



TOWN PLAN AND ZONING COMMISSION

PUBLIC HEARING AND REGULAR MEETING

Monday, September 22, 2014

Town Hall Conference Room L-101, Lower Level

131 Cedar Street, Newington, CT 06111

7:00 p.m.

REVISED AGENDA

I. ROLL CALL AND SEATING OF ALTERNATES

II. APPROVAL OF AGENDA

III. PUBLIC HEARINGS

- a. Petition #44-14: Special Exception (Section 6.15.6: Health Club) at 37 Ann Street.
37 Ann Street LLC, owner; CT Workout, applicant; Benjamin Petitpas, 85 Market Square,
Newington CT, contact.

IV. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to 2 minutes)

V. REMARKS BY COMMISSIONERS

VI. MINUTES:

- a. September 10, 2014

VII. NEW BUSINESS

VIII. OLD BUSINESS

- a. Petition #30-14: Special Exception (Section 3.15.4: Drive-through Restaurant) at 3120 Berlin Turnpike ("Panera"). Norr Architects, applicant; Newington VF LLC, owner; Bryan Slonski, 325 N. LaSalle Street Suite 500, Chicago IL, contact.
- b. Petition #31-14: Site Plan Approval (Drive-through Restaurant) at 3120 Berlin Turnpike ("Panera"). Norr Architects, applicant; Newington VF LLC, owner; Bryan Slonski, 325 N. LaSalle Street Suite 500, Chicago IL, contact.

IX. PETITIONS FOR PUBLIC HEARING SCHEDULING

RECEIVED & RECORDED IN
NEWINGTON LAND RECORDS

2014 SEP 18 PM 3: 53

BY *Tanya D. Lane*
TOWN CLERK

X. TOWN ATTORNEY JOHN BRADLEY Q&A SESSION

XI. TOWN PLANNER REPORT

- a. Town Planner Report for September 22, 2014

XII. COMMUNICATIONS

- a. Letter from Town of Wethersfield re 9/16/2014 public hearing on proposed two-lot subdivision at 1943 Berlin Turnpike (Russell Road).
- b. Email from Jeffrey Zelek re Petition #25-14: Zone Change (Industrial to PD) at 16 Fenn Road.

XIII. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to 2 minutes)

XIV. REMARKS BY COMMISSIONERS

XV. CLOSING REMARKS BY THE CHAIRMAN

XVI. ADJOURN

Submitted,

A handwritten signature in black ink, appearing to read "Craig Minor", written over a horizontal line.

Craig Minor, AICP
Town Planner

Ct# 1016

Petition # 44-14



TOWN OF NEWINGTON
TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM

LOCATION OF PROPERTY: 37 Ann Street ZONE: ~~PID~~ PID
APPLICANT: CT-WORKOUT TELEPHONE: 860 639-7338
ADDRESS: 85 Market Square, Newington CT EMAIL: ben@ctworkout.com
CONTACT PERSON: Ben Petitpas TELEPHONE: _____
ADDRESS: 130 Buttercut lane, Kensington, CT 06037 EMAIL: _____
OWNER OF RECORD: 37 Ann Street, LLC. - Barry Lustig

THIS APPLICATION IS FOR (CHECK ONE OF THE FOLLOWING):

- Zoning Map Change from the _____ to the _____ Zone (Public Hearing required).
- Zoning Text Amendment to Section _____. A copy of the proposed amendment and the reason for amendment is attached (Public Hearing required).
- Subdivision
- Resubdivision (Public Hearing required).
- Special Exception per Section 3.15.6 of the Zoning Regulations. Explanation of the proposed activity is attached (Public Hearing required).
- Site Plan Approval or Modification
- Other (describe in detail, or attach): _____

SIGNATURE:

 APPLICANT	<u>8/1/14</u> DATE	 OWNER	<u>7/16/14</u> DATE
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COMPLETE APPLICATIONS SUBMITTED TEN DAYS BEFORE THE NEXT TPZ MEETING WILL BE PUT ON THE AGENDA. A COMPLETE APPLICATION INCLUDES THE APPLICATION FEE, TWELVE SETS OF PLANS (IF APPROPRIATE) AND A SEPARATE NARRATIVE EXPLANATION OF THE PETITION (IF APPROPRIATE).

