

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

July 25, 2007

Chairman Vincent Camilli called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room 3 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut

I. ROLL CALL

Commissioners Present

Commissioner Camilli
Commissioner Cariseo
Commissioner Fox
Commissioner Ganley
Commissioner Kornichuk
Commissioner Pruett
Commissioner Schatz

Commissioners Absent

Commissioner Ancona
Commissioner Andersen

Staff Present

Ed Meehan, Town Planner

II. PUBLIC HEARINGS

- A. **PETITION 31-07 2550 Berlin Turnpike, Turnpike Motors, Douglas Fernandez, Sr. and Judith M. Fernandez owners and 37 Ann Street, LLC, represented by Barry Lustig, P.O. Box 354 Carle Place, N.Y. 11514 request for Special Exception Section 6.2.5 Directory Sign, B-BT Berlin Turnpike Business Zone District.**

Barry Lister: Good evening ladies and gentlemen. I'm new at this, so please bear with me. I've provided copies of the site plan and the proposed signage. This is our company, Dining Furniture Showroom, and we are looking to do a directory sign on the property of Turnpike Motors. The proposal will remove a structure that has been existing for twenty or thirty years and it's an eyesore for the Berlin Turnpike. We're looking to spruce it up and help us stay in business by directing people from the Berlin Turnpike to our place of business at 37 Ann Street. The existing sign, the sign that is on the property of Turnpike Motors now, is on the corner of Ann Street and the Berlin Turnpike and very simply, we are looking to refurbish it, make it pretty, and help our business.

Chairman Camilli: How is it going to be lit?

Barry Lister: I was exploring two ways, one of which was sun, which is price prohibitive and we're still looking at that. This sign was once lit, we were told that it had electric cable. There is a meter on it now, but we haven't made a determination as to how we are going to do it.

Chairman Camilli: Do we have to know that Ed, before we....

Ed Meehan: You should, because the overhead lighting would not be permitted now, the service would have to be underground, which means you would have to run conduit back to a meter, either on your property or back into Turnpike Motors which....

Barry Lister: Process of elimination, it would have to be underground from this property and we would have to submit that as a question mark, because I don't have the final price quote on that.

Chairman Camilli: You're not sure whether you are going to do it, the electrical yet?

Barry Lister: I need to get the sign erected, and then if we're required to come before the board again, I guess we could submit a new application.

Ed Meehan: You could, but when you build the sign, you may want to talk to your sign company, this could determine how they are going to fabricate the box, you know, if it's going to be internally lit, they could have a different structure, would have.....

Barry Lister: It's going to be a box sign, that's the easy part, the hard part is getting the wire from the building underground.

Ed Meehan: So it would be set up with a ballast system inside and trays for the lighting and everything?

Barry Lister: Yes, typical box sign.

Ed Meehan: Okay.

Barry Lister: I guess we could run underground cable, according to what we have to do, and as you say, a separate meter.

Ed Meehan: They could build it that way, and then you would have to return to the Commission, or....

Chairman Camilli: Or, unless we just keep this open and, usually on signage, does it meet the height.

Ed Meehan: It meets the height, it meets the area, conforms to the directory sign provisions now which weren't available for businesses like this, or some of the other, like our industrial park, you had multiple signs, until about 1995, so this is a good example where you have a business off site.

Barry Lister: Yes, we truly need the sign up, quickly.

Chairman Camilli: Well, if you, it's really up to you, because if we close this, and approve this, you would have to come back before us, and I don't know if you really want to do that, we can leave it open until the next meeting, until you make a decision as to how you want to specifically do it, in that way there, it would be just one shot.

Barry Lister: Well, if we assign the structure a ballast system as a typical box sign, and just leave it as according to the electrical permits and codes, to get the electrical out there, we would have to submit for a permit on the electrical.

Ed Meehan: Right, you can tell the Commission tonight that your intent is to electrify the sign, do internal lighting, and then it would be approved that way, I assume. But, you go to construct it,

you could construct without any electrical service, but before you did electrify it, you would have to go to the Building Department and get your certified electrician to pull a permit. Then you have the option, if the pricing isn't where you need to be, just to leave it the way it is.

Barry Lister: That's the way we'll probably go.

Chairman Camilli: Okay, just wanted to clarify it for you. So, it meets the standards?

Ed Meehan: It meets your standards, the map shows it's on private property, not in the public right of way, and, the Commission members may know some history of this area better than I do. This sign goes back to the Pike Drive-In days. I guess back in the '70's and '80's, it was controversial, because it wasn't permitted in the regulations at the time, as an off-site sign, and then there was a company called Nimbus Water Beds in your location, and they got into "hot water" with the town, and then there was a quiet period where nothing happened, and the regulations were changed for directory signs which you comply with.

Chairman Camilli: Are there any questions from the Commissioners? I think that kind of clarifies what you have to do, okay. We'll hear from the public. Anyone from the public wishing to speak in favor of this application? Against? I think we can close this. Thank you.

Barry Lister: Thank you for making me feel comfortable.

B. PETITION 34-07 43 Vivian Street, Sandra B. O'Leary-Monterio owner and applicant, request for Special Exception Section 6.14 Residual Lot Single Family Home, R-12 Zone District.

Attorney Boorman: If I may invade your table, for those of you who don't know me, I'm Attorney Peter Boorman and I'm acting as Town Attorney tonight, for this matter. My purpose here is to provide some history as to any questions that you may have as to this particular application. Ed has prepared, in your packet a nice history in terms of chronology of what has happened on this particular piece. There has been litigation for many, many years over this piece and at this time, the last set of litigation was litigation that was taken by some neighbors on Vivian Street, to question the residual lot regulations themselves. That litigation has been withdrawn, is no longer in existence and the applicant is before you tonight looking to confirm her status as a residual lot under the regulations as they exist now.

Again, Ed has a nice chronology there for you, in your packet, and I know that Ed wants to speak to this, and I don't want to kind of steal his thunder, but I'm here to address any kind of questions that you might have.

Chairman Camilli: Okay, Ed, do you want to, well we'll hear from the applicant.

Sandra O'Leary-Monterio: Hi, I'm Sandy O'Leary-Monterio, the current owner of 43 Vivian Street and I'm looking for a Special Exception for a residual lot under the new regs, Section 6.14. My home has met all the requirements. I do have a request, it may not be okay, I would like to have you vote on this tonight, if possible, if not, at your next meeting.

Chairman Camilli: Thank you. We'll have the planner just....

Ed Meehan: What I would like to do, and I'll be brief, is just make part of the record the staff report, which the Commission members got in advance, as Attorney Boorman has. I'd like to put that in the record and make it available to the public. As Attorney Boorman said, it's the chronology of the situation going back to 2002 when the Commission first got involved in this Special Exception for 43 Vivian Street, up through the current withdrawal of the case. My staff

comments, the findings that I will report to you is that the house that is proposed and actually constructed there, which is, I have pictures of that to pass around later, conforms to the original approval that the Commission granted back in 2002. We have a certified as-built plot plan, which identifies the footprint of the building and shows that the requirement that the Commission placed in 2002, that the side yard to the north be compliant with the ten foot side yard was addressed, and then also I would put into the record, information that I have put together, and this was also done in 2002, on the characteristics of the other homes on Vivian Street, as far as their frontage and area, their styles, which is one of the subjective issues that the Commission looks at, in this situation, their ages, and also the elevation sketches, and then I have pictures of the neighborhood which would be part of the record for you, as well as the minutes and the decision from the previous approval of the residual lot in 2002 I would submit for the record. At that time the Commission found that the technical requirements of Section 6.14 were met, and that had to do with the deed, the length of how long the deed was held, some of the design features and the positioning of the house, and the subjective requirements that the Commission voted on such as the architecture of the side of the house, compatible with the neighborhood, was also approved then, and I would submit to the Commission that the situation hasn't changed.

