

NEWINGTON TOWN PLAN AND ZONING COMMISSION

October 10, 2007

Regular Meeting

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

Chairman Camilli
Commissioner Cariseo
Commissioner Fox
Commissioner Kornichuk
Commissioner Schatz
Commissioner Ancona

Commissioners Absent

Commissioner Ganley
Commissioner Pruett
Commissioner Andersen

Staff Present

Ed Meehan, Town Planner

Commissioner Ancona was seated for Commissioner Ganley.

II. PUBLIC HEARINGS

- A. PETITION 46-07 260 Stamm Road, Integra Realty Associates, LLC, owner, Marcin Yarosiewicz, 64 Brown Street, New Britain, CT 06053 applicant, request for Special Permit Section 6.11 Auto Related Use, Used Car Dealer, I (Industrial) Zone District.**

Chairman Camilli: Is the applicant here? Are you for Petition 46-07? 260 Stamm Road. Okay, we called the petition, you have to come up to the microphone, state your name and address for the record, and then state your case.

Darius Yarosiewicz: I am the brother.

Chairman Camilli: Okay, just state your name for the record, and your address, and then you can talk.

Darius Yarosiewicz: Okay, Darius Yarowiewicz, 64 Brown Street, New Britain, Connecticut. What should I say?

Chairman Camilli: Ed, do you want to lead them through some of this because I really don't want to do it, as the Chairman.

Ed Meehan: Okay, sure. The purpose of the meeting is to conduct a public hearing for your use, which is an auto related use which under the zoning regulations is governed by a special exception requirement which means the Commission is required to hold a public hearing to notify the abutting property owners, to put an ad in the newspaper and to post a sign on the property. I believe the sign was posted about four days ago, five days ago.

Darius Yarosiewicz: I did put a sign on last week, I don't think it was that long so....

Ed Meehan: So, as I mentioned to the Chairman before the meeting started, I would recommend that this hearing be continued because the notice requirements for the sign require ten days and it wasn't put up in the ten day....

Darius Yarosiewicz: No, I didn't have that much time because when they called me from city hall, it wasn't ten days, it was like seven days already, so.....

Ed Meehan: Okay, so I would recommend, the Commission can make this decision later, that this meeting be continued to October 24th. The purpose of your application is for a used car dealership, so what the Commission needs to know from you is how you are going to operate the business there. Are you going to sell cars? Are you going to repair cars? Are you doing auto body work? Painting? Towing, Wrecker Services? They would need to know that, the number of employees, also explaining how the parking and the storage and the display areas on the site are going to be laid out. You did submit a plan to the Commission with notations on it, we can put a copy of that up on the board if that would help you illustrate what you want to show the Commission and then there are some technical issues that I want to bring to the Commission's attention after reviewing this plan that raises some concerns about the adequacy of the parking and the space limitations of this property for what you want to do. First is the issue of how many cars you intend to display there and how they are organized on the lot, secondly is the way that this map is labeled, some sides of the building you label main entrance on both sides, one side you've got customer parking, and then another side you have customer parking, it seems that there ought to be one entrance for the general public to come in separate from your yard and repair area. The parking count.....

Chairman Camilli: Excuse me....

Ed Meehan: Am I going too fast?

Chairman Camilli: I think, just so we can move this along, I don't know how much of this he is going to remember, I think perhaps maybe we better back up and try to get.....

Ed Meehan: One at a time, okay.

Chairman Camilli: He's not taking any notes and there is so much there, so I would think if we just start out with how much does he want to do there, operation of the business, you know, does he want to sell cars, repair cars, what....so let's take that one at a time. What do you want to do there.

Darius Yarosiewicz: The sale of the cars, I want to sell cars and major service, for now.

Chairman Camilli: What was that, major service?

Darius Yarosiewicz: Yeah, like....

Chairman Camilli: So you want to repair cars?

Chairman Camilli: How many cars do you figure you are going to have on the lot to sell?

Darius Yarosiewicz: To sell, I think up to five cars.

Chairman Camilli: Five cars to sell, okay. Now what about body work?

Darius Yarosiewicz: Body work, I have to hold up the body work for now because for the body work we need a paint booth so, a paint booth I will buy later on when, because it is not that cheap, so I will think about body work but I will notify you guys before that, before I am going to start doing body work in my shop.

Chairman Camilli: Okay, that means there is going to be retailing of cars, up to five cars?

Darius Yarosiewicz: Up to five cars to sell.

Chairman Camilli: Okay, that you are going to display. And it's going to be a full repair shop a full service repair.

Ed Meehan: Yes, it would be a repairer's license, you have to go to Motor Vehicle subsequent to the town.

Darius Yarosiewicz: Yes, I do but first I have to come here.

Chairman Camilli: Okay, so now that we have established that much. He is not doing any body work at this time so if we, if we were to pass this, would we pass this with just a repairer's and selling....

Ed Meehan: Well, I think Used Car Dealership with specific limitations on the number of vehicles to be displayed on the site and then where on the map they are going to be displayed for the public, so when the issue comes out that there is ten cars on the site, the Zoning Enforcement Officer knows that in this particular part of the property this is where the used cars are supposed to be. The other cars are cars that are employee cars, customer's cars, and that leads to my next question, what about cars that are being, not for sale, but are being, waiting to be serviced, waiting for parts, waiting for a customer to pick them up. Do you have an area on your site plan for those?

Darius Yarosiewicz: I had him do those signs, I hired a guy to do that for me, so if the city requires for that kind of business, if he wants to correct something, there will not be any problem to show on the map where the repair cars would be, where the for sale cars would be, where working people, that would not be any problem to correct this and show you.

Chairman Camilli: Just so you know, when we approve an application, we know that beforehand. So that, you should show on your plans where the parking spaces are going to be for the different areas, and, the town is not going to tell you that you have to put these cars here, or these cars here, that's for you to decide where you want to put the cars, and then you come before us and, or you can talk to the Town Planner, and then he can guide you, but I don't think the Planner is going to tell you where the cars are going to go, employee parking, or customer parking, or cars for sale, that would be up to you where you would want to do it. The other thing is, how many spaces are there on this lot?

Ed Meehan: Well, that is one of the issues that I called in my staff report, he needs to identify on his plans on the north side of the building, it's not written, it's notated on my notes here, on an area for fourteen vehicles, along the north property line, he says sales, customer and service

area. Then, up against the building on angled parking, there is a combination of customer, and employee parking. You used a parking count of three spaces per one thousand square feet of floor area, normally you would use a parking count of five per thousand for this use. So there's limited parking for the five per thousand on this site, that would be almost thirty-seven spaces, there's only like twenty spaces available for this part of the building. There is fourteen on the north side, and I believe four up against the building and two out front where the handicapped spaces are. So, that is two, four, six, and then fourteen, for a total of twenty. Some of those are going to be, I guess five of those are going to be for your display of used cars, and some would be set aside for employees, I don't know how many employees you might have.

Darius Yarosiewicz: That would be in the future. I can't say.....

Ed Meehan: You think you are going to have four, five? What do you have now?

Darius Yarosiewicz: Right now it's like, I don't have any right now, but right now there is me and my brother, we were trained in the same trade, so in the future, maybe up to three, three employees.

Ed Meehan: Okay, so as the Chairman was saying, in that fourteen space allocation, it would be more detailed as to where the five spaces are going to be for sale, where your customer's can park, and where you may set aside some spaces for cars that are either completed service or are waiting for service. The other thing about these fourteen spaces is that to get to the rest of the site, the tenants in back have to drive through this part of the site. Does a chain link fence separate you from the back of the site?

