

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Public Hearing and Regular Meeting

November 23, 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

III. APPROVAL OF AGENDA

No changes

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

John Bachand, 56 Maple Hill Avenue: I just wanted to talk about what was on your earlier agenda, if that's all right. I think I cleared that with Craig earlier. Regarding that structure debate which you had just at the end there, so I'm glad I was able to catch that, I explained to Craig in an e-mail that was way too over reaching, I mean, that's basically anything, put two sticks together and it could become a structure. I had a question about that fuel tank, it sounds like everyone's propane tank would become a structure. So I think it's just way too all encompassing. I do agree that it needs work, and it doesn't have to be just a building, but I don't think a picnic table or a dog house or a bird house is a structure. I don't think that's the intent, so I would encourage you to do a little more work on that. That's all I wanted to say.

Chairman Hall: Thank you. Anyone else wishing to speak?

V. PUBLIC HEARING

None

VI. REMARKS BY COMMISSIONERS

None

VII. APPROVAL OF MINUTES

- A. Regular Meeting September 24, 2015
- B. Special Meeting September 24, 2015
- C. Regular Meeting October 14, 2015

Commissioner Sobieski moved to approve the minutes of the regular meeting of September 24, 2015, the special meeting of September 24, 2015, and the regular meeting of October 14, 2015. The motion was seconded by Commissioner Camillo. The vote was unanimously in favor of the motion, with six voting YEA.

VIII. NEW BUSINESS

- A. Discuss Zoning for TOD (Transit Oriented Development)

Craig Minor: As I mentioned at the last meeting, I spoke to a planner friend of mine at Weston and Sampson the other day, and she will give us a written proposal to do a VPS.

Now, the other item: I was asked to produce some maps showing vacant parcels in Newington, and what I am giving you at the moment, which is incomplete, is the map prepared by the consultant that CRCOG hired for us a couple of years ago. It is in your agenda package. This just shows a tiny fraction of all of the land in the Newington Junction neighborhood. I have asked the GIS department to put together maps showing all the vacant parcels in the half mile radius of Newington Junction and the Cedar Street station, and he's working on that. He asked me if he should also, in addition to vacant lots, show lots that are underdeveloped, that have maybe a structure but nothing that the owner would be reluctant to tear down if the zoning regulations allowed a more profitable use for the property. I think that map, a map of vacant parcels and parcels with future teardowns would be more useful for the Commission in the context of where new development would take place if you adopted TOD regulations. The IT department is working on that map, and he actually had a draft but it wasn't what I was looking for. I will have that for you at the next meeting, showing all of the vacant parcels and the underdeveloped parcels.

Commissioner Sobieski: Mr. Planner, looking at this map here, the corner of Day Street and Francis Avenue looks like it is vacant, and I don't think that is true. I think there is someone in the old Merrow Machine building up there.

Commissioner Aieta: I think there are some mistakes on this.

Craig Minor: Yes, Cashway certainly isn't vacant.

Commissioner Sobieski: Merrow Machine is basically being used, and there is also this parking lot that is being used, and this piece over here is a printing company, going back down, over through here, I think one of these is Northern Heating which is being used, and there are two more properties that have been filled up on Day Street Extension recently. Way up on the top up there is the old Standard Structural Steel which is undergoing rehab, so I think there are some errors on this map as far as what is vacant and what isn't. I think we need to look at those properties. We are showing a lot that vacant but they aren't, and I certainly don't want to give anybody the impression that we are going to go after those properties. That's my concern here, by showing them vacant, or partially used or something.

Commissioner Aieta: I think what they did, Stan, was they combined the vacant with properties that someone thought they could knock the building down and use it for something else. That should be two different colors. Then you have a commercial zone, what is that, a PD Zone? I thought all of that area was Industrial.

Craig Minor: These are the actual uses, not the zones, so if a property is colored red, it's because the planner who made this map thought there was some commercial activity going on there.

Commissioner Aieta: Oh, okay. So it's not a zone?

Craig Minor: Correct. I will have a better map for you next time.

Commissioner Sobieski: One other quick question. The piece that the State owns, or Amtrak, between Newington (inaudible) and Francis: is that going to be part of this development, or is the Amtrak parcel excluded from this?

