

NEWINGTON TOWN PLAN AND ZONING COMMISSION

June 13, 2012

Regular Meeting

Vice-Chairman Camerota 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

Commissioners Present

Vice-Chairman Michelle Camerota
Commissioner Cathleen Hall
Commissioner David Lenares
Commissioner Stanley Sobieski
Commissioner Dana Woods
Commissioner Frank Aieta
Commissioner Michael Camillo
Commissioner Audra Ekstrom

Commissioners Absent

Commissioner Carol Anest
Chairman David Pruet

Staff Present

Craig Minor, Town Planner

Commissioner Camillo was seated for Chairman Dave Pruet and Commissioner Aieta was seated for Commissioner Carol Anest.

II. PUBLIC HEARINGS

None

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

None

IV. MINUTES

May 23, 2012 – Regular Meeting

Commissioner Sobieski moved to accept the minutes of the May 23, 2012 Regular Meeting. The motion was seconded by Commissioner Aieta. The vote was in favor of the motion with six voting YES and one abstention (Hall.)

V. TOWN PLANNER REPORTS

A. Pending Petitions

Craig Minor: The only thing that I have pertains to the items that we have under New Business and Old Business, so I will wait until then.

VI. NEW BUSINESS

A. Petition 10-12 – Site Plan Modification for Tent Sale of Fireworks at 2909 Berlin Turnpike, Phantom Fireworks, applicant; Wex-Tuck Realty II LLC owner, Kathy Kaminski, 128 Conestoga Way, Glastonbury, CT 06033, contact.

Vice-Chairman Camerota: Is the petitioner here? Would you come to the front, to the podium and state your name and address for the record.

Kathy Kaminski, 128 Conestoga Way, Glastonbury, Ct: I'm petitioning for Phanton Fireworks, we have been at this location, the old Krispy Kreme location, we've been there for three years already, this is our fourth season. We are petitioning to get approval for this year again.

Vice-Chairman Camerota: Can you tell us a little bit about the set-up? Are you going to have a tent like you have had in previous years?

Kathy Kaminski: Yes, a tent and again, a forty foot long container so it will be the same as we have had in the past years, so I believe it is a thirty foot tent, and then on the side facing the grass will be the tent and the (inaudible.)

Vice-Chairman Camerota: What hours will you be operating?

Kathy Kaminski: At the beginning it will be slower so we will go eleven to eight and once we get into the midweek, the 27th, or so in that area, we will be open from nine to nine.

Vice-Chairman Camerota: And what date are you looking to start?

Kathy Kaminski: The proposed date to start is Friday the 22nd when the merchandise is coming.

Vice-Chairman Camerota: And then when will you stop? The day after the Fourth of July?

Kathy Kaminski: Yes, the Fourth of July we will close and then we will have pack up and delivery pickup of what is left over.

Vice-Chairman Camerota: Okay. Any questions from the Commissioners?

Commissioner Aieta: You know we talked about this last year, about the signage along the turnpike, we're not allowing any signs advertising, only what you have on your, I think you were not one of the culprits that had the signs all the way up and down the highway last year, I believe it was the one at P.C. Richards.

Kathy Kaminski: TNT was also there last year, they were at Wal-Mart, or the bowling alley.

Commissioner Aieta: I just wanted to make sure that you understand, no signs up and down the turnpike on the state right of way. You showed a sign on your tent, okay, that's the extent of it. We don't want to litter the highway with a bunch of signs.

Commissioner Sobieski: Just a quick question, do you touch base with the Fire Department on this?

Kathy Kaminski: I have to yes, I will do that. I have to make an appointment because I have to give them an inspection before I can officially open.

Commissioner Sobieski: Does the Police Department also need to inspect this?

Kathy Kaminski: They have not in the past. No, they have not in the past, just the Fire Department. We have to have it set up so they can check everything, to make sure we have extinguishers.....

