

MEETING NOTICE AND AGENDA

MANSFIELD PLANNING AND ZONING COMMISSION

Monday, October 20, 2014 ▪ 7:10 PM

Or Upon Completion of Special Inland Wetlands Agency Meeting

Audrey P. Beck Municipal Building ▪ 4 South Eagleville Road ▪ Council Chambers

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Minutes**
 - a. October 6, 2014 Meeting
- 4. Zoning Agent's Report**
- 5. Old Business**
 - a. Other
- 6. New Business**
 - a. Request for Modification, East Brook F, LLC, 95 Storrs Road, PZC File #432-2
Memo from Director of Planning and Development
 - b. Other
- 7. Mansfield Tomorrow | Our Plan ▶ Our Future**
- 8. Reports from Officers and Committees**
 - a. Chairman's Report
 - b. Regional Planning Commission
 - c. Regulatory Review Committee
 - d. Subcommittee on Infrastructure
 - e. Planning and Development Director's Report
 - f. Other
- 9. Communications and Bills**
 - a. Other
- 10. Adjournment**

DRAFT MINUTES
MANSFIELD PLANNING AND ZONING COMMISSION
Regular Meeting
Monday, October 6, 2014
Council Chamber, Audrey P. Beck Municipal Building

Members present: Chairman Goodwin, B. Chandy, R. Hall, K. Holt, G. Lewis, P. Plante, K. Rawn,
Members absent: B. Pociask, B. Ryan
Alternates present: P. Aho, S. Westa
Alternates absent: V. Ward
Staff Present: Linda Painter, Director of Planning and Development
Curt Hirsch, Zoning Agent

Chairman Goodwin called the meeting to order at 7:36 p.m. Alternates Aho and Westa were seated for Pociask and Ryan.

Approval of Minutes:

a. September 15, 2014 Special Meeting

Plante MOVED, Hall seconded, to approve the 9-15-14 minutes as written. MOTION PASSED UNANIMOUSLY.

Zoning Agent's Report:

There were no questions or comments on the Zoning Agent's monthly report. Plante requested that Hirsch investigate a house on Woods Road where he has witnessed 6-8 cars parked frequently, including at night.

Public Hearing:

Live Music Renewals

Chairman Goodwin opened the Public Hearing at 7:40 p.m. Members present were Goodwin, Chandy, Hall, Holt, Lewis, Plante, Rawn and alternates Aho, and Westa. Aho and Westa were appointed to act in Pociask and Ryan's absence. Linda Painter, Director of Planning and Development, read the legal notice as it appeared in The Chronicle on 9/23/14 and 10/1/14 and noted a 9/24/14 memo from Curt Hirsch, Zoning Agent.

Hirsch noted that he had received no complaints and the three businesses continue to operate per their approvals. Goodwin noted for the record that there was no one in attendance for the public hearing and no public comment.

Plante MOVED, Holt seconded, to close the Public Hearing at 7:42 p.m. MOTION PASSED UNANIMOUSLY.

Old Business:

a. Live Music Renewals

Plante MOVED, Holt seconded, that the Commission approve the special permit renewals for the use of live music for Huskies Restaurant, Pub 32 and Ted's Restaurant, until November 1, 2015. The renewals are conditioned upon compliance with the current conditions for each, which shall be attached to this motion. MOTION PASSED UNANIMOUSLY.

Lewis requested that changes to the regulations be considered to eliminate the need for annual reviews for live music permits. Painter noted that the Regulatory Review Committee has been working on changes to that effect; however, work has been delayed due to staff capacity.

New Business:

None.

Mansfield Tomorrow | Our Plan ▶ Our Future:

Painter advised the Commission that staff would be working on scheduling special meetings for the first two weeks in November to review the revised draft POCD, which staff expects to distribute to members the week of October 20th.

Reports from Officers and Committees:

Westa reported on her first CRCOG Regional Planning Commission meeting and noted that presentations were available on the CRCOG website.

Plante requested that the Regulatory Review Committee meet to discuss certain revisions to both the zoning and wetlands regulations.

Communications and Bills:

Noted.

Adjournment:

The Chairman adjourned the meeting at 8:00 p.m.