NOTE:
PROPERTIES LOCATED IN THE NEWINGTON INDUSTRIAL PARKS (BUDNEY ROAD, PROGRESS CIRCLE, ROCKWELL ROAD, HOLLAND DRIVE AND PANE ROAD) ARE SUBJECT TO THE REGULATIONS, COVENANTS AND RESTRICTIONS OF THE NEWINGTON ECONOMIC DEVELOPMENT COMMISSION. APPLICANTS PROPOSING TO BUILD, MODIFY EXISTING SITE PLANS, CHANGE OR ADD TO BUILDING ELEVATIONS OR PLACE SIGNAGE ON THE PROPERTY ARE RESPONSIBLE FOR SECURING THE NECESSARY APPROVALS FROM THE ECONOMIC DEVELOPMENT COMMISSION PRIOR TO INITIATING THE WORK.

August 8, 2014

To Whom It May Concern;

The name of our business is BP Fitness Coaching, LLC DBA CT Workout.

We are currently located at 85 Market Square, Newington CT 06111. Our business is based on personal and group fitness training programs.

We have three main programs that we offer:

Group Training – In this program we focus on helping individuals lose fat, build muscle, to enhance overall health and well being. The group size is 8 to 12 people.

Semi Private Training – This program helps individuals reach their health and fitness goals through personalized programming and nutrition. The group size is 1 to 6 people.

Personal Training – This program is a custom program where the client works one on one with a personal trainer to achieve their goals.

We have been at the 85 Market Square location since March 2010. We are looking to expand our facility by relocating to 37 Ann Street, Newington CT 06111. Moving to this location will allow us to reach our next level of business growth.

Committed to your Success,



Benjamin Petitpas, CSCS, CPT

CT Workout
85 Market Square
Newington, CT 06111
(860) 639-7338

Minor, Craig

From: CT Workout [ben@ctworkout.com]
Sent: Thursday, August 21, 2014 3:31 PM
To: Minor, Craig
Subject: RE: CT Workout at 37 Ann Street

Hi Craig,

The space located at 37 Ann St. is the roughly 7,100 s.f. retail space

The maximum customers and employees at peak hours will be roughly 20-30 people max.

Let me know if there is anything else you need from me.

Committed to your success,

Benjamin Petitpas, CSCS, CPT
CT Workout

85 Market Square
Newington, CT 06111
(860) 639-7339
ben@ctworkout.com
www.ctworkout.com

----- Original Message -----

Subject: CT Workout at 37 Ann Street
From: "Minor, Craig" <CMinor@NewingtonCT.Gov>
Date: Tue, August 19, 2014 9:33 am
To: "ben@ctworkout.com" <ben@ctworkout.com>