Craig Minor: On the town map it's showing as part of the railroad right-of-way. Do you want to include that as a vacant parcel?

Commissioner Sobieski: I'm just asking the question?

Craig Minor: But do you want to? It's up to you. This is your map for your use. If you think it will be helpful for your purposes to show it as a parcel that is going to become a train station, then let's show it as that. That might actually be a good idea, because then when people see the map they will know that will be a future Amtrak station.

Commissioner Sobieski: What would happen to that piece of Francis Avenue that is filled with abandoned cars? That would have to be transferred to the Town of Newington's custody and controlled by some other developer is they wanted it, right?

Craig Minor: Oh, there's probably a hundred things that could happen to it. Who knows?

Chairman Hall: Anybody else?

Craig Minor: That's all I have for the TOD.

IX. OLD BUSINESS

None

X. PETITIONS FOR PUBLIC HEARING SCHEDULING

- A. Petition 43-15: Special Permit (Section 3.12.1: Restaurant at 103 Lowrey Place. Lowrey Place Realty LLC, owner, Stoc LLC, applicant, Ian Thompson 579 New Britain Avenue, Newington contact.

Craig Minor: This is an application for a new restaurant on Lowrey Place. I'm not sure how "Stoc" is pronounced, but I guess it's S-T-O-C. It's a brand new restaurant coming into Newington and they want to open in the Best Yet Market building, and because it is a restaurant it requires a public hearing. I recommend the hearing be scheduled for the next meeting, December 9th.

XI. TOWN PLANNER REPORT

A. Town Planner Report for November 23, 2015

Craig Minor: Not too much this month. I included in the agenda package the report from CRCOG to the Wethersfield P&Z about the proposed subdivision on Back Lane, and I see CRCOG reiterated our concerns about the traffic that this could create for a private development in Newington.

Then I am just bringing to your attention that you will have your annual meeting at the next meeting. One of the pieces of business is your CRCOG representative is usually selected at that meeting, one of the TPZ Commissioners, so you maybe want to be thinking about that, someone that you want to give that privilege to. That's all I have.

XII. COMMUNICATIONS

None

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

Rose Lyons, 46 Elton Drive: I just want to say Happy Thanksgiving to all, and thank you all who have served over the years, and I don't know who is staying and who is leaving, but I do want to thank you even more for all of the times that you put in. It wasn't as bad as when Toll Brothers and a few other things have come through, but Amara put you through the hoops, and a few other things, so thank you for all you have done, appreciate it.

Chairman Hall: Thank you Rose. Anyone else wishing to speak?

Carol Anest, 30 Harding Avenue: I just want to thank everybody for the time that I served. For me, it was a really good experience, and we worked well together, and I hope, going on in the future the new TPZ members will work as well as we have. We set a really good example, not only for TPZ, but for other Boards and Commissions. I want to congratulate Cathy for doing such a great job as Chairman, you will be missed. To the other Commissioners who are leaving, thank you and good luck in future endeavors.

Chairman Hall: Thank you. Anyone else wishing to speak?

John Bachand, 56 Maple Hill Avenue: I didn't realize it was coming up on the end of some on the Commission here, so I would reiterate what the previous two said, thank you for your service here. Just wanted to raise another thing, I did bring this up with Craig, I don't know if it's an agenda items, but those lots on Back Lane, that we discussed, I don't know if everyone is aware that there is another 24 lots that were approved long ago, and for whatever reason, they were never, they never continued the streets in there, whether it was because of wetlands, or for whatever reason, but they are approved lots on Wethersfield maps, so I was a little concerned. I haven't found the answer yet, if the new street coming in from Back Lane is going to connect with those streets or not, that would actually open up another 24 lots, creating even more traffic.

Chairman Hall: Thank you.

XIV. REMARKS BY COMMISSIONERS

Commissioner Aieta: Could we have a discussion on the temple on Church Street? I'm not talking about the public hearing portion, but the parking situation, and the Fire Marshal. Last week we had a situation at the temple on Church Street, and I don't want to confuse it, co-mingle it with their application that came in the same week, but that weekend they had an affair going on, a religious event, and there was, the Fire Marshal and the Police came and they were shut down, the Temple was shut down.

Chairman Hall: Let's make it general. If a religious or social club decides to have an event, what is the process that they have to go through as far as the Town is concerned?

