

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Public Hearing and Regular Meeting

November 12, 2015

Chairman Cathleen Hall called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room L101 in the Newington Town Hall, 131 Cedar Street, Newington, CT.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND SEATING OF ALTERNATES

Commissioners Present

Commissioner Frank Aieta
Commissioner Brian Andrzejewski
Commissioner Michael Camillo
Chairman Cathleen Hall
Commissioner Robert Serra Sr.
Commissioner Stanley Sobieski
Commissioner Anthony Claffey-A

Commissioners Absent

Staff Present

Craig Minor, Town Planner
Michael D'Amato, Assistant Town Planner and ZEO.

Commissioner Claffey was seated for the vacant position created by the resignation of Commissioner Anest.

III. APPROVAL OF AGENDA

Craig Minor: I recommend removing one item, Approval of Minutes for October 14th; I have not finished my review of them.

Chairman Hall: Did everybody have a chance to read the September 24 minutes, which came with the material that we received just today? No?

Craig Minor: Weren't they in the regular agenda packet?

Chairman Hall: No, it was in the special meeting packet and it came today.

Craig Minor: I don't know why it was in the special meeting packet, it should have been in the regular meeting packet.

Chairman Hall: We had the minutes for the special meeting of September 24th in the regular packet. So I think we will not be able to do any of them.

Craig Minor: Okay.

Chairman Hall: Those are the only changes?

Craig Minor: Yes.

IV. ZONING ENFORCEMENT OFFICER REPORT

Mike D'Amato: You mentioned that some of you got the packet late, so I don't know if my report was included in the envelope that you just got. If you have any questions, it's pretty straightforward, nothing really different. Any questions about the report? The other thing I wanted to make you aware of came up at a Town Council meeting. The "New Meadow" housing complex off of Cedar Street, which is the large building in the back. A couple of months ago we were told that the row of arborvitae that were part of the development had been removed. We did some research, and in working with the property management company we found that they had been planted, and died, were replaced and died again, probably because of snow plowing and where they were located, under a existing row of pretty substantial trees. They will be replacing them with a six foot vinyl fence to maintain the buffer between the site and the residence on Welles Drive. The fence will be six feet so they will still get that same level of screening. I have a plan, it's black and white and I can pass it around to show you where they were, and a picture of the fence to be installed. Any questions?

Commissioner Claffey: What about the two items that I sent you in an e-mail, about parking on the grass and the signage.

Mike D'Amato: Yes and hopefully you got my e-mail. I did go out and look at it, and there is actually the same thing on the back of the building, so we did issue a notice on that. The other property on the Turnpike, I was looking at it online, and they don't own the grassed area; it's actually a different parcel. I did send a notice, and they should have it shortly.

Chairman Hall: Anyone else have questions?

Commissioner Serra: One of the businesses on the Berlin Turnpike, Plaza Azteca, has a giant inflatable spider on its roof. I don't think we allow inflatables on the roofs of buildings.

Mike D'Amato: I haven't seen it. I don't know if it is up during the day or just at night, if it's lit up...

Commissioner Serra: It's up during the day, and you can't miss it.

Mike D'Amato: If it's a spider it will hopefully be coming down now that Halloween is over, but if it is a decoration I'm not sure whether the regulations will apply. We never had that before, so I would have to look at that.

Commissioner Serra: Would you look into that?

Mike D'Amato: Sure.

Commissioner Serra: Thank you.

Commissioner Aieta: On Pane Road, Best Pizza has a flag up. Then there is Global Granite on the Berlin Turnpike...

Mike D'Amato: Yes. We are in the middle of the month, so I've had twelve more days of issuing notices that you are not seeing reflected in my monthly report here. The pizza place is not ringing a bell, but I can check. They had a permit for a temp sign. The granite place, I did send a letter to them probably a week or so ago. They put out a 4 x 8 plywood free

standing sign advertising a business special. It's basically a permanent sign, so they did get a letter on that.

Commissioner Aieta: The carpet place never took out the anchors, nor the structure that they hang their sign off of.

Mike D'Amato: I have been going by on the weekend, and they haven't had the signs up. I don't know if you have seen them, but every time that I have gone by, they haven't had the signs up. I will be touching base with her, probably tomorrow or the next day.

Commissioner Sobieski: Mr. D'Amato, can't you give them a time frame to get those anchors out of the ground?

Mike D'Amato: Part of the initial correspondence that went out was in relation to a lot of different things, the signs to come down, the door being installed, and the anchors were also mentioned as part of that.

Commissioner Sobieski: They are in the DOT right of way.

Mike D'Amato: Yes. I think we went through this before. I did talk to DOT and I tried to get something from them but that didn't go as I had hoped. I think at this point, I will call the person, the manager, and communicate directly with her. That's how we got the ball rolling on these issues, so that's how I plan to see it through.

Commissioner Serra: Commissioner Aieta and I both noticed, on Market Square, we think it's the hairdresser but we're not sure because we saw it from another building, there is a flashing, scrolling light in one of the windows. A neon sign. It would be on the south side of the street.

Commissioner Aieta: It's right across the street from Steve's. Directly across the street. The Floors Now store on the Berlin Turnpike still has the scrolling, multi-colored, flashing, window illumination. They stopped for a while.

Mike D'Amato: Every time I see it I touch base with her, and it will go away for a little while and then you will see it again. If they are not flashing, I don't know if they are an issue, because they are just lights. She can keep them static, because I have talked with her about it and for a while they were fine, it's just a light, but she can set it to scroll and flash and do whatever and so I do keep tabs on it as best I can.

Commissioner Serra: Can I suggest that the reports that you do, if they went from the first meeting of the month to the first meeting of the next month so that we're not caught in between.

Mike D'Amato: Yes, we're trying to change effective January 1, when we start reporting for 2016 that will hopefully give us reports that we can query and show things better rather than the current format.

Chairman Hall: Anyone else? Thank you very much.

V. **PUBLIC PARTICIPATION** (for items not listed on the Agenda, speakers limited to two minutes.)

None.

VI. PUBLIC HEARING

- A. Petition 41-15: Special Exception (Section 3.2.9: Adult Day Care) at 26 Church Street, New Life Adult Day Care Inc., applicant Vaishnav Parivar of Connecticut Inc., owner, Sachin Patel, 69 Cherrywood Drive, Nashua NH, contact.

Attorney Paul Doyle: Good evening. My name is Attorney Paul Doyle and I'm here for the applicant New Life Adult Day Care Inc., to be held at the temple at 26 Church Street. As the Commission is aware, the church has been there for several years now, now operating as a temple, and you have before you an application seeking a Special Exception under Section 3.2.9 to operating an adult day care business or operation at 26 Church Street.

The basic hours of operation will be 7:00 a.m. to 5:00 p.m. There will be, at the peak, 75 participants. It is anticipated that the clients will get there by a small bus from the facility which is common for these types of centers. The van will come at 8:30 in the morning so we will not have a lot of cars, it would be vans, and then they will leave at about 2:30 in the afternoon. We have the window, seven to five, just for a little flexibility but we anticipate the time will be 8:30 arrival, 2:30 departure.

The plan is to operate an Adult Day Care service inside the building. There would be meals, therapeutic and recreational activities, memory activities. I have with me the president and founder of the temple. I will be frank with the Commission, I was brought in only two days ago, so some of the preparation is not complete in my opinion. I spoke to Mr. Minor this morning. He said there were some concerns in terms of the site plan that was presented to you. We will come back at the next meeting with a more detailed plan.