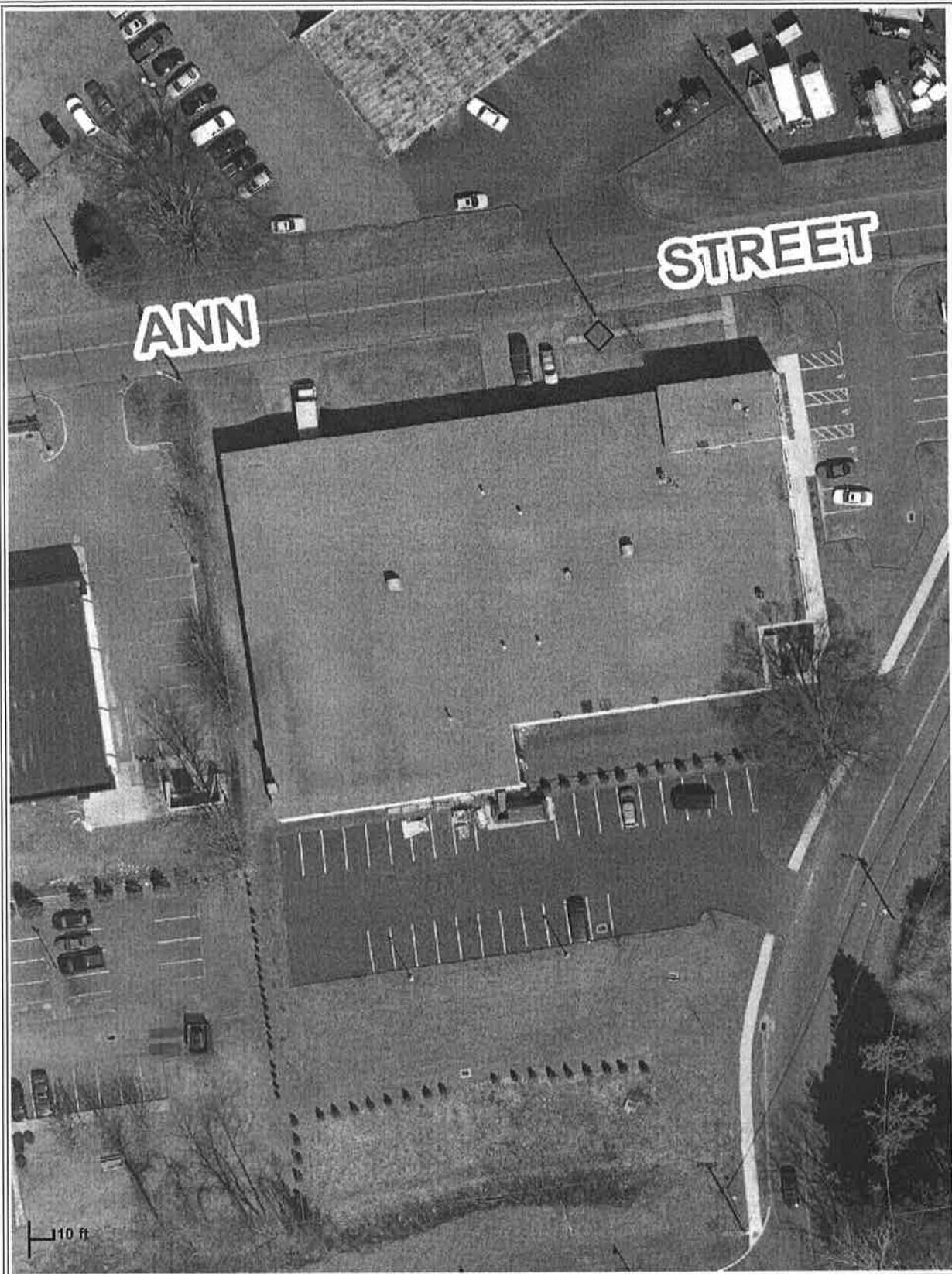
Ben:

I received your TPZ application, and I need to know how much of the building you plan to use. I have an old floor plan that shows the building divided into three areas: retail space (7,900 s.f.), storage space (5,940 s.f.) and warehouse (12,600). Do you intend to occupy one of these spaces?

I also need to know, approximately, the maximum number of customers and employees you anticipate having at the peak hour.

Thanks.

- Craig Minor, AICP



Markup Line



Markup Polygon



Neighboring Towns



Parcels



2009 Color Aerial Photo

Red: Band_1

Green: Band_2

Blue: Band_3

110 ft



DISCLAIMER: Every reasonable effort has been made to assure the information provided on the GIS map and data is current, accurate and complete. However, the GIS database and the maps themselves are subject to constant change and the accuracy and completeness cannot be and is not guaranteed. Independent verification of all data contained herein should be obtained. The data presented on this page is not legally binding on the Town of Newington or any of its departments. This map and the associated data are REPRESENTATIONS ONLY and may contain errors in the databases. Therefore, the information presented on this page is for informational purposes only and should not be construed to be legally binding. The Town of Newington shall not be liable for any loss, damages or claims that arise out of the user's access to, or use of the map, documents and data provided.



Thu Mar 6 16:21:43

EST 2014

STAFF REPORT
Health Club at 37 Ann Street

September 17, 2014

Petition #44-14

Special Exception (Section 6.15.6: Health Club)

37 Ann Street

**37 Ann Street LLC, owner; CT Workout, applicant; Benjamin Petitpas,
85 Market Square, Newington CT, contact.**

Description of Petition #44-14

The applicant currently operates a health club at 85 Market Square. He would like to move the business to the partially-vacant building at 37 Ann Street.

Staff Comments

"Health Club" is allowed by special exception in the PD zone.