Chairman Camilli: Well, I want to commend you for doing a very detailed job of this, in giving us this staff report. I think, when we went back to court there, to take care of the judge's objections, I think that sort of put the thing to bed. It seems like everything else, and I don't want to repeat what Ed said, was already taken into account, and then we changed the regulations when we lost on an appeal, and we did change our regulations to meet those particular requirements. So that's all I have to say, I think it's in good standing now, I don't know if anyone else would like to make any comment?

Commissioner Fox: So that way that our regulations read now, 43 Vivian Street is compliant as a residual lot?

Chairman Camilli: As far as I know, yes, and the Attorney may want to say....

Attorney Boorman: The bottom line is, she, this house was approved under the old regulations. A court case was taken, in which the question was, our regulations did not specify frontage. Table A in our regulations had a frontage specification, this lot, as a matter of fact, no residual lot in town could meet that requirement, and it was assumed, when that regulation and the language was put in, there would not be a frontage requirement. Judge Robinson didn't like that. Judge Robinson said that we had to deal with a specific frontage requirement, it is in your new regulations that this body passed some time ago, so the only thing that is coming before you is something that was in existence with the old regulations and was passed by this body. Judge said, because the regulation didn't say frontage, I'm not going to let it happen. You then changed your regulations to say, okay we're going to meet the frontage requirements. She now meets what the frontage requirements are in the regulations, and that's the summary of it, as far as I can give it to you from a legal perspective.

Chairman Camilli: Any other questions?

Commissioner Ganley: Just precisely what action now has to be taken by us?

Chairman Camilli: We have to approve it, we have to go through the process again.

Commissioner Ganley: Okay.

Attorney Boorman: The bottom line is, under the new regulations she is making application to confirm the fact that she is a residual lot, under the new regulations that were changed as a result of a court case that said our old regulations had to be changed.

Ed Meehan: The ultimate goal here is, if the Commission approves this, as a Special Exception, then that would be recorded on the land records, and the property owner, the applicant before you can apply for a Certificate of Occupancy, which was applied for before, along the way, but appealed through the Zoning Board of Appeals. To make the situation full for her, she needs a Special Exception on the land records, and she needs a Certificate of Occupancy.

Attorney Boorman: And the bottom line, this Commission is only looking at the very narrow issue, does this meet the requirements of residual lot under Section 6.14, that is all you are doing tonight, yes or no, or if you don't do it tonight, you will do it at your next meeting under your normal procedures.

Chairman Camilli: Thank you. We will hear from the public. Anyone from the public wishing to speak in favor? Against? Okay, we will close Petition 34-07.

Attorney Boorman: Could I just ask if you could address the applicant so she knows if she can leave or not, in terms of whether you are going to move forward tonight, or are you going to come back.

Chairman Camilli: I don't think we will be able to, I just asked the Planner if he was prepared with a motion, and he doesn't have a motion.

Attorney Boorman: Then your question has been answered. Thank you. Thank you all, as usual, for being so gracious in allowing me to come before you, and I will excuse myself. Thank you.

III. **PUBLIC PARTICIPATION** (relative to items not listed on the Agenda-each speakers limited to two minutes.)

None.

IV. **MINUTES**

July 11, 2007

Commissioner Kornichuk moved to accept the minutes of the July 11, 2007 regular meeting. The motion was seconded by Commissioner Pruet. The vote was unanimously in favor of the motion, with seven voting YES.

V. **NEW BUSINESS**

A. **PETITION 29-07 – 2909 Berlin Turnpike, former Krispy Kreme property, ODG-Newington, LLC, c/o Attorney Vincent F. Sabatini, One Market Square, Newington, CT 06111 applicant, WEX-Puck Realty, LLC owner, request for Site Plan approval, 6,000 sq. ft. restaurant use, PD Zone District. Continued from July 11, 2007.**

Attorney Sabatini: Good evening, Mr. Chairman, Members of the Commission, Vincent Sabatini, representing the applicant. Couple of things, I know that there were some questions that Mr. Meehan had raised about the ten percent interior green space, and about the access drive going

into the thirty-five foot front green space, and we, I know Alan went back and did a plan and he met with Ed Meehan on Monday and they had some resolution of that, but we're also working on trying to do something else on the site, trying to move the building around, changing the building, and we need a little more time to develop that, so I have two requests tonight. One, of course that we continue the hearing for two weeks to file a modified site plan, and second, which is in keeping with the first, this particular corporation, because we want to try to change the building a little bit, this particular corporation requires a letter from the Town, in order for us to get different building configuration or design or a new architectural look, so what I would like is to request the Commission to authorize Mr. Meehan to send me a letter indicating that they would be interested in looking at different building options for this site. Then I could get the client to send it to corporate and then the corporate will release different options that we can look at for this site. I can't do it any other way, it's not like Walgreen's, where they had three or four different building designs that I had the authority to offer, the developer doesn't have that. So, for example, if you don't like the checkerboard, you don't like the neon yellow, you don't like the façade, you don't like this, or that, I can only get those options and make them available to the Town to look at by a letter, so that is what I am requesting. Continuance and a letter.

Chairman Camilli: Okay. We will continue Petition 29-07. As far as the letter, I'm not sure, I don't know if the Commission members want to discuss that? Ed, do you have any....

Ed Meehan: Well, I think you have to be careful here because, what impression are you going to leave with this corporation, if they do certain things, they may change the architecture, they may change the size of the building, that could lead them to believe that they are moving toward an approval, because there are other issues that, the front yard thirty-five feet green space is a regulation that could be waived by a two-thirds vote, but the Commission hasn't arrived at that point yet, and the ten percent green space. I'm not fully in agreement with the land surveyor. I think, Alan and I talked about it, and he was going to put his map up, and let the Commission look at it, so I think you should be careful about the letter.

Attorney Sabatini: It doesn't imply that, it's like we are in a Catch-22, right? It's all part of the, it's no different than any other site plan process that we approved, TGIFridays, Walgreen's, any number of other, Laz-E-Boy, I mean, they just, I mean if I could submit a different look to the building, which might change the site plan configuration to make the ten percent go away, the thirty-five percent go away, it all works together. The thing is, I can't submit another build-out, unless you guys say that you are requesting it. It doesn't imply that some how or other it's going to be an automatic approval, no one is saying that.

Ed Meehan: But that is normally communicated by yourself or your client back to the franchise, it doesn't usually come from the Commission, or staff of the Commission in the middle of an application, that what they have before them at this point in time is....

Attorney Sabatini: It's an unusual company, Buffalo Wild Wings has a policy that they won't submit another, they won't allow the developer, or the applicant to submit any alternatives to the building design, unless the town sends a letter. So I can't, if we are going to change everything around, I don't want my hands to be tied because the town can't give a letter saying, okay, we'll look at an alternative. That doesn't mean that somebody is going to think that because you are looking at different alternatives you are going to get an approval. I don't understand what that means.

Chairman Camilli: Well, I think what it means is, why couldn't they just take your word for it?

Attorney Sabatini: Because they need a letter.