The temple operates on weekends, so this way we are not interfering with any religious activities. Initially there will be four or five employees, but it may go up to ten if we get the seventy-five participants. It would have to be ramped up. There would be one social worker there, and a nurse, in terms of any medications. Our senior population is dealing with dementia and Alzheimer's, and this is a way to provide respite care to residents of Newington, because this is certainly challenging to the families. The applicant operates a few facilities in other states. Unfortunately he is not here tonight, but if the Commission wishes he will be here at the next meeting to provide additional details and answer questions specifically about the operation, but the bottom line is, it's a Special Exception, for the existing church to host an adult day care operation. I'll entertain any questions that the Commission has at this time.

Commissioner Aieta: There is some renovation activity going on at the temple. Are they doing the renovations for the day care center now?

Rajeev DeSai: I am the founder of the temple. The renovation is, we are converting this building into a true temple. The rest of the building will be used for this senior day care.

Commissioner Aieta: Are you currently holding services outside?

Rajeev DeSai: Right now we have services in other areas where we don't have construction going on. The building is 15,000 square feet, but the area that we have is 3,000 square feet.

Commissioner Aieta: When I drove onto the property to get a visual, I saw that there were tents up in the back. It looked like they were having services outside.

Rajeev DeSai: We are celebrating the New Year, so that is the reason that we have a tent.

Commissioner Aieta: Is that something that we allow?

Craig Minor: 26 Church Street is a permitted religious activity. Is it "customary and incidental" to hold services outside the building occasionally? Probably. It's the Commission's call as to whether it is within the scope of the existing special permit, but in my opinion it doesn't seem inappropriate.

Commissioner Serra: You stated that the day care would be open from 8:30 to 5:00 roughly.

Attorney Doyle: The window was seven to five. It's an 8:30 drop off and 2:30 pick up, but we didn't want to make it too tight, just in case...

Commissioner Serra: Monday through Friday. Will there be weekend hours?

Attorney Doyle: No, Monday through Friday only.

Chairman Hall: This plan that you gave us, is this existing, or is this after you do the renovations?

Attorney Doyle: That is existing.

Chairman Hall: I think we need to see what is there now, and what the renovations are, so we have an idea of what is what. You say that you are using vans; does this mean that you pick up your clients at their homes, around town, or various towns, and then at the end of the day, put them back on the van and go in reverse and bring them home?

Attorney Doyle: Yes, that's how it is commonly done.

Chairman Hall: Just like day care centers for children.

Attorney Doyle: Exactly. The client is picked up and dropped off. I think it's good for everyone. It's good for the neighborhood too actually, since there will be fewer vehicles.

Chairman Hall: But that would not preclude people from being dropped off by private cars?

Attorney Doyle: True, but it's a package; you get picked up and brought down.

Chairman Hall: Part of the service.

Attorney Doyle: Yes.

Chairman Hall: Anyone else have a question at this point?

Commissioner Aieta: Can you tell us a little more about the New Life Adult Day Care? Is this a for-profit, or is it a non-profit? How is it set up, tax wise?

Attorney Doyle: I believe it is a non-profit based in New Hampshire. I'll be honest, I don't have those answers, but they have three other operating senior day care centers.

Commissioner Aieta: As you know, the zone here is R-12 residential zone and all of this is by special exception because basically this would be a business in a residential zone. Although we do have nursing homes and such, this is a conversion of basically the whole building except for a small portion in the front, into a day care center. I want the public to understand,

this is not just a small portion; I would say eighty to ninety percent of the building would be day care.

Attorney Doyle: Commissioner, I will have my client work on getting a more detailed analysis of the renovations and a site plan to make you feel more comfortable with what is going to take place inside. It is a non-profit and it would be helping meet the needs of the community.

Commissioner Camillo: This is a company that is going to come in and lease the space from the temple? Or is the temple going to become a franchise for the New Life?

Rajeev DeSai: It is separate.

Commissioner Camillo: So you are going to give them a lease?

Rajeev DeSai: There used to be a child day care here for the last twenty-five years there.

Chairman Hall: That was a nursery school.

Commissioner Camillo: And the people from New Life are not here tonight? Not represented?

Craig Minor: I think Attorney Doyle is representing New Life.

Commissioner Serra: I'd like to know what size the vans are, and how many vans are you anticipating? I'm concerned with the traffic.

Rajeev DeSai: We are thinking five to seven vans because there will be fifty to seventy five people, max.

Chairman Hall: Does this facility have to be licensed by the State?

Attorney Doyle: Yes.

Chairman Hall: And your employees, are they also licensed by the state? Do they have medical licenses, nursing licenses? What kind of personnel in terms of licenses?

Attorney Doyle: It will be regulated by the Department of Public Health. They will scrutinize the overall operation.

Chairman Hall: This is a public hearing, so we will open it to the public. Anyone wishing to speak in favor of this petition, come forward, state your name and address for the record. Anyone wishing to speak in opposition, come forward and state your name and address for the record.

Deborah Brodacki: Public speaking is not my thing.

Chairman Hall: Don't worry, you're among friends here.

Deborah Brodacki: Thank you. I live at 10 Church Street which I have since 1963. I have some major concerns with this issue. I'd like to start off by saying, 10 Church Street is my home, it's not just my house, it's my home. I have spoken with the Police Department, three shift supervisors, the resource officer, the Town Manager, and on a couple of occasions to the Zoning office. I have numerous issues with the goings on at this temple. There has been a lack of communication between us. There are some very severe issues that have gone on.

I was told because I have a tough time public speaking, I could write a letter with my issues. Is that alright?

Chairman Hall: Sure, you could even read it if you want to. We can pass it around and then make it part of the record, or we could have the Secretary read it if you want, and the whole thing is being recorded.

Deborah Brodacki: My writing is poor, public speaking and writing is not my forte, and I wrote it when I was very upset because of all of the issues that have been, all documented with police calls. I think all of them involve different people. The majority of it is a history of all of the issues that have been going on there and the last part is my concern about the day care.

"To the Town Planning and Zoning Board: I am just going to list the issues in an outline format. 10 Church Street is not just my house, but my home since 1963. This is a neighborhood, not a commercial area. The quality of life and property values have diminished. I have spoken with the Town Manager, Resource Officer, Police Shift Supervisor, numerous patrol officers, on more occasions than we can remember. We have had verbal and physical threats on two occasions. We have numerous police come out the night of the physical threats that escalated very quickly before the police could arrive on the scene. We now feel that we are locked in our house during large functions. We have emergency signals set up with two neighbors to contact us. Even after the police discussed the issue and suggested they speak with us, it was six days before anyone did. The group only kept this dialogue open for a limited time. We have caught people on several occasions in our yard, taking items from our garden and fruit trees, one time being yelled at by a woman asking for a ride.

We have had trespassing in our yard by adults and unsupervised children. My neighbor at number 6 has interrupted people in my yard also. I have interrupted children walking away with children's toys from the yard. We have trash, alcohol containers, broken bottles, in our yard. This is dangerous for everyone and can be hit by the lawn mowers. We had clean laundry on the clothesline hit by pink dust flying during a festival. We have cars speeding in and out of the driveway which makes even more noise. There are glowing lights at all hours of the night that light up my house and yard and make it difficult to sleep, one night having to put cardboard in the window.