Vice-Chairman Camerota: Any other Commissioners?

Commissioner Aieta moved that Petition 10-12 be moved to Old Business. The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion with six voting YES.

VII. OLD BUSINESS

A. Petition 07-12 – Site Plan Approval and Special Exception Section 3.2.2. Public Utility Installation) for a Pump Station at 70 Eighth Street. Metropolitan District Commission owner/applicant; Steve Hallowell, Wright-Pierce, 169 Main Street, Middletown, CT 06457 contact.

Craig Minor: We had the public meeting at the last meeting, and there were some concerns raised by the abutting property owner. Her concerns have been addressed, I have an e-mail from her today confirming that her concerns are addressed and she is satisfied with the project.

Vice-Chairman Camerota: Any concerns from the Commissioners?

Commissioner Aieta: Just a quick one, we have a draft motion tonight for this application, right?

Craig Minor: Yes, I sent it to you.....

Commissioner Aieta: We heard the petition last week. I thought the procedure was going to be that we would have the draft motions before the public hearing.

Craig Minor: Before the public hearing?

Commissioner Aieta: Yes.

Craig Minor: No, no, I don't think it would be a good idea to prepare it, for me to prepare a draft motion before the public hearing because I wouldn't have had the benefit of the issues that came up during the hearing. So what I would like to do, and it's up to you, what I would like to do is.....

Commissioner Aieta: How did we have the Town Attorney's opinion, that was asked by the Chairman on that same issue?

Craig Minor: Oh, the question was asked if it was legal or not.....

Commissioner Aieta: No, that was not the question. The question was whether the timing of the, of when the motion was proposed and the Chairman said and everybody agreed that the timing was okay and was before a public hearing and that was the issue.

Craig Minor: Yes, it's legal to do that. Is that the best way to do that however? Probably not.

Commissioner Aieta: I'm just trying to make sure that we are doing, being consistent with everything. If we are going to do it one way for one application, we should be doing it that way for everybody.

Craig Minor: Right, that.....

Commissioner Aieta: That would have afforded the MDC to have this thing acted on last meeting.

Craig Minor: Yes. The inconsistency is between the interim planner, Glenn Chalder, and the current planner. Glenn prepared a draft motion before the hearing because he thought that was what you wanted but he's gone, and I know that you don't want that, and don't think that is not a good idea, so from now on, we will not, the staff will not be issuing a draft motion until after the hearing is closed.

Commissioner Aieta: Do you still think that it is legal to have it before that point?

Craig Minor: Yes.

Commissioner Aieta: And we have an opinion from the Attorney saying that's legal. I've talked to five or six other attorneys, some of them past Town Attorneys, and they said it is not legal to have a motion before.....

Vice-Chairman Camerota: I'm going to interject, this is a topic other than this petition, we can have this discussion later.

Commissioner Aieta: But this affects this petition, because we didn't do the same thing to this petition that we did on the prior public hearing, that's the point I'm trying to make.

Vice-Chairman Camerota: Well we're.....

Commissioner Aieta: I'd like to discuss it further if you don't mind, Mr. Chairman.

Vice-Chairman Camerota: We can discuss it during the later portion of the meeting.

Commissioner Aieta: Okay, thank you.

Commissioner Hall moved that Petition 07-12 (Site Plan Approval and Special Exception Section 3.2.2; Public Utility Installation) for a Pump Station at 70 Eighth Street; Metropolitan District Commission, owner applicant be approved.

FINDINGS:

- In accordance with Section 5.2.3 a public hearing was conducted at which no substantial issues or concerns were presented.
- The specific criteria listed in Section 5.2.6 have been considered.

CONDITIONS:

None

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

Petition 10-12

Site Plan Modification for Tent Sale of Fireworks at 2909 Berlin Turnpike. Phantom Fireworks applicant: Wex-Tuck Realty II LLC owner: Kathy Kaminski, 128 Conestoga Way, Glastonbury CT 06033, contact.

Commissioner Woods moved that Petition 10-12: Site Plan Modification for Tent Sale of Fireworks at 2909 Berlin Turnpike Phantom Fireworks applicant; Wex-Tuck Realty II LLC owner be approved.

CONDITIONS:

None

The motion was seconded by Commissioner Sobieski.

Vice-Chairman Camerota: Craig, do you have comments on the fireworks?

Craig Minor: This application is the same as last year, and I know there was some concern after July last year with some inappropriate signage, but that was a different vendor, so obviously I have no objection to approval.

Vice-Chairman Camerota: Any comments or impressions by the Commissioners?

Commissioner Hall: Just that I appreciate having all of this information, including the application form, all of the diagrams, I thought it was very helpful, so when I came in here tonight I really knew what they were talking about, so I appreciate that. Thank you.

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

VIII. PETITIONS FOR SCHEDULING

- A. Petition 11-12: Re-Subdivision at 181 Robbins Avenue. Norman Rainville, owner/applicant; Alan Bongiovanni, 176 Pane Road, Newington, CT 06111 contact.

Craig Minor: We have received one application for a re-subdivision. It's a one lot subdivision, and the only reason that it has to go to a public hearing is because by definition, it is a re-subdivision so legally it requires a public hearing.

Vice-Chairman Camerota: We can put it on the schedule for the next meeting.

Craig Minor: Yes.

IX. PUBLIC PARTICIPATION
(For items not listed on agenda)

None

X. COMMUNICATIONS

A. Letter from Applicant withdrawing Petition 05-12 at 3573 Berlin Turnpike (Basset Furniture.)

Craig Minor: We received a letter from Mr. Brown regarding the new building that he is building that is going to be the new building where Bassett Furniture is going into. He called me the other day to tell me that it turns out that Bassett doesn't need the mezzanine after all that, and I said well, okay, that's nice, but could you send me a letter just putting that in writing for the file so that down the road people will wonder, well, what ever became of the mezzanine issue, so in effect, it was withdrawn, he in effect withdrew after the fact his site plan modification request. But there is no action required, I just wanted you to be aware of it.

Vice-Chairman Camerota: So that cancels out the approval?

Craig Minor: I don't think it, well....

Vice-Chairman Camerota: Well, I know that there were conditions on the approval, but it seems strange to me.

Commissioner Aieta: Is Bassett actually going to be, did they not choose to go into that plaza?

Craig Minor: No, they just decided that they don't need the mezzanine after all.

Commissioner Aieta: They don't need the mezzanine. Does that change anything as far as the traffic counts or.....

Commissioner Hall: I would think it would be less because we have less square footage because we included that as part of the square footage in order to calculate.....

Commissioner Aieta: Are they going to put the, are they going to change the exterior fascia of the building?

Craig Minor: Yes, because the mezzanine, well, actually, that's a good reason why Mr. Brown should go ahead and file the approved site plan anyway, because as you correctly point out, the new site plan is more than just the mezzanine, it's also the new façade.

Commissioner Aieta: We could get ourselves into a situation where we have multiple approvals on a piece of property. We should get it straight. I mean, there have been problems, I have problems with this site for a bunch of different reasons so I think we should have all the i's dotted and the t's crossed on this, and make sure the paperwork is right.

Craig Minor: Yes, good. Okay, so I will contact Mr. Brown and tell him that yes, you do need to submit a mylar for signature, even though you don't plan to take advantage of the mezzanine.

Commissioner Aieta: Does he have his plans for, all his engineering, all his building plans and all of that stuff into you and approved or.....

Craig Minor: Well, my understanding, the site plan itself was approved before I got here, and as I said, it came back to you only because he wanted to bring in Bassett Furniture that required more parking. So that is why it came back to you. As far as, does he have building permit applications yet with the building department, I don't know but I can find out, for Chipolte, and Starbucks and the other two buildings, I'll find out.

Commissioner Aieta: Because the situation that we have, he proceeded with the site work and the site drainage and everything else, and he has his original business, his original building is still occupied. But what happens now is that the back of that building is an exit, a fire exit, and they are exiting into the construction area, so someone should be looking at that, if there are safety issues for the public, and we should have a time period for when this building is going to be taken down, if he is proceeding with the project.

XI. REMARKS BY COMMISSIONERS

Commissioner Aieta: Can I go back to my point?

Vice-Chairman Camerota: Yes.

Commissioner Aieta: The point that I am trying to make is that I would like to see this Commission be consistent in its procedures. I don't think that is asking for too much. I think all of you should be aware that we should try to treat everybody the same and try to be consistent in the way that we approach how we deliberate on these applications. That's the point that I'm trying to make. I'm not trying to make a big deal out of this but it's, we came in, I was very upset, we had the motion before we heard the, before we even had the public hearing. I think that's illegal, no matter what the opinion the Town Attorney gave us, I still believe it's illegal because I checked with other attorneys and they said you can't do that. And the next, the next following time we have a public hearing we revert back, we do something all together different.

Vice-Chairman Camerota: But that wasn't a public hearing, this petition today wasn't a public hearing.

Commissioner Aieta: No, last week when we met with the MDC we did not have a motion on the table and I thought, and the Chairman was very adamant that that's the way that we were going to proceed from here on out.

Craig Minor: I don't, I think he defended the legality of it, I don't think we defended the wisdom of it. Again, like you said a minute ago, when Mr. Chalder was here I think he, in all sincerity, thinking he was being helpful, made a mistake, and I don't think that you, I don't think you think that we should continue to make a mistake in the name of being consistent. We made a mistake once, we're not going to make that mistake again. I don't think that's being inconsistent, if anything, it's learning from your mistakes and going forward.....

Commissioner Aieta: He didn't just, those motions don't come out of thin air, he had discussions with the Chairman, whatever. So there is more to this than meets the eye, and I'm going to drop it for now, but if we're going to, if this is the way that we're going to proceed then we should proceed this way all of the time.

Vice-Chairman Camerota: Anyone else have comments?

Commissioner Hall: I just want to make sure I have this straight because I think I'm confused. Are you talking about that one time deal with the Brown property?

Commissioner Aieta: Yes.

Commissioner Hall: That was an anomaly, that was the only time we did, and we stopped it that night. I remember sitting here and saying, whoa, and we stopped it.

Commissioner Aieta: We stopped it because he didn't have all of his plans in.

Commissioner Hall: That isn't the point. The point is, up to that point we had always done it after the public hearing.....

Commissioner Aieta: Then why did we do it that night?

Commissioner Hall: Because it was a strange, the poor guy, was trying to catch up with what was happening, he hadn't been here that long, and he stated that night, I thought all of this had been discussed at a previous meeting and we said no, it hadn't been, so therefore they went back. It's the only time that it happened. The only time. And now, we're back on queue with what we had been doing all of those years and that is having it after and that is a combination of Commissioner comments, Planner input, Chairman input, anybody else, public and then they create these petitions. That we vote yes or no.

Commissioner Aieta: Right.

Commissioner Hall: We still have the option that night, if we don't like how it has come out at that point, we can still say, no it's not quite right, go back and get it right, it was a one time deal.

Commissioner Aieta: I understand that, I'm questioning why it happened.

Commissioner Hall: It's a one time thing, it's not an ongoing, I just want to make sure that is what we are talking about. Thank you.

Vice-Chairman Camerota: Any other comments?

XII. CLOSING REMARKS BY CHAIRMAN

None

XIII. ADJOURNMENT

Commissioner Hall moved to adjourn the meeting. The motion was seconded by Commissioner Sobieski. The meeting was adjourned at 7:18 PM.

Respectfully submitted,

Norine Addis,
Recording Secretary

