NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting and Public Hearing

May 8, 2013

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

I. ROLL CALL AND SEATING OF ALTERNATES

Commissioners Present

Vice-Chairman Michele Camerota
Commissioner Michael Camillo
Commissioner Cathleen Hall
Chairman David Pruett
Commissioner Stanley Sobieski
Commissioner Frank Aieta-A
Commissioner Kenneth Leggo-A

Commissioners Absent

Commissioner Carol Anest
Commissioner David Lenares
Commissioner Audra Ekstrom-A

Staff Present

Craig Minor, Town Planner

Commissioner Aieta was seated for Commissioner Lenares and Commissioner Leggo was seated for Commissioner Anest.

II. APPROVAL OF AGENDA

No changes

III. PUBLIC HEARING:

A. Petition 18-13: Special Exception (Section 6.2.4: Freestanding Business Sign) at 3573 Berlin Turnpike (Gateway Plaza). Brown Realty LLC, owner, James Brown 59 Cove Road, Lyme CT, applicant/contact.

Chairman Pruett: I don't see the petitioner here. Either he's late or, we can pass it and table it for later and if he comes in we can revisit it.

B. Petition 20-13: Special Exception (Section 3.15.6: Place of Recreation) at 102 Pane Road H & H Investments LLC, owner, Bounce Around Inflatables LLC applicant, Santiago Gil 50 Woodruff Circle, Berlin CT, contact.

Chairman Pruett: I see the petitioner is here. If you would come forward sir to the microphone, have a seat and state your name and address for the record, please.

Santiago Gil: Certainly. I'm Santiago Gill and my address is 50 Woodruff Circle, Berlin, Connecticut.

Chairman Pruett: If you can just talk about your petition that you want to come forward with tonight.

Santiago Gill: We are looking to open a family fun center at 102 Pane Road. It's a facility of about 7,000 square feet. It's basically inflatable equipment with some gaming, snacks and foods set up for families to come in and play, open play. Also we will be able to celebrate birthdays, we will hold some birthday parties for the children.

Chairman Pruett: Okay, very good. Mr. Minor, any concerns from staff, your comments on that?

Craig Minor: My only concern is with the amount of parking. I believe there is enough parking on the site for this use along with the other three uses that are currently there. The concern though is that the owner of the property who operates the equipment, On-Site gas systems, medical equipment supplier, he is storing a lot of his equipment in the parking lot, and he is taking up spaces that are needed for customers of all of the businesses there, and I asked the Zoning Enforcement Officer to have a conversation with him about this because it's a two fold issue. Number one, it's a violation of our regulations, storing equipment outside without permission from the TPZ, but more immediately, it's taking up parking spaces that Mr. Gill's customers will need, that the karate studio customers need, that the print shop needs, so the Zoning Officer spoke with the owner about it today, I'm sorry, earlier this week, they didn't come to a resolution as to what the owner intends to do about moving his stuff off of the parking lot, or at least to the back of the parking lot where it is only taking up five or six spaces, because right now it's taking up a good twenty spaces. So, as I said to Mr. Gill earlier tonight, what I will recommend the Commission do is keep the hearing open, give staff time to work out with the owner what his intentions are as far as the parking because for me, that is the only real issue. Other than that, I don't have concerns with the application.

Chairman Pruett: Okay. Commissioner comments on this petition?

Commissioner Aieta: Can you tell us the hours of operation?

Santiago Gill: Sure. We have some hours put together that we are going to start with, typically Monday through Friday, 10:00 to 6:00 in the afternoon, Saturday, 10:00 to 8:00, and Sunday 10:00 to 6:00. Summer hours will be a little bit shorter, not open every day, closed maybe Tuesday and Wednesday.

Commissioner Aieta: You don't plan on having any of these inflatables outside? Everything will be contained within the building?

Santiago Gill: Everything is going to be indoors.

Commissioner Aieta: So you won't be displaying any of these outside?

Santiago Gill: No.

Commissioner Aieta: The whole operation is enclosed within the building?

Santiago Gill: Correct. If we did do something like that, we would come back to the Commission.

Commissioner Aieta: I drove by there and there's only twenty parking places that are available for this site as of today that are vacant, between the gas company, and I don't even think the karate place was operating today, and between that and the gas guy and Image Ink, there were only twenty spaces left. If he's the owner of the property.....

Santiago Gill: Right. We had a discussion previously about vacating some of those spaces, at least up to where the building, the dividing line is between his section and ours, which would free up about half of those spaces for our use, that's an agreement a verbal agreement that we had with him for him to be doing to free up these spaces, especially since we would need those spaces.

Commissioner Aieta: To the Planner, how many parking spaces are required for the 7,000 square foot operation that he is, and what standards did you use?

Craig Minor: In my memo to the Commission I said that, I asked the applicant how many customers and staff personnel he expected at key times. He estimated that there would be up to fifteen children and eight parents per party, with up to two parties at a time, and a maximum staff of eight, including himself. So fifteen plus eight times two equals forty-six plus eight equals fifty-four. If we apply the recreation parking standard of one space per three persons, Bounce Around would need eighteen parking spaces, so that is my recommendation, that we make sure that there are eighteen spaces for Bounce Around.

Commissioner Aieta: He just told you that he needs forty-five and you're telling us he only needs eighteen.

Craig Minor: He said he needs forty-five parking spaces?

Commissioner Aieta: No, what did you just.....

Craig Minor: No, I asked him, how many people does he expect there, and by people I'm including children coming to a party, so based on the number of children coming to a party, and the number of parents that will stick around, and the staff that would be there full time, and assuming two parties going on simultaneously, there will be fifty-four people inside the building, and then using our standard of one for three, I then divided it out by three and came up with eighteen parking spaces. So that is my recommendation.

Commissioner Aieta: And you took into consideration Image Ink and.....

Craig Minor: No, this is separate from them. But this comes back to my first point, how the owner of the property is blocking a lot of parking with his equipment, so.....

Commissioner Aieta: If you take all the parking spaces on site, take the three uses that are there, the Image Ink, the Karate studio, and the gas company and now this one, is there a total number of parking places that will accommodate all of those uses with applying the different regulations per use?

Craig Minor: Yes, because on site is a wholesale manufacturing operation with only a few employees, so they really don't need much parking for themselves.