Again, we have lights shining directly in our window, shining through to the other side. There are people in cars in and out at all hours of the night and early morning. During functions which mostly start later at night, there are cars arriving after midnight. We had bull horns and P.A. systems going off, loud music during their functions. Traffic issues, even the police got caught in the traffic where they had to get a cruiser P.A. system that asked them to move everybody along, twice. Other drivers get confused and upset with trying to (inaudible) around and someone can get hurt.

There are two sets of double doors facing our house so even if the doors are closed, they are open and closed so often that it doesn't help with the noise and the music and the people talking and yelling over the music. This goes on until one or two A.M. We have large fire works with sparks and ash landing in our yard which can cause a fire issue. On Saturday morning the music coming from a car was so loud pictures on the wall vibrated and could be heard three streets away. The Fire Department has been here on several occasions, I don't have the details.

I tried to speak with staff, hard to work (inaudible) Some are understanding, some said they would try to keep (inaudible) and others said (inaudible). We have had people trying to park on our lawn in the past. After the night of the physical threat, we tried to open

dialogues, but that didn't last long and now it's gone to them and say, speak through them. When police officers are on duty, issues don't escalate and get out of control.

Now you want to have a day care here. This will bring traffic and noise through the day, what happens when the clients get out without supervision? Who is responsible? The lack of local dialogue and cooperation from the group, what is to happen here, whether it is an out of state group running this, this isn't the same as a local group of moms running a church nursery school for a few hours a day. Thank you for your time to read my concerns. Deborah and David Magnum Brodacki."

Chairman Hall: We are going to keep this as part of the record. Thank you. Anyone else wishing to speak in opposition to this petition?

Bruce Smedick: Good evening, I live at 343 New Britain Avenue, I adjoin the church property. You know, if I had known that this was going on a year ago, I would never have bought my house there. There have been problems with traffic, which is a constant issue, headlights shining in my bedroom at all hours of the evening. As a matter of fact, I lived there two months and had to call the police department because they had a bonfire in the back, and they got ash all over my house and my deck. Those tents that they are talking about, they have been up for over a month. The back of that building looks like a salvage yard, so I don't know if anyone from this Commission has even gone in the back of that building, but it looks like hell. I have a nice piece of property there too, I spent a lot of money on it. This is a residential area. What we don't need is an adult day care with all the problems that we currently have there now.

Chairman Hall: Thank you. Anyone else wishing to speak against this petition? Come forward, state your name and address for the record.

Andrzej Januszczyk: I live at 27 Old Hatchery Lane. I didn't complain as much as my neighbors, but I could not agree more with the lady who spoke before. Before it was a synagogue, it was nice, quiet, and peaceful. Now, it's a disaster. Even yesterday, there was a fire going on, fireworks, loud, for two days already. I tried to speak to those people, tried to be a good neighbor, they never clean and the wind blows all the stuff, and I'm directly behind them, I end up cleaning at least five, six times a month. I have called the police too. First I tried to talk to those people, asking them to put up a fence so that the wind wouldn't blow like fireworks, cardboard and everything else. For me it's hard because I am directly behind them. I cannot sleep, I'm at 27 Old Hatchery Lane, and in the winter, spring, and the wind blows and I end up cleaning. I asked them to clean so that I wouldn't have the mess in my yard. I have a nice piece of property and I am very quiet, respectful, I respect, I don't have a problem with an adult day care center, I think that is a good idea, but the leaves, nobody cleaned them, so I cleaned them. I called these people and asked them if they would clean up after themselves, you know what I mean. Many times they have a party, or weddings, all kind of stuff, I have nothing against them, but there are containers, I can see, and I call police, and they don't respect others. I have lived there eighteen years, twenty years and never had this problem. I'm not a person who complains, but I'm kind of forced to say something, I wish I could be good with the English, I can't always say...

Chairman Hall: You're doing fine, we've understood everything you said.

Andrzej Januszczyk: I have a really big problem and I tried to be a good neighbor with them, you know, but their place and how the people handle this area, it's very sad. I take some pictures, this happened yesterday afternoon, I can give you photos of what happened, and it covered my house because the wind blew there. I try to respect everybody, I tried to talk to those people before I called the police or anybody. I tried to talk to them. I said, move the

garbage, put it on the other side because the garbage container was directly on my back, and then when the wind blows, and everything overflows and then the wind blows everything into my yard, you can look at the police report and see that I called, I called many times.

Chairman Hall: Right. We do appreciate you coming forward and stating this, it does help us.

Andrzej Januszczuk: I agree with the lady, I don't know her, but she is on the side. Most stuff is going on in the back, and I have to deal with this, the noise and everything else. The side probably is not so bad, I directly have to deal with it.

Chairman Hall: Thank you. We appreciate you coming forward. Anyone else wishing to speak in opposition? Anyone else just wishing to speak on this matter, not pro or con?

Gail Budrejko: I'm speaking as a resident of Newington. I have some thoughts that were going on in my mind and maybe yours. If seventy or eighty percent of the building is going to be used for a commercial use and twenty percent will be for worship, and if five out of seven days of the week it is going to be used as a business, and only two days for worship, it seems to be that that is going to be a significant change in the use of the facility itself. I mean it seems like it would be a zoning violation at that point. I know other places of worship may have a child care or even a day care, but because of the leasing or the franchising, is it really related to the congregation? It doesn't seem to be an extension of the current religious use; it seems to be going outside what it was initially used for. So my concern is, what kind of precedent would this set? If another place of worship in our town has dropping attendance, could they open up a business, or lease it out? Just something to think about. I'm not for or against this, I just thought of this.

Chairman Hall: Thank you. Anyone else wishing to speak? Does the petitioner wish to rebut anything that was said?

Attorney Doyle: I wasn't involved with the Police to talk about communication. I think this could lead to better communication, possibly creating a committee that would lead to more direct communications between the citizens and the temple. Probably a lot of problems could be resolved with communication. I'll speak to my client, but I think that is the best approach. It's a question of working with the community, but I will speak to my client about other potential solutions to some of the issues.

Rajeev DeSai: I would like to add one more thing. It's the Hindu New Year, so we set off fireworks. It is once a year, we celebrate for a week, so the fireworks, we don't do it for 365 days.

Chairman Hall: So was this week Hindu New Year?

Rajeev DeSai: Yes. We only do it when we have the Hindu New Year. This is a problem for only four or five days, it is not an everyday problem. I just wanted to be clear, some of the issues are not daily issues. When we have the New Year, we have the entire community together and we celebrate. I can't confirm the story about the neighbor's yard. We will do everything in our power to go out and have everything nice.

Chairman Hall: Thank you.

Attorney Doyle: Madam Chairman, we can get you a schedule of the events. They have a different calendar, so maybe that will help the Commission, because they do have their

traditional events. I think establishing communication with the community is going to help to solve problems on a short term basis, or other ideas, just something to get going.

Rajeev DeSai: A few weeks back we had a meeting with the Police Chief and we notified them of the events coming up. We e-mailed about coming events to the police chief.

Chairman Hall: Thank you. Those who objected, you have two minutes to respond as well.

Andrzej Januszcyk: You talked about the communication problem: I tried two years ago to talk to those people directly, without Police or anything, and they didn't do anything. As for events, the noise never stops. This happens many times. Also, I pay a lot of taxes on my property, over \$8,000 a year, for me the property value is going down. I would file an appeal to bring down my property taxes, for me, the house is worth much less. I respect those people. If they would have only one week a year outside, no problem. I am a religious person myself, and I respect all religions. But what they do, I see thousands of people arriving there, you know what I mean? They need to be quiet and do whatever they want, they do all kinds of stuff that I am constantly cleaning. I ask them to clean, you know, communication on my end was what I could do, so for me, that's not enough. I went that way, I tried to be a good neighbor, but that doesn't work.