Darius Yarosiewicz: Yes.

Ed Meehan: So that does cause a little confusion in the circulation there. On the south side of the building where it says main entrance and that is where the office is located, there is only eighteen feet to the property line, so there is not a lot of space for additional parking area on that side of the building. So I think as the Commission goes forward on this, you can talk about this again at your next public hearing, I'll be happy to work with the gentleman in between, is nailing down a little bit better where people are going to park, and how the site is going to be operated because if the site gets covered with automobiles, it's not going to function for you, and the neighbors are not going to like it, and the site, the other tenants in the building aren't going to be able to get back to their tenant spaces. They can't get through your area, we have to make sure they can get back to their site, deliveries can get to them, the fire apparatus can get to the back of the building and so forth.

Darius Yarosiewicz: I have been there for about three months now, I was doing some inside work on the building, and like I said, there was sometime up to ten cars on my building, nobody was complaining, UPS was driving by and the trailer truck was driving by and nobody complained. Neighbors didn't complain about blocking them.

Chairman Camilli: You technically are not in business now at this point, right?

Darius Yarosiewicz: No, not at this point. The car business, it's not like a big business, it's not going really strong, and I believe what I have now for the spaces.....

Chairman Camilli: But you are not displaying cars right now are you?

Darius Yarosiewicz: No, no.

Ed Meehan: Are you aware, have you signed a lease, obviously?

Darius Yarosiewicz: Yes I did.

Ed Meehan: You've signed a lease, okay, this site does flood. It has seasonal flooding issues. This section of Stamm Road, if you have vehicles parked there, customer's vehicles or for sale vehicles, you could get up to a foot, fourteen inches of water here after a heavy rain event, and it's always an issue down there now, and we hope we can find a remedy in the future, but you know, then you get oil and gasoline in the water, and so forth, so you should be aware of that.

Darius Yarosiewicz: Yeah, I was told by the owner.

Chairman Camilli: Okay, now we got by what he wants to do, there, now what were the other....

Ed Meehan: Do you have a towing service, or wrecker service?

Darius Yarosiewicz: No.

Ed Meehan: Okay. You told me about the number of employees. I've mentioned, and this may be me sitting down with you and trying to explain how you have customer parking on both sides of the building, does that mean a customer has to walk through your bay areas and your repair shop to get to your office?

Darius Yarosiewicz: The office is going to be in front, so....

Ed Meehan: On the south side or north side?

Darius Yarosiewicz: South side, the front of the building.

Ed Meehan: The south side is where you have your handicapped space. I mean, the map is here if you want to look at it.

Darius Yarosiewicz: Yes, that would be the south side.

Ed Meehan: Okay. I would recommend that you have all your customers park in front, and not mix them in with your employees.

Darius Yarosiewicz: That's what I'm going to do, not mix them in on the north side because there wouldn't be any point to it.

Chairman Camilli: See, that is what we would like marked on the plan so we know what you are going to be doing rather than telling you, but you can work with the Planner on these issues if you have any questions make sure you call the Planner so that you know what you are doing.

Ed Meehan: Basically, it was organizational issues on the site plan, and number of employees and how he was going to operate his business, but I think it would be more productive if we sat down with a map in front of us, maybe some day next week, and go through the labeling of where some of these cars are going to be located, and the quantity of the cars and where customers are going to park versus employee parking, so the Commission will have that information.

Chairman Camilli: Okay, are there any more questions that you had on the sheet now?

Ed Meehan: I'm satisfied for now, I think it's okay.

Chairman Camilli: Questions from the Commissioners?

Commissioner Schatz: The question I have is, is he taking up all of this space at the top of this page? How much of this building is he soaking up?

Ed Meehan: I believe it is taking just a little over seven thousand square feet of the building.

Commissioner Schatz: Oh, okay.

Ed Meehan: The front part of it.

Commissioner Schatz: My major question is, is he going to bring in an old car and take it apart and, like a dismantler does? That would be my main concern.

Chairman Camilli: Do you understand what he asked?

Darius Yarosiewicz: Yes, he's talking about the parts cars.

Commissioner Schatz: You have an old car and you decide to sell the back end of it, and the rest stays there?

Darius Yarosiewicz: No, no, we wouldn't do that.

Commissioner Schatz: Because we have had that problem.

Chairman Camilli: Yes.

Darius Yarosiewicz: You are talking about junks. No, I won't do that because I won't have the spaces so if I have any junk cars, I would junk them right away, so they are not going to stay outside for a month or something, I would junk them right away.

Chairman Camilli: Okay. Anyone else? Do we need hours of operation at this time?

Ed Meehan: That's a good question, hours of operation?

Darius Yarosiewicz: Hours of operation, eight to five and on Saturday, eight to twelve.

Chairman Camilli: Eight to twelve?

Darius Yarosiewicz: Yes, on Saturday.

Chairman Camilli: Eight to five, and then eight to twelve on Saturday. Okay. Any other, anyone else? Anyone from the public wishing to speak in favor of this application? Any of you people who came with him if you want to come up and say something at this time, if you wish. Anyone wishing to speak against the application?

Delores Arotney, 19 Berkley Circle: I will probably have more questions as this progresses but mainly now, my main concern is the hours of operation, eight to five, and the noise that would be going on during that time. I understand that this is going to be a repair shop and I'm not certain what that entails. If you change a tire, you use a compressor, and that makes a lot of noise. Some of us are home during the day, at different times, and if I have to listen to a tire being changed on ten cars every hour, it's going to be annoying. We've had some concerns with noise

in the past, with some other vendors down there, and it has been brought to the attention of certain people in the Town Hall, the, who is the person you call, the noise person?

Ed Meehan: The Health Officer.

Delores Arotney: Thank you, and there has not been a resolution of that. We've been told that it will get better the next day, so I just don't want to get into the same situation that we're in now that, if we do have to make a complaint, we're kind of pacified and said, well tomorrow they're going to behave, and it's not going to happen. As far as it just being a used, selling cars, I don't have any complaint with that, per se except when the repairs got thrown in there, I'm hearing noise and banging and all the other things that go along with repairing. You asked about towing, and he said towing wasn't now, but it could be, and the repairs will be more so, once he is able to get somebody to do the paint booth, so I guess my main concern is the noise during the eight to five hours of operation and what guarantee is there going to be that it will be eight to five. My last question I guess is, selling cars, will there be big lights on at night, and all basic questions that just go along with this. I think that's it for now, thank you.

Chairman Camilli: Okay, anyone else?

Virginia Phillipon, 15 Berkley Circle: Actually I do have a question. I'm not speaking for, or against. I think when the man who wants to open the business started talking about body shop, I started thinking, chemicals, solvents, hydrocarbons, are they toxic, what are they going to do to keep them from coming into the neighborhood. And, because it is a flooding zone, going into the ground. So those would be my main concerns.

Chairman Camilli: Okay, thank you.

Mark Harris, 23 Berkley Circle: He states that his hours are eight to five during the week and eight to twelve on Saturdays. What hours will he be working on these cars? Like Sundays, because there are other noise issues there on Sunday and on Saturday afternoons, so there will be a lot of banging and stuff going on, other than eight to five and eight to twelve on Saturday.

Chairman Camilli: I would say....

Mark Harris: You know, late night, like now, at night, will he still be working down there on vehicles, or is the eight to five, at five o'clock he closes and goes home and there is no noise down there.