Commissioner Aieta: Are we going to have to find out where he is going to move his equipment? We don't want him just moving it onto somebody else's property or into the wetlands behind the property.

Santiago Gill: If I might add, On-Site is closed on weekends when we are really in party mode.

Commissioner Aieta: But the equipment that he has there is not stuff that you could readily move from one spot to another. He's got some tanks out there and trucks, he's got equipment there that is not easily moved.

Santiago Gill: There is also the shared parking with the neighbor that are available for parking.

Commissioner Aieta: Do you have a letter from the neighbor saying that you can share....

Santiago Gill: It's an agreement that has been.....

Craig Minor: It's on record, it was over a decade ago.

Chairman Pruett: It's still considered viable?

Craig Minor: Well, I haven't read it myself, but when 102 Pane Road was granted site plan approval back in 2003, one of the conditions of approval was that a reciprocal parking agreement be filed, and I was talking about it with Art the other day, and he told me that he had seen it, Art does know it is on record, but I have not seen it myself.

Commissioner Aieta: I'm not sure, I'll ask Cathy, she might know, the, if I remember correctly, I think that both pieces, 102, were both owned by Reno, and now it's a different owner, so I don't know if they still have an agreement with two different owners. He had given himself cross easement because he owned that property I believe.

Craig Minor: If it was done correctly, then it would still carry forward, but I haven't seen it myself, so I can't tell you it was done correctly.

Chairman Pruett: If it was done as an easement, that document, something we are going to have to look into and check. I would follow up on that. If I can ask you too, what is the time frame, you have a party, do you have a time frame, you have to come in and out, like two hours, or.....

Santiago Gill: It's basically a two hour party.

Chairman Pruett: So you can run two at a time and schedule another, and also, are you thinking about wholesaling this equipment too, or .....

Santiago Gill: We were thinking, we're not going to do that right away. We're just going to focus on this as the main business, but we do party rentals. That is what we do as a company right now, since 2004. We do outside rentals of equipment, inflatables, concession machines, so forth.

Chairman Pruett: Very good. Okay, this is a public hearing, I am going to call upon the public. Sir, if you'll have a seat, we're going to ask the public. This is a public hearing. Anyone from the public wishing to speak in favor of this petition? Anybody from the public wishing to speak against this petition? Seeing none, I'm recommending that we keep this petition open until we get some more information on the parking and see if we can get that resolved. Is that the consensus? *Okay, we're going to keep this open sir until we get more*

information on the parking. Hopefully we can close this up for you since we had that brought to our attention.

Santiago Gill: Thank you. Anything we can do to help?

Craig Minor: Motivate the landlord, because if he wants your rent check, he has to resolve this parking issue, if he wants any rent check for that space he has to resolve this parking situation.

Chairman Pruett: And also the neighbor next door, Reno Properties.....

Commissioner Aieta: That has to be a legal agreement that still is enforced today between the two owners because at one point there was one owner for both properties.

Chairman Pruett: You need something to protect yourself.

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

None

V. **REMARKS BY COMMISSIONERS**

None

VI. **MINUTES:**

April 24, 2013

Commissioner Sobieski moved to accept the minutes of the April 24, 2012 meeting. The motion was seconded by Commissioner Camerota. The vote was unanimously in favor of the motion, with six voting YES.

VII. **NEW BUSINESS**:

A. **Petition 23-13: TPZ Approval of Outdoor Restaurant Seating at 24 Fenn Road (Mooyah's) Hayes-Kaufman Newington LLC owner, Mooyah's Fenn LLC, applicant, Matt Rusconi, 45 South Main Street, West Hartford CT *owner/contact person.***

Chairman Pruett: Is the petitioner here?

Craig Minor: I don't see him.

Chairman Pruett: Okay, I'm sure he has been made aware of this.

Commissioner Aieta: What happens in a case where they don't show up, how does, does this continue on and what does it do to the clock as far as our legal time period.

Craig Minor: You have sixty-five days from the last meeting to make a decision on this, so I would recommend that you keep it.

Commissioner Aieta: Just keep it the way it is.

Chairman Pruett: Rather than discuss it and make a decision on it without the petitioner being here, I wouldn't recommend it.

Commissioner Hall: I just have a question on the staff report, number two, for Petition 22-13, under staff comments, second paragraph, second to the last sentence, that's why I later recommended holding a public hearing when McDonald's requested season, shouldn't that be Dunkin Donuts?

Craig Minor: Yes.

B. Petition 24-13: TPZ Approval of Outdoor Restaurant Seating at 2551 Berlin Turnpike (The Sloppy Waffle") 2551 Berlin Turnpike LLC owner, Luz Ramos, 164 Eddy Lane, Newington CT, applicant/contact person.

Chairman Pruett: Petitioner, would you step forward please, just state your name and address for the record, and just explain your petition.

Luz Ramos Squillante: My name is Luz Ramos Squillante, and I'm from 164 Eddy Lane, Newington.

Chairman Pruett: Would you just briefly explain what you are trying to do, present a petition.

Luz Ramos Squillante: Sure, actually I want to thank you guys for allowing me that extra parking spot the last time, because it's a great spot for the Sloppy Waffle. What we would like to do, if some of you are familiar with the site, we are located towards the back of the building, and one of the challenges is having people know and see us, and we want to take advantage of the great weather to offer outdoor seating and also have something out there so people know we are located back there. Other than that, it's basically a seasonal situation.

Chairman Pruett: Okay, staff comments on that Mr. Minor?

Craig Minor: I don't think I had any concerns on this one, no, I have no issues with this one.

Chairman Pruett: Commisioner comments?

Commissioner Hall: What did this space used to be?

Commissioner Aieta: I believe it was a window company or a Vacuum, Cyclone Vacuum. It was one or the other.

Commissioner Hall: Because one day I drove by and there was a sign for Sloppy Waffle. Don't restaurants have to come before us for location?

Craig Minor: They did, about six months, I don't know that they had the name at that time, it was just going to be a sandwich shop, I don't think it had a name at the time that she did come in.

Chairman Pruett: It was going to be a sandwich shop or a generic restaurant.

Commissioner Aieta: For the Planner, additional information, what is the, where they are showing the tables, not the ones that are closest to the building, the ones that are across the parking area, how much space is there between the curb line and the property line? There's no scale.....