Craig Minor: It depends on what their underlying permit is for. There is a fraternal organization, Kiwanis Club, Elks Club, on Wilson...

Commissioner: The Polish American Club.

Craig Minor: Right. A couple of years ago they had an event that involved liquor and a tent. I asked them for more information, and found it was limited to just their members. It was not open to the public, you couldn't buy a ticket to show up. So that I made the judgment call that they were good; they didn't need and special approval. That's what fraternal organizations do, they have parties for themselves, so I told them they didn't need to come back to P & Z. But if they had told me that they were going to open it to the public, and sell tickets, then I would have told them to go to TPZ for permission, because that goes above and beyond what a club would be expected to be doing. So, it depends on the details, the specifics.

Chairman Hall: That also puts it on the club or fraternal organization to alert the town. Let's step back and ask, what if this occurs, and they never did come to the Town. What is the process at that point, short of a neighbor, or a concerned citizen calling the police or calling people from town to shut it down? What's the deal with that so it doesn't happen again, or if it does happen again, there's a protocol?

Craig Minor: I think what you are asking is, how do clubs, churches, and social organizations know what they need to do and when they need to do it? It's two different questions. In the case of the Polish Club, I forgot why it was they got in touch with me, but it's a good thing they did, because they were then vetted and were told that they were okay. But what if they hadn't contacted me, and they did plan on selling tickets?

Chairman Hall: Right. Then what?

Craig Minor: The ZEO would go out the next day and issue a cease and desist order and tell them they were in trouble and don't ever do it again, or go to P & Z and get permission for the next time. It's reactive. I don't know if there is any way to tell every organization in Newington before they do anything to call us first, which is crazy. I mean, they aren't going to call us if they have a tag sale. Well, a tag sale might be a bad example, but something trivial, something that you folks wouldn't want them to bother coming before you. But how are they supposed to know what is trivial and what raises the level of your review?

Commissioner Sobieski: Mr. Planner, that at the Polish Club was their annual outing, and that happens once a year. They used to go to Churchill Park, now they have it there. The difference between that type of operation and the operation that this temple has going on is that it is twice a month according to the web site which I looked at. We're also dealing with the fact that there are no capacity signs up there. So, it seems to me that when the Fire Marshal went in there and shut it down, because of overcrowding and because of them

parking and walking on a dark street, which is a safety, we'll let the safety go for now, but to me, I went by and looked at it from the street, and they were just all over the place. I believe when St. Mary's and the Kiwanis used to have their carnival in the center of town, there were certain restrictions put on them. A police officer had to be hired. That's something maybe we want to start looking at. Not saying for everything, but this was, according to their web site, it was every other week. That to me is kind of scary. The police shut it down, along with the Fire Marshal, for over capacity, over booking, whatever you want to call it. The cars that I observed there were from New Jersey, Pennsylvania, Massachusetts, it's kind of a stretch I would think. I could be wrong here, but I'm just voicing my opinion.

Commissioner Serra: The other question I have is, not only was the parking all over their property, on the grass, and into the Methodist Church across the street, they are also using Wallace and Patterson schools to park cars and running a shuttle bus. Are they allowed to use town property? If somebody gets hurt in the parking lot, is that on the Town?

Craig Minor: Any time anyone uses Town property, they have to get permission. I don't know if they had permission to park there. I can find out. All of these things that are going on seem to exceed what was typically happening there when it was B'nai Shalom, so maybe we should suggest to the owners of the property that they apply for a modification to the special permit that was issued forty years ago when the synagogue opened, and to specify the special events that they are having, to specifically designate how many events there are going to be, what the maximum attendance will be, how they are going to arrange for shuttle buses or police coverage, or whatever. All the things that Plaza Azteca had to satisfy you, for example, and then modify the special permit after a public hearing, so that all issues can be thoroughly vetted and addressed. That would be the way to deal with this unique situation.

Commissioner Camillo: The attendees were in the neighbor's yards, just kind of walking around, which is what they brought up at the last meeting. The owner of the property said that it didn't happen, but, I mean, there were people everywhere.

Commissioner Sobieski: I thought they had to get a permit to have a tent up there. According to the aerial photographs, they have two tents up there. They have been up there for a while. Isn't there a permit that they are supposed to obtain from Planning and Zoning or the Building Department for a specific amount of time?