According to the 2007 site plan on file for this property, the building is divided into three spaces: 5,940 sf of "storage space", 12,600 sf of "warehouse space", and 7,900 sf of "retail space". The applicants would like to occupy the "retail space". My understanding is that the whole building is currently vacant.

The site plan shows 43 parking spaces, and 20 "deferred" spaces to be built later if required by some future use. Apparently the owner in 2007 was able to convince TPZ that his proposed furniture business would not need the 7 spaces per 1,000 sf of floor area required by the zoning regulations, and so TPZ agreed to let them defer the construction of 20 spaces.

"Theaters, places of assembly, amusements, recreation and education" require one parking space per three occupants based on the Fire Marshal's rating. The current applicant says that he anticipates a maximum of thirty persons (customers and staff) at the peak hour, so the required number of parking spaces is ten.

cc:
Benjamin Petitpas
file

STAFF REPORT
Special Exception for Drive-Through Lane at 3120 Berlin Turnpike

September 17, 2014

Petition #30-14:

Special Exception (Section 3.15.4: Drive-through Restaurant)

3120 Berlin Turnpike (“Panera”).

Norr Architects, applicant; Bryan Slonski, 325 N. LaSalle Street Suite 500, Chicago IL, contact.

Description of Petition #30-14:

The applicant would like to create a drive-through lane on the site of the existing “Panera” restaurant. Restaurants with drive-through lanes are allowed by special exception per Section 3.15.4 of the zoning regulations.

Staff Comments:

I have asked Jeff Lebeau, Panera’s consulting engineer, if his clients intend to withdraw their application. He told me that he would ask them, but as of this writing I have not gotten an answer.

cc:
file

STAFF REPORT
Site Plan Approval for Drive-Through Lane at 3120 Berlin Turnpike

September 17, 2014

Petition #31-14:

Site Plan Approval (Drive-through Lane)

3120 Berlin Turnpike (“Panera”).

Norr Architects, applicant; Bryan Slonski, 325 N. LaSalle Street Suite 500, Chicago IL, contact.

Description of Petition #31-14:

The applicant would like to create a drive-through lane for the existing “Panera” restaurant. Restaurants with drive-through lanes are allowed by special exception per Section 3.15.4 of the zoning regulations.

Staff Comments:

See my comments for the Special Exception application.

cc:
file



John Salomone
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Planner

Craig Minor, AICP
Town Planner

Memorandum

To: Town Plan and Zoning Commission
From: Craig Minor, Town Planner *CM*
Date: September 17, 2014
Re: **Town Planner Report of September 22, 2014**

-
1. **Zoning Enforcement Issues Raised at Previous TPZ Meetings:** I have nothing new to report.
 2. **Old Performance Bonds held by Town:** I will have a report at the meeting.
 3. **Newington Junction TOD Planning:** I have nothing new to report.
 4. **Sign Regulations Committee:** The next meeting of the Sign Committee will be on Tuesday, September 30.

cc:
file

Phone: (860) 665-8575 Fax: (860) 665-8577
cminor@newingtonct.gov
www.newingtonct.gov

Town of Wethersfield
505 SILAS DEANE HIGHWAY
WETHERSFIELD, CONNECTICUT 06109



September 5, 2014

Tanya Lane
Newington Town Hall
Town Clerk's Office
131 Cedar Street
Newington, CT 06111

RE: APPLICATION NO. 1835-14-Z 44 Victory Lane, Wethersfield, CT 06109.

Dear Ms. Lane:

The Planning and Zoning Commission of the Town of Wethersfield will hold a public hearing on Tuesday, September 16, 2014 at 505 Silas Deane Highway, in the Town Hall Council Chambers 7 p.m. to consider 1835-14-Z Cedar Mountain Stone & Mulch seeking a two lot subdivision in accordance with Section 143 of the Wethersfield Subdivision Regulations at 1943 Berlin Turnpike.

If you have any questions please feel free to contact me at (860) 721-2837.