Craig Minor: Probably five feet since that is the zoning requirement, but you're right, I can't tell from, well if you assume, not assume because you know that all of these spaces are nine feet wide and half would be four and a half feet, and distance from the curb to the parking line, it looks like a little bit more than that, yeah, I would say five feet.

Commissioner Aieta: Do you think the car will overhang into that five feet.

Craig Minor: Possibly. So perhaps a condition of approval be that she put tire stops....

Commissioner Aieta: Then you are putting the car into the driving lane.

Craig Minor: Well these stalls are designed, the standard nine by eighteen and a half feet depth of a parking space, which is standard everywhere in Connecticut, assumes that some time there will be a tire stop a foot or so in from the curb, so I would say that that is not going to impact the function of any of these spaces. I understand your point, but I think that is taken into consideration with the industry standard of eighteen and a half feet.

Chairman Pruett: So there is no curbing there, or.....

Craig Minor: Oh there is curbing, but Frank's point is that if a car drove all the way to the curb, the front of the car is going to hang over and bump into one of these picnic benches which is a good point. So perhaps curb stops, with concrete would be a good time.

Commissioner Aieta: For the applicant, what kind of tables are they? Are they regular wooden picnic tables like you see at .....

Luz Ramos Squillante: For which location?

Commissioner Aieta: The ones that are closest to the hotel?

Luz Ramos Squillante: Oh, those are picnic tables.

Commissioner Aieta: Regular full size picnic tables?

Luz Ramos Squillante: Not full size, smaller. I'm actually shopping for, window shopping for some now. It will either be two toped metal tables, or the round or square teak type. I don't want them to be oversized, they are going to be either a two or four top.

Commissioner Aieta: You also have some near your front entrance. For the Planner again, if, has someone approved the location of the ones that are on the property line as far as people walking across the parking lot.....

Craig Minor: I'm sorry, I don't understand the question.

Commissioner Aieta: Did the Police Department look at this for safety and....

Craig Minor: No.

Commissioner Aieta: No. You don't think it's necessary?

Craig Minor: No. What is your question about the tables near the door?

Commissioner Aieta: I have no problem with the tables near the door, it's the other ones that, I don't know if it's going to work. You only have a five foot space. I don't know how big the tables are, I don't know about the cars parking.....

Chairman Pruett: Could someone take a look at the diagram and make sure that there is no problem with the overhang of the bumpers and.....

Craig Minor: Oh no, I think there is a problem and Commissioner Aieta's point is well taken and so the remedy to that is to require the applicant as a condition of approval to put tire stops at all the spaces, all the parking spaces that line up with your, where those picnic tables will be so that doesn't become a problem. That's a good point.

Luz Ramos Squillante: I have a question, the tables on that side is primarily for attracting attention to this space, there's also, further up, instead of along side where the parking spaces are, if you go further up, as if you were going toward the road, the Berlin Turnpike, the owner has an big sort of island, like a kidney area where there is no parking, there's no parking allowed there, and he has, that is an area I can use, if you would rather that I do it there, as opposed to along the parking area.

Commissioner Aieta: You're talking, we have to make sure we are talking about the same things, because part of the property that he uses is not his property. It's the highway right of way.

Luz Ramos Squillante: Oh, I understand. If you will allow me to come closer, I can show you.

Commissioner Aieta: Yes please. This part here.

Luz Ramos Squillante: Right here. If you notice, you have to drive in, and then the first parking spot is right here. I propose tables here, but if that is an issue, and for me, public safety is number one, we can always put the tables here.

Commissioner Aieta: Put it on this.....

Luz Ramos Squillante: Correct. In this little island if you will, because there is no parking allowed here, no cars will ever be there.

Commissioner Aieta: I'm not trying to hurt you, or hurt your business, I'm just concerned that if you put the tables there and some drives along, and smashes into them.

Luz Ramos Squillante: Oh no, no, point well taken, and for me, it doesn't matter where I put them in that little island, for me, if it helps and it's safer.....

Commissioner Aieta: I'll go look again, but I went and looked, I don't think that it works, the way that you have it here. I don't think there is enough room, and I don't think if you put the stop the cars, you are going to have to put it two feet into the parking space, and now the cars will overhand the parking place into the drive.

Luz Ramos Squillante: Yeah, and I don't think we should have to go to all that trouble for a seasonal situation, I think to resolve it we can put it in that little island that I indicated, that little area where there are no cars, I will have no problem reducing the tables to maybe two or three and just having it there.

Commissioner Sobieski: The other things is I'd like to see some type of limitation so that people just can't cross anywhere, similar to what we did on Cedar Street there……

Commissioner Aieta: If they move, if she comes back……

Commissioner Sobieski: If she put them where she is talking about……

Commissioner Aieta: Then you should have, just paint some lines where they can walk, just cross in one spot. They walk here, and cross. I'm just concerned about the safety, it's a tight spot. It's a tight site.

Chairman Pruett: Striping, so that when people come out with their food, to go to the…..

Commissioner Aieta: Yeah, they don't have to walk into the parking lot and then, they could walk along the concrete walk and then they could cross.

Luz Ramos Squillante: I think there is one there because there is parking on both sides, but I can't be sure. I know that there is a little ramp area that is marked handicapped, to go onto the sidewalk, but I'm not sure if it goes all the way across.

Commissioner Aieta: Then the last issue I want to talk to you about is the sign. The sign is on the state right of way.

Luz Ramos Squillante: What sign?

Commissioner Aieta: The Sloppy Waffle, the one that was one the truck. Now you know that the Zoning Enforcement Officer allowed you to keep this for the grand opening, and when you get some visibility, but the sign can't stay. It's not on your property. I think you should talk to the owner about providing you with some more space on there. They have a pylon sign, and you have a spot about this big on the top, maybe you could talk to the owner about giving you some more visibility on that sign. The sign you have there is an illegal sign.

Luz Ramos Squillante: I've already spoken to the owner about that, signage is an issue. He is now reconfiguring that so that he can allow us a bigger sign, and as far as the Sloppy Waffle sign on the lawn, it's the sign I got for permission for being a new business. I was not told that I could not put it there. I had it on the truck, and I have a certain number of days allowed to me to put a sign out in the front…..