Craig Minor: Yes, they were supposed to get a permit for those two tents. The Fire Marshal cited them for that when he was out there last week, and as I said in my e-mail to you, they have addressed the Fire Marshal's concerns to his satisfaction. I don't specifically remember whether Chris Schroeder told me that they had since then gotten permits for the tents, but yes, they do need to get building permits for that type of tent.

Commissioner Sobieski: Along those same lines, if we are going to have those tents, should they be coming down after a certain amount of time? I mean, you couldn't get a permit for a tent for 365 days, for the entire year?

Craig Minor: I don't know.

Commissioner Sobieski: I don't know either.

Craig Minor: Your first point, which is that they need a proper permit from the proper authorities for that tent, whether it is for a day or a month: yes, they need a permit for the tent.

Commissioner Sobieski: Are they fire resistant tents?

Craig Minor: This is the same point, that they should have gotten a permit for the tent.

Commissioner Sobieski: You are also having some type of fireworks up there which all you need is a spark from them, and you have a problem. So I mean, all of this stuff here, that I'm guess I'm asking is, the building department should be on top of, and obviously they have skirted around this, and I don't know how long this has been going on. It sounds like it has been going on for quite a while.

Craig Minor: They have in the past gotten permits for tents. They did two years ago, and six or seven years ago. Why they didn't this time, I don't know.

Chairman Hall: Six or seven wouldn't have been them.

Commissioner Sobieski: I'm interested in how long the tents stay there, that's my point. You can have a permit to have a tent up there for a year?

Craig Minor: I don't know. But your point is that they should have gotten a building permit for the tent, but they did not. They definitely should have.

Commissioner Serra: I understand they had a table where they were selling fire works.

Craig Minor: I talked to the Fire Marshal about that. The fireworks are part of their religion, and they were probably selling them to be set off as part of their religious observance. I did talk to the Fire Marshal and he had no problem with that, because those were the kind of fireworks that anybody could sell; you don't need a special license to sell those fire works.

Commissioner Serra: In the Town of Newington, if somebody wanted to set up like they do on the Fourth of July and sell fireworks, don't they need a permit?

Craig Minor: In this specific situation the Fire Marshal had no problem with the fireworks.

Commissioner Serra: Can we get a copy of the Fire Marshal's report on that night?

Craig Minor: Sure. I thought I gave it to you. I thought it was attached to the e-mail - the patrolman's report and the Fire Marshal's report.

Chairman Hall: Yes we did get that. I think at this point a letter needs to go out to them, inviting them in with you to go over the rules and regs as to, if they are having an event, this is the way to go about it. Just so that, A: they are forewarned, and B: to give them some guidance, because it sounds as if they have no clue as to what they are supposed to do. That they are just having their events, and now that it's been discovered, there are a lot of things that they need to know. I think a letter should go out to them, inviting them in for a meeting with you and the Building Department, and whoever else is going to be involved, as far as the tents and all the rest of that.

Craig Minor: I would suggest that we go further than that, and have them actually come before you literally to modify the existing special permit which theoretically is somewhere in the land records, specifically spelling out the holidays that they are going to be observing and what is going to be involved in terms of parking, how late at night the events can go because their events can go until one o'clock in the morning. That is part of their religion, so we need to tread carefully, but so long as that is all understood and discussed openly at a public hearing and everybody knows that, for example, four times a year they are going to be going until one o'clock in the morning on a Sunday, or maybe a Monday. I think there should be a public hearing so that everybody can ask their questions, express their opinions, with a paper

trail, and then have a document on file that everybody now knows, these are the rules, these are the terms of approval for a modified special permit.

Chairman Hall: I think you better track that down first. Get that original permit, see what it says, see what you are up against, and then have it modified. It would have been how many years ago that would have been? Probably in the seventies.

Craig Minor: Right. Special permits have to be recorded, so presumably the synagogue filed a copy of that special permit when they got it, back in the day, forty years ago. My hunch is that it is not going to say anything about the issues that we are dealing with. But you are right, we should be talking about modifying an actual permit that everybody can read.

Chairman Hall: Right. If we are going to modify it, we have to find out what it was to begin with. How long have they been there, three years?

Commissioner Aieta: Five.