Chairman Camilli: I know that.

Attorney Sabatini: Believe me, they won't, I mean, they need a letter. That is how they operate.

Chairman Camilli: All right, I think we have heard that, and we'll make the decision as to whether or not, we will be sending it.

Ed Meehan: Well, I think you should give the courtesy to the applicant to continue it.

Chairman Camilli: Absolutely, so we can continue it. You heard both sides of this, are you looking for direction from the Commission?

Ed Meehan: Yeah, guidance, I can certainly write a letter saying in no way is this to be taken as any indication of the Commission's approval, I understand what the Attorney is saying. But, I don't want to box you guys into a corner.

Chairman Camilli: I understand, and I appreciate that.

Commissioner Ganley: It might be, I can see the spot that the attorney is in right now, and it might be better for us and I think it might be better for Ed instead of trying to review the minutes, that we get a letter from the applicant requesting, or his representative, requesting that we in fact do this because of the problem that they have with changing something in the way of policy, with the stipulations by the way, that we just got through discussing, that it doesn't imply, etcetera, etcetera, and then he's got a piece of paper saying, okay, now I feel more comfortable responding to this by asking for whatever is going to be requested in the letter. It might be easier.

Commissioner Pruett: I agree with Tom, in a sentence in there that is not a precedent setting that we are doing this, to open the barn door for something in the future, but I understand what Mr. Sabatini is up against, and I don't think it would be wrong to do that.

Commissioner Schatz: Is that design what all their other stores are like? The design, the one that we saw, looked like a LEGO building.

Attorney Sabatini: This is the design that they are.....

Commissioner Schatz: That is the official design?

Attorney Sabatini: It's the official design.

Commissioner Schatz: Oh, okay. Well, I just wondered.

Attorney Sabatini: No, no, it's the official design. You know, other clients that I have represented, I'll use Walgreen's as an example, they have five prototypes of building, and you know, the developer, they always try to save money, so they always try to put in the cheapest one, but, you guys, for example, if you remember, insisted on the Taj Mahal of Walgreen's, so that is what you got, so, but the developer had discretion to do that. This one here is very unusual, honest to God, I've never heard of it before, but my client told me that they will not authorize any other elevations to be reviewed, unless the Town gives a letter. I don't mind, I'll write a letter tomorrow to Ed, I'll fax a letter over and I will request, I'll put in what I need and I would appreciate it if you could just say, no one is, I don't understand how you feel that you would be locked into anything, because that doesn't mean anything, it's just one aspect. It has to fit in with everything else.

Commissioner Schatz: To take it a step further than Commissioner Ganley and Pruett put it, I would rather have a letter from the corporate office, that this is their policy.

Chairman Camilli: That's what he said.

Commissioner Schatz: Did you say corporate office?

Chairman Camilli: He said from the company. This still doesn't necessary mean, if we get this letter that if Mr. Meehan is uncomfortable writing this letter that he has to respond. I just want to put that on the record as well. Tom, didn't you say you wanted a corporate letter.

Commissioner Ganley: Yeah. I mean, they are the ones that are running the thing and when it comes to the corporation, say, look here's our dilemma, here is what we are looking for, and then add into this letter the things that we have discussed on the record.....

Chairman Camilli: You don't want it from the attorney?

Commissioner Ganley: Well, if he represents them, if he has the power to represent them....

Chairman Camilli: Well, he has the power to go back to other way, which apparently, so I'm still not, what is your position on that?

Commissioner Pruett: Write a letter....

Chairman Camilli: From whom?

Commissioner Pruett: From Ed, stating that he understands the predicament, and it's not a precedent, and.....

Attorney Sabatini: Well, we have two things going on here, if I may interject, the corporation is not the applicant. The applicant is the developer, so the corporation is going to say that it is the policy of Buffalo Wild Wings Inc., not to submit different prototypes of the building unless the Town requests the same in writing. Period. Now, from the developer, I will add to that, that the developer understands that by submitting this letter and this request is not implying that there is going to be any kind of action by the Commission or any other thing. So, that is the developer, he is the applicant.

Commissioner Fox: I think that last statement is very important, because if I were Ed, I'd be very uncomfortable also sending you know, telling these people that they are going to have to submit a different prototype and whether he puts in, you know, we won't accept it, or this, that or the other thing, they are going to assume, oh well, we give them the prototype, that is one good step towards approval. But the letter, whether it comes from the Attorney, the applicant, or corporate it has to state that they understand that even if they submit, even if the developer submits a different prototype, that does not mean at all nor is it a step towards approval, that there are definitely other issues involved, such as access management, and green space and the thirty-five feet from the highway. I would still feel uncomfortable, but if that is what they have to do, I also don't know, are they also saying that if we don't submit this letter they aren't going to submit another prototype and the application is dead?

Commissioner Pruett: Sounds it.

Chairman Camilli: That is a good question. Okay.

Commissioner Kornichuk: I feel like Tom, as long as corporate sends a letter and Ed feels comfortable addressing that letter, in response, however he wants to respond to it, which covers us, is fine with me.

Commissioner Cariseo: I agree with that.

Chairman Camilli: You agree with all of that, okay. I just want to hear from Mr. Meehan one more time, so I have it clear in my own mind.

Ed Meehan: Well, it's a very unusual situation. We have had many so-called national tenants before you, and as Attorney Sabatini says, the message goes back, either at staff level or informal meetings at staff level, or from the Commission itself, this doesn't represent what you want to see in this particular section of town, or the Berlin Turnpike and it's worked out, so I think that it is appropriate to get something from the corporate, and I'll be very careful responding to that, I don't know if I want to involve the Commission in this letter that goes back, or maybe I'll talk to the Town Attorney. I want to make sure that there is distance between this letter and you, because again, I don't want, things can be misconstrued. There are other issues here besides and I think Commissioner Fox hit on some of the key points here, in addition to the whole size and fit of the building, and I can lay that out in a letter and if they feel that they can address any design issues as well as these other standards, the ten percent and the fact that this was approved originally for a retail use, not a restaurant use, so be it. If they want to be here that bad, and they are willing to take the extra effort to make it fit, so, that's what we are about. Trying to make things happen in a safe way on the Berlin Turnpike.

Attorney Sabatini: Well, that's what we are trying to do.

Commissioner Ganley: I think, amongst us, the, Attorney Sabatini included, there is enough concern raised on the record already, so I think we have a fairly good basis, you know, to let them know our concerns about the other issues that you raised, Commissioner Fox.

Attorney Sabatini: The letter doesn't have to come from the Commission, just from the staff.

Chairman Camilli: We understand, but we want a corporate letter.

Commissioner Fox: As the Attorney just mentioned, it doesn't come from us, it comes from the staff, should I say, represents us or knows, and when staff communicates with any developer it does come back to the Commission.

Attorney Sabatini: We're trying to make this work, so we have people looking at the site plan to solve the issues that were raised, but in conjunction with that, and I don't want to have one piece of it done, and then have to deal with the other piece, what the building is going to look like, so I want to do everything at once, and hopefully in two weeks we will be able to submit something that is modified and is going to satisfy everyone's concern. That is our objective, to make you happy.

Chairman Camilli: Okay. So, you understand, we want.....

Attorney Sabatini: I understand. I will get the developer to get the corporate people to write a letter requesting that, telling them that it is the policy that they need a letter from the Town indicating what different designs are available. I will combine that with a letter from myself indicating all of the caveats that you indicated, I will send that to Ed, and hopefully we will get a letter back.