Commissioner Aieta: Yeah, but you have to have it on your property, you can't have it in the state right of way. It's not on your property.

Luz Ramos Squillante: Okay, I'm not aware of the lines, but I will go back……

Commissioner Aieta: I mean, I'm not going to press the issue. The Zoning Enforcement Officer gave you a certain number of days to let you stay there, but you've got to resolve it.

Luz Ramos Squillante: It's a certain number of days, it's not a permanent situation by any means.

Commissioner Aieta: Do you know how many more days you are allowed for this?

Craig Minor: I don't think it is much more.

Luz Ramos Squillante: Well, the sign has been on the lawn for I want to say, I have it on my calendar at the restaurant, about a week and change. It's been on the truck the whole time, I've never put it on the lawn before. This is the first time it's been on the lawn.

Craig Minor: Then in that case you have another, it's been on the lawn for approximately a week, then you have another 23 days.

Luz Ramos Squillante: Well, as I understand it, it's forty or sixty-five days for a new business.

Craig Minor: That's right, you get the extra time if it's a new business, that's right.

Luz Ramos Squillante: And I have no intention of leaving that sign there, I'm just trying, it is my ninth week there, to generate interest.

Chairman Pruett: Any other comments from the Commissioners on this? What is your pleasure on her outdoor seating? Have we come to a decision as to how we can resolve this in a safe manner.

Commissioner Aieta: I think you have to come back and show us what you are going to do on the island, and we'll take a different approach.

Luz Ramos Squillante: Can I ask a quick question? Because it's a seasonal situation and it would be (inaudible) those two spaces in the front of the building, in particular, by my door are landscaped and we would have to you know, put concrete in and all the things that we would have to do, and go out and buy the furniture that would be placed there, is there anyway we could come to a decision based on what is in the front of the building, and then leave the other one for another day so that I can move on and take advantage of the weather and the time that I have to use this space?

Commissioner Aieta: You have two tables, how many tables next to the door.

Luz Ramos Squillante: In the front of the building, I'm going to say there's about three on the left facing the building, and there is enough space for about four on the right.

Chairman Pruett: I don't see a problem with it as long as the town has no problem with the front door, and we provide, I don't have a problem with her coming back later and presenting part two of this. Anyone have a problem with that? We are going to move this to Old Business and we are going to take care of that tonight.

Luz Ramos Squillante: Thank you so much.

VIII. OLD BUSINESS

A. Petition 15-13: Zone Change (planned Development to Planned Residential) at 2116 Main Street. Town Plan and Zoning Commission, applicant/contact. State of Connecticut Department of Transportation, owner.

Commissioner Leggo moved to approve Petition 15-13 Zone Change Planned Development to Planned Residential at 2116 Main Street, Town Planning and Zoning Commission applicant/contact, State of Connecticut Department of Transportation, owner. This change shall take affect upon publication.

FINDINGS:

1. The purpose of the proposed zone change is to protect and maintain the residential character of Main Street north of the intersection of the Berlin Turnpike.
2. No protest to the proposed zone change was filed at or before the public hearing in accordance with Section 8-3B of the Connecticut General Statutes.
3. The proposed zone change is consistent with the Plan of Conservation and Development as it will promote the general goal stated on Page 32, maintain quality of residential neighborhoods by avoiding the intrusion of non-compatible uses and non-residential traffic.

The motion was seconded by Commissioner Sobieski.

Commissioner Aieta: I thought when we had talked about this at the last meeting that we were looking at changing this to the original zone, which was an R-20 Zone. Is that what you understood Cathy, or .....

Commissioner Hall: Well, I don't know that we discussed necessarily what the zone is going to be but just that it was going to be residential. Planned residential or R-20, as long as it's residential, that's all I care about.

Chairman Pruett: I think it was Planned Residential from what I recollect.

Commissioner Aieta: If you could just tell us what you could put on Planned Residential, *compared to a R-20.*

Chairman Pruett: That's what I'm asking too.

Craig Minor: Well, Planned Residential is one of those zones that doesn't exist any more. It's referenced in footnotes and you have to.....

Chairman Pruett: It's on the books, but I don't know if it's in the zoning.....

Craig Minor: Well, it's on the books only as a footnote in the bulk uses table. If you go to the section of the Zoning Regs, the table here, of residential uses, you'll see that Planned Residential Zone isn't in there anywhere, because it is understood that there is no vacant Planned Residential land left in the town, and apparently when the Commission, I don't know, ten, fifteen years ago, took Planned Residential out of the Zoning Regs, they realized that they just couldn't take it out completely, so they put in a note somewhere that says that, something to the effect that future Planned Residential developments if there ever were any, which there wouldn't because there is no Planned Residential land left, would be developed as if it was R-20 or R-12. So, I really can't, obviously I can't give you a straight forward answer to a straight forward question because the zoning regulations really left the RD and PR zones kind of in limbo when.....

Commissioner Aieta: Are there size requirements for those type of lots also, that this wouldn't meet those requirements of that original zone. Because it's a gray area, and it's not even shown in there, I don't know if that would be the right thing to designate this piece of property as.

Craig Minor: Well, the same piece of property applies.....

Commissioner Aieta: I would revert it back to it's original zone which was an R-20 Zone, 20,000 square foot zoning, 200 foot frontage, or 100 foot frontage, 200 feet or some combination of that.

Commissioner Camerota: (Inaudible)

Commissioner Aieta: When we did the research they found that this zone was an R-20 Zone. I mean, we are going back, way back.

Chairman Pruett: The question that I have, that frontage, is it applicable to be that.

Commissioner Aieta: One hundred foot frontage?

Chairman Pruett: I know that it comes to kind of a different type of angle.....

Commissioner Aieta: I have a problem changing it to that type of a zone when it's not even on the books. What if someone bought it and said, I'm going to develop it as, I don't know, PUD housing, duplexes, something different than what it is now. We're assuming that the existing house is going to remain.

Chairman Pruett: What would we say if we called it R-20?

Craig Minor: Well the only concern I have with R-20, and I'm going to do this informally, is that it might be considered spot zoning, since there is no other R-20 zone around it.

Commissioner Aieta: What is the piece across the street?

Craig Minor: Across the street. You mean going west?

Commissioner Aieta: Yeah, going west. The houses that are across the street.