Chairman Hall: Thank you.

Deborah Brodacki: I have to agree with what the last gentleman said. We have tried to have communications open, and they say, yes, yes, yes, we'll have communications but it's very quickly forgotten. When I went to talk to them about how bright the lights are on my house, on my yard, and they pointed to a gentleman and said tomorrow you tell him what lights are bothering you. I went to talk to the gentleman, and I'm positive that I had the correct gentleman, but he spoke no English. I was given a phone number which ended up being an out of state number. I tried to call when I caught several people in my yard, and the answer I got from the person who picked up the phone was, we'll tell people not to steal from you. That was all I got. When I talked to the Police Department after the one horrific issue that night, it was, you need to have communication. We tried, and now the Police tell us to talk through them. Try to get things taken care of. I tried to talk to the construction workers recently about the lights, and the gentleman said, I understand, but you're not my paycheck. I understood that, I totally understood that. You do what your boss tells you. It's not gotten better, it's just gotten worse. I had a wonderful relationship with the synagogue when they were there, right down to last days I got hugs and well wishes. When they needed help, they knew they could knock on the door and I would be over there to help. They would knock on the door, the sun has gone down, so would you come and turn on the lights for us? Absolutely, it was no issue. Never, ever an issue. They were lovely neighbors, always open communication. It was a neighborhood. It's not a commercial area, it's a neighborhood. It's where we live. The noise, the volume, the traffic, the cars, it's not just once a year they have this function. The functions last for weeks and weeks. Every weekend. The parking lot is filled, the front lawn is filled, they shuttle them from down the street. I've heard the shuttle guy say, we shuttle from the school. Go park at the school. No longer does the Methodist Church allow parking. I did not speak to the minister but I did speak to one of the gentlemen on the committee, an active member, and he said parking was no longer allowed there because of the issues. Full details of the issues I don't know, but there is a sign now at the Methodist Church saying, No Unauthorized Parking. That was never there previously.

Chairman Hall: Thank you. We appreciate that. Anyone else that has spoken, this is rebuttal time.

Bruce Smedick: Like the young lady said about the zoning issues - I work for a large business here in Newington and she is definitely right - we can't change zoning regulations. Personally, I don't think they belong there. I don't want them there. Regarding communications: the issues are not going to get better. They haven't gotten better since I have lived there. I have lived in Newington for a little over a year, and it's like Deborah said, there is traffic constantly. The last couple of weekends, they have actually had people directing traffic in the parking lot. I have no idea of what the capacity is there, it certainly over fills, and this goes on continuously. We certainly don't want a day care operating at seven o'clock in the morning like the attorney said. I have two dogs, I have a wife, just like Andy said, we work, we work hard for our money, we like our property, and we would like our property values to increase. We don't want it to decrease. That's all I have to say.

Chairman Hall: Commissioners?

Commissioner Sobieski: I have several concerns here. I don't think there is any room for physical threats by anybody. Mr. Minor, I think you should contact the Police Department and find out what went on. Fireworks: there is a law in the state that says you can't shoot fireworks off unless you have a permit, I believe. Bonfires are not allowed in this State. As far as the tents go, we have restrictions on how long a tent can stay up. I just heard from several people and from what they are saying, it's been up for quite a while. So maybe what we need to do is have the Zoning Officer go out and find out what is going on. I agree with these people, when you buy a house you don't want to it lose value because of what is going on. As far as the garbage location: that can be moved to another location. I definitely think we ought to get the facts from the Police Department, and find out what is going on.

Commissioner Serra: I have to agree with what Commissioner Sobieski said. I would like to see something from the Police Department. The other thing: it's designated as a church, but it sounds like it is being used as a banquet facility, for the lack of a better term, which it's not what it's designed for. I mean, you have a wedding, fine, but if there is all kinds of stuff going on, all hours of the night, traffic, police that can't get through because of traffic, we need to really look at this. Not only because of the day care application, but because of what the residents are going through.

Commissioner Aieta: I said at the beginning of the meeting that this is in an R-12 residential zone, and it's not up to the residents to conform to what you are doing there; it's up to you to conform to the residents. From what I'm hearing here, I'm not happy at all with the situation that's going on. For every single abutting property owner to come and have these kinds of complaints, something is drastically wrong. I have been in this town for over forty years and when it was a synagogue, we never had a complaint there, never. That we're having these issues with the temple is not right, and something has to happen. You have to conform to the peace of the neighborhood. This is a special exception for you to even be on a residential piece of property, and you are requesting an expansion. You are having these problems without the day care; that could adversely affect what is happening there now. You've got to prove to us that something is going to change, there is going to be something different. To have every abutting property owner come in I find very upsetting.

Commissioner Serra: The comment was made that you can't control the fireworks if there is a twenty or thirty mile per hour wind. If you have that kind of wind, you shouldn't be doing fireworks in the first place. You don't know where they are going to land. As Commissioner Sobieski said, most fireworks are illegal; they do sell legal ones, but even those, if you have any kind of wind, you shouldn't be shooting them off to begin with, so the fact that you can't control where they go is not an excuse. They shouldn't be going off if that is the case.

Commissioner Sobieski: I know that when Newington sets off their fire works, there is fire apparatus nearby. I'd like to know what apparatus, if any, is standing by in case these fireworks go off the wrong way and you have a fire up there. How many times a year are we talking, just once, or four times a year? I'm a little confused on that. It sounds like it's more than one time of year, so I'm a little confused.

Commissioner Claffey: Someone mentioned that this was a franchise facility. Do the other franchises run out of churches also, or synagogues, or anything like this?

Chairman Hall: I have one item, and we touched on it with Attorney Doyle. We need a readable floor plan with a more explanation, because it appears that 95 percent of it is going to be day care constantly, and about 5 to 10 percent is going to be for religious services. That's what it looks like. I don't think it is only on Saturday and Sunday. At least, it doesn't seem as if it has been.

Commissioner Andrzejewski: There is a definite need in this town with the growing population of elderly residents, so I think the adult day care facility is a great idea. But there are a lot of issues that we have seen tonight, like personal property theft, so I think we need more information on what we're dealing with, and go from there. I really do think it's a good project, I really do. It's a good idea.

Chairman Hall: At this point, we will leave this open, and our next meeting is Monday the 23rd because of Thanksgiving.

VII. REMARKS BY COMMISSIONERS

None

VIII. APPROVAL OF MINUTES

IX. NEW BUSINESS

A. Discuss Zoning for TOD (Transit Oriented Development)

Craig Minor: In my report I told you that I was not able to talk Glenn Chalder of Planimetrics into conducting a visual preference survey. However, I am happy to say that I was talking with another planning consultant yesterday and this other planning consultant said her firm does VPS's, so she will put together a proposal from her firm to do a VPS for us with a price. The impression I got from her was that it would not be terribly expensive. So I think we can go forward with that idea.

