

NEWINGTON TOWN PLAN AND ZONING COMMISSION

June 27, 2012

Regular Meeting

Chairman David Pruet 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

Commissioner Carol Anest
Vice-Chairman Michelle Camerota
Commissioner Cathleen Hall
Commissioner David Lenares
Chairman David Pruet
Commissioner Stanley Sobieski
Commissioner Dana Woods
Commissioner Frank Aieta
Commissioner Michael Camillo

Commissioners Absent

Commissioner Audra Ekstrom

Staff Present

Craig Minor, Town Planner

II. PUBLIC HEARINGS

A. Petition 08-12: Zoning Regulations Amendment for Auto-Related Uses in the B-BT and PD Zones. Newington Town Plan and Zoning Commission, applicant.

Chairman Pruet: I'm going to read the summary that our Town Planner has provided on this petition, and when he comes back in he can take over, but basically,

Background:

The B-BT and PD zone regulations currently in place do not allow any motor vehicle related use on the Berlin Turnpike. This is a relatively recent situation, as evidenced by the presence of numerous car dealerships, gas stations, brake and muffler repair shops etc., which pre-date the current zoning regulations. These uses were removed from the zoning regulations several years ago in an attempt to preserve the attractiveness of the Berlin Turnpike.

There has been a growing sense on the part of some members of the TPZ, however that this situation is too restrictive, and that it is possible for motor vehicle related uses to be designed and operated in a manner that does not detract from the high quality of development that exists along the Berlin Turnpike. The staff was therefore directed to draft an amendment that would allow for some limited motor vehicle related uses with aesthetic controls.

Summary:

The proposed amendment created two “classes” of motor vehicle related uses. The first class (“auto related uses”) consists of car dealerships, car rental agencies and car washes. These uses would continue to be prohibited at the B-BT and PD Zones. The second class (“motor vehicle service uses”) consists of gas stations, oil change facilities, brake and muffler shops, tire stores, and similar activities and would be allowed by Special Exception in the B-BT and PD zone.

Public Hearing:

The public hearing is scheduled to open on June 27, 2012. To date the only public comments received are from the Central Connecticut Regional Planning Agency which found the amendment to be “not in conflict” with regional plans and policies or the concerns of neighboring towns. The Capitol Region Council of Governments (CRCOG) also reviewed the amendment and offered the following comment:

The staff of the Regional Planning Commission of the Capitol Region Council of Governments has reviewed this referral and finds no apparent conflict with regional plans and policies or the concerns of neighboring towns. For sites located on a municipal border, we recommend that the town take into consideration the uses across municipal boundaries and that any more limiting/restrictive setback requirements, screening or restrictions on intensity of uses including lighting, particularly for sites bordering residential uses in neighboring towns, be applied so as to mitigate impacts across municipal borders.”

Staff Concerns:

The one acre minimum lot size might have the unintended consequence of creating larger motor vehicle-related uses along the Berlin Turnpike than would have occurred otherwise.

Staff Recommendation:

Continue the Public Hearing to July 25, 2012 to allow for maximum public input.

Chairman Pruet: Craig, I just summarized your report in lieu of finding our maintenance man. Anything else you would like to add to that, that summary that I just read.

Craig Minor: Yes, for the Commission’s benefit, I put in front of you tonight a copy of the amendment clean, what I call clean, so that is what it will look like when it gets put into the regulations, which in your package was the side by side, with the language to be deleted, scratched out, and the new language in bold or whatever, but I think it gets kind of complicated having it side by side. I know that people like to see that so they can see what is coming out, what’s coming in, but it gets hard to read so that is why I gave you also a set of what the regs will look like if they are approved.

Chairman Pruet: Okay, good. Commissioner comments on this petition?

Commissioner Lenares: Just to echo what the Planner said, I think that’s a pretty good idea because it will give us an idea of how the regulations are written if it does pass, but I mean, for my own benefit, without getting into the intricacies of how these sections are written, without listening to what some of the public has to say, I don’t, I think it’s a good idea to extend the date to the 25th of July I think it was, because things get brought up, to our attention that you know what, we didn’t think of, so maybe a couple of changes would be good. Overall, I’ve said it a million times, I am in favor of looking at this, to have it brought back to the town, because of the fact that I don’t think it was good practice to be honest by some of the past Commissions that were here, to take this out. The only thing that bothered me when I read it in the paper, I think it was in the Crier, that the reason, it says in here, in