Craig Minor: That's R-20 but it's on the other side of Planned Residential.

Commissioner Aieta: Excuse me?

Craig Minor: There is a Planned Residential between the parcel we are talking about.....

Commissioner Aieta: No, I'm saying across the street where that woman came in.

Chairman Pruett: That is R-20.

Craig Minor: Well, it's probably close enough that even if technically it's not abutting an R-20 zone, R-20 is close enough to it.

Commissioner Aieta: If you eliminated the, said that the road wasn't there, would it be R-20 right across the street?

Craig Minor: I'm sorry, if there wasn't the Planned Residential between, yes, it would be directly across the street from R-20.

Commissioner Aieta: I'm just concerned that we open ourselves up to a problem if we don't, if we give it a zone designation that we can't even find in the zoning regulations, or anything that pertains to it. I think we might be opening ourselves up to a problem later on.

Chairman Pruett: Does anyone see a problem with changing this to R-20 from Planned Residential? I didn't think so. We can amend the motion to delete Planned Residential and replace it with R-20.

Commissioner Sobieski moved to delete "Planned Residential and replace it with "R-20." The motion was seconded by Commissioner Camerota. The vote was unanimously in favor of the motion, with six voting YEA.

Chairman Pruett: So, any further discussion on the motion?

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

B. TPZ endorsement of the "Senior Affordable Housing Overlay Zone" technical assistance grant application submitted to the Capital Region Council of Governments (CRCOG)

Commissioner Aieta moved to endorse the submission of the senior affordable housing overlay zone technical assistance grant application to the Capital Region Council of Governments.

FINDINGS:

1. The population of elderly money for residents is expected to increase from residents over the age of 60 only approximately twelve percent of the town population in 1960. This is expected to increase over thirty percent by the year 2030.
2. Accepting this grant does not commit the town Planning and Zoning Commission to make any changes to the subdivision regulations zoning regulations or zoning maps. However it would result in a significant amount of demographic and economic information that could be useful in the decision makers in other situations in the future.
3. If approved, the grant will assist the town in general with providing housing options for a variety of housing type, size, age, ability, tenure and income groups within a safe stable neighborhood.

The motion was seconded by Commissioner Sobieski.

Commissioner Aieta: I'll support it because the findings, number two, that this does not bind the hands of this Commission. It does nothing but fact finding and probably would give us some good data that we could use to look at further.

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

Chairman Pruett: Do we have a motion for the revised Sloppy Waffle.

Craig Minor: I know I brought a draft motion tonight, but that was Gateway. No, I don't think I prepared a draft motion for that one. No, I didn't.

Chairman Pruett: I did mention that we could maybe do it tonight if we could draft something.

Petition 24-13
TPZ Approval of Outside Seating
2551 Berlin Turnpike
The Sloppy Waffle

Commissioner Camerota moved to approve seven tables outside of the front of the Sloppy Waffle entrance with the condition that no tables will be placed on the property line next to the parking lot.

The motion was seconded by Commissioner Sobieski.

Craig Minor: So there is one condition that they did not approve the tables on the property line.

Commissioner Aieta: Just so the applicant knows, you can work out something else with the owner, and then come back and apply for something different. This way we are approving the seven that you showed. Just so you know, my concern was safety with the cars pulling in which was really, really tight. You only had five feet, five feet is only like this.

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

IX. PETITIONS FOR PUBLIC HEARING SCHEDULING:

A. Petition 25-13: Special Exception (Section 6.6.2: Sell or Serve Alcoholic *Beverages at 3575 Berlin Turnpike (Chipotle") Chipotle Mexican Grill of* Colorado, LLC, applicant, Brown Development LLC owner, Curtis White, 1401 Wynkoop Street, Denver CO) contact.

B. Petition 26-13: Zoning Amendment (Section 6.2: Signs) Town Plan and Zoning Commission, applicant/contact.

C. Petition 27-13: Special Exception (Section 6.2.4: Free standing Business Sign) at 266 Kitts Lane ("Tyne/Dale Electrical Contractors") Hartford Sign and Design applicant, Redphin Associates owner, Darin Senna, 304 Murphy Road, Hartford, CT contact.

Craig Minor: The first one, Petition 25-13, Special Exception Section 6.6.2; Sell or Serve Alcoholic Beverages at 3575 Berlin Turnpike (Chipotle") Chipotle Mexican Grill of Colorado, LLC, applicant, Brown Development LLC owner, Curtis White, 1401 Wynkoop Street, Denver CO) contact, and I don't know anything about this application other than what is one the piece of paper that they want to serve alcohol and I have been trying to get in touch with them to give us a little more information, hours of operation, what kind of alcohol, is it beer and wine, or is it going to be full liquor. I'd like to know that even before the hearing begins, I'm not suggesting that we not schedule the hearing, because I can get that information from the applicant, but I'm a little surprised at how little information he gave on his application.

Chairman Pruett: Have you told him what we are looking for?

Craig Minor: No, I have not, I haven't been able to get in touch with him. But I will, certainly before the hearing.

Commissioner Aieta: With the liquor permit, does that change the parking requirement regulations from a restaurant.

Craig Minor: It doesn't automatically, but I think that is a legitimate thing to discuss during the hearing.

Commissioner Aieta: They aren't open yet are they?

Craig Minor: Chipotle, I don't believe so.

Chairman Pruett: Yes, today they opened.

Commissioner Aieta: They opened today? Okay, just checking, it's a little tight there. One other thing when you are talking to them, is there on the plan some kind of covering for the dumpsters. Was there a fence that was going to be around, because it's like sticking right out in the middle of, you know what I'm talking about? Right behind, where the drive through is. You've been down there, right?

Craig Minor: For the Starbucks?

Commissioner Aieta: Yes, they're right there, two big brown compacting type dumpsters.

Craig Minor: It's unlikely that we approved that without screening, so I'll look into.....

Commissioner Aieta: We did?

Craig Minor: No, I'm saying it's unlikely that you would have approved it without screening, so I'll look into that.

Commissioner Aieta: I'm sure he is going to put it in. Even though it's the back of their building, but it's really not because of the location to Stew's and the main driveway coming in. We should just find out if it's beer and wine or if it's a full liquor permit. I'm not against the beer and wine or the full liquor, if it doesn't change the parking.

Craig Minor: The next one is the Commission's Zoning Amendment for the sign regulations, so I don't know if the Commission wants to discuss it before scheduling the hearing. I have the draft, but this is the first time that most of you have even seen the draft, so you might want to talk about it before scheduling the hearing.

Chairman Pruett: Definitely, yes, before we schedule it.

Commissioner Aieta: I thought the sub-committee was going to have another meeting to move it forward to the Commission. I mean, there's still some, I read it really quickly and there is stuff on here that is part of this regulation that we have never discussed.

Chairman Pruett: I think we need to discuss it internally and sent it back to the subcommittee to finalize it, or.....

Commissioner Aieta: So it is not really at the point where we would put it on for public hearing.

Chairman Pruett: No, this would be for discussion.

Craig Minor: Okay, so for the next meeting, shall I put it on under New Business?

Chairman Pruett: New Business, for discussion, yes.

Craig Minor: Okay, and Commissioner Aieta, you are right. There is one item in there that definitely was not discussed by the Commission or the subcommittee.

Commissioner Aieta: I was surprised to see it, I said, I don't remember talking about this.

Craig Minor: No, you're right, absolutely right. I threw it in there with every expectation of talking about it before it actually got to a hearing. That was, I'm sure you are referring to the one about off-site signage.

Commissioner Aieta: Right.

Craig Minor: That was obviously motivated by the new owners of Food Mart. They have expressed concern that they too will be out of business soon if people can't find them, so I was asked by the Economic Development Director to draft a zoning regulation that would somehow skirt the line between not allowing bill boards, which we don't allow and we shouldn't allow, but at the same time recognize that there are some uses, some businesses that you can't see from the Main Street. So that is what this regulation is an attempt to address. By all means we can talk about it, make changes to it, or you can delete it completely if you don't think it is a good idea, but that is, you're right, the committee never discussed it. That came in at the last minute.

Commissioner Aieta: Just taking that as an instance, where would they propose putting it? On Main Street some signage saying that down this street is a super market.

Craig Minor: I don't know if they have a specific location in mind, but I think what I drafted is that it would be by special exception so they would have to get your permission.

Commissioner Aieta: That regulation could open it up for a bunch of different.....

Craig Minor: That's true.

Commissioner Aieta: I mean, I want to make sure that that is a successful business there and they prosper in the town, and I'm happy that they are going in, that something is finally happening on that street, and, but I don't know if this is the right way to do it. I mean, you have the same situation with this waffle place, I mean, they rented a place that is not visible from the Berlin Turnpike, so they, like I said, put their legal sign, they put, now we are going to allow it to stay there another twenty days, or whatever, but the owner of the property isn't doing those people any favors either. The sign that is on the pylon sign is six inches long by three feet, six inches high by three, you can't even see it, so he's not doing the service to the people who rent from him, and I don't know what the situation is, between me and you, I don't think they had a really good business plan when they opened it, because that is really not the location for that type of an establishment unless the food was so super that people would, I mean, I've seen restaurants in basements of houses in Florida that you can't even get into because they are so great, but I don't know if that is the situation here.

Chairman Pruett: Okay, so we are going to put that in for New Business and discuss it, and then we will kick it back if we need to, to the subcommittee or we can just discuss it as a group.

Commissioner Aieta: If you can find out a little more information about the location that they are thinking about. That gives us a little insight into what we need.

Chairman Pruett: I think he's looking at Cedar Street and Constance Leigh Drive.

Commissioner Camerota: That would make sense.

Commissioner Hall: You know, they aren't going to have to worry. They've got people lined up waiting for that store to open. How many years did they have a grocery store and people certainly found it. That's not the issue.

Commissioner Camerota: People going to the bank, or come out of the post office.

Commissioner Hall: I mean, I can see Grand Opening, and they have forty, sixty days to have.....

Commissioner Aieta: Yeah, under that regulation we allow, they have a couple of months that they could put signs, and with Art, he closes his eyes to anything anyway, so it would probably stay up there longer than the sixty days, so I would have no problem with that, but to change the regulations and allow this carte blanch throughout the whole town.... You're opening yourself up to problems.

Commissioner Hall: It was a grocery store for years and years and years. And, this is no lie, six, eight months after Food-Mark closed, I was in my office and some poor little old lady walked up and started pulling on the door, where's my grocery store? Months after it was gone. They just assumed it was there. They are not going to have a problem.

Craig Minor: Then the third one is Petition 27-13, Special Exception for a free standing business sign at 266 Kitts Lane, Tyne/Dale Electrical Contractors.

Commissioner Aieta: Just a question, is this the one where the guy put the waterfall in and the, just recently put up three flagpoles?

Craig Minor: I believe so.

Commissioner Aieta: Well he's cleaned it up.

Commissioner Hall: It's beautiful now.

Chairman Pruett: They put the sod in today. Look great.

Commissioner Aieta: I'm really glad that that guy took over that property, because is was a real dump before.

Chairman Pruett: He's done a bang-up job, good job, so I think we can schedule that.

X. OWN PLANNER REPORT

A. Town Planner Report for May 8, 2013

B. ZEO Monthly Report for April 2013.

Craig Minor: I wasn't able to get it done in time to get into your packet, but it's on the table tonight.

Item 1, Zoning Enforcement Issues raised at previous TPZ meetings;

Façade Changes at the CVS on Main Street: I have asked the ZEO to look into whether the red panels were supposed to be raised, and if so, to notify the owners. I spoke to him about that again today, and he actually, this is from memory, our conversation was from his memory but he has researched this quite a bit a few months ago, and he thinks that yeah, he things it is possible that the original plans do show raised white panels, but even if, not even if, but they never did put raised, not that it is right, but they never did put raised panels in, they were always flush, but he will find out if they were supposed to be raised in the first place.

Commissioner Hall: Before the red?

Craig Minor: Yes.

Commissioner Hall: There was like a shadow box type, they were not flush.

Commissioner Aieta: I don't know if they were raised, but the panels that were there had a detail on it that it could have been trim, and gave the illusion of a raised panel, but it was not a flat white, whatever they have up there now.