Commissioner Aieta: We need maps as to what properties are vacant within a half mile radius of the stations. We have to identify the pieces that we are talking about as far as vacant pieces, and if there are wetlands on them. I heard that there were statements made that there were a hundred acres around the Willard Avenue station, and that's beyond me, I couldn't identify a hundred usable acres to develop. I think we have to identify the individual pieces that are vacant, or pieces that can be redeveloped, like some of the Industrial pieces. That would also be good for the Fenn Road area. We need an inventory of which pieces are available. At the Fenn Road station, within a half mile is the Stop and Shop Plaza, and we're not going in there and changing zones or making any changes to that piece of property, but we would like to know the vacant pieces and what is redevelopable. I think that is the place where we should be starting so we have a visual of what we're looking to rezone or try to apply a TOD development district to.

Craig Minor: Okay, I can do that.

Commissioner Sobieski: Mr. Planner, there was a CTfastrak bus trip last Friday, I believe organized by the Commissioner of Transportation for real estate people. Was anyone from the Town of Newington invited?

Craig Minor: The Town Manager asked me to go on it, so I can tell you about it. It was a tour of available commercial properties in New Britain, and a few parcels in Newington, and then on to West Hartford and Hartford. I lost interest in the West Hartford part. But there were four parcels in Newington that the bus either drove past, or drove near; the bus did not take the guideway for the first half of the trip because most of the properties that are available are not literally on the guideway, they are on Cedar Street, Fenn, and elsewhere in Newington. There were a number of commercial agents on the bus who were the listing agents for those properties; they passed out detailed information on those available properties. That was the gist of the trip.

Commissioner Sobieski: So basically you are saying that there were only four properties in Newington that were involved?

Craig Minor: Yes.

Commissioner Sobieski: And that still is not this phantom one hundred acres?

Craig Minor: Correct. The properties that were highlighted were on Cedar Street, Fenn Road and Day Street.

Commissioner Sobieski: And the ones on Day Street are industrial at the present time?

Craig Minor: Right.

Commissioner Sobieski: So you are saying at some point in time someone might want to come in and get a zone change?

Craig Minor: No, I'm saying that there is property on Day Street that's for sale that the listing agent wanted people to be aware of.

Commissioner Sobieski: Oh, okay, the way that I understood it from what the paper said was that it was going to be for housing, and that was the primary thing.

Craig Minor: No, this was commercial brokers that were talking about commercial properties.

Commissioner Sobieski: Because I hope this is not a back door way of getting House Bill 6851 again.

Craig Minor: No reason to think that, so far as I can see. These were real estate people.

Commissioner Aieta: I think we have to recreate the wheel with the transit oriented development. We have to know what pieces we are talking about. We have to take each individual piece and look at it, and look at what would be the best and highest use for that piece of property. To wholesale go in and say, this is an overlay zone for a half mile radius around those bus stations is not the way we should be looking at it. We should be looking at individual pieces of property, and then look at zone changes or the overall concept of what we want to see on the pieces of property. The Francis Avenue area is 90 percent housing. I

think what we should be looking at in that area is how we can improve the streetscapes, the sidewalks, and make it advantageous for the people who live there now to be able to walk to the bus station if they choose to; some upgrades, like when the Planner from Windsor came in, their whole TOD thing was that they made the streetscapes in the center of town. That was their TOD. They put pavers in, they put new street lighting, they made it safe for parking and for bicycling, and walking. That's what I envision for this area, just basically clean up and with an upgrade to the sidewalk and street areas.

Commissioner Claffey: The question that I have is, on the moratorium, to decide what we want in the town and these areas, it was specifically to what they were zoned for. A side walk and streetscape is not a zoning district. It's within the zoning of that area. The streetscape for the residential zoned property is a lot different from a streetscape for commercially zoned property. So, as much as I would like to dissect the quadrants, if you take Fenn Road and Cedar, that's one piece, but within that one piece, how many small plots are there? That's something we need to know, yes, we look at it now as you drive by, it looks like one piece of land, but inside that piece of land, there could be five outparcels. So to the typical resident, they don't know that that piece of land is technically five pieces of land that could be five different fast food joints. So, as much as we want to know the half mile, I think we need to know how many pieces of puzzle make up that one big corner at Cedar and Fenn.

Commissioner Aieta: We need to be provided with a map of the parcels that are there now, with the property lines designated on the plan, so we would know what parcels are there.

Commissioner Claffey: With that said, the zoning is for that one corner, not the individual parcels within that. I want to make sure that the way that I heard it, is that we would go in, in theory, and individually zone those parcels, those individual places. That's not what the moratorium is for, it's for the whole area. Within that corner, it's one or two different zonings right now. It's not a multitude. Some Commissioner's ideas are to look at the outlaying, or what is already around there, but we, part of the moratorium is that we are not going into take each specific parcel and change the zone....

Commissioner Aieta: We wouldn't be able to do that anyway; that would be spot zoning.

Commissioner Claffey: But that's what you just stated.

Commissioner Aieta: No, I was talking about, I want to see what parcels are available.

Commissioner Claffey: But it's not for what is available, it's for what is already there. If somebody has a building...I guess I'm misunderstanding what you are saying.

Commissioner Aieta: We need an inventory of what pieces of land are available, what pieces of property can be redeveloped. I don't think that is outrageous. I think if we don't know what parcels we are looking at, how do you even start? You don't even have a starting point. We're not going in there with an overlay zone and everything is going to be a special zone and allow commercial, entertainment, restaurants, and have a conglomerate of all different zones in one area. We have to decide what zone we are going to be able to put these properties in. Let's face it, it's going to be up to the developer that owns, especially with a piece of property, to come in and tell us what he envisions for that property, and it will be up to this Commission to determine if that fit is right for Newington. It's obvious that the moratorium was basically saying, "We don't want any housing". That's what the moratorium is about, long and short.

Commissioner Camillo: The biggest pieces of property are south of Cedar where the sand blasting place used to be, and then you have the old International Bridge Company on Day Street.

Chairman Hall: Anybody else?

B. Bond Release at 339 Main Street

Craig Minor: As I said in my report, this is a strange one. The woman who owns the lot contracted to have the house built, and for some reason my predecessor agreed to be a go-between and agreed to hold the bond that the builder posted. The problem is, once we held the bond, we couldn't release it until the grass was growing and there are no zoning violations. I was told the other day by the ZEO that the grass is now established, so now this \$2,000 bond which we should never have been holding in the first place, is now appropriate to be released.

Commissioner Aieta: I'm ready to make a motion to move this to Old Business.

Commissioner Sobieski: I'm a little confused: this bond release at 339 Main Street, the motion says 337 Main Street?

Craig Minor: Right, the address shows up differently. It is 337 but the file has been known as 339 for a long time, but it is actually 337.

Chairman Hall: So when we read that, we include that 337.

Craig Minor: Yes.

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

C. Bond Release at 435-485 Willard Avenue.

Craig Minor: The arborvitae are finally established and have survived from last year so I would now recommend that the bond be released.

Commissioner Aieta moved to move the bond release to Old Business. The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with six voting YEA.

X. OLD BUSINESS

- A. Petition 29-15: Special Permit (Section 3.2.5 Convalescent Home) at 238, 256, and 268 New Britain Avenue (Bel-Air Manor). Bel-Air Manor Associates; applicant Bel-Air Manor Associates LLC and Salvatore Sbriglio et al, owners, Matthew Boggio, 88 Ryders Landing Suite 208 Stratford CT, contact.**

Craig Minor: I have a draft motion for approval. It's a little longer than usual because I wanted the motion to include the finding that the Commission did its due diligence to be sure that this project would not negatively impact the neighborhood. I proposed one condition for the Commission to consider: that the applicant delete the six parking spaces that the Commission talked about last month. I just put it there for your consideration. If the

Commission decides that they don't want to make the applicant remove the six spaces, then just approve the petition with no conditions.