Chairman Camilli: I understand what you are saying, but I think when we asked that question, the hours of operation, that is their operating hours and they committed, so it would be eight to five and that would be if it were to pass. The hours of operation would be in the motion, and that is very definable. You know, it's like how many cars he can have out there, and that is why we want to have that on the record. That's why we ask the questions. So, eight to five, so if they go beyond that, and you call the Town Hall, and say, you know, they are operating at six o'clock, well, they are not in compliance with what we approved. Okay, so that is why we ask the questions, and your point is well taken, but I think by defining the hours it takes care of that.

Mark Harris: One other thing, it may not pertain to this, but how do we go about getting like noise ordinance hours like throughout the town. Is that something you can just call the Town Manager, or the Health Department, would they be able to give you a copy of something like that.

Ed Meehan: The Town Noise Ordinance, which if you give me your name I can mail it to you, or fax it to you, controls decibel levels from non-residential zones to residential zones and hours of

operation, certain hours of the day, you can only emit so many decibel levels. There are exemptions, construction equipment being one, the guy who picks up our trash in the morning, normal things, but I would be happy to send it to you.

Mark Harris: Okay, thank you. I'll write my name and address down and give it to you. Thank you.

Commissioner Fox: It's on the web site too, isn't it?

Ed Meehan: That's correct. If you went to the town web site, under the Town Clerks, drop down, all the town ordinances are right there. You want to look under environmental controls, that's where you would find the noise ordinance, if you have problems, here's my card.

Mark Harris: Thank you.

Chairman Camilli: It's understandable, we've had problems there in the past with Berkley Circle which is on the top of the hill there, so it is something that we are aware of, it's just a question of how much we can, how well we can control it. The other questions, about vapors and so forth, will that be controlled by the State, in terms of, if we were to put in a body shop, what the emanations would be from the body shop and fans and that sort of things that would exhaust into the air?

Ed Meehan: DEP would regulate any emission of air vapors, discharge of oil, into a recycling tank. He mentioned that he wasn't going to do any painting. He needs a DEP approved spray booth, so he just can't emit the aerosols out of the building, exhaust them out. Those are all regulated by DEP.

Chairman Camilli: Okay, I just wanted answers to the questions that were asked. Lighting, I haven't seen the plans, is the lighting going to.....

Ed Meehan: There is no provision for lighting, there is no lighting on this site. That could be good, it could be bad. Other than wall packs, there might be some wall packs on this building.

Chairman Camilli: If he has cars for sale, I know that a lot of times, these places get vandalized too, if they are dark and I would think they would have to be lit to a certain degree if he is selling cars.

Why don't you come up, you will have a chance to rebut what these ladies and gentleman asked.

Darius Yarosiewicz: The question about the noise, my compressor is inside of the building, it's not outside, so there are others who are driving big trucks in the area, so it's not a really quiet area, but I can build some kind of room for the compressor and that will be quiet, it's not going to be noisy. Of course, I have to use (inaudible) in the shop, there's no question of that. The spray booth, you answered that question for me, I have to go to the (inaudible) to get that, it's not like I'm going to just start painting, it doesn't work like that. I have to get everything so that goes through the State to get a spray booth and everything.

Chairman Camilli: Does anyone have any other questions? Okay, as best we can, at this time, tried to answer the questions so far, so may I just make that suggestion again to you, that if you have questions, please call the Town Planner if you have questions and so you can be better prepared in terms on how to handle the application, okay.

Darius Yarosiewicz: Okay, so I will be back on the 24th,

Chairman Camilli: Yes, we will keep Petition 46-07 open. You are all set, thank you. Thank you for coming.

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

Chairman Camilli: Yes, Mr. Mayor.

Mayor Mortensen: Thank you Mr. Chairman. I'd like to beg your indulgence, one of the reasons I don't attend TPZ meetings is that I work Wednesday nights, it's a night that I can't get out of, seeing that I take Tuesday night off for Council meetings, and also, as you are probably aware under the Town Charter, the Mayor is an ex-officio member of every single Board and Commission in the Town of Newington, has every right as every Commissioner sitting on those Boards and Commissions except for voting rights. So I'm going to make a request at the end of my public comment to be made under Item 10, I have to go back to work, under Remarks by Commissioners.

First off, I'm going to see that we all have our issues, we have our SRO's, you've had a lot of the things that we have put up with. I'm here to speak tonight on the change in the regulations on the accessory apartments. I'd like to thank the Commissioners who were able to make the meeting the other night, to the Town Council, and I would also like to set the record straight that that was not a request on my part to come, it was a request by Mrs. Klett to come, because of all the input, adverse input that they are getting I'm assuming as candidates in the election time. I will also add that it is my understanding that the Senior and Disabled Commission has requested, and I think you have tonight, in your packet an opinion from the Town Attorney because there was a request made, again not by the Town Council, on how a board or commission could go about overturning an amendment, or make an amendment to the regulations.

I just want to go back a little bit, I'm very aware of our separate responsibilities that we have, you as a land planning agency, and us as a Town Council. Even though we are very different, we are very similar in a lot of ways, and the one strong similarity we have is that we all of us, who do we answer to, who does the Town Plan and Zoning Commission answer to, who are you responsible to. The citizens of the Town of Newington, and you have your duties in doing that. You may not be elected as say a Board of Education member or a Town Council member, but we all have that same responsibility. We are responsible to the citizens of the Town of Newington.

Back in April I believe, when the consideration of making some of these that are, I'm going to guess that there were twenty or so changes to some of the regulations, quite honestly a lot of them I looked at but with your expertise in the area, I wasn't concerned with those, but I immediately picked up on the elimination of the accessory apartments for a couple of reasons. Number one, as you are aware, we are woefully short of senior housing in the Town of Newington. One of the letters, and I got a bunch that I have given to Ed, to submit to the Commission kind of put it pretty succinctly, a woman had written in saying that she had put her mom on the list, she waited five years and she died before she could even get on, to start moving up the list, how short we are on senior housing. CRCOG, the Connecticut Central Planning Agency, our Newington Housing Authority, the Commission on Senior and Aging and Disabled, all have been in favor of not eliminating that out of the regulations. I think we could all agree that if the Commission wanted to go back and somehow tighten up the regulations, or change it to make it a little more restrictive, I don't think anyone has a problem with that, because the idea of using an accessory apartment for what it was intended is a good idea. We are promoting keeping, having families age in place, we also think that it is a moral and social issue. I guess the question is going to be, for a lot of residents out there, and I've actually heard is and I can't verbatim quote but say, who is the Town of Newington to tell me that I can't have a mother or father live here, I want to put a bathroom in and a kitchen area for them, I'm going to bring them in for whatever the reason. Now I know that there are some issues there obviously, legal, zoning issues, etc., but it is something to consider.

Chairman Camilli: You are aware that they can do what you just stated.

Mayor Mortensen: Correct, but not an accessory apartment, with a kitchen area and.....

Chairman Camilli: Now you are into semantics, but if somebody wants to put in a bedroom and bathroom, and this was on the record before, but you know, you just missed that little point which is I think one of the cruxes of what we tried to do which was precisely that. I think it was stated by a number of Commissioners, it doesn't preclude what you just said, it only precludes the kitchen in terms of, and you know it, let's not smooze it the way, because we didn't perhaps didn't get it across but.....

Mayor Mortensen: I think Vinnie that the people are aware of the kitchen part, I didn't write the article, but the people that I talked to are aware of that.

Chairman Camilli: You know, they never contacted me, but I guess they contacted you, because that was just, and I don't want to, my wife said to be nice, and....

Mayor Mortensen: And I am too. Let me go back, I know that you are going to indulge me a little bit extra time.

Chairman Camilli: Yeah, you can have it.