Respectfully submitted,

Katherine Holt, Secretary



Town of Mansfield

Department of Planning and Development

Date: October 16, 2014

To: Planning and Zoning Commission

From: Linda M. Painter, AICP, Director *lmp*

Subject: 95 Storrs Road (File #PZC 432-2)
East Brook F, LLC, East Brook T, LLC and East Brook W, LLC
Description of work: Modification to Special Permit to allow changes to east and west building facades and parking/loading areas
Map Date: October 6, 2014

Project Overview

The attached October 8, 2014 modification request provides information on proposed changes to the portion of the East Brook Mall building and site that was previously occupied by J.C. Penney. Proposed modifications include:

- **Replacement of the existing J.C. Penney storefront on the east façade with two new storefronts for the Dressbarn and Dollar Tree stores.** The former J.C. Penney space will be divided into three tenant spaces; of which two have been leased to Dressbarn and Dollar tree. No storefront for the third tenant space is proposed at this time due to the fact that a tenant has not yet been identified; it is expected that a subsequent modification application will be needed to allow for a new storefront for that space in the future. As such, access to the third vacant tenant space is currently limited to an emergency door that egresses into the mall and two exterior doors on the west façade.

The new storefronts will include new windows/doors, stone piers, EIFS banding, awnings and signs. The design is intended to complement the existing façade on the remainder of the building.

- **Changes to the loading dock and parking area.** To accommodate the division of the vacant department store space into three tenant spaces, changes to the loading dock area on the west façade are needed. These changes include demolition of an existing steel canopy and the construction of a new covered concrete loading and exit platform for the Dressbarn and Dollar Tree tenants. These changes require the relocation of existing parking spaces and a dumpster. The applicant has submitted a plan indicating how the parking and loading area will be restriped to accommodate the same number of parking spaces as currently exists.

Background

Article VII, Section L.3 allows for certain changes in use of existing shopping centers to be approved through a Zoning Permit provided the change meets certain conditions:

- Uses that can be approved through this administrative process are limited to retail, banks, restaurants under 5,000 square feet with no outdoor window or drive-through service, professional offices, personal services and repair services.
- The center must contain more than 5 separate businesses.
- The proposed changes result in no more than 2 additional stores, shops or businesses.
- The proposed changes will not result in an overall intensification of health or safety impacts.
- Any change in use involving the preparation and sale of food items shall require PZC approval.
- The proposed changes are not in conflict with any approval conditions associated with the shopping center.
- The proposed changes do not involve site or building modifications affecting the overall layout, design, or nature of existing site improvements unless the improvements have received approval from the PZC.

As the proposal does include changes to the building design and minor changes to site layout, PZC approval is required for those modifications prior to issuance of a Zoning Permit. The provisions of Article Five, Section B.9 and Article XI, Section D, authorize the PZC to approve site modifications and substantive changes in exterior building design, signs or building materials without the submission of a new special permit application, provided the proposed revisions are not considered a significant alteration having potential land use impacts that must be evaluated through a new special permit review process. In 2000, the PZC approved façade and site alterations at East Brook Mall through the site modification process and in 2005 alterations associated with the Kohl's store were approved as modifications. Significant changes in use, such as the addition of the Applebee's restaurant, the Savings Institute bank, the movie theater complex and the Michael's addition have required special permit approval.

It should be noted that the approval of the special permit for the Michael's addition was appealed by an abutting property owner; the case is currently pending in the Appellate Court. While the existing conditions survey submitted as part of the modification application includes site and building improvements that were made as part of the Michael's addition, nothing in this application pertains to that portion of the site. As such, any action taken by the Commission on this modification request shall not be construed to be approving any improvements related to the Michael's addition that are shown on the existing conditions map.

Analysis

The proposed changes are consistent with the overall design of the mall. No change or intensification of impacts is anticipated as there is no expansion of space contemplated, only the division of an existing commercial tenant space into three separate spaces. While a third tenant has not been identified, use of that

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space would be limited to the uses listed in Article VII, Section L.3.a (first bullet point above) unless specific approval was received from the Commission for a different use.

With regard to the changes to the parking and loading area in the rear, the parking spaces need to be widened to meet the minimum 9 ½ foot width required by Article Ten, Section D.5. Additionally, the cross-hatch on the handicap parking spaces needs to be shifted to the right side of the space pursuant to Article Ten, Section D.11. When making adjustments, the applicant will need to retain adequate space for pedestrian and handicap access to adjacent ramps and ensure that vehicular access to the parking spaces is not blocked by the loading bay. Wheelstops should also be added given the location of the spaces abutting the building and ramps. The applicant has been advised of these needed changes and is planning on providing a revised plan prior to the October 20th meeting.