Commissioner Aieta: The applicant at the last meeting provided us with a screening plan for the parking area that faced New Britain Avenue and I'm assuming that covers both sides of the driveway, and it also covered the easterly side of the driveway. It was plantings that would break up the façade of the building. The concern of the neighbors was that they didn't want to see the parking lot. The planting plan and the berm that was presented after we insisted on it. I don't think they will be able to see the six parking spaces. The way I see it, for the rehabilitation portion of the building, where the parking area is, if we eliminate the six parking spaces people that come on an out-patient basis for physical therapy would not have a place to park that is in close proximity to the entrance. Some of these people, I assume, if they are going through rehabilitation might have limitations in their mobility, so I think that we have got to give them the six spaces so that there is ample parking for some of the outpatients. If the planting and the berm are done as shown on the plan, there is no reason not to leave the parking places there because if it is done right, you won't be able to see the cars. It will be a tremendous break-up of the façade of that building.

Commissioner Serra: I concur with Commissioner Aieta on this. I was absent at the last meeting, but the previous meeting when we talked about the berm, it was agreed to raise the berm a little bit higher to give a little more cover there, plus with the plantings on top of that, I think it will be good cover for the residents. So I would concur with giving them the six spaces. For the rehab, you don't want somebody walking from the other end of the building, or trying to get down there pushing a wheel chair so I think the six spaces are appropriate.

Commissioner Sobieski: I also concur with Commissioner Aieta and Commissioner Serra.

Commissioner Camillo: I agree also.

Commissioner Aieta moved to approve Petition 29-15: (Section 3.2.5: Convalescent Home) at 238, 256, and 268 New Britain Avenue (Bel-Air Manor): Bel-Sir Manor Associates, applicant; Bel-Air Manor Associates LLC and Salvatore Sbriglio et al, owners, Matthew Boggio, 88 Ryders Landing Suite 208, Stratford CT, contact.

FINDINGS:

1. The TPZ has considered the criteria listed under Section 5.2 (Procedures and Standards for All Special Exceptions or Special Permits) of the zoning regulations and finds the application to be in accordance with those criteria, and specifically Section 5.2.6:
 - A. The need for the proposed use in the proposed location.
 - B. The existing and probably future character of the neighborhood in which the use is located.
 - C. The size, type and location of main and accessory buildings in relation to one another, and in relation to other structures in the vicinity.
 - D. Traffic circulation within the site, amount, location and access to parking and traffic load or possible circulation problems on existing streets or proposed streets and driveway considering impact on existing streets are effected. For large scale retail developments in excess of 40,000 square feet of gross floor area a traffic impact analysis report with proposed mitigation measures shall be submitted with the application.

- E. Available of public water and sewer, and probably overloading of water and sewer systems and the adequacy of the existing off site storm water system serving the property to safely accommodate any increase in drainage. (Effective 12-01-01.)
- F. Location and type of display signs, lighting and landscaping and the impact of type signs on adjacent properties.
- G. Safeguards to protect adjacent property, and the neighborhood in general from detriment including but not limited to proper buffering.

CONDITIONS:

None

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

- B. Petition 28-15: Site Plan Modification at 238, 256, and 268 New Britain Avenue (Bel Air Manor) Bel-Air Manor Associates, applicant, Bel-Air Manor Associates LLC and Salvatore Sbriglio et al, owners, Mathew Boggio, 88 Ryders Landing Suite 208 Stratford, CT, contact.**

Craig Minor: I think all of the issues have been addressed. There is a draft motion to approve with just the conditions that this approval is for the plans revised as of 10-28-2015, and that the applicant will revise the plans to address any issues in the Town Planner's letter dated September 16, 2015 that have not already been addressed. Most of them have been.

Commissioner Sobieski moved to approve, with conditions, Petition 28-15: Site Plan Modification at 238, 256, and 268 New Britain Avenue (Bel-Air Manor). Bel-Air Manor Associates, applicant; Bel-Air Manor Associates LLC and Salvatore Sbriglio et al, owners: Mathew Boggio, 88 Ryders Landing, Suite 208, Stratford CT, contact.

CONDITIONS:

1. This approval is for the site plans revised as of 10-28-15 as displayed at the TPZ meeting on October 28, 2015.
2. The applicants will revise the plans to address any issues in the Town Planner's letter dated September 16, 2015 that have not already been addressed.

The motion was seconded by Commissioner Aieta.

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

- C. Petition 30-15: Site Plan Modification at 80 Fenn Road. Fenn Road 80 LLC owner/applicant Joseph Sullo, 312 Murphy Road, Hartford, CT, contact.**

Craig Minor: This is the activity on Fenn Road where they need to revise the (inaudible). The applicant's engineer still hasn't given the Town Engineer everything that he needs to review the drainage design. The Town Engineer asked if we could revise the first condition to read as follows: "The applicant will address the concerns contained in the Town Engineer's letter dated October 28, 2015 to the Town Engineer's satisfaction."

Commissioner Andrzejewski moved to approve, with conditions, Petition 30-15: Site Plan Modification at 80 Fenn Road, Fenn Road 80 LLC, owner/applicant; Joseph Sullo, 312 Murphy Road, Hartford, CT, contact.

CONDITIONS:

1. The applicants will address the concerns contained in the Town Engineer's letter dated October 28, 2015 to the Town Engineer's satisfaction.
2. The applicants will address any issues in the Assistant Town Planner's letter dated August 18, 2015 that have not already been addressed.

The motion was seconded by Commissioner Sobieski.

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

D. Petition #31-15: Zoning Text Amendment (Section 3.22.1.C Commercial Vehicle in Residential Zones) to change the definition of "commercial vehicle" Newington TPZ applicant/contact. Continued from October 15, 2015.

Craig Minor: The Commission has discussed this for some time, and I believe it is ready for action. There is a draft motion in your agenda package.

Commissioner Serra moved to approve Petition 31-15: Zoning Text Amendment (Section 3.22.1.C: Commercial Vehicle in Residential Zones) to change the definition of "commercial vehicle". Newington TPZ applicant/contact. "Effective upon publication."

CONDITIONS:

None.

The motion was seconded by Commissioner Aieta.

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

E. Revoke Special Permit #16-14: Special Exception (Section 3.15.3; Outside Restaurant Seating at 3260 Berlin Turnpike (Plaza Azteca Restaurant) Hector Angel, owner, Manuel Rubio, applicant/contact.

Craig Minor: The show cause hearing was closed on October 28, 2015. The Commission discussed its options, and felt that the best course of action was to revoke the remaining year of this three year permit due to the permittee not complying with all of the terms of the permit, and due to the fact that the excessive number of people admitted on May 5, 2015 led to the Fire Marshal ordering the restaurant closed. There is a draft motion in the agenda package.

Commissioner Claffey: I guess I'm taken a little back by the comment, because he agreed to dismiss his special permit and it sounds like the Commission agreed to revoke it.

Chairman Hall: Right, and that is what this says, Revoke, renege, whatever you want to call it.

Commissioner Aieta: It's not up to him, it's up to us to revoke it.

Chairman Hall: He agreed that's what we were going to do. He knows that this is what we are doing.