Mayor Mortensen: I realize that about, because actually at the Town Council meeting we did discuss that, that it did not preclude, I think it might have been the meeting when Ed was there, I'm not sure, it did not preclude making an addition to the house, bedroom and bathroom. One of the things that we talked about was that you know, we are putting now an enforcement issue out there, that we are afraid of having a lot of illegal accessory apartments that people are going to go ahead and do, but again, but going back to the issue of whether or not it should be in there. Every once in a while, whether it be the Town Council, Board of Education, we just went through it with an issue, sometimes you have to step back, throw a little cold water on everybody and say, maybe we should re-look at this. I can tell you when we are talking about responses, never in any time that I have been in elected office did I have more response to an issue than the accessory apartments. I'm sure you hear it here, we heard it at the Town Council, oh, I never heard about that. For me to get fifty contacts and letters and phone calls, is probably five to ten times the amount of people I normally get on any hot issue.

Chairman Camilli: Let me ask you one more question. Why didn't they come out when it was publicly advertised? Like, three times, I mean, this all happened, it came out after it was done.

Mayor Mortensen: Vinnie, I.....

Chairman Camilli: I respect your letter, and I think Councilor Hall came in with a letter, and we, I mean, nobody seems to bring out it wasn't a Democratic thing or a Republican thing, it was a Commission thing, and we didn't have a gun at anybody's head to vote the way that it did, and as you can see from the little experience that you had tonight, listening to the neighbors talk, when it involves them, I daresay what happened to us was this, just so you know.

Mayor Mortensen: I know about the issue of the house.

Chairman Camilli: But the neighbors come in and say, I bought in a single family neighborhood, you have to protect us, I don't want a two family when it goes to the real estate agent, when it comes out as a possible income, or two family. We've got a whole bunch of neighbors coming in,

and it's like neighbors against neighbors, and they want the Commission to adjudicate this issue, and we can't. And that was what when I said, and misquoted or out of context, you know, we don't want to listen to it, it wasn't the accessory, it was when you get all these neighbors coming in, it's just like tonight, and I'll give you an example. We're here to protect the citizens of Newington and you are right, we do have an obligation, and it's the greater good, and it may not be just for the one person, but it may be that it's a NIMBY thing, and you've been around a long time, I'm not telling you something you don't know. If it happened in your neighborhood, where somebody advertised as a two family house, then you get the people out. That's why we did it, as a non-political thing, and nobody else actually come out, senior citizens didn't come out, no one came out except your letter and the other letter.

Mayor Mortensen: If I could put that in perspective, with thirty thousand people in the Town of Newington, we even went so far as to hold two, not only our ten or twelve budget hearings for the budget which is the biggest thing that happens in the Town of Newington every year, we also held accessory during the day for people budget hearings, and got nobody, so it's not surprising that people didn't come out, not because they were for or against the budget, they just don't come out.

Commissioner Ancona: Well, a lot of people feel defeated too, they don't....

Chairman Camilli: Wait a minute, I didn't recognize you.

Commissioner Ancona: Sorry Mr. Chairman, I thought you waived the rules because.....

Mayor Mortensen: I don't want to disrupt your meeting.

Commissioner Ancona: I thought you waived the rules.

Chairman Camilli: No I didn't. I didn't waive it for you.

Commissioner Ancona: Oh, for yourself.

Chairman Camilli: Go ahead.

Mayor Mortensen: Thank you very much, again, I want to clarify the issue that this isn't a political issue for me, I'm not running for office, I'm not going to be here, I'm looking at it as for the Town of Newington, what would be good, and what isn't good for it, so I want to make that particularly clear. Unfortunately, some of the Councilors who have concern, I can't speak for them, they waited until now to say anything. I know there was some concern that was brought up in the minutes about the question of the devaluation of property. I talked to our Town Assessor who has probably got the highest credentials of any Assessor....

Chairman Camilli: Let me ask you a question. Who said that?

Mayor Mortensen: It was in your minutes of your meeting.

Chairman Camilli: But who said it?

Mayor Mortensen: Which Commissioner, I don't know. I think it might have been Mr. Fox. I don't remember, it was in your minutes.

Chairman Camilli: I wouldn't agree with that, I don't think it devalues, I mean, if you put an addition on your house, obviously it's going to add value, it's no going to devalue it.

Mayor Mortensen: We can go back in the minutes, but somebody talked about it.

Chairman Camilli: It may have come out by one of the neighbors.

Mayor Mortensen: That is why, again, without me coming here, I had the Assessor, and provided the Commission with that, that it does in fact have no effect whatsoever on the property value. The issue that you are talking about is a specific issue on a misuse of the Town Plan and Zoning Regulations of the two family, renting the apartment that was going on there. That is why I said, at the beginning of my little blurb here, is that if you somehow want to tighten up the regulations so that that can't happen, that would be a good thing. All I'm asking is that under, I can't stay for Remarks by Commissioners that instead of, which they might, the Senior or Disabled Commission or somebody go through the whole appeal process, I don't believe in a lot of red tape, that maybe, that the Commissioner's, at a certain point in time, re-look at it and say, you know what, maybe there is something we can, maybe we can, I'm a firm believer in compromise. Maybe there is something we can do to tighten up the regulations and yet still provide for the possibility of the accessory apartment, and not eliminate it all together. I think that would be a reasonable request, and it's obviously up to you. I don't mean

Chairman Camilli: One more question. How could you tighten it up? I've discussed it with the Planner on how it could be tightened, do you have any suggestions on how, we put in there that we get a letter from the person who is doing this, as it stands now, and it is supposed to be blood relative.....

Ed Meehan: Marriage or blood relative.

Chairman Camilli: But that is questionable.

Mayor Mortensen: I would leave that to you Vinnie, I really haven't researched that out. I did mention to Ed one day that I don't, maybe anyone who does have one of these, and is granted that, not just that you have a letter on file, maybe yearly they have to certify that it is or is not being used, being used by a blood relative.

Chairman Camilli: Okay, now the problem, as we discussed it in the public hearing, if we do, and we have granted, and by the way, there aren't that many, it's not going to solve the housing problem for seniors, it's when the parent dies, now they have this so called apartment, and what happened, we had another case that came before us, and this is why it wasn't political, we had another case, where they had gone to the bank and the bank said, well you have to certify it as a two family. And we denied it. So what happens after it becomes an accessory apartment with a separate entrance and then the parent dies, and when the people went to sell it, they didn't have the approval, so they had to come before us to get the approval, and we didn't give them the approval, even though it was an accessory apartment there, but this is the kind of thing that we were trying to listen to the greater majority over saying, as we took testimony from people who came up, you know, sometimes these meetings ran ten, eleven, one guy I thought was going to have a heart attack. It's when you have person after person coming up, saying I bought in a single family neighborhood, where I got to the point where I would say, if you don't have something else to say, that's enough, but just so you understand.

Mayor Mortensen: I understand that there are people on both sides of the issue, but I will tell you, and I'm being, you can take this on face value, I'm a pretty honest guy, I have not met one person, every single person who has contacted me, not one, who is in favor of eliminating accessory apartments, take that as face value, as chief elected official, I think I probably got the most input, so....

Chairman Camilli: We will take that into consideration.

Mayor Mortensen: I thank you for....

Chairman Camilli: Thank you for coming in.

Mayor Mortensen: Breaking your rules, so to speak.....

Chairman Camilli: No it's not, as a member you, by the way it wasn't a breaking of the rules, as an ex-officio member you can speak as long as you want. You have the platform.

Commissioner Fox: Mr. Mayor, hold on. I'd like to just make a comment. I do not recall making that remark.....