Chairman Hall: So, find out under what circumstances they took over as well, because there had to be some kind of transfer.

Craig Minor: Well, they bought the building, but they didn't come to the Town for approval because it was not a "change of use". It was a religious organization that sold to a new religious organization, so it was seamless from our point of view - except it turns out that they are practicing their religion in a way that is different from when the Jews were here, so we need to talk about it.

Commissioner Aieta: Just one thing. There has to be a definition of occupancy. I talked to the Fire Marshal about it, and he takes into consideration only the size of the building when he figures occupancy. There are other factors that he should take into consideration, and that is the amount of parking that they can legally have on their land, and it has to be paved parking. So that their occupancy is controlled by the amount of parking spaces that they have, beside the size of the building, because they are using the front lawn as a parking lot when they have these events, and that's not what the regulations say. The regulations say it has to be a paved surface. Then they also use the Methodist Church across the street, which is posted that they don't want anyone using their parking lot. They used it anyway.

Craig Minor: I was told that originally they had permission from the Methodist Church, but they no longer have permission to park there. Again, that is the kind of issue that would come up in a public hearing; you would ask, "where are your out-of-state guests going to park when you have your events"?, and they will have to have a good answer, or else you won't approve the modification.

Commissioner Aieta: Isn't that controlled by the amount of parking that they can sustain on their own piece of property?

Craig Minor: It's certainly related.

Chairman Hall: Anyone else? Any other comments?

Commissioner Serra: The last time we met, I had about the inflatable on top of Plaza Azteca, the giant spider. Now I understand there is a giant inflatable tire in front of Modern Tire.

Chairman Hall: I checked on that today. It's permitted. They have a certain amount of time for it, and it's going to disappear at the end of the month, and then I think it comes back

around the 11th to the 18th, something like that. But today in particular I was a little worried because of the tether, and it was very windy, but they do have a permit.

Commissioner Serra: Thank you.

Chairman Hall: I had a feeling that it might come up. Anyone else?

XV. CLOSING REMARKS BY THE CHAIRMAN

Chairman Hall: I usually don't have too many closing remarks, but tonight literally will be my closing remark. The past couple of weeks, I've had some time to reflect on my service to the Town of Newington and I kind of surprised myself when I found out that it's been twenty-nine years. In 1986 I started. I started with ZBA, was a Commissioner on the ZBA for a while; I was a Commissioner on the Conservation Commission; I was a Commissioner on the Aging and Disabled; Mayor's Committee on Youth At Risk; then I jumped into the pool with both feet and became a Town Councilor for ten years. Six of those ten I was minority leader, and for two of them I was Deputy Mayor. I thought after ten years it was probably time, so I decided not to run for the Council, and was fortunate to get a spot on TPZ. That was eight years ago, and I have really enjoyed my time. I've enjoyed all of the people that I have worked with, and there have been many. I've been Chairman on occasion, I've been a Commissioner on occasion, and I've enjoyed both spots.

I want to thank this Commission in particular. When I took over a couple of years ago, I was pretty adamant, I said, when you come in this door, you leave your D and your R at the door, and I have to say, you did, and I really appreciate that. I think we worked well, and I think we got a lot accomplished. I'm going to miss it, not that I don't want to be back, but I will not be back, and I want to thank everybody in the past. I want to thank Mr. Minor, I want to thank Norine for taking great notes, and let me tell you, some of our meetings, I don't know how you did it.

I also want to thank this particular Commission for coming in for all those nights at six o'clock. We had a task, and that was to go over the rules and regs. We wanted to make sure that we are doing what we should be doing, and there were very few nights that we didn't have a full house here at six o'clock. Many of those nights we didn't leave until ten o'clock. I really, really, appreciate the fact that you kept doing it. I'm sorry we couldn't quite finish it tonight, we were about ten minutes away, but that's now for the next group.

So, those who are coming back, I wish you the best of luck, for the Town. I'm going to say goodbye tonight, after twenty-nine years, and I thank you, and I thank the Town for letting me do that for all that time. I'll entertain a motion to adjourn.

XVI. ADJOURN

Commissioner Sobieski moved to adjourn the meeting. The motion was seconded by Commissioner Camillo. The meeting was adjourned at 7:45 p.m.

Respectfully submitted,



Norine Addis,
Recording Secretary