Craig Minor: And I think it's important to establish a record, a paper trail if you will, of what we did, and why we did it, so that if anyone wants to go back to see why the Commission revoked his permit, it's in the record.

Commissioner Aieta: I'm missing something. I thought the consensus was that we wanted him to take a year off, because you are going to get the same 3,000 people that came last year, this year if he is allowed to proceed with the activities that he has. I thought that moving it off for a year would at least give, if the people did come en mass, they would see that there was a change.

Craig Minor: The first step is to revoke the remaining year of the permit. I don't think you can prohibit him from applying for a permit next March. He knows he has an uphill climb, but I don't think it would be appropriate to prevent him from applying.

Commissioner Aieta: We are not asking him to shut down his restaurant. He could still run this restaurant like he does any other day of the week or any other occasion. When you get to the capacity of the restaurant, it ends. You stop taking people into the facility. So it's not like we are telling him that he has to be closed that day, he still can run his operation, but I thought that he was trying to get it to a point where we don't have 3,000 people coming this year to think that it is the same situation that it was last year, 2015, you are going to get the same people coming.

Chairman Hall: But wouldn't that be the new permit that you do, or do not approve? We get rid of this one so that he does not have the right at this point to continue with this type of event; when he wants to do it again, he has to come back before this Commission and apply. At that point, you put in whatever conditions you feel are necessary. You just may say, at this point we just don't feel comfortable doing that, and not even hear it.

Craig Minor: Except that you have to entertain it.

Chairman Hall: Well, entertain it, but you're not going to approve it.

Craig Minor: When he makes his presentation, which you have to give him the opportunity to do, he's due his day in court, but if he doesn't satisfy you, if he can't show you how they do it in other towns to your satisfaction, then you just deny it. But he has his opportunity to state his case.

Commissioner Serra: I have a question on Item 2 on this draft motion. He is entitled to apply, as you just stated, but if I can read number 2: "the permittee is encouraged to apply for a new permit." That sounds like, come on and apply and we're going to give you the permit.

Craig Minor: I'm building a case to protect you, so that when he comes back next year, if you deny him, it wasn't predetermined. You said back in November that he is welcome to reapply, your minds are not made up, but he's going to have to convince you next February or March that he's going to be doing this safely.

Commissioner Serra: Let's take out the word, "encouraged", and just put, the permittee "may apply".

Craig Minor: Fine, that's good.

Commissioner Sobieski: I believe he was also supposed to show how the other restaurants handled.....

Chairman Hall: It's right down there, that's the last part of that.

Craig Minor: Okay, tell me exactly what you want it to say, because I think this says that; I'm not sure what different words you want.

Chairman Hall: Well, the "will" kind of goes with the "encouraged". You are going to encourage him and at that point he will do such and such in order to get his permit. What we are saying is he may apply, but at that point he will also have to address the safety issues experience. He will have to address, not he will address, but he will have to address, he has no choice.

Commissioner Claffey: That goes back to my question. If you are going to revoke it, and then you are going to put stipulations on his new permit. The new permit is completely new.

Craig Minor: We are talking about his application, not his permit.

Commissioner Claffey: If we are going to revoke it, and we wants to come and reapply, it's a brand new slate. It's a brand new slate, you can't bring up what happened last time, you can't fill up the paper.

Craig Minor: No, it's not a brand new slate. This is the real world, and the real world....

Commissioner Claffey: It's a new permit.

Craig Minor: It's a new permit and...

Commissioner Claffey: You can't go back and say, the last time you did it.....

Craig Minor: Sure you can.

Commissioner Serra: He lost the privilege of having this permit, so he's got to tell us why he deserves a new permit and what he is going to do to rectify the situation that caused him to lose the last year of this permit.

Commissioner Aieta: I like the change that the Chairman proposed for the second sentence here, the second sentence, and let's move this, and if he decides to come in, we'll see then. If you don't feel comfortable reading it.....

Commissioner Claffey: No, I'll read it.

Craig Minor: I'll read the second finding. "Number two: The permittee may apply for a new permit prior to May 5, 2016. At that time, the permittee will have to address the issues experienced on May 5, 2015 and submit detailed information as to how this event is conducted at the permittee's other restaurants in Connecticut."

Commissioner Claffey: It's a franchise. They are separate businesses, they don't, and I guess I shouldn't have said this when I said this, because I'm the one that said, bring me the other restaurants, they are not inclusive. The permittee's are separate permittee's, you have five separate permittees. Let's start getting cold hard facts, this is very loose.

Commissioner Serra: I think we are ready for a vote.

Chairman Hall: Commissioner Claffey, if you don't feel comfortable reading this I can put this to...

Commissioner Claffey: I don't feel comfortable because the other permittees have nothing to do with this gentleman. The other businesses are not even affiliated because they are separate franchises, so another permittee at another restaurant, the other permittee, I'm not talking liquor permits.

Craig Minor: No, the person who is holding the TPZ permit, that's what we mean by "the permittee", not the liquor license permittee. The permittee in this case is the person to whom Permit #41-15 was issued. I could say "the applicant", do you want to say "the applicant"? It's just that there is no applicant, so that's why "applicant" would look weird. If you would rather use the word applicant, the applicant's other restaurants, the applicant can reapply.

Commissioner Andrzejewski: So in condition two, where it says "submit detailed information on how Cinco de Mayo is conducted at his other restaurants in Connecticut". I mean, it's all regarding the same event in his restaurants.

Commissioner Serra: He did say when he was here, and it's on the record, that those restaurants were family owned. So, he is an owner in those restaurants.

Commissioner Claffey: Well, it's family owned by Hector Angel who is the owner.

Chairman Hall: Okay, let me just quote from the last time. It happens to be your question Commissioner Claffey. "I have a question for you, Mr. Rubio: are you a franchise, and you have how many restaurants? Mr. Rubio: In Connecticut we have four locations, here in Newington, Manchester..." and then somehow it was cut off. "Commissioner Claffey: Do all four do this event? Mr. Rubio: Correct." So I think we can be safe in saying it is Mr. Rubio who will be the one coming back. If he has been replaced by someone, that person will be coming back, if they even want to do it. So, I think we are okay.

Commissioner Camillo moved to revoke Petition #16-14: Special Exception (Section 3.15.3: Outside Restaurant Seating at 3260 Berlin Turnpike (Plaza Azteca) Manuel Rubio, permittee.

FINDINGS:

1. At a "show cause" hearing conducted on September 23, 2015 and October 28, 2015 it was determined that:
 - a. The permittee did not comply with the conditions of Special Permit #16-14.
 - b. An excessive number of customers was allowed onto the premises on the evening of May 5, 2015, resulting in a situation so unsafe as to cause the Fire Marshal to order the premises closed.
2. The permittee may apply for a new permit prior to May 5, 2016. At that time the permittee will have to address the safety issues experienced on May 5, 2015 and submit detailed information on how this event is conducted at the permittee's other restaurants in Connecticut.

The motion was seconded by Commissioner Aieta.

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

Chairman Hall and Commissioner recused themselves from the vote on Petition 37-15.

F. Petition 37-15: Special Permit (Section 3.2.1: Church at 800 South Mountain Road. Hartford Liederkrantz Inc., owner, St. Thomas Indian Orthodox Church, applicant. Rev Fr. Abraham Philip 10 Lantern Hill, Newington CT, contact.

Commissioner Aieta moved to approve Petition 37-15: Special Permit (Section 3.2.1: Churches and Places of Worship) at 800 North Mountain Road. Hartford Liederkrantz Inc, owner, St. Thomas Indian Orthodox Church applicant; Rev. Fr Abraham Philip 10 Lantern Road, Newington CT, contact.

CONDITIONS:

None

Craig Minor: For the minutes, shall I read my report?

"At the public hearing on October 28, 2015, the following issues were discussed:

1. Sewer right of way: The neighboring property owner claims that there is a sewer right of way on the property at 800 North Mountain Road, and he is concerned that church use would somehow impact that easement. The deed for the property at 800 North Mountain Road describes a fifteen foot right of way, as being "for the purpose of laying, constructing, installing and maintaining thereon or under a sewer line for the purpose of serving 416 Hartford Avenue." There is no indication of any restriction on the property owners' use of the land above the sewer line.
2. Future alcohol use: The abutting property owner asked, if this application should be approved he would be able to convert his auto related business to one that serves alcohol some time in the future. The only alcohol related use allowed in the I zone is "fraternal organization" that holds a liquor license. There are currently two fraternal organizations on North Mountain Road, the Portuguese Club at 730 North Mountain Road and the Hartford Sagerbund at 719 North Mountain Road. Both of these are within 1500 feet, of 416 Hartford Road, and Section 6.3.B prohibits any club from being within 1500 feet of another club. 416 Hartford Avenue is not eligible to have any type of alcohol related use. Approval of this church will have no impact on the future use of this property.

I see no reason not to approve this application."

The motion was seconded by Commissioner Serra. The vote was in favor of the motion, with five voting YEA.

F. Performance Bond at 337 Main Street; Nicole Kuca, owner

Commissioner Sobieski moved to release the grading bond at 337 Main Street in the amount of \$2,000.00.

CONDITIONS

None

The motion was seconded by Commissioner Aieta.

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

**G. Performance Bond at 435-485 Willard Avenue (“Fountain Pointe”);
Rotundo Developers, applicant**

Commissioner Sobieski moved to release the Performance Bond for Fountain Pointe” in the amount of \$5,000.00”

FINDINGS:

1. The applicant has addressed the outstanding items identified by the TPZ during the Commission's site visit on May 28, 2014.
2. The new arborvitae planted in 2014 have survived the winter of 2014 and summer of 2015.

CONDITIONS:

None

The motion was seconded by Commissioner Aieta.

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

XI. PETITIONS FOR PUBLIC HEARING SCHEDULING

None

XII. TOWN PLANNER REPORT

- A. Town Planner Report for November 12, 2015

Craig Minor: The only thing I have to report is that the subdivision on Back Lane in Wethersfield is going forward. I submitted a letter to the Wethersfield Planning and Zoning Commission that contained all of the concerns that we had with the zone change. Our concerns are still there. I rephrased it a little bit, but it's the same issue, that a lot of the traffic will use Cottonwood Road to get to the Berlin Turnpike. That's all I have.

XIII. COMMUNICATIONS

None

XIV. PUBLIC PARTICIPATION (for items not listed on the Agenda, speakers limited to two minutes.)

Rose Lyons, 46 Elton Drive: At the swearing in ceremony for the Town Council and Mayor, I gave them the good news that I was going to be going to their meetings, but fortunately the Town Planner reminded me that the Board of Education was the same night, so the Board of Ed is off the hook, and so I will be here for you, and asking questions. First question, talking about adult day care, and I know that it's on the agenda, I won't speak to the application before you, but how is Amara coming? I was asked at an Economic Development Commission meeting the week before, and another member of the public asked the question

about it being rushed through back in April, and haven't heard anything since. I'm assuming, maybe not, that the DOT is holding up progress there. I heard at the Economic Development Commission meetings that perhaps it was a financing problem. I don't know if you have a status or not. One other thing, I probably should ask the Town Council about this. I wonder about Myra Cohen Way, whether or not it's a town road, not a state road now that winter is coming? Who is going to be maintaining that? I know Green Avenue was just I think was turned over to the town, I don't know how that process works. Two curiosity questions, thank you very much.

Chairman Hall: Thank you. Anyone else wishing to speak from the public.

XV. REMARKS BY COMMISSIONERS

Commissioner Sobieski: In regards to Ms. Lyons question, Myra Cohen Way would be maintained by the town, it's not going to be maintained by the state. At least that is my understanding when I talked to the Town Planner and the Town Engineer. As far as Amara goes, it's a good question. I'd like to know the answer. I mean, we were told this had to be done quickly and all I see is weeds up there and a pile of stone. It doesn't seem to be moving anywhere.

Commissioner Aieta: If they can't move forward on the Amara project as it was presented to us, they don't have approval for the previous one; they can't come back and say, well, I'm just doing the other one.

Craig Minor: Actually, they do. They have both, and in fact the owner of the property, who is not Amara, the owner of the property is anticipating that he may have to fall back on Plan B, the hotel, convenience store, bank, restaurant pad site project, because that site plan approval is still valid. It still has a couple more years of shelf life because old site plans are good for nine years now.

Commissioner Aieta: I thought when they got the second approval the first one was null and void.

Craig Minor: Not automatically. In fact I don't think you can make that a condition of approval.

Chairman Hall: Who would have information on that?

Craig Minor: Mr. Amara. That's not his name. I have had no contact with him since the night of the approval. The owner of the property has contacted me a couple of times about issues, such as the material to be used in the retaining wall, things of that sort, but I have no idea where Amara is with their State and DOT approvals.

Commissioner Claffey: I could find out through a friend who runs a competitor, who knows a lot about Amara and what they do and knew that they were coming into town. I can throw it out there, because this person was excited that it was coming, she wouldn't have to commute to the other side of the world to go to work. I could reach out to some people and see.

Commissioner Sobieski: Just a point of information for me. The retaining wall is to be made of a certain type of material, am I correct?

Craig Minor: Exactly.

Commissioner Sobieski: And no matter what, whether it be Amara or the hotel, or whatever, that material is still going to be the same, am I correct?

Craig Minor: Actually, no. The hotel site plan has a detail showing the retaining wall, and the Amara site plan had a different detail for the retaining wall. I told the owner of the property to use whichever material he wants, but if he ends up building Amara, the material needs to be as shown on the Amara site plan, and vice versa for the hotel.

Commissioner Sobieski: Is there a significant difference?

Craig Minor: It's aesthetic. The Amara material is more attractive than the original. He could always come back to you and ask for relief on that if his contractor installs the wrong kind.

Commissioner Sobieski: Would it be in the same location?

Craig Minor: Oh yes. Absolutely.

Commissioner Aieta: Is there any reason for him to come back to the Commission if he chooses to go with the original plan? He can just take out building permits?

Craig Minor: Correct.

Commissioner Serra: Mr. Planner, different subject. Going back to Wethersfield and their subdivision, could you let us know when their TPZ meeting is going to be held? I'd like to go to that.

Craig Minor: I got an e-mail from Peter Gillespie the other day and he mentioned the date, I don't remember it, but I'll tell you tomorrow.

XVI. CLOSING REMARKS BY THE CHAIRMAN

Chairman Hall: See you all on the 23rd of November. It is a Monday, the Monday before Thanksgiving.

XVII. ADJOURN

Commissioner Sobieski moved to adjourn the meeting. The motion was seconded by Commissioner Serra. The meeting was adjourned at 9:10 p.m.

Respectfully submitted,



Norine Addis,
Recording Secretary