Mayor Mortensen: I'm not sure, I just....

Commissioner Fox: We will check the minutes, and if I did, check the context. With all due respect, Mr. Mayor, do you think that maybe a lot of the comments that you get from, that you have gotten from seniors and other private citizens were due to the remarks, whether they were misquoted or not, that you made about carrying an elderly citizen up to a bathroom, if there is only one. You may have been misquoted, we know that is not true.

Mayor Mortensen: Well, what I did say was, and this was before that article had come out is that a lot of houses in Newington are smaller houses have one bathroom and if they are a cape, they are upstairs. So that if someone for whatever reason was I don't know what they were going to put downstairs or doing something in the cellar, some houses you can't put a bathroom in the cellar, let's say you are going to make an accessory apartment downstairs, if you have a walkout, for whatever reason. I don't know the reasons why, but I can tell you and again I will reiterate in the most strongest terms possible, there is a huge, huge sentiment of residents, and by the way most of these residents who did contact me are not looking to put an accessory apartment in now, and they, and most of them have said, I don't need one right now, but if the situation arises that I do, I'm not going to be happy that the way we want to do it, you won't allow it. So no, I don't think its, I'm not trying to inflame it, again I have right from the beginning disagreed with eliminating it, for all those reasons that I won't go over, and it's not anything Mike, I didn't try to, and I'm saying that you know, if someone else, this may become an election issue, that's great for the people running for office, that's got nothing to do with it for me. I started back in April and unfortunately now the people who are questioning it, are waiting till now, after the fact. They should have come to your public hearings and put some input into it, and they didn't.

Commissioner Fox: Thank you.

Chairman Camilli: Thank you.

Anyone else from the public wishing to speak on items not listed on the agenda?

IV. MINUTES

September 26, 2007

Commissioner Cariseo moved to accept the minutes of the September 26, 2007 regular meeting. The motion was seconded by Commissioner Kornichuk. The vote was unanimously in favor of the motion, with six voting YES.

VI. NEW BUSINESS

None.

VII. OLD BUSINESS

- 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. Public hearing closed September 26, 2007. Sixty five day decision period ends November 29, 2007.**

Commissioner Kornichuk moved that 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 be approved the Commission finding that the redevelopment of this property for a new gas station convenience store will result in a safer traffic circulation, reduce the intensive use of the property by elimination of the car wash, and provide buffer for adjacent residential neighbors.

This Special Exception approval is based on the plans entitled "Site Improvement Plans for Gibbs Oil Company at 129 Willard Avenue, Newington, CT" prepared by Ayoub Engineering, revised dated September 26, 2007 and Building Elevations, Sheet A-2, dated September 19, 2007 as revised by the Commission Site Plan approval, Petition 33-07.

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

- 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. Sixty five day decision period ends November 29, 2007.**

Commissioner Fox moved that 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 be approved based on the following plans: "Site Improvement Plans for Gibbs Oil Company at 129 Willard Avenue, Newington, CT" prepared by Ayoub Engineering, revised dated September 26, 2007 and Building Elevations, Sheet A-2 dated September 19, 2007.

Prior to the chairman signing the site plan mylars the following modifications shall be made:

1. Class A-2 Survey of the property shall be added to the plan sheets.
2. All curbing shall be constructed of concrete.
3. Maximum height of light standard fixtures shall not exceed 17 feet. The Commission reserves the right to direct the property owner to modify light glare onto adjacent residential property if it determines it to be a nuisance.
4. Pylon sign approval shall require separate Special Exception application and approval from the Commission.
5. The mechanical equipment screening enclosure on the roof shall be changed to gray to match shingle colors.
6. The applicant's engineer shall provide the Town Engineer with "Rational Method" drainage calculations report.

7. Prior to the issuance of the Certificate of Occupancy the property owner shall enter into an agreement with the Town for use of the Town's drainage system.
8. Prior to issuance of the Certificate of Occupancy the applicant's engineer shall certify to the Town Engineer that the drainage system has been constructed in accordance with the approved plan.
9. The Commission agrees to waive the buffer along the west property boundary finding that the applicant has demonstrated the recording of parking easement of 20 foot width (Volume 222 page 31) which predates the Zoning Regulations requirement for the buffer at this location. As discussed at the Commission's September 26, 2007 meeting the edge of concrete curb shall be set 4 feet off the property boundary and 16 foot parking spaces provided.
10. The Commission agrees to waive the buffer along the north property boundary from 25 feet to 12.5 feet finding that the new site plan provides a buffer where no buffer is present now and sufficient landscape plantings will be installed.

The motion was seconded by Commissioner Kornichuk.

Chairman Camilli: I think this is pretty comprehensive. You did a good job.

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

Chairman Camilli: Motion passes.

C. PETITION 40-07 129 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 3.11.6 Food Service, B-Business District. Public Hearing closed September 26, 2007. Sixty five day decision period ends November 29, 2007.

Commissioner Schatz moved that PETITION 40-07 129 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 3.11.6 Food Service, B-Business District be approved with the following conditions:

1. No tables or seating is permitted. This food service use is for take out only.
2. The food service co-brand area shall be limited to approximately 1,300 sq. ft. as shown on Conceptual Floor Plan, Sheet A-1.
3. Change in the size of operation of the co-brand take out food service may require modification of this Special Exception approval as determined by the Town Planner.

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

Chairman Camilli: I think we just kept this generic and if there is a significant change then they would have to come back before us.

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

Chairman Camilli: Motion passes.

D. PETITION 43-07 – 2686 Berlin Turnpike, OFI Furniture, 2686 Berlin Turnpike, LLC owner PDS Engineering and Construction, 107 Old Windsor Road, Bloomfield, CT 06002 attention Frank Borawski, request for Special Exception Section 3.15.6 Place of Recreation, shooting range, PD Zone. Public hearing closed September 26, 2007. Sixty five day decision period ends November 29, 2007.

Commissioner Ancona moved that Petition 43-07 2686 Berlin Turnpike, OFI Furniture, 2686 Berlin Turnpike, LLC owner PDS Engineering and Construction, 107 Old Windsor Road, Bloomfield, CT 06002 attention Frank Borawski, request for Special Exception Section 3.15.6 Place of Recreation, shooting range, PD Zone be approved based on the proposed floor plan layout showing an indoor shooting range with eight (8) stations, Sheet A-100 dated 8-7-2007.

The Commission finds that the applicant has adequately explained the operations and management practices that will be implemented for this recreational space and the site's layout will accommodate the parking associated with this use.

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

E. PETITION 44-07 - 2686 Berlin Turnpike, OFI Furniture, 2686 Berlin Turnpike, LLC owner PDS Engineering and Construction, 107 Old Windsor Road, Bloomfield CT 06002 attention Frank Borawski, request for Site Plan 14, 518 sq. ft. building, PD Zone. Sixty five day decision period ends November 29, 2007.

Commissioner Cariseo moved that Petition 44-07 2686 Berlin Turnpike, OFI Furniture, 2686 Berlin Turnpike, LLC owner PDS Engineering and Construction, 107 Old Windsor Road, Bloomfield CT 06002 attention Frank Borawski, request for Site Plan 14, 518 sq. ft. building PD Zone be approved based on site plans entitled "Hoffman's Gun Center" prepared by PDS Engineering and Construction revised dated 9-18-07; and Proposed Building Elevations, dated 8-7-2007, Sheet A-200.

Prior to the chairman signing the site plan mylar Sheet C-101 shall be modified to show limit of concrete curbing at driveway entrance and add note and label "Relocate Electrical Service Underground."

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

Chairman Camilli: Motion passes unanimously.
I need a motion to add to the agenda the Rockledge Drive Bond Release.

Commissioner Fox: So move.

Commissioner Kornichuk: I'll second it.

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

**Rockledge Drive
Premier Building & Development
Site Bond Release – Revised Motion**

Commissioner Kornichuk moved that the Site Bond of \$5,000 for completion of lawn along the slopes of the detention basin at 23 Rockledge Drive not be released at this time and that the approved release of this bond, voted at the TPZ's September 26, 2007 meeting, be rescinded until the property owner at 23 Rockledge Drive notifies the Town Engineer that the work is complete and acceptable.

The motion was seconded by Commissioner Cariseo.

Chairman Camilli: I think this is self explanatory.

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

Chairman Camilli: Motion passes unanimously.

VIII. PETITIONS FOR SCHEDULING (TPZ October 24, 2007 and November 14, 2007.)

- A. PETITION 47-07 – 240 Culver Street JS Culver Street, LLC, 2175 Berlin Turnpike, Newington CT 06111 owner and applicant, attention John Scelza, request for six (6) lot subdivision R-20 Zone. Schedule for public hearing November 14, 2007.

Chairman Camilli: Ed, do you want to go.....that's the Culver Street.

Ed Meehan: That's Culver Street, the former Jascut property. Application has come in, it's a very tough site, I mentioned to the Chairman earlier today it might be a site as you get closer to that proposed public hearing date that a field walk, any time that is convenient for the Commissioners, when it is daylight, go up and walk around because that is a road that is going to go from Rockledge over to Shady Hill. It's a tough part of the terrain down there.

Chairman Camilli: You know, that's Rockledge, on the hill there, so it's a tough spot. That is why the Planner is recommending a site walk.

Ed Meehan: Actually three other petitions came in after the agenda went out, one is for Fountain Pointe, just to, they want to change the location of their fountain and put up a ground sign. The other one is for the Gospel Church up on Cedar Mountain, Cedar Street, and I forget the third one, minor applications, no big project right now.

IX. PUBLIC PARTICIPATION
(For items not on agenda)

None.

X. REMARKS BY COMMISSIONERS

Chairman Camilli: I'm going to throw something out to the Commission. I think, I don't want to make this political, I want you to think over the next two weeks whether or not we want to revisit the accessory apartments. If it is something that the Commission wants to revisit perfectly okay with me. I have one vote. If the people who are here, as a matter of fact, I'm not going to be here for the next meeting, but if the people here vote to have, you want to revisit the accessory apartments at that time, then you can take a vote and whoever is here, I would recommend that

you take a vote and find out if the people who are sitting, if they want to revisit the issue, they can. I mean, I think there has been enough of a hue and cry and the Mayor has taken enough time to come in, I mean, I can respect that. Obviously there are two sides to the issue. I'm somewhat ambivalent, however you go, you go. I mean, we can advertise it again and see what we get from the seniors this time. If we get more input, may come up with reasons other than what we have stated on the record from the previous time, it's not a fait accompli either way that it is going to be voted down again, or we're going to do it with modifications or whatever, but whatever the Commission members want to do would be okay with me. So, I would like to do this, so the next meeting is the 24th, and then, at that point we will just, at that point, whoever is here will decide whether or not you want to hear it. So it's not changing anything, it's just a question of hearing, because it would have to go back out to public hearing and we'll see how it goes, so it will be up to the Commission members. I won't be here, and I can't leave a vote here, so, I can't call it in. I would like to just move it along, whoever is here, the way we evolved the last time, we just evolved that way and whoever is here at that next meeting, if you get the votes to revisit it, you revisit it, and if you don't get the votes, it's not. So, okay.....

Commissioner Ancona: I would like to thank the Chairman for presenting that. I think that is a very honorable position to take on your part. I know where you stand on it, and you know where I stand on it, and I'm sorry for getting a little edgy there. That was out of place for me.

Chairman Camilli: First of all, he asked to suspend the rules, I didn't suspend the rules and I chair the meeting and secondly, as I said afterwards, as a member, he can talk as long as he wants, I wasn't going to cut him off.

Commissioner Ancona: And I just want to say that I think that is a good place to start for this, I too have gotten an incredible number of phone calls, I'm an alternate and I'm getting phone calls on this thing. I think it is something that I really believe that we should look at, and I think we are exposed to a certain degree of litigation as a result of what this Commission has done, I really believe so.

Chairman Camilli: Well, that's questionable, well, you're a lawyer, but I think it is within our judicial province to do.

Commissioner Schatz: Number one, these people must not have my telephone number, but I would like to do it personally when the whole group is here. You know what I mean?

Chairman Camilli: Yeah, I sort of agree with that, but you know, I don't know how long we want to keep this.....

Commissioner Kornichuk: But what's two more weeks? If everybody is going to be here in a month, then, like he said....

Chairman Camilli: That's fine, if you want to wait till I get back....

Commissioner Kornichuk: Let's do it in a month, two weeks isn't going to make or break....

Chairman Camilli: What I would like though, before the Commission changes, I would like this whole Commission, the people who sat and made the decision, make the decision of whether or not it should be revisited. We know where.....

Commissioner Kornichuk: Then we have to revisit it, because some of them are up....

Chairman Camilli: I know that, so that's why, so that may not be able to happen, but, and that's unfortunate because in other words, it would be up to the people who voted the way that they did, I kind of went through it again tonight, but I it's an opinion, and we don't operate on God's , you know, we got some divine inspiration on this, we reacted to the public. We didn't get any reaction from the seniors, what we did was get reaction from the public who were incensed that their neighborhoods were being violated by making two family houses in a single family neighborhood and I think we tried to protect that. Now, you can buy it or not, but it's why, I think and it's like I said at the last meeting, you know, there was no gun held to anybody's head to vote the way that you voted. We just, we could have agreed to disagree on it, but that's America.

Commissioner Schatz: I think this could be a double edged sword too, when you revisit it, okay, is put some teeth in the, you know, not having it be somehow not being a two family house. In other words put some better teeth than what we have, which I don't know the answer to.

Chairman Camilli: Well, I discussed, I don't know if this is the time to bring it up.....

Ed Meehan: Probably not.

Chairman Camilli: Probably not. Because we want to get the public in here, and I don't want to prejudge it. I mean, we could make modifications, I wanted to get from the Mayor, well he said, you could make modifications, and tighten it up, but you know, it's easier said than done. He didn't have any answers. I was waiting to say, how can you tighten this up so it's not a two family. I mean, that's our concern, it's like, it's political. We've all been around the horn a few times and say, you know, you're against motherhood, apple pie and accessory apartments, you know.

Commissioner Schatz: This letter from our attorney, and I read it, a couple of times, and I understand it, but the aggravating part, to me is back when we did the Volvo Company, the Council had prejudged that before we even voted on it. That's not right.

Chairman Camilli: There's always, you know, just, maybe I can clarify that a little bit. What the Mayor and Council people do, whether it was this mayor or the former mayor, they are people who represent the town, like trying to get these businesses into the town for taxes, which is a good thing, and there is nothing wrong with that, when you say that it is prejudged. They still had to go through the process, and if we wanted to do something, you know, to make them put this here, or do whatever, the site plan, or whatever, they don't have a vote, as the Mayor said. They are ex-officio members, so they still have to come to us, and we're the ones that have that power, to either approve or disapprove. Now, that was, as I remember rather a clean operation so the people were on and they said, we want you to come into our town. Like Stew Leonards, I wasn't here, Stew Leonard's went just like that. If it's a good application, and if it's good for Newington, you know, and they do their homework, as you can tell what happened tonight as you can tell what happened tonight, we had no homework done on this application. I mean the poor kid was you know, he was, it's like we're drilling him, why are you giving this poor kid a hard time, I mean, it's because he wasn't prepared.