Sincerely,

TOWN OF WETHERSFIELD
PLANNING AND ZONING COMMISSION

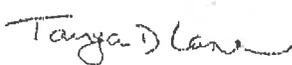

Denise Bradley, Assistant Planner

*Date changed
to
October 7.*

CC: Town Manager
Town Planner
Engineering
Building Official

RECEIVED & RECORDED IN
NEWINGTON LAND RECORDS

2014 SEP 11 AM 11:28

BY 
TOWN CLERK

From: jzelek@cox.net
Sent: Friday, September 12, 2014 8:20 PM
To: chall@bhhsne.com
Cc: Salomone, John; Minor, Craig
Subject: **Petition #25-14 Zone Change from Industrial to Planned Development at 16 Fenn Rd**

Dear Madam Chair Cathy Hall:

I believe the TPZ Commission acted in error and possibly illegally at the Sept. 10, 2014 meeting when it acted on Petition #25-14 Zone Change from Industrial to Planned Development at 16 Fenn Rd and approved the request. I arrived to the meeting after the hearing had closed and after public comment and therefore could not comment during the meeting. If you recall I approached you and the Town Planner, Mr. Minor after the meeting regarding this and informed you that in order to approve a zone change to PD an application for site improvement was required to accompany the zone change request. Mr. Minor disagreed with my point stating this was only for a zoning change and no site improvement was required for approval. I politely disagreed but thanked you both for your opinions. I researched my concern and present the following.

At the July 9th TPZ meeting the commission denied without prejudice application #27-14 Site Plan approval Fueling Station 16 Fenn Rd.

At the Aug. 27, 2014 TPZ the applicant withdrew application #26-14 Special Exception Sect. 3.19.4 Fuel Station 16 Fenn Road and the application was never reviewed.

At the Sept 10, 2014 TPZ meeting the commission approved the zoning change with no site development plan accompanying the zoning request as both had been either denied or withdrawn.

Under the TOWN OF NEWINGTON, TOWN PLAN & ZONING COMMISSION, ZONING REGULATIONS Sect 3.18 B "Any application for change to a PD Zone must be accompanied by an application for Site Development Plan approval in accordance with Section 5.3. The Commission will consider both applications simultaneously, within the appropriate public notice and scheduling procedure."

The denial of one site plan and the withdrawal of the other created a situation in which no site development plan was ever presented or reviewed at the public hearing. The commission never reviewed a site plan simultaneously with the application for a zone change. With the denial of one application and the withdrawal of another I cannot comprehend how the commission approved the zoning change request.

This letter is not intended to criticize the commission or its members.

This letter is not intended to be in favor or against the application.

However I do believe in respecting our law and feel the action taken clearly violated section 3.18.B and the illegal action needs to be overturned immediately and the error corrected. The application for zone change should be welcomed for resubmission with the appropriate site development plans.

I believe that legal notice of approval has already been sent for publication. Therefore I formally protest this decision and request you submit it to legal counsel for review and determination of next steps.

I request that this letter forwarded to the commission members and also entered into the public record regarding this application and that it be read verbatim at next TPZ meeting to ensure the public is aware of this error and to allow the commission the opportunity to respond as to how the matter was corrected.

Most Respectfully

Jeffrey Zelek
55 Welles Drive North
Newington CT 06111

CC Craig Minor, Town Planner
John Salomone, Town Manager

From: Minor, Craig
Sent: Monday, September 15, 2014 10:56 AM
To: 'jzelek@cox.net'
Cc: Salomone, John; 'Cathleen Hall'
Subject: RE: Petition #25-14 Zone Change from Industrial to Planned Development at 16 Fenn Rd

Mr. Zelek:

Thank you for your email and your interest in proper procedure.

I believe that TPZ did comply with Section 3.18.2.B.

As you know, the section has two parts: (a) a site plan application must accompany the zone change application, and (b) the TPZ must consider the two applications simultaneously.

The phrase "consider both applications simultaneously" is not defined, but the intent is clear: TPZ wants to know what the applicant intends to do with the land if the zone change gets approved.

In Connecticut zone changes cannot be conditional, so this regulation simply gives the TPZ a "head's up" on what the applicant's ultimate goal is. The applicant can always change his mind after the zone change is approved, or sell the re-zoned property to someone who wants to do something completely different with it.

The TPZ complied with the intent of this regulation, because they were very familiar with the site plan when they voted on the zone change. An identical site plan application had been submitted once before in early 2014 and was the subject of a long review memo from me to TPZ.

Again, thank you for your email.

- Craig Minor, AICP