the summary that they made an attempt to preserve the attractiveness of the Turnpike. Now I think that should be, regardless, that should be upheld in any petition no matter what type of business it is. Whether it be the Berlin Turnpike or any neighborhood zone or anything, we should always look to preserve the integrity of this town and I think we have done a great job, past Commissions as well as this Commission, but no Commission should base their opinions whether to keep a regulation for the description that they give, and that was because we had too many of those, they thought, at the time. I know I have sung this song many times before but we shouldn't, the past Commission shouldn't, this Commission shouldn't and the future Commissions shouldn't base their opinion on whether they have enough of that particular use in the town. I don't think we have the right to say, we have enough banks, we have enough auto related uses. On a personal level, in the food business, yeah, I'd love to see half a dozen of them go out of business, that's better for me, but that's not what we are here for, we're here to make a decision on what is best for the town, with always keeping the integrity of the town at it's highest level, so I think it's a good thing. Nothing is in stone, I'd love to hear what the public says in the future. I think we may be intrigued by some of their comments, but we'll see, but that's me, off my soapbox. Thank you.

Chairman Pruet: Thank you. Any other Commissioner comments? This is a public hearing, anyone from the public wishing to speak in favor of this petition. You can come forward and state your name and address for the record.

Rose Lyons, 46 Elton Drive: Sitting here, listening to your discussions in the past few months and having just heard what Commission Lenares just said I too am of the opinion that I don't think it is up to a Commission to decide whether or not we have too many businesses, whether it be auto related or anything else. I personally think that we shouldn't have transit oriented development on the busway, I don't think we should have building on Cedar Mountain because we have enough and we have very little open space left. We have to look at what is best for business owners and, not just particularly target one type of business, and I would be in favor of going forward, but also to keep a close eye on these Special Exceptions and make sure that the businesses keep up the properties the way that they should be. Thank you.

Chairman Pruet: Thank you. Anybody else from the public wishing to speak in favor of this petition? Anybody from the public wishing to speak against this petition?

Domenic Pane, 638 Church St., Newington, Connecticut: I'm not necessarily against this petition, I'm not necessarily for it either. I have some concerns. One of my biggest concerns is that I'm wondering whether or not this Commission has looked at your 2020 Plan. We have a 2020 Plan that was just recently done, and if I remember correctly, six of the Commissioners were involved with the 2010 to 2020 Plan. This subject came up in the past when we were doing that, under the Town Planner Ed Meehan. We talked about it, the Commission talked about it and everybody felt what was in that Plan and I can read it for you, I'm sure you are familiar with it, " review land uses permitted along the Berlin Turnpike, eliminate uses which are not compatible with retail business sector growth, for example, discourage entertainment uses, trucking, construction yards, auto related uses and self storage facilities." Not anyone, not anybody during that lengthy discussion during the 2010-2020 Plan ever brought up that they wanted to take that out. That was in our Plan from the 1995 Town Plan of Development too. My concern is, one of the Commissioners said that they didn't want to limit certain businesses. Well, if you are going to put the auto related uses back in, does that mean that if somebody wants to put a self storage facility back into the regulations, are you going to allow that? Or a construction yard? Or entertainment uses? You just took one aspect of that strategy, and pulled it out. Nobody discussed the 2020 Plan and used it as a guide, and that is what this 2020 Plan is, it's a guide. It's a guide for the

future of Newington. This guide was not made up of just a few Commissioners. It was made up ten Commissioners that served on this board in 1995 to 2005 and ten Commissioners from 2010 to 2020, and in that whole time period this was left in the regulations through lengthy discussions on why and I would like to just say that I'm surprised that nobody has looked back at the 2020 Plan and discussed it. You know, you are going to be using your 2020 Plan, you did use your 2020 Plan when you talked about open space, and saving the mountain. You are probably going to be addressing your 2020 Plan when you address the busway. But, for some reason, the 2020 Plan has been forgotten, and just remember, if you use it as a guide, that doesn't mean you can turn one hundred and eighty degrees into an opposite direction after you use it as a guide. Thank you.

Chairman Pruet: Thank you. Anyone else from the public wishing to speak against this petition: Seeing none, we are going to keep this petition open for at least another meeting, and if we are required to keep it open further, we will discuss it at that time.

Commissioner Hall: Do you think we could get a little bit more publicity on this before the next meeting because I know that there are certain people that are aware of this, but I think if we could get a little bit more so that we could actually get a roomful would be nice. I would like to hear from as many people as possible on this. We don't want to make it just us around this table, we want to really get some public input, and the only way that are going to do that is to know that we are discussing it?

Chairman Pruet: I know that it is on the web site.

Commissioner Hall: But a lot of people don't do that. What we need obviously is an article from the Courant, I mean, they are ready to do other things that maybe we don't want to have in there, so it would be nice if they did something we would like.

Craig Minor: I'll do that, I'll talk to the reporters.

Commissioner Hall: Okay, appreciate it.

Commissioner Sobieski: Maybe we should do the Town Crier, and Newington Life too.

Commissioner Hall: Well, the Herald covers that. If we can get it in the Herald, then they will put it in the Town Crier too, so try to get it out as much as we can.

B. Petition 11-12 Re-Subdivision at 181 Robbins Avenue. Normand Rainville, owner/applicant; Alan Bongiovanni of BGI Inc., contact.

Alan Bongiovanni: Good evening Mr. Chairman, Members of the Commission, Staff, I brought my new technology with me, an easel. For the record, my name is Alan Bongiovanni, I'm a licensed land surveyor in the State of Connecticut, I'm representing Normand Rainville in an application before you that probably sounds more difficult than it is, a re-subdivision. That's a statutory term, that we are creating one lot out of an acre and a half on the east side of Willard Avenue, south side of Robbins Avenue, and the west side of Clifford Street. An old home that has been there, a cape with several additions, for many, many years, in the thirties it was originally owned by the Budney family, and then it has changed hands several times and what we are looking to do is to create one R-12 Zone lot in this corner of the property, having a driveway access from Clifford Street. All the utilities are available to the property, there are wetlands on the property, we are before the Wetlands Commission currently, so you can't act until they act but it's really, and I hate to say this to the Commission, but it's an as of right application. We're asking to create one lot in the R-12

Zone which we are permitted to do. There are no roads, there are not public improvements involved here, it's a formality if you like. I'd be happy to answer any questions if you have any.

Chairman Pruet: Staff, Craig, do you have any questions on this?

Craig Minor: No.

Chairman Pruet: Seems pretty cut and dried to me. Commissioners?

Commissioner Lenares: Will the Wetlands get back to us before our next meeting?

Alan Bongiovanni: We are scheduled to go back before them for the next meeting, so....

Chairman Pruet: July 17th I believe is the Wetlands meeting.

Commissioner Aieta: They will send a report back to this Commission and then we can act.

Chairman Pruet: Anything else Commissioners? We are going to open this up to the public. Anybody from the public wishing to speak in favor of this petition? Anybody wish to speak against this petition?

Audience: Me, I'm in between.

Chairman Pruet: Okay, come up to the podium and state your name and address for the record please?

Henry J. Nowik, 19 Clifford Street, Newington: I don't mind building the house there, but we've got a sewer problem over there. The water backs up in my house, when the water comes up, I bought a two, a house with two bathrooms, and I have to close off the back one, and you add more onto the sewer system, I've got a problem. Maybe federal, maybe government, but I'm, he can build a house wherever he wants, but what are you going to do with the sewer problem? He'll be on the lower end, and you'll say, that's all right, the water goes that way, but you put a plus in the straw, and it's going to come up, back and two, three hours at night, staying over night, pumping water out of the cellar. I closed off my bathroom, I don't have a bathroom. This is fine, I have no problem with him building a house, but what are you going to do with the sewer system when you keep backing it up, and you're putting more on it. What are you doing to do?

Commissioner Aieta: Where is your house sir?

Henry Nowik: Here, right on the end.

Chairman Pruet: You're right next door to it.

Henry Nowik: All the people on this side, I've got toilet paper and all kinds of stuff coming up there. I had the Hartford, the water department down there, the engineers down there and they told me there is nothing they can do, because the law is now you have to process the water before you dump it. In the old days, you would dump it in the Connecticut River, they can't open the valves to dump it in there. All these people on Clifford Street, I don't even know why they aren't here, but you keep adding on there. I have no problem with him building a house over there, I wish him good luck, but what about the next people that will move in there. I'm at the point where, you know, I've got more problems there.

Chairman Pruet: Thank you for your comments.

Commissioner Sobieski: I have one questions, you did say that you called the MDC?

Henry Nowik: Yup.

Commissioner Sobieski: And they said there was nothing they could do?

Henry Nowik; Sent down engineers, and you know what they told me, because I told him this was built, I bought in '64, they have the flapper valve, what is the flapper valve is going to do for you, when the sewer system is backed up? It's not going to open so they said, the best thing that we can do, we'll give you an allowance for \$300 putting check valves....your toilet downstairs, your sinks, it doesn't make any sense. I'm in the refrigeration/air conditioning business, I'm telling you, over thirty years, and this doesn't even make any sense. I just eliminated it, but at night, you've got toilet paper, you've got everybody's waste coming down, and the next house that is after me, he's going to have to get it.

Commissioner Sobieski: Did you call the town Health Department on this? I'm just curious.

Henry Nowik: No, I didn't get involved.....what, for my house being contaminated?

Commissioner Sobieski: Yes.

Henry Nowik: It's like, dead ears, call the State, you know, you are talking to mechanical machines. When we called for the meeting over here for Newington, I lived there ten years, my shop is in New Britain, nobody calls you back. They don't want to know anything. It's the same thing. That's the only problem, I have no problem with Normand building the house over there, but what are you going to do with the sewer problem, and it's all up that street, it's wide open in the back, swamp in the back.

Chairman Pruet: Thank you sir. Come up and state your name and address for the record please?

Sal Sena, 180 Robbins Avenue: I'm curious number one, the size of the house that is going to be built there, and the size of the property that is being subdivided into. I live directly across the street from this area, on Robbins Avenue, I am right here. Whatever takes place in this area right in through here is going to affect me, property value wise. I've got a half a million dollars invested in that property right there, along with my other neighbors as well. We start building and start subdividing homes and properties over here, into lower, smaller than what they actually have, on Clifford Street, that is going to affect the property value of my house here as well, and that is my main concern.

Chairman Pruet: We'll address that when the petitioner comes back up.

Sal Sena: And I'm not the only one concerned about that.

Chairman Pruet: Sure. Anybody else from the public wishing to speak?

Debra Smith, 170 Robbins Avenue: I live next door to Mr. Sena. Yes, I have the same concerns that he does, in addition to the fact that that corner lot where that house is, is a mess. The town has been going on about blighted property, that house has been a mess for I don't know how many years now, looks like they start doing something, and then it stops. It looks like they start to put a roof on, and it stops. If you drive by, it's an eyesore on the street

and the houses that are in the vicinity of it are well kept homes and my concern is, and I'm not sure if you're the developer, or the gentleman that owns the property, is going to be putting the house up, but if he does anything like what he is doing with this house now, which is nothing, I don't want to see some junky little house there. I drive around Newington, and I see where they plug in these houses on these little itty-bitty lots, squeeze them in here. Main Street, Newington diagonally across from Yanni's is a perfect example of a nasty little ugly house on a teeny-weeny little lot and they still haven't sold it. So, that's my concern, is this going to end up being one of those?

Chairman Pruet: Thank you. Anybody else from the public wishing to speak?

Robert Amenta, 135 Red Hill Drive, Glastonbury, Connecticut: I'm the owner of Modern Tire on the Berlin Turnpike, the property as well as the business. I would like to speak in regards to the first petition. Unfortunately I took a little tour of the town hall before I found this office.

Chairman Pruet: Right now we are on this petition Mr. Amenta, so we're going to finish this petition and we can address you later under Public.....

Robert Amenta: I'll be able to speak then, okay, good.

Chairman Pruet: Anyone else wishing to speak on this petition? Okay, we have rebuttal, rather Commissioner comments?

Commissioner Aieta: For the Planner, what is the underlying zone here that this property is on?

Craig Minor: It's in the R-12 Zone.

Commissioner Aieta: The original house is, it was always an R-12 Zone, do you have any information on that?

Craig Minor: No, I don't know the history of how long it has been zoned that way.

Commissioner Aieta: It is an R-12, so the R-12 Zone, the requirements for an R-12 zone is an eighty foot minimum frontage, and 12,000 square foot total lot size, and it does meet that, looks like it meets that requirement, so it's not that we are taking a lot that is undersized, or a non-conforming lot. This would be a conforming lot for the zoning that is there now. I just want to make that point, that the people know that this is not a non-conforming lot that is not, does not fit the zone, the underlying zone. This does fit that. If it has the 80 foot frontage and the 12,000 square foot lot area.

Chairman Pruet: The petitioner can rebut this, maybe elaborate on that?

Alan Bongiovanni: Thank you Mr. Chairman. For the first gentleman, Mr. Nowik, sewer problems are not a laughing matter. The Metropolitan District Commission is a quasi-public agency, established under state charter in 1929. They own the sewer and water system. There is nothing that I can do about that as a resident of the Town of Newington. The Town Engineer, the engineering staff, the Town Planner, they can complain to the Commission, MDC. You should not accept from the MDC, "there is nothing we can do about it." They are spending, on their clean water program, that we approved eight hundred million dollars in a referendum throughout all of the member towns, all eight member towns voted on it, the start of the clean water program. One of the problems that you have, similar to Wethersfield cove, is that they are old sewer lines. There is infiltration, when ever there is a storm there is

ground water, there is rain water, storm water that infiltrates into the sanitary system, overloads the system, then overloads the treatment plants. It's a long process, it's probably going to cost us as taxpayers, billions of dollars when it is all done, but in the mean time, you should be going to the MDC as often as it takes, like the people in Wethersfield have, and complain until they provide you some satisfaction. If I lived in your house, I wouldn't accept somebody telling me it's three hundred dollars, that's all we are going to give you, worry about it yourself. You have to take the matter into your own hands. That is not my client's issue, he lives right around the corner, he is looking to create another lot, this is a planning issue, not a sewer issue. The sewer is available, he is entitled to hook up to it as a tax paying citizen of the Town of Newington. I understand your problem, my client understands your problem, but you need to be more proactive on your own behalf in order to remedy that situation.

In regards to the people at 180 and 170 Robbins Avenue, you guys live in a fairly new subdivision in the R-12 Zone, just as this property is in the R-12 Zone. As Commissioner Aieta stated, the lot that is being created is 12,000 square feet, that is what is required as a minimum in the zone. It is equal to most of the houses that have been developed on Clifford and in that neighborhood. As you get farther to the east, those lots are older and smaller. The original subdivision was done in 1920 before we had zoning regulations on Clifford and that is how that street was created. This will be equal to what the zoning is when your lots were approved. The Town of Newington, nor any town that I am aware of has architectural regulations for residential in this type of (inaudible.) No one said a word about the style and the size of the house that you built on your lot, the buyer of this lot is entitled to the same rights. We don't have a minimum size house structure in the Town of Newington, those were made illegal several years ago. Several communities had minimum size houses. They wanted to upscale their town. We don't have that in the Town of Newington, they aren't legal any more. These people are entitled to build a house that meets their needs as long as it meets building codes and it fits within the setbacks. Again, I hate to say that this is a slam dunk, but it's a procedural matter, it meets all of the requirements. The Town has to make sure that it meets all of the requirements, but in the end this Commission is obligated to approve this application. Thank you.

Chairman Pruet: Thank you. Okay, the public is entitled to further rebuttal on that. Would you just state your name again?

Henry J. Nowik: He talks that game, but what are you going to do with the sewer and the size of the house? He said, go to the government, go do this, but what are you going to do with the sewer? Would you want to live in your house with the garbage backing up, I have not problem with...but how are you going to, it's a tax thing, you are going to make big bucks on the tax for the city, but what are you going to do with the sewer. You have to change something, it has to be altered, or something has to be done about it. You can't just build a house and then end up having an out house in your house. That's the problem. It's a mess over there, I mean, I have no problem, like I told you before, to them building a house, but what are you going to do with the waste? You're jamming and jamming and jamming, what are you going to do? Nobody is saying what size house, how much volume of water, nobody is saying what it is going to be over there. I could care less if he builds a mansion over there, but what are you going to do with the waste if you can't get rid of it, and I'm only in a 1200 square foot ranch, and I can't get rid of it, so you are going to build a 3,000, 4,000 square foot house, what are you going to do with this waste? Give it to me! Or up the street, this is the problem, this is one of the problems right here. That's the bottom line, it's not the building the house, I have no problem and Normand has been working on the house. I know the lady said, he's been trying, he's been cleaning up, a lot more than the other guy Jack, but he's going a good job, he's, you work with what little money you've got, here and there, but I don't care about the house, it's the sewer. If it gets backed up, and I'm on the end of it, I'll going to

get it, I'm getting it already, that's my problem, and they're not saying the size of the house, what you are going to put there.

Chairman Pruet: Is there some way we can contact MDC?

Craig Minor: We will, but.....

Chairman Pruet: We will have the Town Planner contact the MDC.....