Chairman Camilli: Okay, so he has to get a letter before he responds.

Attorney Sabatini: I understand.

Commissioner Cariseo: Why don't we just turn it down, that would get all the letters in here....

Ed Meehan: You could do that.

Attorney Sabatini: Turn it down? What's that mean? This thing is going to get worked out, I know. Thank you.

B. PETITION 35-07 475 Alumni Road, Newington Business Park, c/o Quadrelle Realty Services, owners and applicant, represented by Alan Nafis, A-N Consulting Engineers, Inc., 124 White Oak Drive, Berlin, CT 06037 request for Site Plan approval, warehouse/office space expansion with outside yard storage, I Zone.

Joe Perraginni: Good evening Members of the Commission. My name is Joe Perraginni, I'm a professional engineer with A-N Consulting Engineers. Also with me tonight is Wes Clough of Quadrelle Realty who represents the owners of Newington Business Park, and also with me is the president of ICS, Bill Liddell, who is the proposed tenant for the Newington Business Park. This here is an overall plan of the entire business park. Highlighted in yellow is the proposed tenant space. It's a 72,000 square foot space located at the southwest corner of the building. What was submitted was a basic site plan, this is just showing color from that same area, the tenant space. We are proposing twelve spaces along the side of the building. They are conveniently located near the, a couple of existing doorways. The focus of the site plan is the construction of a large outside storage area. The area, required by the tenant is three acres in overall area. It is surrounded by an eight foot high chain link fence with privacy slats. It does have two access points. This one is located for vehicles to cross from the building to the storage area, and this is also located because of its convenience to the main driveway. Part of this design was to relocate the main driveway along the north side of the building. This location here is the existing driveway and what vehicles have to do is then jog over to the existing driveway along A.H. Harris. It was always intended to have the driveway in this location which is one hundred feet set off from the building but that wasn't the case under the existing condition where now, following through with that intent and design to have the driveway located a hundred feet off of the building, and to line it up with A.H. Harris' drive. The reason for that is that there could be the potential in the future for storage, or loading along the building, and for tractor trailers to be able to back up without impeding the driveway. With this relocation, we would also need to reconstruct the entrance driveway and that will follow all of the applicable standards. The outside storage area itself as I said, will be enclosed in eight foot fencing. Because of the extent of this storage area, right now the property line runs down and jogs over and along a drainage easement. I can probably show you better on this plan. This is the property line that comes down, over, and down the right of way. This is Lot #9 and this is Lot #10, so we are also requesting a lot line revision. We have submitted a plan for that, so that would change the lot line. We would no longer continue over and down, we would just continue straight down, so that this would be the differentiation between lots nine and ten. In order to grade according to what this plan shows, we will be excavating a sizable amount of material to achieve these grades and to cause run-off to continue south to north. That material will be utilized on site in creating a berm along the frontage. That will work nicely to add an additional amount of screening of that storage area from Alumni Road. We decided not to make it one long consistent berm, but rather have a couple of (inaudible) one being eight feet high and one being six feet high, to look somewhat natural. Also with this berm, we are proposing several linden trees along the frontage. These will match what is existing along this corner of the

building, and will also match what the Shuco application is proposing. In addition to those, we are calling for two staggered rows of Eastern White Pines. They will extend along the top of the berm, so you will have eight feet and then a double row of pines. We met with the Town Planner, and his suggestion was to extend that berm further west, to further screen this area, and that assisted in using up some of the excess material.

As far as drainage run-off, this site will be graded from south to north. It will have a drainage swale here, a grass swale, it will pick up that run-off and then bring it to a permanent sediment pond, or basin. It's not a steeply graded pond, it's gently sloped and it will help capture the sediment run-off. We are not required to detain this run-off, but this will provide additional detention and that run-off will then be tied into the existing drainage system, and if I might add, that system was designed when the road was designed to accept run-off from these lots. Also along the front corner of the building, there is kind of a mish mash of blocks and bollards that are placed on either side of two hydrants. I have to add to the plan, but the intention was to remove those concrete blocks and bollards and we're adding some curbed islands that kind of protect those and also add better vehicle movement around those areas. It's just a large area of pavement, so we added an island to protect this hydrant, and a little additional green space area to protect this, and some shrubs to kind of dress up the area. Also with these two entrances there will be security control. We are calling for stop bars and stop signs to protect those vehicles entering and exiting from the traffic that is going to pass along that driveway. Again, everyone is here to answer any questions. That ends my presentation.

Chairman Camilli: Ed, have you seen these plans?

Ed Meehan: I saw an earlier version, and some revisions were made, so I have a couple minor questions that I had talked to the applicant before, about.

Chairman Camilli: It appears that the screening along Alumni is going to work?

Ed Meehan: Yeah, the screening, the berm, the height of the berm will be almost eight feet above the millings and the storage area behind it, so you know, at 102.5, which is the highest point of the berm, will be equal to the height of the fence, which is going to set at 94.5. Then there is a section, the berm gets two feet lower as it goes closer to the ramp driving in, so you just see a little top of the fence there.

Chairman Camilli: So basically from Alumni Road you won't be able to see, that's a big yard.

Joe Perraginni: Yes, this dark green is all vegetation.

Chairman Camilli: I said from Alumni Road, that was my question.

Ed Meehan: You should not be able to see, the only other thought I had, but I don't think it will make any difference here, is to replicate the type of fence that is across the street for the self-storage, but I don't think it's necessary here because the height and the width of that berm is going to screen that yard pretty well.

Chairman Camilli: I just wanted to make sure. Any other questions?

Ed Meehan: The other questions, well I had some questions on, is there going to be, in front of the, well, I'll call it where PODS used to be, is there an intent to park cars there?

Joe Perraginni: No intention.

Ed Meehan: Can that landscape line be just brought across the front of the building, or is it needed for width, travelway?

Joe Perraginni: Right now this width here, is approximately twenty feet, kind of small for two vehicles, but they don't carry much two way traffic there.

Ed Meehan: A ten or twelve foot strip, just along....

Joe Perraginni: Just along the building?

Ed Meehan: Yeah, if you're not going to park there.

Joe Perraginni: I'd have to defer to the property owner....

Ed Meehan: Like you did for Shuco.

Wes Clough: Hi, Wes Clough, representative from Quadrelle Realty for Newington Business Park. I will review that, with Joe, but one of the concerns that I would have with creating a smaller pass through there, is now we have another application for Shuco in there, we do have a parking area on the Shuco lot, so you may develop more traffic going along the front of the building there when Shuco takes occupancy inside that area, but I will review it with Joe and we may be do some more, make the island across the front a little bit better. There is an access door on the side there that I don't want to bury against the building there.

Ed Meehan: Okay, that was my next question, maybe you ought to put parking there.

Wes Clough: Joe and I did talk about it at one point, but we didn't think, because now that has become, you know, this again, before the Shuco deal and now we have parking in front of the Shuco space too. We didn't want to make the front of the building more cluttered. Here we are trying to add these plantings and other things that you requested, in front of Shuco, and I would rather not put all the parking there. It's an option that we do have, and I can review that with the owners as well as the tenant.

Ed Meehan: I would like to sit down and review that with you, because where I'm going with this is from prior conversations that the Commission had with the Shuco application, if any of that work that Shuco is going to be doing, and we talked about this when we met, is it possible to extend that out to this corner? I mean as far as, I know that the color is going to be the same, the windows?

Wes Clough: There are no plans whatsoever to do windows in ICS's space, no.

Ed Meehan: Is there any extra materials, louvers, vents?

Wes Clough: It's kind of, there is a set of louvers, and I know that you know the building, Ed, but in the Shuco side of the building we have louvers up and down and in various places. In the ICS section of the building, it's a uniform row of ventilation on the bottom of the edge, right above the inside interior floor. There aren't windows in their space currently, there are other protrusions like we had down in the other part of the factory at that time. The front of that building is pretty clean now. It has been painted uniformly across the front since our last discussion and stuff.

Ed Meehan: This is going to be the Commission's one look at this, maybe the one shot to tie this whole south side of the building together, once the tenant space is occupied.

Wes Clough: The tenant space inside is already occupied, that's ICS's space as well. We'll have more for expansion.....

Ed Meehan: But this is their look at the site plan that affects the elevations and parking along that side, so I'm bring that up because this is a chance, Shuco looks as if it is going to be a nice tenant in there, their window design, anything that can be done to improve that a little further west so as the public uses this road, everything looks half way decent, it doesn't look like a 1950 industrial building.

Wes Clough: I think a lot of that will be changed when you see what happens with the Shuco, but this again, this is a brick lower, metal upper, it's been refurbished already, and there aren't those same types of penetrations and things in that side of the building, so honestly, I can tell you right now that the owners do not want to invest in....

Ed Meehan: The new owners or the old owners?

Wes Clough: Well, we, like I said, I will talk to them, Ed, with the new prospective owners, Shuco obviously makes their own windows, and all that, so they were more than willing to do that for us, for themselves, because they wanted that look. Again, I can review it, and I will with both us and the new prospective owner of the property.

Chairman Camilli: Are there any windows on this part?

Ed Meehan: No, a couple, a pass door, and there is a loading ramp, access into the corner that PODS put in, but it's pretty well sealed up as I recall. I'd like to go over there with you.

Wes Clough: Sure.

Chairman Camilli: What do you suggest?

Ed Meehan: Well, first of all, I get sort of a mixed message, you said there might not be enough parking, but there could be too much parking. I think maybe if we could meet in the field, look at that corner, maybe a chance to put some parking in there. Or, if the parking doesn't work, and the client doesn't need it, maybe extend a little bit of the foundation planting. If the opportunity presents itself to continue some of the window, horizontal line that Shuco is doing, then I would recommend that. If it doesn't, then paint it, clean it up.

Wes Clough: Well we did paint it, we did paint it already, so the whole front of the building is all uniform now, and I think that we are going to have better luck honestly with the owners maybe doing some green space and plantings. I think the windows that we are putting in on the Shuco side are going to be cost prohibitive for this.

Chairman Camilli: I would like to see some uniformity there, myself, because it is going to be right out in the front there on Alumni Road, and we are looking down the road....

Ed Meehan: It's a four or five hundred foot stretch.

Chairman Camilli: It's not a small stretch by any means, and I think that the Planner is trying to alert the Commission to the fact that if something is going to get done, this is the time to do it. But, you work with the applicant...see what you can come up with.

Ed Meehan: I'll be happy to work with him.

Wes Clough: Absolutely. I'm fully aware of what the intent is here.

Chairman Camilli: As I said, this is our bite of the apple, and it will be there for a long time.

Wes Clough: Yeah, I'll set up something with Ed and go out there.

Ed Meehan: Two other comments. Your light detail, is that, what kind of lights?

Joe Perraginni: They are turned down, they are shielded, they are only to illuminate the area of the storage area.

Ed Meehan: These are seventeen foot high lights?

Joe Perraginni: Oh yes.

Ed Meehan: Okay, we need the detail on that. I don't know if the Commission members know what the client is going to be storing out here, you didn't mention that.

Wes Clough: Right now, from what I understand, they have forms, concrete forms, and the same stuff that they are storing inside the building now, they don't need to be protected from the weather.

Ed Meehan: Any required cranes or anything like that?

Bill Liddell: Good evening, I'm Bill Liddell, president of ICS. We are existing tenants in this yellow shaded area right now, with plans to expand that about twice, two and a half times the amount now. Storage is going to be used to store very similar and exact equipment that Harris has in their yard right now. They are large modular forms that we use to build large concrete forms, and we have contracts with a number of different companies, including Harris, to refurbish their equipment, and remove old plywood and replace it with plastic boards that we have an exclusive agreement with a company that is revolutionizing the equipment. One thing, we want to do what is right here, and it is the one bite of the apple, and we bring international customers here, so we have to make sure that it looks really nice, as well as working well. The Fire Department Chief, and Peter Hobbs were down to visit us about two weeks ago, and we went over a number of things that the Chief wanted to see there, to close up that egress around the building, I think the Chief would want to see enough width there for a fire truck. That would be my only concern, from a safety standpoint and we'll bring it down as far as you want. I don't need parking at the front of the building, we park at the side of the building, and any additional parking we can put in our yard, if we need parking for temps working. Bob Parsons, the president of A.H. Harris had requested additional parking for this parking lot, and we have made Wes and Joe aware of that, to make sure that our berm gets moved out, the detention pond gets moved if he makes application for additional parking. He's expanding his business, and we're expanding our business, and we want this place to look nice, so with your guidance, we will take our direction but the consideration for the Fire Department would be, to make sure that is wide enough.

Ed Meehan: That's good to know, and I'll meet with your professionals.

Bill Liddell: Thank you. I'm there all day tomorrow Ed, and Friday morning, and if you need me, I'll be back up on the 8th and 9th.

Chairman Camilli: Thank you. Any questions from the Commissioners? I think we are moving in the right direction, I think we want to make it look nice. Another thing, has the drainage been reviewed by staff?

Ed Meehan: The Town Engineer looked at it, and he doesn't have a problem with what is going on back there because it goes way back in there.

Chairman Camilli: I didn't know if they had checked with you. Okay.

VII. **OLD BUSINESS**

A. **PETITION 19-07 Newington Town Plan and Zoning Commission, applicant, proposes amendments to the Zoning Regulations affecting the following sections. Hearing continued from May 23, 2007.**

1. Section 3.11 Special Exceptions Permitted in B-Business Zones

Section 3.11.3 Sale, service, rental or repair of motor vehicles. "Delete"

2. Section 3.12.4 Buffer

Amend to add the following clarification "when the zone boundary follows the centerline of the street the 25 foot buffer shall be measured from the street right of way within the residential zone"

3. Section 3.12.A Town Center Village Overlay District

Section 3.12.A 4 (c) Add monument ground signs shall be colonial in design made of brick and shall not exceed a total height of 12 feet."

4. Section 3.13 Special Exceptions Permitted in B-TC Business Town Center Zone.

Section 3.13.1 Residential Buildings (c) change density from 1,000 feet of land area for every dwelling unit to "2,500 square feet."

5. Section 3.15 Special Exception Permitted in B-BT Business Berlin Turnpike Zone.

Section 3.15.4 Drive through restaurant window service. "Delete."

6. Section 3.16 Uses Permitted in I Industrial Zone.

Section 3.16 1 (F) Auto Related Uses "Delete" and move to Section 3.17 to clarify auto related uses will be regulated by Special Permit.

7. Section 3.16.3 Buffer

Amend to add the following clarification "when the zone boundary follows the centerline of the street the 25 foot buffer shall be measured from the street right of way within the residential zone."

8. Section 3.17 Special Exceptions Permitted in I Industrial Zones

Section 3.17.2 Retail stores "Delete"

Section 3.17.4 Retail stores over 40,000 sq. ft. "Delete."

9. Section 3.18.4 Buffer

Amend to add the following clarification “when the zone boundary follows the centerline of the street the 25 foot buffer shall be measured from the street right of way within the residential zone.”

10. Section 3.19 Special Exceptions Permitted in PD – Planned Development Zones.

Section 3.19.2 (B) (2) Site area amend to add such computation of total number of dwelling units permitted on a site will be based on the usable area of the site.

When in the opinion of the Commission, geologic or topographic conditions, inland wetlands and flood hazard areas render any portion of the site unsuitable for use by the residents of the development, such portion of the site will not be used in computing the total number of dwelling units permitted and shall be set aside as conservation open space.”

11. Section 3.20.5 Buffer

Amend to add the following clarification “when the zone boundary follows the centerline of the street the 25 foot buffer shall be measured from the street right of way within the residential zone.”

12. Section 3.21.3 Buffer

Amend to add the following clarification “when the zone boundary follows the centerline of the street the 25 foot buffer shall be measured from the street right of way within the residential zone.”

13. Section 4.4 Modifications to Height, Area and Yard Requirements

Amend to clarify

Section 4.4.5 (A) Projections

“Usual projections such as sills and cornices may extend into any required side yard not more than 12 inches. A chimney may project not more than 2 feet into a side yard but not within 5 feet of a side property line. A porch or hatchway may project 3 feet in the rear yard. A porch projection shall be limited to a landing platform not larger than 24 square feet, not more than a 3 foot projection into the front yard setback.”

Table A: Schedule of Height, Area and Yard Requirements Non Residential Uses amend to clarify reference to Accessory Building in Non-Residential Zone to add “(C) at least 5’ minimum distance from lot line.”

14. Section 5.3 Procedures and Requirements for Site Plans.

Section 5.3.4 (C) add “8. Inland Wetland and watercourses showing 50 foot setback area and 100 foot upland review area.”

Section 5.3.4 (E) add “dumpster enclosures, and mechanical equipment.”

15. Section 6 Special Regulations Section 6.1 Off-Street Parking and Loading Regulations.

Section 6.1.1 (B) Parking Spaces for Buildings Used for Residences. Amend to clarify "All parking of vehicles shall be on the surfaced area not on the lawn." The surfaced area shall not exceed 50% of the front lawn, the area between the street line to the front exterior wall of the residence."

16. Section 6.2 Signs

Section 6.2.2 Residential Signs (E) Amend to read "Residential uses approved by Special Exception in the R-12, R-7 and RD Zone, ground signs not more than 75 square feet in area on one side, not more than 150 square feet in area on both sides and located within the building setback lines shall require Special Exception approval of the Commission.

Section 6.2.3 Non Residential Wall Mounted Business Signs

Section 6.2.3 (A) 2 Amend to clarify "Building frontage shall mean the side of the building with a public entrance facing the abutting public street.

Section 6.2.4 Free Standing Business Signs Section 6.2.4 (A) Amend to clarify "only one (1) free standing sign may be permitted per property.

Section 6.2.5 (B) Amend to delete reference to "approval by Traffic Authority."

17. Section 6.4 Removal of Earth Products

Section 6.4.1 General Amend to add "No removal of any earth products or grading for site development shall commence until a building permit for the project has been issued. This condition may be waived by a two-thirds vote of the Commission."

Section 6.4.2 Special Permit Amend to read "The Commission may grant a permit."

Section 6.4.3 Conditions (B) Amend to require slope limits "of one foot of vertical rise in 3 feet of horizontal distance."

Amend to limit removal "within 50' of a property line unless waived by a two thirds vote of the Commission.

Section 6.4.3 Conditions (D) Amend to "prohibit the processing of any earth product except when permitted by the Commission" and approved by a two-thirds vote.

Section 6.4.4 Approval Amend to require the filing of plan of the operation and site restoration with the Town Engineer rather than Building Inspector.

18. Section 6.5 Filling of Land

Section 6.5.2 Special Permit (C) Amend to delete "grading or removal" Amend to add requirement "that no filling of land shall commence until a building permit for the project has been issued." This condition may be waived by a two thirds vote of the Commission.

Section 6.5.4 Approval Amend to require the filing of site plan of filling operations with Town Engineer rather than Building Inspector.

19. Section 6.7 Interior Lots and Single Family Homes.

"Delete."

20. Section 6.11.5

Amend to add the following clarification "When the Zone boundary follows the centerline of the street the buffer shall be measured from the street right of way within the residential zone.

21. Section 6.11.7

Amend to reflect P.A. 06-133 changes to Section 14-54 CGS effective 6-6-2006, which delegates the approval of location for dealers and motor vehicle repairers to the Planning and Zoning Commission rather than the Zoning Board of Appeals and to delete reference to Section 14-55 CGS which has been repealed.

22. Section 6.13 Accessory Apartments

"Delete"

23. Section 7.4.8

Delete and insert the following new standards
Maximum earth slopes shall not exceed 3 to 1 (3 ft. horizontal to 1 ft. vertical.)
Where steeper slopes are needed retaining walls are required. If the difference in grade at the property line exceeds 3' then a retaining wall with a fence on top of the wall is required.

Where a retaining wall is proposed it shall be topped with a suitable barrier or fence with a minimum height of at least 4 feet. The back of any retaining wall shall not be closer than five (5) feet to an adjacent property boundary line.

Where the total height of the retaining wall exceeds 4 ft. or retains unbalanced fill, design calculations by a Registered Professional Engineer must be provided for approval of such wall.

24. Section 7.4.29 (c) Filing of Approved Plans

Amend to read: All data must be submitted in Connecticut State Plane Coordinate System, North American Datum 1983 (NAD 83), Units U.S. Feet."

25. Section 8.1.4 Dealers and Repairers

Certificate of Location Zoning Board of Appeal” delete and assign to Zoning Commission per Public Act 06-133 effective June 6, 2006.

Commissioner Ganley moved that approved of the Zone Amendments proposed by the Commission at the public hearings, May 23rd, June 13th, and June 27th, 2007 to change the following sections be adopted as presented.

3.11.3; 3.12.4; 3.12 (A); 3.13; 3.15.4; 3.16.1 (F); 3.16.3; 3.17.2; 3.17.4;3.18.4;3.19.2 (B) (2); 3.20.5; 3.21.3; 4.4.5 (A); 5.3.4.(C); 5.3.4 (E); 6.1.1 (B); 6.2.2 (E); 6.2.3; 6.4; 6.5; 6.7; 6.11.5; 6.11.7; 6.13; 7.4.8; 7.4.29 (C); 8.1.4.

The effective date of these amendments shall be August 15, 2007 except for Section 3.15.4 Deletion of “Drive through restaurant window service”; the effective date shall be November 15, 2007.

In adopting these amendments the Commission finds that the application and interpretation of the Zoning Regulations will be clarified and improved; and the Plan of Conservation and Development housing component policies to “protect and conserve the quality of the existing housing stock” “maintain zone densities” and reduce high density housing in the PD Planned Development Zones are addressed.

The motion was seconded by Commissioner Fox.

Chairman Camilli: In case you are wondering why we have different dates for the drive-through restaurant, it was because of the people who testified before us to have a little more time if they have their applications in, and so forth, it would give them a fair chance to get those in.

Commissioner Kornichuk: I just have a question to ask. I want to vote in favor of all of these except one, how do I

Ed Meehan: The way that the motion is written, through the Chair....

Chairman Camilli: The way that it is written, you can vote the way that you want, I know what he said, but I don't think we, otherwise we would be taking one at a time, and we aren't going to do them one at a time, so he can vote anyway you wish. You can vote for the motion, or vote against it. That's all you can do at this point.

Commissioner Fox: Unless someone moved to amend the motion.

Chairman Camilli: Hearing no movement to amend the motion, all in favor?

The vote was in favor of the motion, with six voting YES and one Nay (Kornichuk).

B. 2007 Balf Company Site Plan Update and Statement of Operations 2007-2009, Frank T. Lane, Director of Real Estate & Environmental Compliance, The Balf Co., P.O. Box 310903, Newington, CT 06131-0903, presented to the TPZ Commission July 11, 2007.

Commissioner Schatz moved that the Chairman be authorized to sign the Balf Company 2007 quarry area plan, revised dated 4-20-2007, prepared by J.R. Russo & Associates, Scale 1" = 100', Sheet 1 of 1 and further that the Commission acknowledge receipt of the two (2) year Statement of Operations, 2007 to 2009, as presented by Mr. Frank Lane, Director of Real Estate & Environmental Compliance, July 11, 2007.

The motion was seconded by Commissioner Cariseo. The vote was unanimously in favor of the motion, with seven voting YES.

Chairman Camilli: Motion passes unanimously.

C. PETITION 21-07 – 179 Meadow Street, Faye H. Karanian, owner and applicant, request for Special Exception Section 6.7.2 Interior Lot, R-12 District. Public hearing closed July 11, 2007. Sixty-five day decision period ends September 14, 2007.

Commissioner Cariseo moved that Petition 21-07 - 179 Meadow Street, Faye H. Karanian, owner and applicant, request for Special Exception Section 6.7.2 Interior Lot, R-12 District be denied the Commission finding that the applicant has not demonstrated compliance with the standard for "an unobstructed right of way at least 20 feet wide to an accepted public street" and second a driveway across the common "Bridle Path" is not consistent with the subdivision approval granted in 1974 to Flagler Associates which intended to keep car traffic out of the easement areas.

The motion was seconded by Commissioner Kornichuk.

Chairman Camilli: I think we discussed this at length, and there are a number of legal issues that may still be prevalent, which is not the reason for our denial, but rather what was stated in the motion.

The vote was unanimously in favor of the motion, with seven voting YES.

Chairman Camilli: Motion passes unanimously.

D. PETITION 24-07 475 Alumni Road, Newington Business Park, LLC, c/o Quadrelle Realty Services, One West Avenue, Larchmont, NY owner and applicant, represented by Alan Nafis, A-N Consulting Engineers, Inc., 124 White Oak Drive, Berlin, CT 06037, request for site plan approval, warehouse occupancy, 60,000 sq. ft., I Industrial District. Continued from July 11, 2007. Sixty-five day decision period ends August 17, 2007.

Commissioner Kornichuk moved that Petition 24-07 475 Alumni Road, Newington Business Park, LLC, c/o Quadrelle Realty Services, One West Avenue, Larchmont, NY owner and applicant, represented by Alan Nafis, A-N Consulting Engineers, Inc., 124 White Oak Drive, Berlin, CT 06037, request for site plan approval, warehouse occupancy, 60,000 sq. ft., I Industrial District be approved based on the following:

1. Site Plan Modification – Shuco Technologies revised dated June 22, 2007, Prepared by A-N Consulting Engineers, Sheet No. 2.
2. Building elevations prepared by Quisenberry Arcari Architects, LLC revised dated July 10, 2007. Sheet No. As.1.

3. Prior to the issuance of a Building Permit for the interior renovation work a site development completion bond shall be posted with the Town Manager, amount to be determined by the Town Engineer.

The motion was seconded by Commissioner Pruett. The vote was unanimously in favor of the motion, with seven voting YES.

Chairman Camilli: Motion passes unanimously.

- E. PETITION 26-07 28 Garfield Street, Delta Building Corporation, 269 Main Street, Cromwell, CT 06416 applicant, New Center Corporation owner, request for site plan approval for reuse of 12,528 sq. ft. building for office furniture sales office and display, B-TC Zone District. Continued from July 11, 2007 Sixty-five day decision period ends August 17, 2007.**

Commissioner Fox moved that Petition 26-07 28 Garfield Street, Delta Building Corporation, 269 Main Street, Cromwell, CT 06416 applicant, New Center Corporation owner, request for site plan approval for reuse of 12,528 sq. ft. building for office furniture sales office and display, B-TC Zone District be approved based on the following:

1. Proposed Site Improvements plan as depicted on Sheet SB-1 "Land of New Center Corporation" scale 1" = 40' revised July 19, 2007, which plan sheet also shows land to be conveyed by New Center Corporation to O.F.I.
2. Proposed front elevation façade renovations for O.F.I , prepared by Reza Manzouri, Architect, AIA Sheet SK-1, dated July 5, 2007.
3. Prior to the Chairman signing the site plan mylar a site improvement bond shall be posted with the Town Manager, amount to be determined by the Town Engineer.

The motion was seconded by Commissioner Cariseo. The vote was unanimously in favor of the motion, with seven voting YES.

Chairman Camilli: I think this is going to add a lot to the center.

The vote was unanimously in favor of the motion, with seven voting YES.

Chairman Camilli: Motion passes unanimously.

- F. PETITION 27-07 2909 Berlin Turnpike, former Krispy Kreme property, ODG-Newington LLC, c/o Attorney Vincent F. Sabatini, One Market Square, Newington CT 06111 applicant, WEX-Puck Realty owner, request for Special Exception Section 3.19.1 Restaurant Use, PD Zone District. Hearing closed July 11, 2007. Sixty-five day decision period ends September 14, 2007.**

Commissioner Pruett moved that Petition 27-07 2909 Berlin Turnpike, former Krispy Kreme property, ODG-Newington LLC, c/o Attorney Vincent F. Sabatini, One Market Square, Newington CT 06111 applicant, WEX-Puck Realty LLC owner, request for Special Exception Section 3.19.1 Restaurant Use, PD Zone District be postponed to August 8, 2007.

The motion was seconded by Commissioner Ganley. The vote was unanimously in favor of the motion, with seven voting YES.

Chairman Camilli: Motion passes unanimously.

G. PETITION 28-07 2909 Berlin Turnpike, former Krispy Kreme property, ODG-Newington LLC, c/o Attorney Vincent F. Sabatini, One Market Square, Newington CT 06111 applicant, WEX-Puck Realty owner, request for Special Permit Section 6.6 Liquor Permit Restaurant Use, PD Zone District. Hearing closed July 11, 2007. Sixty-five day decision period ends September 14, 2007.

Commissioner Ganley moved that Petition 28-07 2909 Berlin Turnpike, former Krispy Kreme property, ODG-Newington LLC, c/o Attorney Vincent F. Sabatini, One Market Square, Newington CT 06111 applicant, WEX-Puck Realty owner, request for Special Permit Section 6.6 Liquor Permit Restaurant Use, PD Zone District be postponed to August 8, 2007.

The motion was seconded by Commissioner Pruet. The vote was unanimously in favor of the motion, with seven voting YES.

H. PETITION 30-07 Fenn Road at intersection of Cedar and Fenn, Fenn Road Associates, LLC, owners and applicant, 1481 Pleasant Valley Road, Manchester, CT 06042 represented by Attorney Leonard Jacobs, 146 Main Street, Manchester, CT 06040, request for Special Permit Section 6.4 Removal of Earth, I (Industrial) Zone District. Inland Wetland Agency Report Required. Hearing closed July 11, 2007. Sixty-five day decision period ends September 14, 2007.

Commissioner Schatz moved that Petition 30-07 Fenn Road at intersection of Cedar and Fenn, Fenn Road Associates, LLC, owners and applicant, 1481 Pleasant Valley Road, Manchester, CT 06042 represented by Attorney Leonard Jacobs, 146 Main Street, Manchester, CT 06040, request for Special Permit Section 6.4 Removal of Earth, I (Industrial) Zone District be postponed to August 8, 2007 to receive the report from the Newington Inland Wetlands Agency.

The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion, with seven voting YES.

Chairman Camilli: Motion passes.

**Bond Release
Trotter Lane Subdivision Street
One (1) Year Maintenance Bond**

Commissioner Cariseo moved that the TPZ Commission report to the Town Manager its approval to release the Trotter Lane maintenance bond of \$2500, the Town Engineer having inspected this road and recommending release.

The motion was seconded by Commissioner Kornichuk. The vote was unanimously in favor of the motion, with seven voting YES.

VIII. PETITIONS FOR SCHEDULING (TPZ August 8, 2007 and August 22, 2007.)

A. PETITION 32-07 – 129 Willard Avenue, Gibbs Oil Company L.P. owner and applicant, attention: Eric Knapp, Esq., 148 Eastern Blvd., Glastonbury, CT 06033, request for Special Exception Section 3.11.3 B-Business District. Schedule for Public Hearing August 22, 2007.

- B. PETITION 33-07 – 129 Willard Avenue, Gibbs Oil Company L.P. owner and applicant, attention: Eric Knapp, Esq., 148 Eastern Blvd., Glastonbury, CT 06033, request for Site Development Plan, Section 5.25 B-Business District. Schedule for Public Hearing August 22, 2007.
- C. PETITION 36-07 2414 Berlin Turnpike, J.C.J. Associates, LLC owner, Filip Milios, 19 Southwood Road, Newington, 06111, applicant, request for Special Exception Section 3.15.3 Restaurant Use, B-BT Zone District. Schedule for Public Hearing August 8, 2007.
- D. PETITION 37-07 2414 Berlin Turnpike, J.C.J. Associates, LLC owner, Filip Milios, 19 Southwood Road, Newington, 06111, applicant, request for liquor permit restaurant use, Special Permit Section 6.6 B-BT Zone District. Schedule for Public Hearing August 8, 2007.
- E. PETITION 38-07 2414 Berlin Turnpike, J.C.J. Associates, LLC owner, Filip Milios, 19 Southwood Road, Newington, 06111, applicant, request for Site Plan approval, restaurant use, (4,758 sq. ft. open to public use) and waiver of required parking count, B-BT Zone District. Schedule for presentation August 8, 2007.

Ed Meehan: There is one item that is not on here, it's a request for renovations to site development, Cote Plaza, that's the one next door where Holiday Inn Express is supposed to go in. It used to be Weiner's Auto was in there years ago, and now they are trying to renovate that. That may be ready for the 8th. If it isn't, it should be pushed off, but other than that, the agenda for the 8th is pretty light with just one small restaurant, over where Motophoto used to be, that's Petition 36, 37 and 38. That's where 2414 Berlin Turnpike is, and whatever you held over from tonight.

IX. PUBLIC PARTICIPATION
(For items not listed on agenda)

None.

X. REMARKS BY COMMISSIONERS

Commissioner Cariseo: I just want to ask a question. You know that former gas station on the corner of Robbins and Willard, Quick Stop, have you seen the signs that have up.

Ed Meehan: I haven't paid much attention to them recently.

Commissioner Cariseo: That whole section where the hamburgers are, is all loaded with signs, burgers and pizzas and it's unbelievable. Also, check for that seating inside.

Ed Meehan: We didn't approve seating?

Commissioner Fox: A counter with some seats and two high chairs, or one high chair.

Commissioner Fox: I'm sorry, 2414 Berlin Turnpike, that's where.

Ed Meehan: Used to be Motophoto in there.

Commissioner Fox: Okay, now I know.

Ed Meehan: Like a green house, it's going to be a small pizza restaurant.

Chairman Camilli: Any other comments, Ed.

Ed Meehan: You may have seen a lot of activity going on, on the JDC site. The contaminated dirt is slowly being taken off the site, it is spread out on plastic out in front, pretty much off the site. A lot of box trailers and iron being moved off that site. We met with Aldi's environmental people and construction people last week. They are going to be taking possession of that site, probably by the end of summer, the end of August, are going to try to get the building down, and a foundation in the ground, before the ground freezes. That's their goal, and it will depend on what they find under the floor of that building when they knock it down. They have done a lot of borings, but you don't know until you take it down.

Commissioner Fox: Did they have any lifts in that building? I know that Shapiro wouldn't have any....

Ed Meehan: I don't know. They must have floor drains, hydraulic....

The gas station at Hartford and Main Street, the old station was demolished. That is getting ready to be constructed. The plans for Brockett Street came in, for the commercial building, for the chairman to sign.

Take a ride down, some interesting construction going on, down at Sam's. You won't see that happen too much with the six foot conduit and the relocation of the pond.

Chairman Camilli: Tell them how they make those pipes.

Commissioner Pruett: They're huge.

Ed Meehan: Those are made on site. They come in as rolled steel, they go through a machine that presses them out like a Slinky and then they are spot welded. The next phase will be to get that pond cleaner, muck it out, they have guys in there with nets taking the fish out, a lot of turtles, there is a lot of processed stone going in, the stone goes between the pipes and keep them steady. That project is on schedule.

I did meet with the contractor for the Comfort Suites, which is now being advertised as the Holiday Inn Express. They have to come back to this board if they want to change it to a Holiday Inn Express, so that the architectural elevations will be changed a little bit. The Town Engineer and I have issues with the way that that site is being maintained. It's not, the erosion control measures were poorly installed, and they stripped the site and they stopped, and they shouldn't have done that, it's a vulnerable position. This contractor seems to know what he is supposed to do, the question is, will his client get the meter running to pay for it.

Laz-E-Boy, finally did the front of the building. The irrigation system works, the developer asked for their bond back, they just cut the grass last week, and I'm going to recommend that we see what happens for another two or three weeks.

Chairman Camilli: Do we have a bond on that Comfort Suites?

Ed Meehan: Not yet. I told the developer, they come back in, we are going to get a site development bond. We normally don't do that, but this particular developer even this contractor admitted that he does things piecemeal, so if they get fifty percent into the site....

Commissioner Cariseo: This is like the one in Meriden, then it burned down....

Ed Meehan: This is a complicated site, it has two separate drainage systems. It has the Department of Transportation system, that goes through the site by easement, and it's got private system that comes through from the other side. That's where we are.

XI. STAFF REPORT

A. Bond Release – Trotter Lane, subdivision Street, One (1) Year Maintenance Bond.

Discussed Under Old Business.

XII. ADJOURNMENT

Commissioner Fox moved to adjourn the meeting. The motion was seconded by Commissioner Pruett. The meeting was adjourned at 8:18 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary