



NEWINGTON TOWN PLAN AND ZONING COMMISSION

REGULAR MEETING and PUBLIC HEARING

Wednesday, June 26, 2013

Town Hall Conference Room L-101, Lower Level

131 Cedar Street, Newington, CT 06111

7:00 p.m.

A G E N D A

I. ROLL CALL AND SEATING OF ALTERNATES

II. APPROVAL OF AGENDA

III. PUBLIC HEARINGS:

- a. Petition #29-13: Special Exception (Section 6.2.4: Free Standing Sign) at 56 Fenn Road. Wayside Fence Company, applicant; 56 Fenn Road LLC, owner; Chris Gueret, contact.
- b. Petition #31-13: Special Exception (Section 3.15.3: Restaurant) at 10 East Cedar Street.; Newington Development Associates LLC, owner; Anzor Tatashadze, 100 West Street Apt. A3, Rocky Hill CT, applicant/contact.
- c. Petition #34-13: Special Exception (Section 3.7: Special Exceptions in the R-12 and R-7 Zone) for Multi-Family Use at 240 Cedar Street ("Kellogg Farm Apartment"). Premier Partners & Associates LLC, applicant; Robert Nagy, owner; Patrick Snow, 110 Court Street, Cromwell CT, contact.
- d. Petition #33-13: Zone Change (Section 7.6.1) to apply Willard Avenue Development District to the existing R-12 property at 240 Cedar Street. Premier Partners & Associates LLC, applicant; Robert Nagy, owner; Patrick Snow, 110 Court Street, Cromwell CT, contact.

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

V. REMARKS BY COMMISSIONERS

VI. MINUTES:

- a. June 12, 2013

RECEIVED & RECORDED IN
NEWINGTON LAND RECORDS

2013 JUN 20 A 10:40

BY *Tanya D. Lane*
TOWN CLERK

VII. NEW BUSINESS:

- a. Petition #14-13: One-Lot Subdivision Approval 32 Brooks Edge Drive (Lot #6). Frank Kowal, owner/applicant/contact.

VIII. OLD BUSINESS:

- a. Petition #19-13: Zoning Text Amendment to Section 6.1.1.C (Parking Standards). Hayes-Kaufman Newington Associates LLC, applicant; Mark S. Shipman 20 Batterson Park Road, Farmington CT, contact.
- b. Petition #28-13: Special Exception (Section 3.15.3: Restaurant) at 32 Fenn Road. Baires LLC, applicant; Hayes Kaufmann Newington Associates LLC, owner; Albert Garrido, contact.

IX. PETITIONS FOR PUBLIC HEARING SCHEDULING

X. TOWN PLANNER REPORT

- a. Town Planner Report for June 26, 2013
- b. Report on Balf Quarry Operations

XI. COMMUNICATIONS

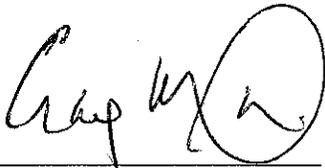
XII. PUBLIC PARTICIPATION (for items not listed on the on the Agenda; each speaker limited to two minutes)

XIII. REMARKS BY COMMISSIONERS

XIV. CLOSING REMARKS BY THE CHAIRMAN

XV. ADJOURNMENT

Submitted,



Craig Minor, AICP
Town Planner

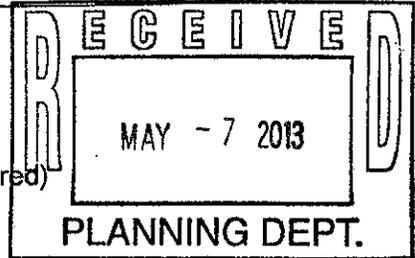
cash

TOWN OF NEWINGTON
TOWN PLANNING AND ZONING COMMISSION

APPLICATION FORM

APPLICATION #:	# 29-13
SUBMITTED DATE:	5/7/13
RECEIVED DATE:	
PUBLIC HEARING OPENED:	
PUBLIC HEARING CLOSED:	
DECISION DATE:	
DECISION PUBLISHED:	
COA SENT:	
MYLAR FILED:	

LOCATION OF PROPERTY: 56 Fenn Rd. ZONE: _____
 APPLICANT: Wayside Fence Co. TELEPHONE: 860-594-1090 (wayside local office)
 ADDRESS: 63 Third Ave, Bay Shore NY 11706 EMAIL: _____
 CONTACT PERSON: Christopher Gueret TELEPHONE: 860-594-1090
 ADDRESS: 56 Fenn Rd, Newington CT 06111 EMAIL: Chris@waysidefence.com
 OWNER OF RECORD: Doug DeLorenzo

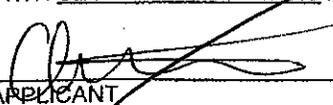


THIS APPLICATION IS FOR: (CHECK ONE OF THE FOLLOWING)

- Zone Change to the _____ Zone (Public Hearing required)
- Zoning Amendment to Section _____ (Public Hearing required)
- Subdivision
- Resubdivision (Public Hearing required)
- Special Exception per Section 6.2.4 of the Zoning Regulations (Public Hearing required)
- Site Development Plan Approval
- Other (describe in detail) _____

SIGNATURE:

THIS APPLICATION MUST BE SIGNED BY THE APPLICANT AND THE OWNER OF THE PROPERTY AND SUBMITTED ALONG WITH SEVEN SETS OF PLANS AND THE REQUIRED FEE.


5.6.13
OWNER
DATE

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

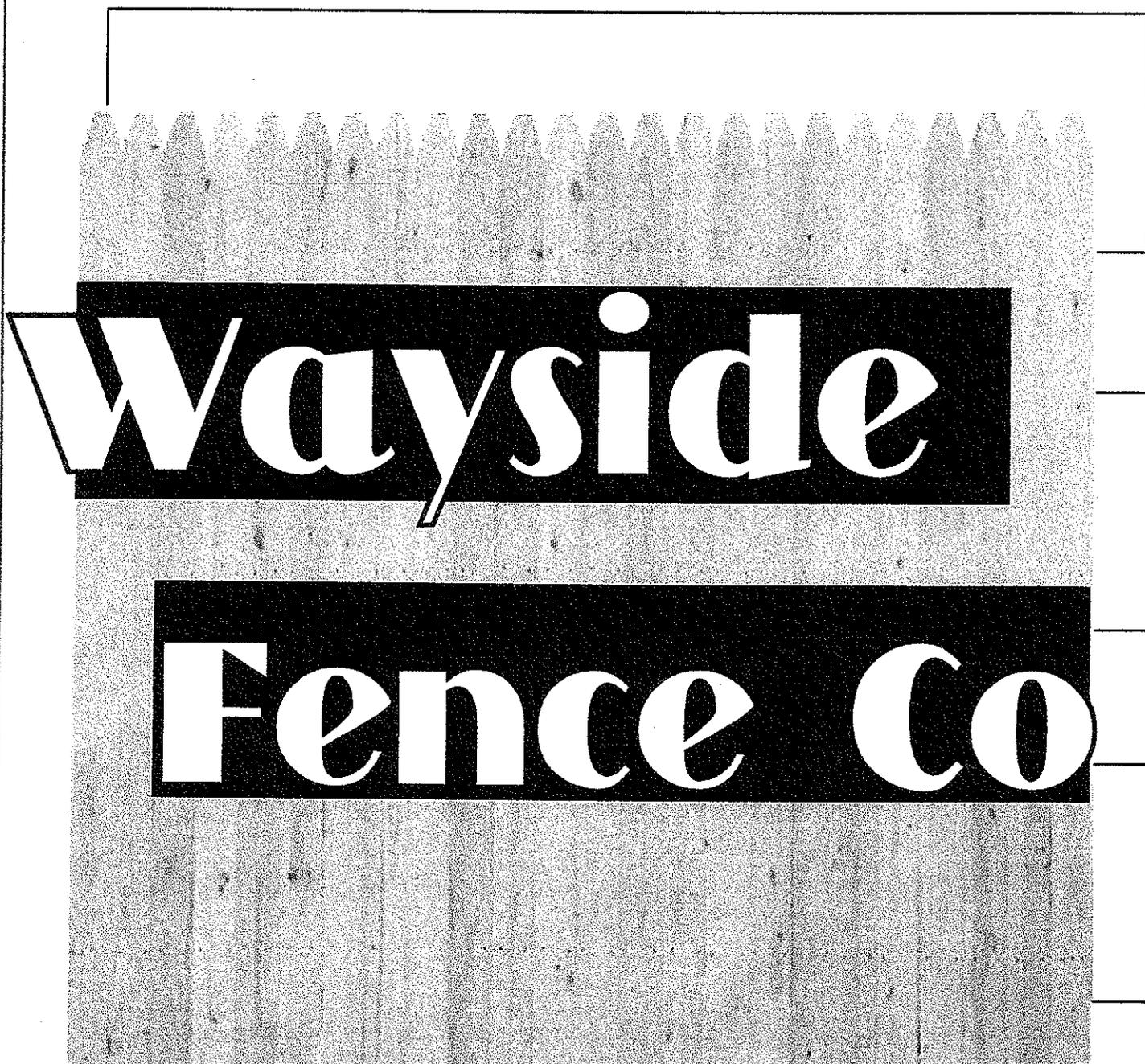
Wayside Fence Co.

56 Fenn Road

(860) 594-1090

Sign Design for Town Planner

8 ft.



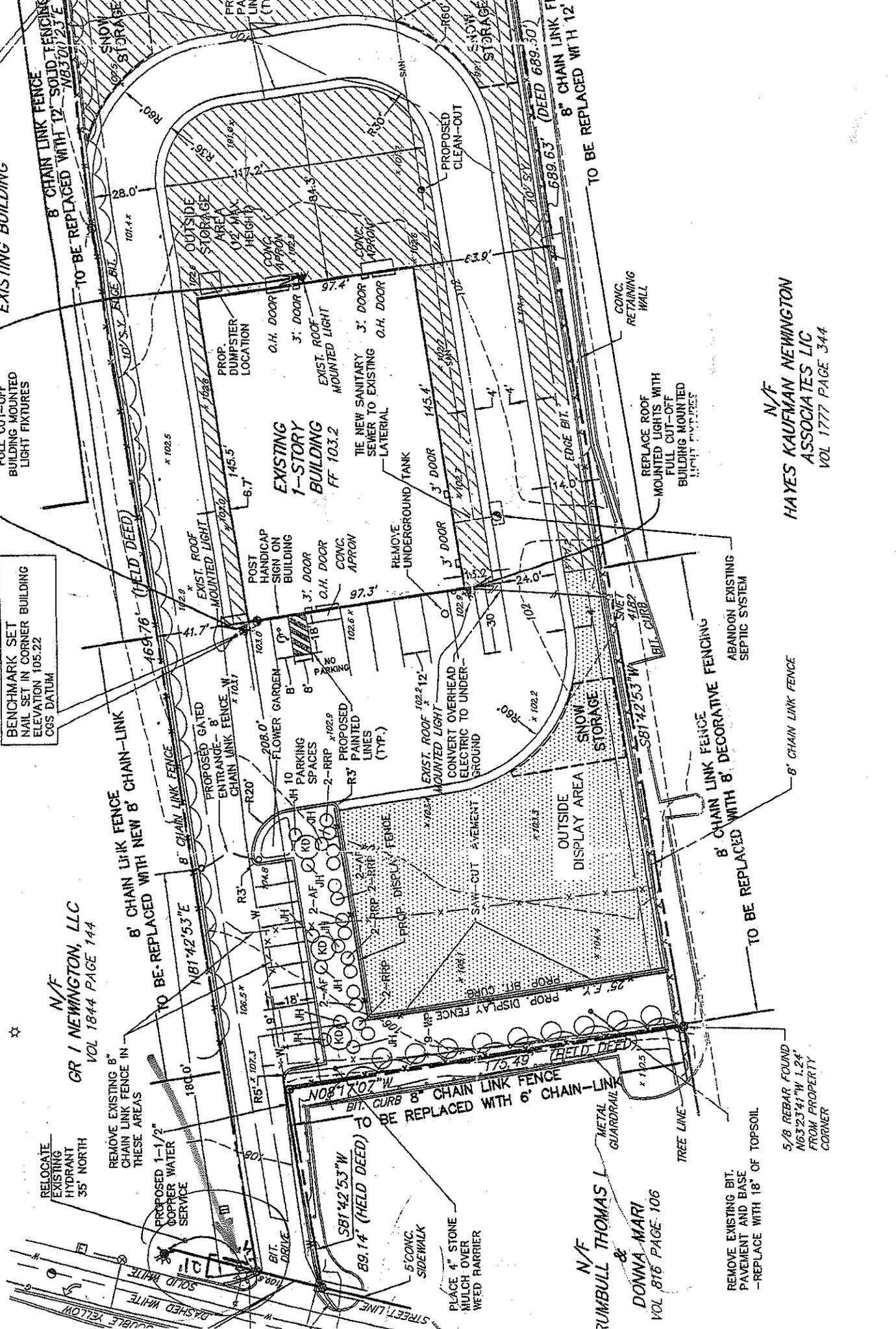
Wayside
Fence Co

Cedar Stockade Panel
Composite Wood Backers
AZEK composite lettering
S40 Steel Pipe Supports

8 ft.

BENCHMARK SET 1
PK NAIL
ELEVATION 98.36
CGS DATUM

- This site plan approval is for a wholesale fence storage and distribution use. The applicant has submitted testimony that the truck-mounted traffic siding that this will be a low intensity use. Any changes to the use and wholesale operations at this property is permitted without prior approval of the Commission, this includes a different subsequent wholesale business.
- The plans prepared by BGI Land Surveyors, entitled "Improvement Location Survey prepared for Wayside Fence Co.; any modifications to sheet 1 of 1, revised dated 9-28-07, shall be modified to eliminate the outside storage of the business's products in the front yard set back (215') and in front of the building Section 3.23.



ION MAP
1" = 1000'

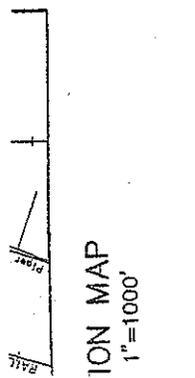
N/F
GR I NEWINGTON, LLC
VOL 1844 PAGE 144

N/F
RUMBULL THOMAS L
&
DONNA MARI
VOL 816 PAGE 106

N/F
HAYES KAUFMAN NEWINGTON
ASSOCIATES LLC
VOL 1777 PAGE 344

REMOVE EXISTING BIT.
PAVEMENT AND BASE
-REPLACE WITH 18" OF TOPSOIL

5/8 REBAR FOUND
N63°23'41"W L.24'
FROM PROPERTY
CORNER



STAFF REPORT
Free-Standing Sign for "Wayside Fence Company"

June 19, 2013

Petition #29-13:
Special Exception (Section 6.2.4: Free Standing Sign)
56 Fenn Road
Wayside Fence Company, applicant

Description of Petition #29-13:

The owners of this business erected a free-standing sign in front of their property without prior TPZ approval, located to the left of their driveway. The Zoning Enforcement Officer saw it, and directed them to either take it down or apply for the Special Exception.

Section 6.2.4 allows such signs in any non-residential zone by special exception.

Staff Comments:

As of this writing the applicants still have not submitted a site plan showing a location on their property for the sign. As I reported previously this is a rear lot, and the existing sign is actually on their neighbor's property to the north.

cc:
file

CASH

TOWN OF NEWINGTON
TOWN PLANNING AND ZONING COMMISSION

APPLICATION FORM

APPLICATION #:	31-13
SUBMITTED DATE:	3/21/13
RECEIVED DATE:	
PUBLIC HEARING OPENED:	
PUBLIC HEARING CLOSED:	
DECISION DATE:	
DECISION PUBLISHED:	
COA SENT:	
MYLAR FILED:	

LOCATION OF PROPERTY: 10 E Coader ST ZONE: B-TC

APPLICANT: Anzor Tatoshadze TELEPHONE: (860) 656-5404

ADDRESS: ~~10 E Coader ST~~ EMAIL: _____

CONTACT PERSON: Anzor Tatoshadze TELEPHONE: 18601 656 - 5404

ADDRESS: 100 West St Apt A3 Rocky Hill, CT EMAIL: ANZORITECH@gmail.com

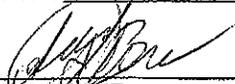
OWNER OF RECORD: Jeff Hedberg Newington Development Assoc. LLC

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

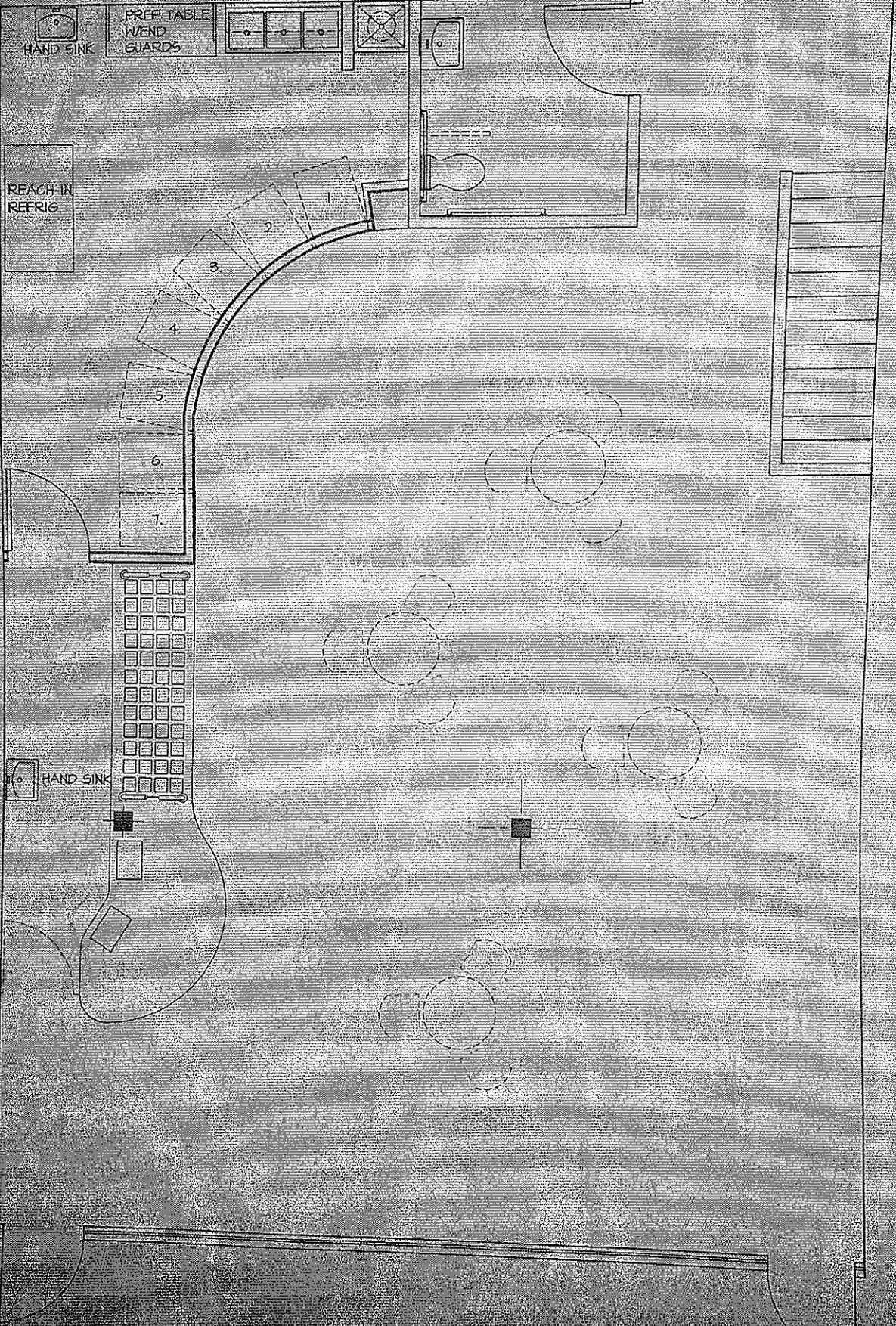
- Zone Change to the _____ Zone (Public Hearing required)
- Zoning Amendment to Section _____ (Public Hearing required)
- Subdivision
- Resubdivision (Public Hearing required)
- Special Exception per Section 3.11.6 of the Zoning Regulations (Public Hearing required)
- Site Development Plan Approval
- Other (describe in detail) Frozen Yogurt Store

SIGNATURE:

THIS APPLICATION MUST BE SIGNED BY THE APPLICANT AND THE OWNER OF THE PROPERTY AND SUBMITTED ALONG WITH SEVEN SETS OF PLANS AND THE REQUIRED FEE.

	<u>04/28/13</u>		<u>5-1-13</u>
APPLICANT	DATE	OWNER	DATE

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



PROPOSED FLOOR

STAFF REPORT
Frozen Yogurt Store

June 19, 2013

Petition #31-13:

Special Exception (Section 3.11.6: Restaurant)

10 East Cedar Street

Anzor Tatashadze, applicant

Description of Petition #28-13:

The applicant would like to open a frozen yogurt store in the building at 2-12 East Cedar Street. Section 3.11.6 allows "Restaurants (excluding drive-in or curbside services restaurants)" by Special Exception in the B zone, and Section 3.12.1.A says that any use allowed in the B zone is allowed in the B-TC zone with some exceptions.

Town Planner Comments:

According to the floor plan that was just submitted by the applicant, there will be approximately 900 s.f. of floor space "open to the public". That results in a requirement of 18 parking spaces, which is ten spaces more than the prior use (professional office). I will have to analyze the total amount of parking required by the other uses in this building to confirm that there is enough parking on site for this "restaurant" use.

cc:
file

CR# 5091

\$250 + 75

TOWN OF NEWINGTON
TOWN PLANNING AND ZONING COMMISSION

APPLICATION FORM

APPLICATION #:	34 34-13
SUBMITTED DATE:	5/31/13
RECEIVED DATE:	6/12/13
PUBLIC HEARING OPENED:	
PUBLIC HEARING CLOSED:	
DECISION DATE:	
DECISION PUBLISHED:	
COA SENT:	
MYLAR FILED:	

LOCATION OF PROPERTY: 240 Cedar Street ZONE: R-12

APPLICANT: Premier Partners & Assoc., LLC TELEPHONE: 860-637-7090

ADDRESS: 110 Court Street, Cromwell, CT 06410 EMAIL: Pat@premierbuilding.org

CONTACT PERSON: Patrick Snow TELEPHONE: 860-637-7090

ADDRESS: 110 Court Street, Cromwell, CT 06410 EMAIL: Pat@premierbuilding.org

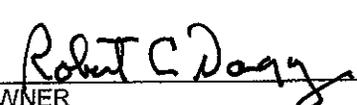
OWNER OF RECORD: Robert C. Nagy

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

- Zone Change to the William Ave Zone (Public Hearing required)
- Zoning Amendment to Section _____ (Public Hearing required)
- Subdivision
- Resubdivision (Public Hearing required)
- Special Exception per Section 3.7 of the Zoning Regulations (Public Hearing required)
- Site Development Plan Approval
- Other (describe in detail) _____

SIGNATURE:

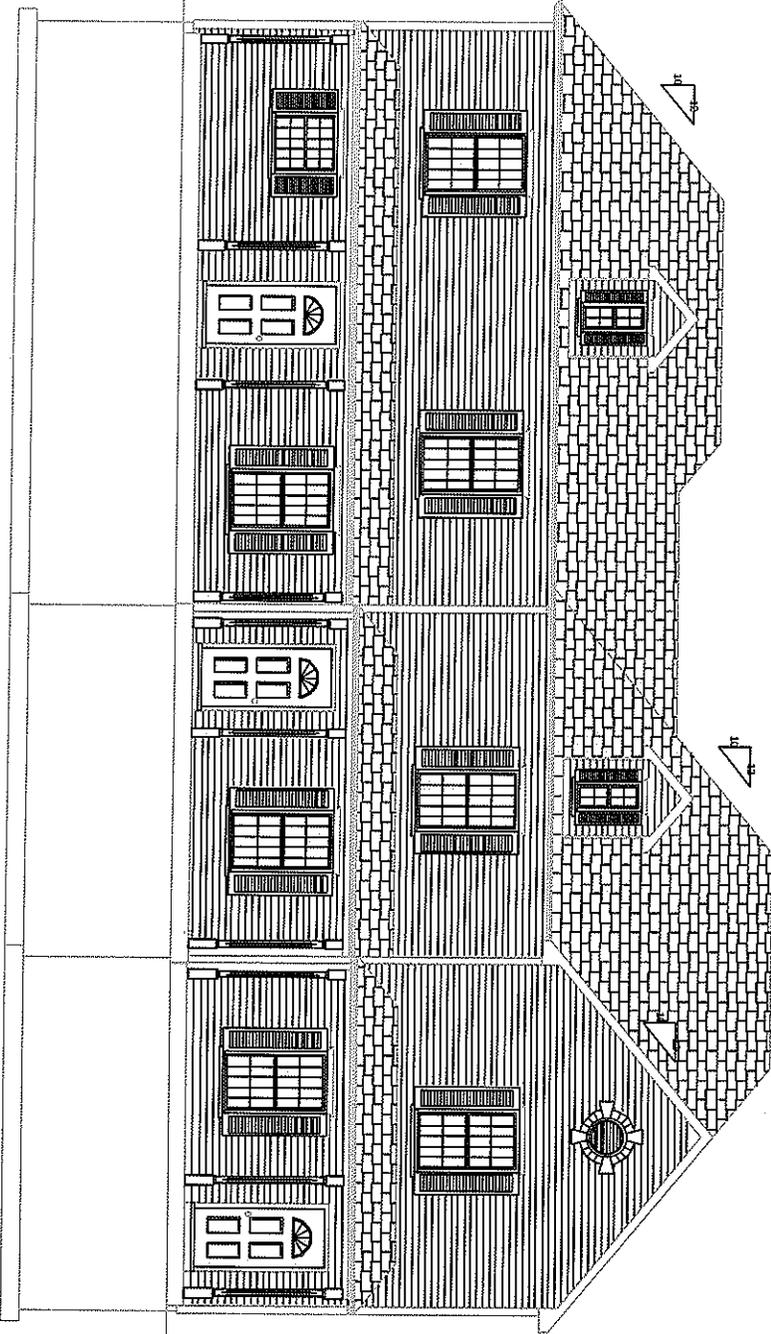
THIS APPLICATION MUST BE SIGNED BY THE APPLICANT AND THE OWNER OF THE PROPERTY AND SUBMITTED ALONG WITH SEVEN SETS OF PLANS AND THE REQUIRED FEE.

	<u>5/30/13</u>		
APPLICANT	DATE	OWNER	DATE

NOTE:
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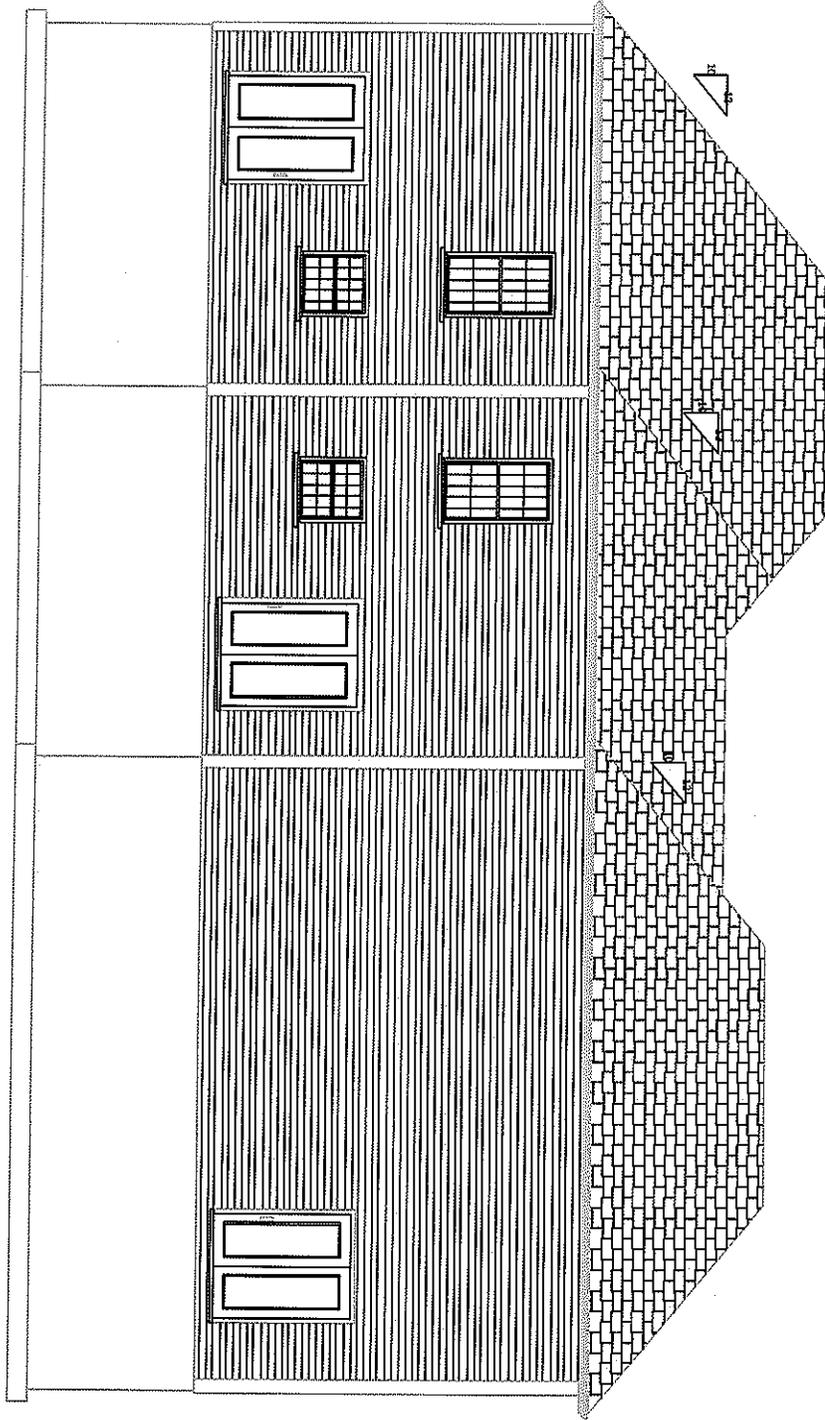
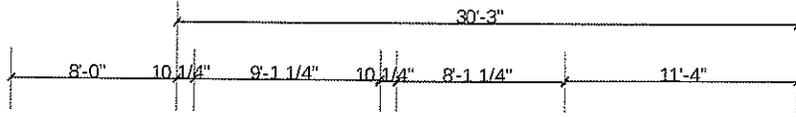
8-0" 10-1/4" 9-1 1/4" 10-1/4" 8-1 1/4" 8-6"

240 CEDAR ST
NEWINGTON CT
FRONT ELEVATION

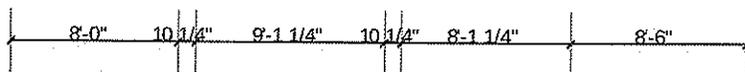


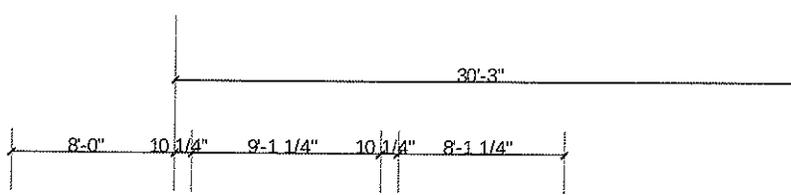
8-0" 10-1/4" 9-1 1/4" 10-1/4" 8-1 1/4" 8-0" 3-4"

30'-3"

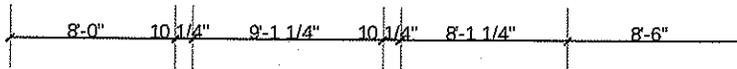
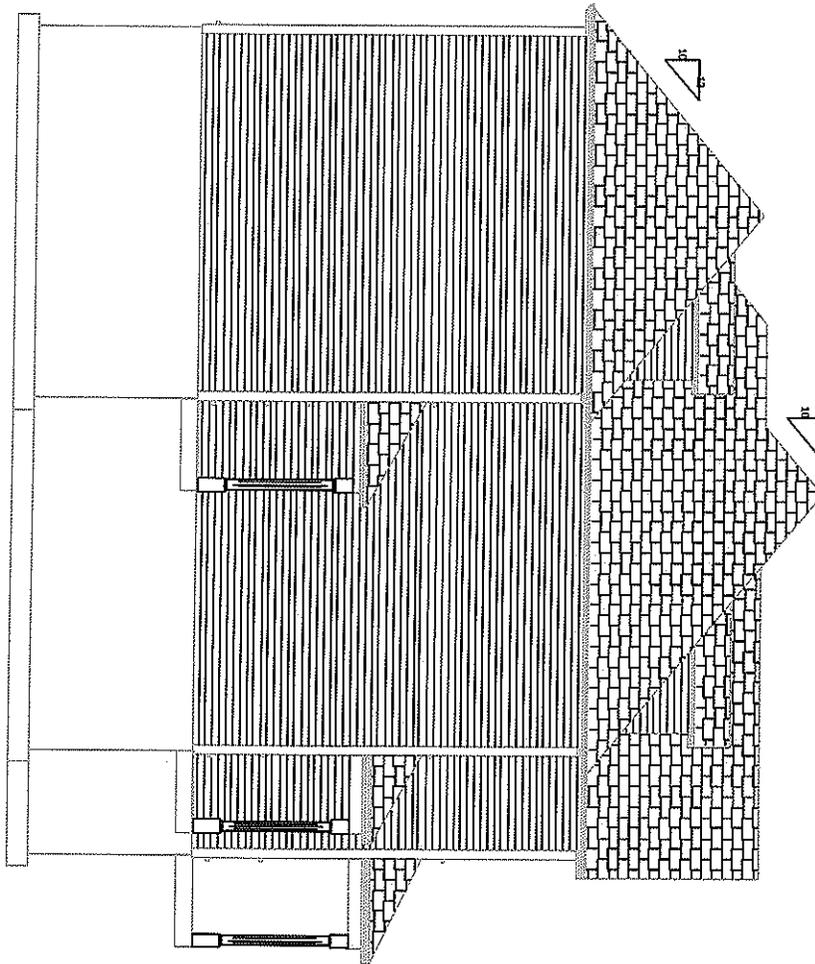


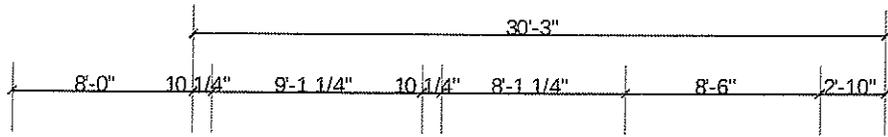
240 CEDAR ST
 NEWINGTON CT
 REAR ELEVATION



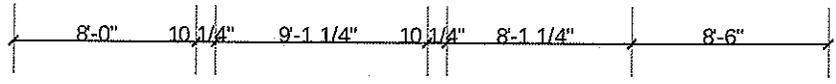
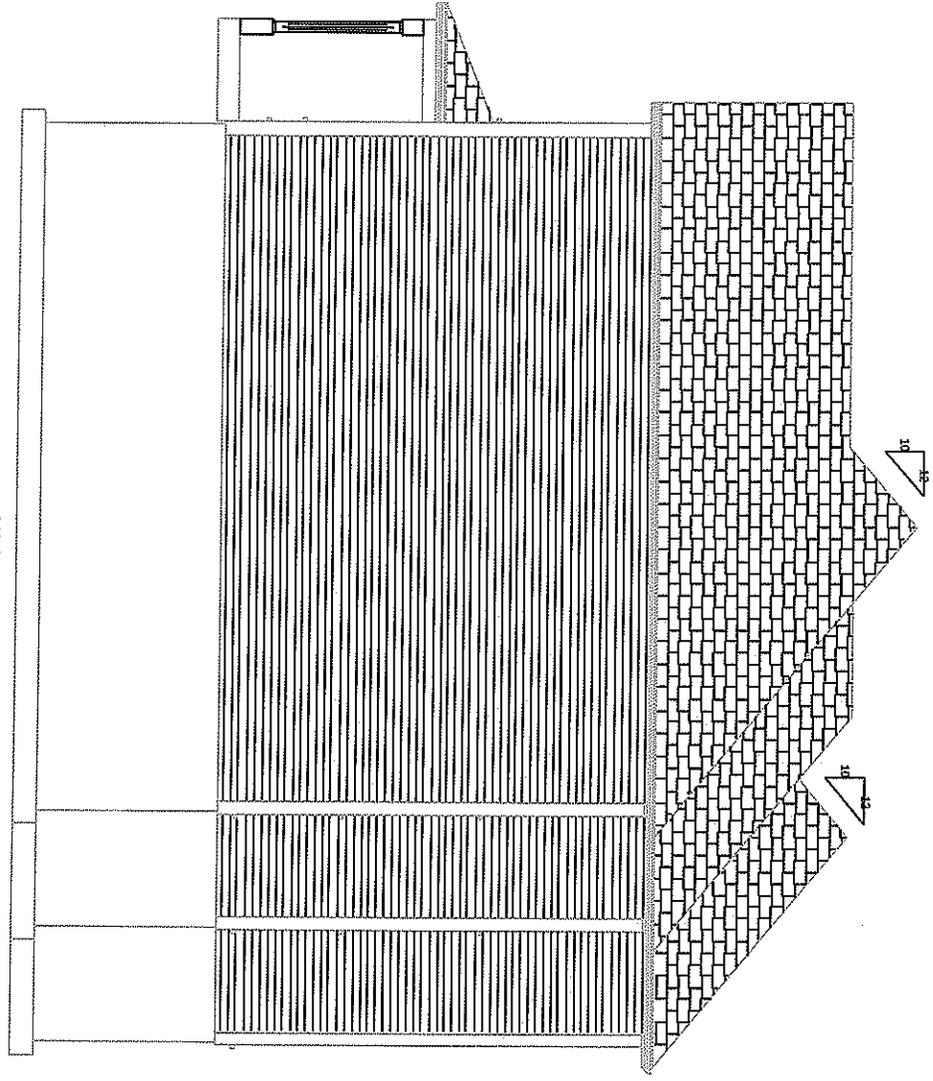


240 CEDAR ST
 NEWINGTON CT
 LEFT ELEVATION





240 CEDAR ST
 NEWINGTON CT.
 RIGHT ELEVATION



Law Offices of Jon C. Leary & Associates, LLC
— Attorneys At Law —

Jon C. Leary*

675 Berlin Turnpike, 2nd Floor
Berlin, Connecticut 06037
(860) 828-1071
Facsimile (860) 828-1082

Niall B. Purcell
of counsel

jleary@ilearylaw.com

*also admitted in Massachusetts

June 11, 2013

Craig Minor
Newington Town Planner
Newington, CT 06111

Re: Pat Snow/Premier Partners
Willard Avenue Development District
Proposed Application – corner of Willard and Cedar

Dear Mr. Minor,

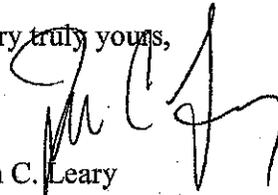
As you are aware, this office represents Patrick Snow and Premier Partners & Assoc., LLC in connection with the above referenced application. Mr. Snow currently owns the corner lot referenced as Lot 2, and is under contract to purchase the parcel immediately adjacent to it on Cedar Street, referenced as Lot 1 on his plan. Mr. Snow proposes to combine the two parcels and create one, larger corner lot. Mr. Snow is proceeding with this application under the Willard Avenue Development District Overlay.

The project as proposed creates 3 new units on Lot 1 proposed as townhouse style units, which units would be constructed separate from the existing structure on said lot. While the Willard Avenue overlay proposes such multi-family units created as an expansion to the existing structure, the Commission should note that such a use will be harmonious with the existing multifamily use on the newly expanded lot, will promote an appropriate use for the existing property, and will not promote any undue burden on traffic in the area, as provided in Sec. 6.12.5. Creating these units as an additional structure and as attached townhouse style units promotes an efficient use for the now larger lot, and allows for an architectural and landscape design that will be consistent with the existing use.

Please contact this office with any questions or if any further information is required.

Very truly yours,

Jon C. Leary





2210 Main Street
P.O. Box 1088
Glastonbury, CT 06033
Tel: 860 659-3100
Fax: 860 659-3103

132 Conantville Road
P.O. Box 580
Storrs, CT 06268
Tel: 860 429-5400
Fax: 860 429-1367

140 Willow St.
Suite 8
Winsted, CT 06098
Tel: 860 379-666
Fax: 860 738-1272

19 Midstate Dr.
Suite 200
Auburn, MA 01501
Tel: 508 721-7600
Fax: 508 721-7610
www.lenard-eng.com

Lenard Engineering, Inc.

Civil, Environmental and Hydrogeological Consultants

June 18, 2013

Mr. Craig M. Minor, AICP
Town Planner
Town of Newington
131 Cedar Street
Newington, CT 06111

Re: Special Permit and Site Plan Approval Application, 240 Cedar Street Application

Dear Mr. Minor:

On behalf of Premier Partners and Associates LLC (Premier), please find attached 5 sets of revised site plans based on the initial comments and questions you provided as well as subsequent consultation with attorney Jon C. Leary retained for this project. As you will see, we have reduced the proposed program for this site considerably and are now proposing a modest 18.5% increase in square footage of the existing structures allowed through a Special Permit under Section 6.12.2.B of the Zoning Regulations. Attorney Leary will expand on this argument during our public hearing scheduled for June 26, 2013.

Sincerely,
Lenard Engineering, Inc.

Joseph Devine, P.E., LEP
Principal Engineer

STAFF REPORT
"Kellogg Farm Apartments" Zone Change

June 19, 2013

Petition #34-13

Special Exception (Section 3.7: Special Exception in R-12 Zone)

240 Cedar Street

Premier Partners & Associates LLC, applicant

Description of Petition #34-13:

Obtaining a Special Exception is one of the three individual approvals necessary for a "Willard Avenue Development District" project. Since the Special Exception activity is key to the whole process, the public hearing on it should take place first.

Town Planner Comments:

The applicant still has not told me which provision of Section 3.7 this petition pertains to. Is it 3.7.1 (Alternate residential building), 3.7.2 (Housing for the Seniors and Service Use Buildings), or 3.7.3 (Single Family Entry Level Housing)? I can't evaluate the request if I don't know what the applicant is requesting.

I have sent the applicant several emails asking for clarification, with no satisfactory response.

cc:
file

CHK # 5097

\$500

TOWN OF NEWINGTON
TOWN PLANNING AND ZONING COMMISSION

APPLICATION FORM

APPLICATION #:	33-13
SUBMITTED DATE:	5/31/13
RECEIVED DATE:	6/12/13
PUBLIC HEARING OPENED:	
PUBLIC HEARING CLOSED:	
DECISION DATE:	
DECISION PUBLISHED:	
COA SENT:	
MYLAR FILED:	

LOCATION OF PROPERTY: 240 Cedar Street ZONE: R-12

APPLICANT: Premier Partners & Assoc., LLC TELEPHONE: 860-637-7090

ADDRESS: 110 Court Street, Cromwell, CT 06410 EMAIL: Pat@premierbuilding.org

CONTACT PERSON: Patrick Snow TELEPHONE: 860-637-7090

ADDRESS: 110 Court Street, Cromwell, CT 06410 EMAIL: Pat@premierbuilding.org

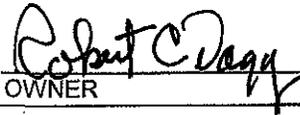
OWNER OF RECORD: Robert C. Nagy

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

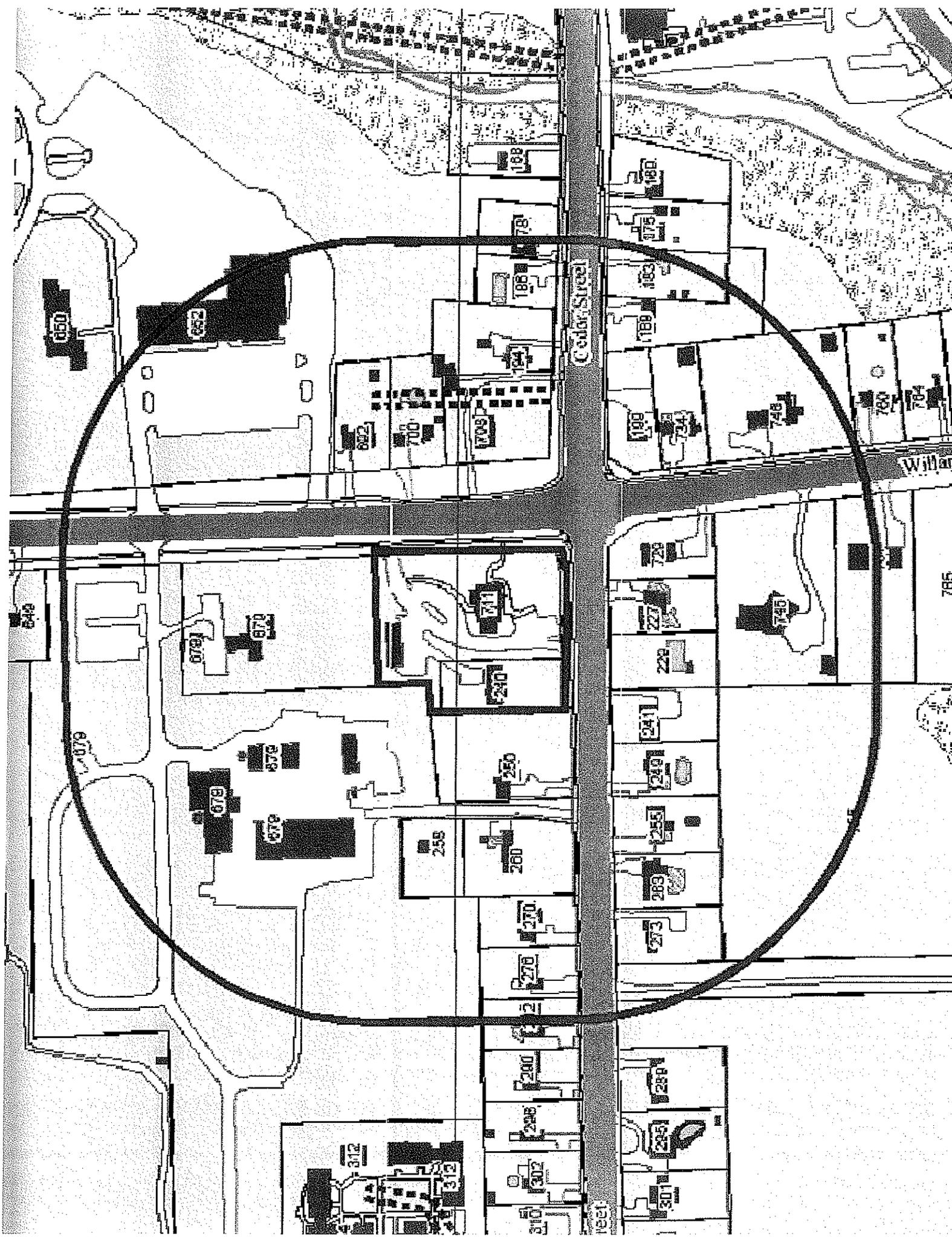
- Zone Change to the Willard Ave. Development District Zone (Public Hearing required)
- Zoning Amendment to Section _____ (Public Hearing required)
- Subdivision
- Resubdivision (Public Hearing required)
- Special Exception per Section _____ of the Zoning Regulations (Public Hearing required)
- Site Development Plan Approval
- Other (describe in detail) _____

SIGNATURE:

THIS APPLICATION MUST BE SIGNED BY THE APPLICANT AND THE OWNER OF THE PROPERTY AND SUBMITTED ALONG WITH SEVEN SETS OF PLANS AND THE REQUIRED FEE.

	<u>5/30/13</u>		
APPLICANT	DATE	OWNER	DATE

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



STAFF REPORT
"Kellogg Farm Apartments" Zone Change

June 19, 2013

Petition #33-13

**Zone Change (Section 7.6.1) to apply the Willard Avenue Development District Overlay
240 Cedar Street**

Premier Partners & Associates LLC, applicant

Description of Petition #33-13:

Patrick Snow, the developer who received permission back in 2005 to apply the "Willard Avenue Development District" overlay to the existing house at 711 Willard Avenue, would now like the overlay applied to the adjacent property at 240 Cedar Street. If approved, his goal is to construct two apartments on the rear of the house that was recently constructed at 240 Cedar Street.

Town Planner Comments:

The purpose of the Willard Avenue Development District is to promote "[T]he public health and welfare, and of conserving property values and promoting appropriate uses in the Willard Avenue area as herein defined...".

As of this writing the applicant has submitted nothing to show how the creation of two apartment units on the back of the house at 240 Cedar Street will advance any of the purposes of the Willard Avenue Development District.

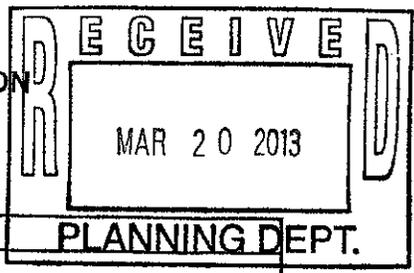
cc:
file

CK#1998

DOR = April 10

TOWN OF NEWINGTON
TOWN PLANNING AND ZONING COMMISSION

APPLICATION FORM



APPLICATION #:	17-13
SUBMITTED DATE:	3/20/13
RECEIVED DATE:	
PUBLIC HEARING OPENED:	
PUBLIC HEARING CLOSED:	
DECISION DATE:	
DECISION PUBLISHED:	
COA SENT:	
MYLAR FILED:	

LOCATION OF PROPERTY: LOT #6 BROOKSEGE DR ZONE: R-D
 APPLICANT: FRANK KOWAL TELEPHONE: 860-798-0590
 ADDRESS: 25 WEBSTER COURT NEWINGTON EMAIL: CCSFKOW@YAHOO.COM
 CONTACT PERSON: FRANK KOWAL TELEPHONE: 860-798-0590
 ADDRESS: 25 WEBSTER COURT NEWINGTON EMAIL: CCSFKOW@YAHOO.COM
 OWNER OF RECORD: FRANK KOWAL

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

- Zone Change to the _____ Zone (Public Hearing required)
- Zoning Amendment to Section _____ (Public Hearing required)
- Subdivision
- Resubdivision (Public Hearing required)
- Special Exception per Section _____ of the Zoning Regulations (Public Hearing required)
- Site Development Plan Approval
- Other (describe in detail) _____

SIGNATURE:

THIS APPLICATION MUST BE SIGNED BY THE APPLICANT AND THE OWNER OF THE PROPERTY AND SUBMITTED ALONG WITH SEVEN SETS OF PLANS AND THE REQUIRED FEE.

	<u>3/20/13</u>		<u>3/20/13</u>
APPLICANT	DATE	OWNER	DATE

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

STAFF REPORT
One Lot Subdivision at 23 Brooks Edge Drive

June 19, 2013

Petition #14-13:

**One Lot Subdivision
23 Brooks Edge Drive
Frank Kowal, owner/applicant/contact.**

Description of Petition #14-13:

This is a request for subdivision approval of an existing parcel in the "Brooks Edge" subdivision. Although the parcel legally exists as a separate parcel, it is not a "buildable lot" because TPZ has never approved it.

Town Planner Comments:

While there are several problems facing the builder of a house on this parcel which could rightfully impact the TPZ's decision, the "existential" question is simple: does the land area meet the minimum requirement or doesn't it? The parcel is only 5,139 s.f. in size; the zoning regulations require a minimum of 6,000 s.f. for a "patio house" in the RD zone.

When the subdivision that this parcel is in was approved, the minimum lot size for a "patio house" was 4,500 s.f. The TPZ-approved plan for this subdivision does show this parcel, but with a note indicating that it was not approved. The owner is now claiming that since the parcel is physically shown on that plan, it is somehow "grandfathered".

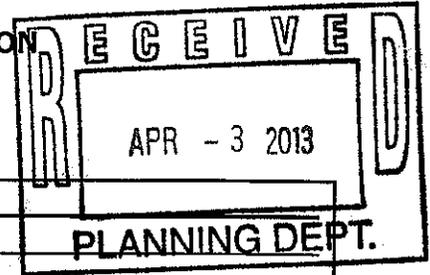
There is no logical basis for that claim. For example: if the approved subdivision map showed adjacent land that was labeled, "Remainder Land of Owner", he would not be able to come back today and ask for subdivision approval into 4,500 s.f. building lots. I don't think this application is any different.

cc:
file

**TOWN OF NEWINGTON
TOWN PLANNING AND ZONING COMMISSION**

APPLICATION FORM

CR# 12410



APPLICATION #:	9-13
SUBMITTED DATE:	4/3/13
RECEIVED DATE:	4/10/2013
PUBLIC HEARING OPENED:	
PUBLIC HEARING CLOSED:	
DECISION DATE:	
DECISION PUBLISHED:	
COA SENT:	
MYLAR FILED:	

LOCATION OF PROPERTY: Town-wide ZONE: N/A

APPLICANT: HAYES-KAUFMAN NEWINGTON ASSOCIATES, LLC TELEPHONE: (860)-606-1700
 ADDRESS: c/o MARK S. SHIPMAN EMAIL: mark@shipso.com
 CONTACT: MARK S. SHIPMAN TELEPHONE: 860)606-1700
 ADDRESS: 20 BATTERSON PARK ROAD FARMINGTON, CT 06032 EMAIL: mark@shipso.com

OWNER OF RECORD: HAYES-KAUFMAN NEWINGTON ASSOCIATES, LLC

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

- Zone Change to the _____ Zone (Public Hearing required)
- Zoning Amendment to Sections 5.3.9A and 6.1.1.C (Public Hearing required) Draft Text changes attached.
- Subdivision
- Resubdivision (Public Hearing required)
- Special Exception per Section _____ of the Zoning Regulations (Public Hearing required)
- Site Development Plan Approval
- Other (describe in detail) _____

SIGNATURE:

THIS APPLICATION MUST BE SIGNED BY THE APPLICANT AND THE OWNER OF THE PROPERTY AND SUBMITTED ALONG WITH SEVEN SETS OF PLANS AND THE REQUIRED FEE.

	4/12/13		
APPLICANT	DATE	OWNER	DATE

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

SECTION 5.3.9A Change in Use and Site Design, is hereby amended to add the following provision:

Withdrawn by applicant

~~"1. A change in use in a shopping center, containing more than 75,000 square feet shall not require site plan approval if the change affects less than five (5%) five per cent of the gross floor area of the Shopping Center";~~

The chart contained in SECTION 6.1.1.C PARKING STANDARDS BUSINESS USES MINIMUM REQUIRED PARKING SPACES, hereby amended to add the following provision:

"Shopping Centers with a principal building containing a principal tenant occupying not less than sixty thousand (60,000) square feet, 5 spaces for each 1000 square feet of gross floor area, irrespective of the particular uses contained in the Shopping Center."

**PROPOSED ZONING AMENDMENTS:
Site Plan Approval
Parking Standards**

[text to be deleted is shown in ~~bold strikethrough~~;
new text is shown in bold underline]

SECTION 6.1.1.C PARKING STANDARDS

BUSINESS USES	MINIMUM REQUIRED PARKING SPACES
Retail stores, personal service shops	7 spaces for each 1,000 square feet of gross floor area up to 10,000 square feet
	6 spaces for each 1,000 square feet of gross floor area up to 50,000 square feet
	4 ½ spaces for each 1,000 square feet of gross floor area over 50,000 square feet
<u>Shopping centers with a principal tenant occupying not less than 60,000 square feet gross floor area</u>	<u>5 spaces for each 1,000 square feet of gross floor area, irrespective of the particular uses</u>

Staff-proposed Additional Amendments:

[text to be deleted is shown in ~~bold strikethrough~~;
new text is shown in bold underline]

Section 9.2 Definitions

SHOPPING CENTER: A group of three or more stores, and often restaurants and other businesses in one or more buildings managed as a single entity and having a common parking lot.
~~Supermarket Grocery Store shall mean a store primarily engaged in the retail sale of grocery items as defined by Section 30-20 of the Connecticut General Statutes. Primarily Engaged shall mean having sales of grocery items equaling at least fifty (50%) percent by volume sales. Volume of sales shall be determined by a fraction where the numerator is the number of grocery items sold and the denominator is the total number of products sold.~~

SUPERMARKET
GROCERY STORE: A store primarily engaged in the retail sale of grocery items as defined by Section 30-20 of the Connecticut General Statutes. "Primarily Engaged" shall mean having sales of grocery items equaling at least fifty (50%) percent by volume sales. Volume of sales shall be determined by a fraction where the numerator is the number of grocery items sold and the denominator is the total number of products sold.

STAFF REPORT
"Parking Standards Text Amendment"

June 19, 2013

Petition #19-13

Text Amendment to Section 6.1.1.C (Parking Standards Table)
Hayes-Kaufman Newington Associates LLC, applicant

Description of Petition #19-13:

The owners of the Stop & Shop plaza on Fenn Road would like to amend the zoning regulations regarding the amount of parking required at large shopping centers.

They are proposing to create a new parking category, to be called "Shopping center with a principal tenant occupying not less than 60,000 s.f. gross leasable area". Such a shopping center would require 5 parking spaces per 1,000 s.f. of gross floor area regardless of the type of tenant. This is actually slightly more than the 4.5 spaces per 1,000 s.f. required for any "retail" development larger than 50,000 s.f.

Town Planner Comments:

During the public hearing the question came up as to how many existing shopping centers this change would effect. As of this writing I have not completed the research on that question, but I will have it by the June 26 meeting.

See my previous memo for my comments on this application.

cc:
file