Commissioner Schatz: I agree with that, that we want businesses to come into town, to help us with our tax base. The problem that I had with the whole thing is that, the very night we were meeting, it was in the paper that this was happening. So that very night.

Chairman Camilli: That it was approved?

Commissioner Schatz: No, no, not that it was approved but that the Council had more or less gave it it's blessing, and the New Britain Herald picked up on it.

Ed Meehan: The Council may have been ahead of themselves a little bit because their role would have been, and was in this case, to approve the tax adjustment two year, five year tax adjustment which is permitted per statute, and they can't do that until the land use approvals are in place. So, and the Assessor rendered his report as to the impact on the grand list.

Commissioner Schatz: I read it as, you know it's....

Chairman Camilli: Well, we've run across that over the course of the years, the Mayor is glad handing, or someone is saying, we want you to come in, don't worry about it, it will get approved, but they don't have a vote.

Ed Meehan: There are organizations both political and non political that jump ahead of the land use decisions for whatever reason and it puts you in an uncomfortable position because, as the Chairman said, you are trying to make the site safe, functional and cross all the t's and dot the i's, and you look like the bad guys, but that is the process. They're out of line with the process, not you.

Commissioner Schatz: And that night, as I remember, there was no opposition to that petition at all, and it's right next to the apartments, which I thought maybe there would be.

Chairman Camilli: Well, you heard the Mayor complain about that too. You know, when you get those notifications people don't come out unless it's really close to their hearts. Kind of like tonight, these people on Berkley Circle, when it's close to them, then they come out. And that is what happens in all of our cases.

Commissioner Fox: If they were one block down on Clarendon Terrace, they probably wouldn't have been here.

Chairman Camilli: Exactly. You can't really blame the people, it's....

Commissioner Fox: No, they hear auto use, they hear all the air guns and everything.

Chairman Camilli: As I have said to Mr. Meehan many times, I just want to try to stay ahead of the curve. As we get people in, and they plead with us, you know, what can we do, as you know, some people want us to adjudicate and it's very difficult. So, just so I can clarify, so you don't want to do it at the next meeting or you do want to do it at the next meeting?

Commissioner Cariseo: No, wait for you to come back, we'll have the full.....

Chairman Camilli: Well, we're going to have a different.....

Commissioner Fox: Are we deciding whether we are going to re-open it and when we are going to re-open?

Chairman Camilli: I thought we could decide at the next meeting, but I'm not going to be here, I don't know who is going to be here. We're never probably going to get, no, I shouldn't say that. Do you want to hold it for two meetings? Whatever the Commission wants, I mean, I'm not in any hurry.....

Commissioner Kornichuk: I only said that because Commissioner Schatz said that he would prefer everybody that was a seated member, be here.

Commissioner Schatz: But if that, to get the ball rolling, we could take a consensus.....

Chairman Camilli: Well, we may have a different complexion, when do the new members come on? Because I know that Commissioner Ganley's term....

Commissioner Cariseo: December.

Commissioner Fox: December, right.

Ed Meehan: Well it depends how fast the Council gets to appoint, but the term is officially up the end of November. Then, if they make their appointments, it would be your first meeting in December. If the members are not reappointed they continue to serve until they are reappointed.

Chairman Camilli: Okay, so I will be here the following meeting, which will be November 14th.

Commissioner Fox: I'd rather wait till then.

Commissioner Cariseo: Yeah.

Chairman Camilli: Okay, so that means you can talk, or contemplate or get more, people can say we are thinking of re-visiting it, that's the best thing I can do at this point, and then the Commission will make their decision whether they want to revisit it, or not. It's fine with me, I have no problem, if we get the input from the public, that's good. Okay, so we will leave it then, until the 14th.

Ed Meehan: Do you want me to list it under Remarks by Commissioners.

Chairman Camilli: Yes, you can actually put it on there in case you know that we are going to consider re-opening, the re-consideration of accessory apartments which would be after the politics, the election will be over, so we are not doing anything....

Commissioner Fox: In this way, we are not even deciding until after....

Chairman Camilli: Right, if the Commissioners decide that they don't want to, well then it's dead again. It stays as it is, so it will be up to the people who come in to try to convince those that voted not to have accessory apartments, to see if they can change their minds.

Ed Meehan: It wouldn't be voted on if you go forward, until the New Year anyway. The referral to CRCOG, the thirty day process, you have to get that procedure out of the way.

Chairman Camilli: You know, as I said, that was one of the things that bothered me, that like they got blindsided on this. This thing went on and on and on.

Commissioner Fox: Speaking of CRCOG, as our representative to CRCOG, you know, I haven't been able to get to a meeting in a few months, so, that is why I haven't had anything to say about it.

XI. STAFF REPORT

- A. 2525 Berlin Turnpike – Doogie’s Restaurant, request for one (1) day special event “Hot Dog Eating Contest”, October 28, 2007.

Ed Meehan: There is an e-mail that you all have in front of you, explaining what the owner over there, Rock, wants to do. I have some reservations and I want to explain why I have reservations. The Commission has routinely permitted businesses to do promotions on their own site, for the business that they trade in. You know, Tweeters doing a sound promotion, or Bernie’s doing something, so I suppose Rock promoting a hot dog eating contest on his property would be a promotion of his business and he wants to sponsor the Humane Society as a non-profit, but you read his e-mail, he is also talking about vendors coming on his property, possibly Ruth-Chris and the property to the south, as a flea market. You know, he didn’t have details as to how many vendors may show up, how he is going to organize, how he is going to park them, but that gets to be problematical in the sense for safety, and then second, I think we are opening ourselves up to the possibility of other businesses saying, I want to promote you know, my washer and dryer sales this week, but also I’m going to have, invite everybody in to do a flea market, which becomes somewhat uncontrollable. So I would just suggest and recommend to the Commission that if this is some feedback that you want to give him, is limit it to his particular event relating to his business, which is food service and not have an outdoor flea market on his parking lot. The neighbor to the south, Emerson, that’s the military supply, George Emerson already stopped in and said he was not going to have anybody on this property, for various reasons. I have not heard from Ruth-Chris so, they want to do it the 28th, and you don’t meet again until the 24th, and I told Doogie that I would give him some lead time on how he is going to organize this.

Chairman Camilli: Well, you heard from the Planner, I would take his suggestion, myself, but....

Commissioner Kornichuk: Don’t we already have some kind of event going on, you know, in town, flea market.

Ed Meehan: You have a legitimate on-going.....

Commissioner Kornichuk: Why would we want another one to take away from something that we had approved.

Ed Meehan: Well, that’s another angle.

Commissioner Kornichuk: We’ve already given permission for one.

Ed Meehan: And they come under your regulations as a legitimate local non-profit that can get a Special Exception for ten days a year. That’s how they have operated for years in Newington. This, I think you are going to cause some problems for yourself now and down the road.

Chairman Camilli: Are you recommending that they could have the hot dog eating contest?

Ed Meehan: Do the hot dog eating contest, promote that on his site, but don’t invite itinerant flea market people to set up their booths.

Chairman Camilli: So, do you want to give them that direction, that’s okay with me. Okay?

Commissioner Cariseo: Yes.

Commissioner Kornichuk: Fine with me

Chairman Camilli: Just a hot dog eating contest.

Commissioner Fox: Me too.

Commissioner Schatz: Okay.