Recommendation/Suggested Motion

The proposed modifications are not considered a significant alteration nor are they expected to result in additional health, safety or neighborhood impacts. As such, they can be authorized pursuant to Article V, Section B.9 and Article XI, Section D. If a revised site plan is provided that addresses the changes needed to meet requirements for parking and loading and the Commission concurs that the modifications are not significant, the following motion would be in order:

_____ MOVES, _____ seconds to authorize the PZC Chair and Zoning Agent to approve the October 8, 2014 modification request of East Brook F, LLC, East Brook T, LLC and East Brook W, LLC (File #PZC 432-2) for changes to the east and west building facades and parking/loading areas for the former J.C. Penney's store on property owned by the applicants and located at 95 Storrs Road as shown on plans dated 10/6/2014 as revised through 10/__/2014 and as described in application submissions. This authorization is subject to the following conditions:

1. Any further exterior modifications to address storefront access for the vacant tenant space shall require approval from the Commission.
2. Use of the vacant tenant space for a use other than those specified in Article Seven, Section L.3.a shall require approval from the Commission.
3. In accordance with Section L.3.c, any future division of the remaining vacant tenant space shall require approval from the Commission.
4. While depicted on the elevations, signs have not been reviewed as part of this modification request. Sign permits must be obtained; review for compliance with regulations will be completed at that time.
5. The approval of this modification is limited to the changes proposed as part of this application and does not include any site and building improvements shown on the existing conditions survey that were made as part of the Michael's addition (PZC File #1307).

REQUEST FOR SITE/BUILDING MODIFICATIONS
(see Article XI, Section D of the Mansfield Zoning Regulations)

APPLICANT/OWNER SECTION

East Brook F, LLC East Brook T, LLC

1. Owner(s) East Brook W, LLC Telephone 845-222-6094

(please PRINT)

Address 24-27 Orchard Street Town Monsey, NY Zip 10952

2. Applicant(s) Same as owners listed above. Telephone _____

(please PRINT)

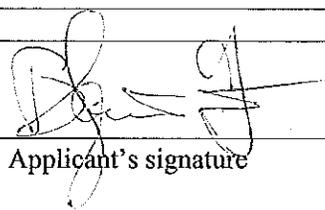
Address _____ Town _____ Zip _____

3. Site Location 95 Storrs Road

4. Reference any approved map(s) that would be superseded if this request is approved:

5. Reference any new map(s) submitted as part of this request:
Refer to attached drawing package.

6. Itemize and describe the modification(s) being requested, using separate sheet where necessary. The description must be adequate to determine compliance with all applicable land use regulations: -
Please see attached.

7.  _____
Applicant's signature

date 10/6/14

ZONING AGENT'S SECTION

After reviewing this application with respect to provisions of the Mansfield Zoning Regulations, including Article XI, Section D and Article V, Sections A.8 and B.9, the following determination has been made:

1. The subject modification request does not contain adequate information and is therefore denied. Applicable comments are listed below.
2. The subject modification is denied for reasons listed below.
3. The subject modification request has been reviewed with the PZC Chairman and we have concurred that the requested modification is minor in nature. Subject to any special conditions or comments noted below, the subject modification request is approved.
4. The subject modification request has been reviewed with the PZC and, in accordance with PZC action on _____, the subject modification request is approved, subject to any special conditions or comments noted below.
5. The subject modification request has been reviewed with the PZC and, in accordance with PZC action on _____, the subject modification request is considered a significant alteration of the approved plans and/or site, and shall require the submittal and processing of a new site plan or special permit application.
6. Other (see comments below) *\$250 fee Paid ck # 21128*

Special conditions/comments/reasons for denial:

Zoning Agent's signature

date _____

PZC Chairman's signature (items 3 and 4 above)

date _____

6. Itemize and describe the modification(s) being requested, using separate sheet where necessary. The description must be adequate to determine compliance with all applicable land use regulations:

The owner's of the East Brook Mall are seeking to convert the vacant JCPenney tenant space into 3 new tenant spaces. This change is permitted and in full compliance Article Seven, Section L-3 (Special Provisions for Changes in Use in Existing Shopping Centers). The proposed renovation project involves modifications to the building interior as well as exterior renovations to a small portion of the East and West building facades. It does not involve or include changes to or seek approval for any other portion of the site.

None of the proposed exterior work is within 150 feet of a wetland or watercourse and therefore is not subject to review by the Inland Wetland Agency.

The specific uses that the owner is proposing are two retail tenants (Dressbarn @ 8,160 sf and Dollar Tree @ 9,759 sf) and one vacant tenant space of 15,725 sf that has not yet been identified. The exterior modifications to the East façade of the mall include the demolition of the existing JCPenney entrance canopy and installation of new storefronts for both Dressbarn and Dollar Tree. The storefronts will have new glazing, stone piers, EIFS banding, awnings and signage. The exterior modifications to the West façade include the demolition of an existing steel canopy and the construction of a new covered concrete loading and exit platform for the Dressbarn and Dollar Tree tenants. 5 existing parking space will be shifted to the south to accommodate the new platform. The parking count will not be changed.

The proposed façade modifications are complimentary to the overall shopping center design and are intended to enliven and update that portion of the existing building while maintaining a consistency of design elements, materials and finishes on the street facing façade.