Craig Minor: The next item was those pick-up truck cabs in front of 127 Fenn Road, although it turns out that it is more than pick-up truck cabs, because Art has been out there and there are a number of car parts, there's a lot of junk there, and he has not gotten good compliance, or good response that is from the owner, but he will send a final notice letter if he needs to, and he told me that he thinks the owner is avoiding it because the only way to get rid of all that junk is to literally come in with some kind of equipment, like a clam shell, and pick it up and move it out, which is expensive, renting that kind of equipment, so he has his suspicions that that is why the owner is avoiding him, but we'll get it resolve, eventually.
And then the last item, I was asked a month of so ago to find out how many former Newington residents are living at New Samaritan. I did finally hear back from the Director over there, and I explained my question, in more detail. She understood the question, and she gave me the name of their actual in-take person who I will talk to, and the person I spoke to, who is the senior official there, doesn't know whether they are able to give out that information, and I didn't argue with her, because she was complying, so I don't see how aggregated data such as where applicants come from is in any way personal data, so when I actually talk to the in-take person, I will have that discussion with that person, because we just want to know percentages, or numbers of how many Newington residents, former Newington residents are living there as opposed to people who came from other towns.
So hopefully I will have some information for you at the next meeting.
Old Performance Bonds Held by the Town: I have another updated report. I'm going to go through this one point by point, quickly, because some of these items I'm going to take off in the future lists because they are pretty much resolved.
The first one is not, it's listed as number two, Niro Landscaping at 46 Commerce Drive, the staff went out and inspected the property and the landscaping that was bonded has not been done, and in fact the staff said that it has probably backslid so now there is probably more than $6,000 worth of work to be done and that the property owner is even storing piles of wood chips where they shouldn't be, so this is definitely an issue that once we have given the owner, sent the owner certified letters giving them the opportunity fix it, I will definitely recommend calling this bond, and use the money to clean up the property.

Commissioner Aieta: Where is Commerce Court?

Craig Minor: I don't know, I think, yeah, it's off Fenn Road, the cul-de-sac. I drove out there a while ago without the site plan with me, as I was driving by and I looked and said, well, this

doesn't look that bad, but apparently they didn't put in any where near the amount of landscaping they were supposed to. They were supposed to put in dozens of specimen trees and shrubs and apparently they hardly did any of it.

Commissioner Aieta: They're in the landscaping business.

Craig Minor: Which maybe is why Ed was comfortable taking a nominal bond from them, but it's, didn't work, didn't get the compliance.
The next item, 4Play Sports Bar, this money has you can see, we've had it since 1995 and the owner clearly refused to do the work, there is no question because I have a big file from Ed, letters back and forth, where the owner just flat out refused to do it. But, it's only $2500, so I'm not sure I'm going to recommend that we call this bond because then we have to hire a contractor,....

Commissioner Aieta: $2500 is not going to do anything.

Craig Minor: Yes, and the amount of staff time, my time that it would take, to do that, I'm not really sure it's cost effective.

Commissioner Aieta: What do you do with the $2500?

Craig Minor: Well, I've asked the town attorney if we can take this money and just put it into the general fund, and he said he has to talk to me about that, it's more complicated than that, as I thought it would be, so we will talk about that.

Chairman Pruett: So the owner of the business then would be absolved from complying?

Craig Minor: I don't have a good answer. No, the answer is, in the future, let's take a bond that is big enough to keep their attention, and not let them just slip away because, oh, it's just $2500, I'll just leave it on the table.

Chairman Pruett: Especially if it is detracting from the site, I have a hard time just saying, oh, okay, we'll just cash the bond, and let their infractions say, know what I mean?

Craig Minor: I know exactly what you mean. I agree completely.

Commissioner Aieta: The whole idea of the bond is to have enough money so that you actually force them to do the work, so that they can get their money back. The bond should be more than what the work is, and we should never let it get to the point where it's, 1995. This is ridiculous.

Craig Minor: The other recourse is to try to take it to court, and to site him to violating his original approval and revoke his zoning approval, and I'm sure the judge is going to be very sympathetic to our case on that one, not, so.....

Commissioner Aieta: We've missed the boat on these, we just have to clean these up and then start a new chapter on how we do business and we have to get enough money for the bonds and we've got to review them every, two or three months, or whatever so we stay on top of it, and then when it gets to the point where the time on the bond runs out, then we have to pull the bond and do the work.

Chairman Pruett: I agree with you as long as it's not a major infraction, safety or something with that building or whatever we approved. If it's a minor thing, then I agree with you. Clear

it off, but if it's something that is standing out, detracting from the neighborhood, a safety issue, then I would go forward to make them compliant. I see what you are saying.

Commissioner Sobieski: I have a question. What happens if this building is sold? What happens then?

Craig Minor: That's a problem, that would be a problem.
Item Six, the owner is working on these outstanding items, but he's been working on them since last fall, so I may give him a call and ask him what his time table is.
Item Seven, Global Granite, I asked the staff to go out and inspect that one, and they did, but I don't have the report back from them yet.
Number Nine, as you know, you granted an extension to their site plan approval so that is going to be for another five years.
Item Ten, Three Angels Church, I know that everyone is fond of that one, but the site plan approval is good for six years, and so, legally we can't call the bond until they run out of time, and they still have, yes, it was approved in 2008 and they get six years, so it's good for another couple of years. So, other than inspecting it for public safety issues, we can't force them to do anything on that one. Plus, we never issued them any TCO's so we don't have the leverage. In some cases we issue the TCO's, temporary certificate of occupancy, with the agreement that they would do a certain amount of work, and which they posted the bond for, and if someone defaulted on that, we might be able to get their temporary certificate of occupancy revoked, but that's not even the case here. We don't have any leverage over these folks, we just have to wait and give them their six years.

Commissioner Aieta: I don't know that that is necessarily true, I think the bond that we had was for landscaping and, it wasn't for the building, it was for landscaping, drainage, the fence, and in the regulations they only have X amount of time, they don't have six years. They have like six months maybe? I read it, they have six months.

Craig Minor: Oh, I know your regulations say that, but under state statute they have six years.

Commissioner Aieta: So our regulations are not in sync with the state regulations?

Craig Minor: Yes.

Commissioner Aieta: So we should look at that then and change it, I mean, they're not even close to doing anything. The inside of the building is still studded, there's no insulation, there's nothing, they just about come and cut the grass.

Craig Minor: You can require a permittee to complete a project in less than six years, as a condition of getting a Certificate of Occupancy because if he is coming to you for something that you have discretion over, and as a condition of granting, you impose a bond and say that he has to finish in twelve months, or six months, that you can do. But, that is not the case here. We don't have any leverage over them.

Commissioner Aieta: Okay, fine with me, it's nice and quiet there.

Craig Minor: Number fourteen, we can release it, and I don't know, maybe because Ed was kind of winding down at that point, and it didn't happen, but that can be released. Griswold Associates LLC is Pat Snow. I'll make him submit the necessary paperwork to prove that he is, that Griswold Associates LLC, or the successor to Griswold Associates is Premier

Development, but I'm pretty sure that it's Pat Snow and I'm surprised that he hasn't come looking for it, because that's a lot of money, $30,000.
LA Fitness, I don't have anything on that. I haven't figured out that one yet.
Number eighteen, I don't know about.
Number twenty-five, 95 Waverly Drive,

Commissioner Aieta: You skipped over number eighteen.

Craig Minor: Because I don't know anything about it. I haven't researched that one, why we are still holding money from 1992.
Number twenty-five, the home owner built the driveway, or his contractor built the driveway too close to the property line and, but we let him move in with the condition that he give us a bond to insure that he would come back and fix it. He never did. I haven't spoken to them yet, and he may not realize that we have $5,000 of his money. It might not even have been the homeowners, it might not even have been the homeowners, it might have been the developer, which is why they have forgotten about it, but $5,000, well, I'll talk to him, and he digs in his heels and refuses to do anything, and says, keep the $5,000, I don't know that I would recommend going on his private property and jack hammering the six inches of blacktop that is too close to the neighbor. I'm not sure I'm going to recommend that, so it comes back to the question, of what can we do with this money other than what it was intended for, and the answer from the Town Attorney may be we don't have any options. We either use it for what it was intended, or give it back, or let it stay there forever.

Commissioner Camerota: Maybe that's why the bond from 1992 is still there.

Commissioner Sobieski: Isn't that a zoning violation, the driveway is too close to the property so if the property gets sold, somebody buys it, wouldn't the bank have a question on it?

Craig Minor: That's a good point, so it might be worth for the ZEO to file a notice of violation on the land records. If nothing else, that might put the pressure on when the property changes hands in the future. That's a good idea.

Commissioner Hall: This isn't the one next to the vacant lot is it?

Craig Minor: I don't know.

Commissioner Hall: It's a rear lot.

Craig Minor: Yeah, that's getting built on now, I saw the building permit. I don't know if it is next to this one.
Newington Profession Center, I haven't figured out what this $20,000 is for.

Chairman Pruett: It's for landscaping, improvements to the siding, also the air conditioning units, block that off, it was a combination of things, actually to clean up that site with the Liberty Bank.

Craig Minor: So it might have been done.

Commissioner Aieta: This is what site?

Chairman Pruett: It's Reno owns this, they have the sign there, right next to Liberty Bank.

Craig Minor: It might have been completed, so we can give it back.

Chairman Pruett: I think Art's aware of it, I know we had him look at it before.

Craig Minor: The next, 27, 28, 29, 30, I haven't done any research on yet.
Thirty-one, I think that's the one that all I have been able to find out is that it is somehow associated with Fuss and O'Neil. That's all that the Finance Department knows about it, but I talked to my colleagues that were here back in 2006, and they don't know what project Fuss and O'Neil was involved with so.....

Commissioner Hall: The streetscape.

Craig Minor: Back in 2006? That long ago? All right, I'll ask Chris about that again.

Commissioner Hall: I was still on the Council at that time.

Craig Minor: New Samaritan, I don't know what this $2,000 is for, probably landscaping, but I'll find out.
Now, this last one, Number 33, $10,000 for street trees that, once again Pat Snow didn't plant like he was supposed to, and now those lots are owned by people, who if I went to them would probably say, I don't want a tree in my front yard, I've already got my landscaping.

Commissioner Hall: They came before us and said that they don't.

Craig Minor: Again, I'll talk to the Town Attorney but I don't know what to do with this....

Chairman Pruett: I'm sure he'll say, hey, we can't force them to do that, clean it up and get it out of there.

Craig Minor: And give it back? I'm hoping he'll come up with a way where we can put it into some other public use.

Chairman Pruett: Not give it back to the developer, but give it to the general fund.

Craig Minor: That's what I'd like to hear from the Town Attorney and hopefully he'll be able to come up with a way to do that.
So that's my written report, but let me follow up with the Draft Brochure that Commissioner Anest asked me several months ago to start working on. Now this is very much a draft, mainly because you can't put photographs in a word document, which everyone here probably knows, it just doesn't work. But my wife tells me that we have Publisher on my laptop at home, so what I'll do is I'll take these photographs which I have taken of signs in town, and insert them into the text as examples of these different types of signs. That's why I took them in the first place. I took the liberty of including in the brochure the proposed regulations which haven't had a hearing yet much less been adopted, so I think what I will probably do is to hold off on finalizing this brochure until the sign regulation amendment goes through. Unless the Commission really wants me to put something in the hands of the Chamber of Commerce that I'm just going to have to issue a revised one a month or so later.

Commissioner Aieta: No.

Commissioner Hall: No, because then that one would be floating around, and somebody will use that.

Craig Minor: Good point, so I'll just keep this, I'll hold off on doing anything until the new sign regulations are active.

Chairman Pruett: We're going to discuss that under New Business next week.

Craig Minor: That's all I have.

XI. COMMUNICATIONS

None

XII. PUBLIC PARTICIPATION (for items not listed on the Agenda; each speaker limited to two minutes.)

None

XIII. REMARKS BY COMMISSIONERS

None

XIV. CLOSING REMARKS BY THE CHAIRMAN

Chairman Pruett: Chipotle opened up I believe today or yesterday, Starbucks has been open for three weeks, DiBella Subs is ready to open up in a couple weeks, Bassett is getting ready to open up, so it's getting pretty lively down there, and they're cleaning it up. That's all I have.

XV. ADJOURNMENT

Commissioner Sobieski moved to adjourn the meeting. The motion was seconded by Commissioner Camerota. The meeting was adjourned at 8: 15 p.m.

Respectfully submitted,

Norine Addis

Norine Addis,
Recording Secretary