Commissioner Ancona: I like the flea market with it, I think two of them in town at the same time draws even more people. You know, you never see one gas station on a corner, you see two.

Chairman Camilli: Well, you got outvoted five to one, so the direction is, just hot dogs as recommended by the Town Planner.

Ed Meehan: Just two quick things, Bob mentioned the opinion from Steve Nassau, I have a letter for the Chairman from the Town Engineer just notifying the Commission that the Town of Newington has been awarded grant money to do resurfacing on Christian Lane and Kelsey Street, almost 2900 linear feet of re-pavement will be done, about \$753,000, the Town will pay twenty percent of that. The Town Council talked about this last night and will vote on it at their second meeting in October.

I'm attending an open space grant dedication tomorrow, DEP's annual open space awards. They won't tell us if we have been awarded, or for how much, but in talking to some of the staff up at DEP they basically say, you haven't been invited because you didn't get a grant. This would probably be related to Cedar Mountain.

Chairman Camilli: Oh that's good.

Commissioner Fox: Excellent.

Ed Meehan: So we will keep our fingers crossed on that.

Okay, last thing, 57 Church Street, Commission on Human Rights and Opportunities, and the court case in Superior Court moves on, I'm sitting with Attorney Steve Nassau and Dave Griffith tomorrow, I'm going to be deposed, and we are getting ready to do that, so that's for the CHRO side of it. They will also use that information probably for the Superior Court appeal, so as far as any depositions of Commission members, I haven't heard anything in that regard yet.

Chairman Camilli: The only thing, I just looked at that letter, I didn't even know it was here, from Steve Nassau. Could you notify the Council and the Senior and Disabled Commission that we are going to reconsider this so that way there.....

Ed Meehan: That you've scheduled it for the 14th.

Chairman Camilli: And the reason for the 14th, is that we are trying to get all the members here. I just think notification would, they don't have to do anything, they can come when we have our public hearings on it, they can come in and testify. They didn't come in at all. That's why I said, I give credit to Cathy Hall and the Mayor.

Commissioner Fox: They showed interest.

Ed Meehan: I have the mylars for Deming Farm for the Chairman's signature, that is moving forward. All the mylars for Hunter's development have been submitted, the Charley Lowe piece. We hear through the grapevine from our compatriots at ConnDot, traffic engineering that they have started to re-discuss that project down at ConnDot.

Chairman Camilli: We'll see where it goes.

Commissioner Ancona: One last thing that I forget, somebody asked me to ask, about the corner of Church Street, some church, what the deal is with that, I've got people concerned about kids falling in, and stuff like that.

Ed Meehan: The church ran out of money or ran out of volunteers, or both.

Chairman Camilli: I heard that the pastor died, that's what I heard, now I don't know if that is true or not, and there are probably a lot of other issues.

Ed Meehan: There was a architect in yesterday meeting with Pete Hobbs, the building inspector about that issue, of an open cellar hole and also the issue that the building department has that the foundation has been exposed to the weather. They are going to do some modifications to verify the foundation. They have to change some of the grading because of location of HVAC units on the ground on Pane Road, and basically they were told by myself and the town engineer when they changed the grading, they have to screen these HVAC units because originally they were going to be all screened and when they get those plans ready to come back in, if it warrants site plan modification by this board, we'll bring it back. The architect says they think they can get back onto the site, weather permitting to get working on it, late November.

Chairman Camilli: There's also a problem, across the street from CITGO. They started there...

Ed Meehan: They took the equipment away....

Commissioner Fox: I think I saw a backhoe there today. It was there the other day then they took it away, brought it back, they moved some stuff around and....

Ed Meehan: There was asbestos remediation, I know that one of the building inspectors went over because the plastic which they put over the door and window got cut, probably some kids were in there or something.

Commissioner Fox: So they have to go through some type of remediation.

Ed Meehan: The building technically is a blighted building right now, it's not occupied....

Commissioner Fox: That reminds me of another question. Faith Court. All those trees.

Ed Meehan: Don't know why they cut them down, I don't know what was going on there. I went down there the other night, was going down, they're probably thirty years old, forty years old.

Commissioner Fox: Yeah, they have the stumps marked, so I guess they are going to be stumping them, but did they indicate that they are going to replace them, because, that's way before my time, I don't know what the....

Ed Meehan: I don't know the history on that.

Commissioner Fox: We don't know if that was in the site plan, or what.

Ed Meehan: It probably was on their site plan as buffer because right across the street, Ridgeview, and Salem Village all have evergreens. They may have gotten so over large because of the buildings and the maintenance they had to take them down.

Commissioner Fox: Well, I'll admit, they didn't look that great but....

Ed Meehan: I can talk to the property manager and find out. If they are going to replace them, they have got to stump them pretty quick, well not quick, for evergreen's you've got another month to get evergreens back in.

Chairman Camilli: I think there is a similar situation on the Berlin Turnpike at Burger King. They had trees there that they took down, and I don't know if they were originally on the site plan too, and that was a question that you and I discussed.

Ed Meehan: That is the green space issue.

Chairman Camilli: Whether or not after it's approved and we have a buffer, and the buffer is put in, then five years later or so, down go the trees and what recourse do we have?

Commissioner Ancona: Then I've got another question. I got another call this week, when that happens, or when this Commission approves a site plan and on the plan it says, I don't know, a tree that is this big....

Chairman Camilli: Caliper.

Commissioner Ancona: And they go in with two inch, what happens?

Chairman Camilli: That's the building department.

Ed Meehan: Well, that's also part of the bonding. When the site is, if they are looking for a certificate of occupancy, and the site isn't complete, they are required to bond for the unfinished work. Whatever they have on their landscape schedule, minimum is usually two and a half inch caliper and they are supposed to put that in. Now we don't go out and measure everything but if it's a twig, we're not going to give them credit for it. We have one developer in the town that does subdivisions that if they are as big as this, you're lucky.

Commissioner Fox: In other words, we want trees, not saplings.

Commissioner Ancona: So a four to a three wouldn't be enough of a, or a four to a two, would that be enough, just so I can answer that question.

Ed Meehan: I would say anything a two or above would be great.

Commissioner Ancona: Okay.

Ed Meehan: And it depends where you measure it, some landscape architects measure at what we call breast height, depends how tall you are. Others measure it six inches above the root ball. But if you get down about one inch, it's not worth it.

Commissioner Fox: You were talking about Burger King. Wasn't that Shaw's, when they redid Shaw's, they wound up cutting down a whole bunch of trees?

Ed Meehan: No, what Vinnie is talking about, in Burger King parking lot there was islands and there were large maples, probably ten, twelve inches. First they put new lighting in, and the lighting wasn't effective because the trees were so big, so then they cut the trees down. The quantity of green space, the ten percent, island space remained the same. So, if they had taken the islands out, then they would have been in violation of the green space.

Commissioner Fox: Yeah, but all they did was take the trees out. You still have the green space. So they are still fine.

Chairman Camilli: The site plan approval didn't have the trees there? That's really the question.

Ed Meehan: I don't know. Would have to go back and pull that site plan, if I could find it, Burger King was.....

Chairman Camilli: We went around and around on that because all of a sudden there was all this clear, just like this other place, all of a sudden it's wide open and you wonder how that happened.

Ed Meehan: Southfield, I don't know if anybody had a site plan, that was probably built before....

Commissioner Fox: I think that was built in the early 70's.

Ed Meehan: I can find out if they are going to replant.

XII. ADJOURNMENT

Commissioner Fox moved to adjourn the meeting. The motion was seconded by Commissioner Cariseo. The meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary