

Denton Planning Commission

Minutes

Town of Denton

October 28, 2014

Planning Commission Members:

Doris Walls, Chairperson*
William Quick*
Sue Cruickshank*
Marina Dowdall*
Matt Breedlove**
Dean Danielson*

* Those Present
** Excused
*** Absent

Visitors:

Don Mulrine, Jr.	Pat Daffin
Rick & Hazel Clark	Tom Davis
Theodore Cusimano	Steve Konopelski
Robert Griffith	

Recording:

Thomas G. Wilkes, P.E., Town Engineer

PROCEEDINGS

Call to Order:

The regular meeting was called to order by Chairperson Walls at 6:08 p.m., on October 28, 2014, at the Denton Town Office and followed by the Pledge of Allegiance.

Approval of Minutes:

The September 30, 2014, minutes were reviewed. The minutes were changed per Commissioner Dowdall's comment that questioned be changed to requested clarification on page 2 Line 6, regarding why Superior Rentals was zoned commercial. The September 30, 2014, minutes were approved with the requested change.

Old Business #1 – Superior Rentals, LLC & Denton Sales & Rentals, LLC:

Don Mulrine gave an update regarding the legal opinion from the attorney. Superior Rentals is pursuing the agricultural zoning with the State and a hearing was scheduled last week. No further updates have been provided from the Superior Rentals. No actions were taken. The application for the request for rezoning has been withdrawn due to the absence of representation for Superior Rentals, LLC, & Denton Sales & Rentals, LLC.

Old Business #2 – Arts & Entertainment District Expansion:

Commissioner Dowdall did not have any updates at this time. The application has not been completed, and will provide the application status at the next meeting. Application is due by April 1st. No actions were taken.

Old Business #3 – None.

New Business #1 - Allright Rentals, LLC/755 Crystal Avenue:

Tom Davis, DMS & Associates, made the presentation on behalf of the applicant, Ted Cusimano, owner of Allright Rentals, LLC. The property is located on Crystal Avenue and is a two story building with commercial on the first floor and four apartments on the second floor. The request is to convert

1 a portion of the first floor to two more apartments and is subject to the Board of Appeals Special
2 Exception process.

3 There was discussion regarding dumpsters and trash cans located on the site for the
4 current tenants. Applicant responded a dumpster and trash cans exist but are not shown on the
5 site plan.

6 Neighbors of the property, Rick and Hazel Clark, commented that trash is not picked up
7 and tenants do not take the trash out. Tenants also throw their cigarette butts in their yard.

8 Another neighbor, Pat Daffin, commented that current tenants trespass through her yard.

9 Mr. Cusimano responded that Ms. Daffin had contacted him directly and he would
10 address these problems with the tenants and take the appropriate action.

11 Commissioner Quick suggested the owner should resolve these problems with the tenants
12 prior to the Board of Appeals hearing.

13 Chairperson Walls commented the trash is a code enforcement issue and Planning
14 Commission could suggest a fence as part of the approval process.

15 Vice Chairperson Cruickshank questioned if a special exception was needed for the
16 existing apartments.

17 Mr. Mulrine stated no.

18 Commissioner Dowdall requested clarification of the first floor use.

19 Commissioner Quick questioned if the Board of Appeals needs Planning Commission
20 recommendation.

21 Mr. Wilkes confirmed that Planning Commission is required to make a recommendation
22 to the Board of Appeals and can condition any approvals such as installation of fence, dumpster,
23 appropriate signage, etc.

24 Commissioner Danielson motioned a favorable recommendation conditioned upon
25 installation of fence, proper signage for trash or dumpster, conformance to zoning requirements,

1 water and sewer allocation approval by the Town Council, amend parking space requirements,
2 and obtaining renovation permit.

3 Chairperson Walls seconded the motion. The motion passed unanimously.

4 **New Business #2 - Steven Konopelski & Robert Griffith/119 Gay Street:** Steven
5 Konopelski & Robert Griffith, owners of the property, made the presentation and provided the
6 explanation of the intended property use. The applicants are seeking approval for a combination
7 use of a bed and breakfast and a catering service. No big retail is planned for the catering
8 service. The plan is for delivery and limited pick up. In the future, applicants may use the first
9 floor for a small meeting area and provide small catering items. Advertising and orders will be
10 accomplished through internet and telephone. Deliveries will be accomplished using personal
11 vehicles. The applicants are seeking approvals from all required agencies.

12 Commissioner Cruickshank complimented the applicants on the completeness of the
13 application.

14 Commissioner Quick motioned to recommend approval for the combination use to the
15 Board of Appeals for the special exception.

16 Commissioner Danielson seconded the motion. The motion passed unanimously.

17 **New Business #3 - Joe and Anthony Amalfitano/800 Market Street:** Mr. Mulrine
18 briefed the Commission on the nature of this case. The applicants appeared before the Town
19 Council with their concerns of the vacant duplex. The Town Council referred the request to the
20 Planning Commission. Although the property has been vacant for fifteen years, the water and
21 sewer allocations were paid and current owners have paid for water and sewer usage for two
22 units as well as the previous owner. Electric meters are still in service for both units.

23 The Town attorney provided a text amendment that could allow the continuance of the
24 duplex at the request of the Town Council for comments from the Planning Commission.

1 The proposed text amendment would allow the continuance of the duplex through the
2 Board of Appeals Special Exception process and implies enough control to allow for a case by
3 case approval.

4 Commissioner Dowdall motioned to recommend the proposed attached text amendment.

5 Vice Chairperson Cruickshank seconded the motion.

6 Commissioner Quick requested clarification of the text amendment.

7 The motion passed unanimously.

8 Mr. Amalfitano requested information for the process. Mr. Mulrine instructed the
9 applicant to see Donna Todd for the Board of Appeals application and the list of property
10 owners. (The text amendment will need to be adopted prior to filing a Board of Appeals
11 application.)

12 **New Business #4:** None.

13 **Staff Item #1:** Rich Szabo has been promoted to Code Enforcement Officer. Tom
14 Batchelor will be finished with the Town at the end of this month but will respond to telephone
15 calls as needed. The Town advertised for eight weeks with no success to find a replacement for
16 Tom.

17 Denton was incorporated into the State Smart Growth as assisting Habitat for Humanity
18 as identifying and purchasing homes. Page 54 of the 89 page report is the Town of Denton
19 collaborating with Habitat for Humanity with infill and redevelopment projects. On November
20 5th, is the dedication for House #1.

21 **Adjournment:**

22 The meeting adjourned at 7:45 p.m.