliance with the submission requirements and standards applicable to the type of Site Plan required. The type of Site Plan required depends of the complexity and/or nature of the application (see Site Plan Requirement Chart). It is intended that a Site Plan for each proposed land use be prepared with due consideration for:

- 1. The purpose and intent of these Regulations, and protection of the public health, safety, welfare, property values and the environment;
- 2. Coordination with public infrastructure and impact including vehicular and pedestrian access, drainage, water supply, sewage disposal, lighting, landscaping, Wetlands, Watercourses, Buildings and other features that support the neighborhood including the provision of Streets; limitations on the location and number of access Driveways and provisions for traffic management;
- 3. The Setback, location and bulk of Buildings and structures; the design of Buildings and structures relating to Streets or highways, or from other Lots;
- 4. The preservation of natural landform features, Wetlands and water resources;
- 5. The provision, location and character of landscaping;
- 6. The location, character and intensity of outside illumination; and
- 7. The extent, character, purpose and location of Signs.

?

7-22-22
Commission
Asked About
Street Lights
Will Have

15.2 TRAFFIC STUDY REQUIREMENT

- 1. The Commission may require the applicant to submit an analysis of traffic caused by the proposed project and the actions taken to mitigate any identified impacts. If required, the following information shall be submitted:
 - A. Site Plan showing existing land use on-site and on both sides of the site including across any Streets and intersecting Roads
 - B. Proposed land use, including size of proposed structures
 - C. Proposed parking area, curb cuts, and sidewalks
 - D. Total trip generation and peak hour volumes, including breakdown of anticipated trips generated by each land use if a Mixed Use Development
 - E. Generated vehicular trips may be discounted in recognition of other reasonable and