Henry Nowik: They've got to tell you how much volume, I'm in the refrigeration business. If this compressor can't take this volume of gas, I can't put this compressor in. It's the same thing with the water, and they are going to tell you, you are overloaded now, what are you going to do with it, where are you doing to go with it?

Chairman Pruet: We'll see if we can address your concerns. Anybody else? You have one more minute left, you are welcome to further rebut that.

Sal Sena, 180 Robbins: My question through the Chair, to the designer here, my question is the way that the property is being designed, do you have any other intentions of subdividing that property again?

Chairman Pruet: There are rules and regulations of what they can do in there, and my opinion is one house onto that.....

Sal Sena: One house for the time being, but the way that that property is situated right now, my question is, are there any intentions of subdividing that property again and putting another lot there?

Craig Minor: I haven't done the math to see if he could carve off another lot.

Commissioner Hall: I think we have something in our regulations that....

Chairman Pruet: You can't have a house behind a house, I know that.

Commissioner Hall: That too, but you can't subdivide a subdivision.

Craig Minor: Sure you can.

Sal Sena: Oh yeah, they were going to build four houses in there, but there's wetlands and....

Craig Minor: If it has enough frontage and enough area then you would have to approve it. It would be kind of foolish for them to come back for one lot time after time after time, but if he has enough area and frontage, he could come back another time.

Chairman Pruet: I don't believe there is though.

Craig Minor: Right, and I haven't analyzed it to see.

Commissioner Hall: Most of it is wet.

Sal Sena: Thank you.

Chairman Pruet: We are going to keep this petition open due to the Wetlands regulations and until we get a decision from them.

Alan Bongiovanni: Thank you.

Chairman Pruet: Thank you sir. Mr. Amenta, we are going to allow you to speak because you were lost, traversing town hall.....

Craig Minor: Wait, I'm sorry Mr. Chairman, if he wants to speak on the record for the amendment, that's a problem, because that hearing has been continued to the 27th. If it were something little, I would say, we'll just re-open it, but people have left that were here so I think he will need to come back on the 27th.

Chairman Pruet: That's a good point, we're going to keep this open again sir, more than likely we are going to hear this on July 25th. This is closed.

Craig Minor: If you want to call me tomorrow, I can bring you up to date on what comments were made.

Robert Amenta: Okay, maybe you should have some signs outside.

Craig Minor: That's a good idea.

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

Rose Lyons, 46 Elton Drive: Spoke to the Town Council about this last night, I've spoken to you, I would like the Chair and this Committee to speak to the Mayor or talk to the Town Manager. There are several meetings that are held in this particular space and I go to several of them. There is not one sign outside those open doors, those two doors, that says L101 is located here. That gentleman that was not able to speak, told me that he took a tour...

Craig Minor: I saw him running back and forth.

Rose Lyons: Exactly. Apparently the Town Manger, I don't know that the Mayor has anything to do with it, but there are no signs upstairs, there are no signs down here. There's a directory that is about this tall, as you walk in the door, with lettering about this big, that tells you where the meeting is, but then you look straight ahead at a door, you look to the Police Department, you look over here, and I feel for the gentleman, and as far as the equipment in this room, I give up. Thank you.

Chairman Pruet: Thank you. I'll make sure that is addressed, on the sign locations.

Commissioner Aieta: Mr. Chairman, maybe we could get a plaque that says TPZ meeting room or something and point this way.....

Chairman Pruet: Rather than just L101, L101 TPZ.....

Commissioner Aieta: Do we have a budget, do we have any money we could do it ourselves?

Craig Minor: Well, the Town needs to do that because you are not the only board that meets here. Other boards meet here too.

Commissioner Anest: When we first started meeting here, there was a self standing sign that said TPZ this way, and it was those felt letters that you put up, so there was one there, but I guess after the first meeting we thought everyone knew where it was, so even if that could be put there, so if people came in the back door....

Chairman Pruet: Okay, I'll follow up with the Mayor and the Town Manager and the Town Planner will too. We'll double whammy him. Anyone else from the public?

IV. MINUTES

A. June 13, 2012

Commissioner Sobieski moved to accept the minutes of the June 13, 2011 Regular Meeting. The motion was seconded by Commissioner Camerota.

Commissioner Anest: I have a comment. I wasn't here, but if this meeting took eighteen minutes, I wish I was here. Because really, eighteen minutes, the whole thing took eighteen minutes?

Commissioner Camerota: Yes, really.

Commissioner Anest: It took me more than eighteen minutes to read it.

Commissioner Camerota: Maybe you read slowly, I don't know.

Commissioner Aieta: The Vice-Chairman ran a very efficient meeting.

The vote was in favor of the motion, with six voting YES and one abstention (Anest.)

V. TOWN PLANNER REPORTS:

A. Comments on Pending Petitions

Craig Minor: The two public hearing were continued, so I don't need to talk about those, and then the items that are on the agenda for action tonight, do you want me to speak to them, or wait until we get to those items, I'm still not sure what your process is.

Commissioner Woods: I like when you wait until the item, that's just me.

Commissioner Aieta: Mr. Chairman, if I could make a suggestion, that he give his reports, that he give it when we are talking about that, start off, and then we have the information.

Chairman Pruet: This is a, we're going through this, Craig is new to our procedures and we'll keep making adjustments until this is a perfect fit, so.....

Craig Minor: I was looking through some old minutes and I noticed that Ed would make a staff report at the end of the meeting, but I wasn't sure if that was just the one meeting that I happened to look at and it was different, or did he used to do it regularly and somehow we started giving my report early for no reason.....

Chairman Pruet: Basically on a petition, I'm going to call upon you for staff comments on a specific petition.....

Craig Minor: I can do that during the item on the agenda.

Chairman Pruet: Yes you can. It doesn't have to be repetitive, or do it again, and also too, I spoke to Craig too, that when he submits an agenda he's going to cite the rules and regulations on the petition.

Craig Minor: Yes, chapter and verse. Yes, I deleted that, but some Commissioners may rely on knowing what the chapter and verse is that is being requested, so I'll resume doing that. I'll talk about B, and C, but then in the future, I'll put Town Planner reports after all the presentations have been made, and you can certainly talk to me during those presentations, but whatever formal other comments I have will be at the end of the meeting, we'll try that. So, item A, I'll talk about later if you want.

B. Report on Current Zoning along CTfastrak (Busway) Corridor

Craig Minor: A month or so ago, I was asked by someone on the Commission to do an analysis of what are the permitted uses, what zones does the busway go through and then the Town Council asked the same thing a couple of weeks later, so with the help of the GIS department I put together this map. I was asked why a thousand feet wide, frankly, just so that, this arbitrary width that I picked captured Fenn Road, I wanted to go far enough to capture the property on Fenn Road. I could have gone 5,000, I could have gone 500 but a thousand feet wide seemed reasonable and as you can see, it's mostly industrial which I thought was interesting, at least the southern portion of it. I'm sure in the future we'll be talking about, either the Commission will initiate or property owners will initiate zone changes to take advantage of the busway, but probably not for a year or more.

Commissioner Aieta: Did we also ask for the ownership of the parcel?

Craig Minor: I do have that, and it's a list about, fifty or sixty long, I have that, I can send it to you. In fact I have a map that goes along with it, but the map is almost impossible to read because there are so many property owners involved, but I will send that to you.

Commissioner Aieta: Maybe just on the big pieces, the obvious pieces that would come in and look for development. Some of them are houses already. That's where you would have a lot of different people, but there are some large parcels.....

Commissioner Anest: What about the areas that somebody would develop? I mean, somebody is not going to develop here, I would like to see a map, I want to see the general ownership within a radius of walking distance to the bus station, and then give us the owners for everybody else.

Craig Minor: I can e-mail that to you, because I do have that. Then in the future, do you want me to fine-tune this, only those properties that are vacant or only those parcels that are more than two acres, or something of that sort, because it is in a spread sheet, so I can manipulate the data, but I'll send you what I have. I'll do that tomorrow.

Commissioner Aieta: I think what we are trying to do is to anticipate what possibly can happen in those areas. We have concerns, at least I do about basically housing, and we talk about that in the 2020 Plan, about housing in the corridor.

Craig Minor: Now the next item that I had was not on the agenda, so can I ask you to add to the agenda the proposed bond release at 2553 Berlin Turnpike.

Commissioner Anest moved to add the bond release for 2553 Berlin Turnpike to the Agenda. The motion was seconded by Commissioner Woods. The vote was unanimously in favor of the motion with seven voting YES.

Craig Minor: I got an e-mail from the Zoning Enforcement Officer telling me that he has been out to the site, many times apparently, this project has been going on for six years, and it is finally done, and the staff recommends that the bond be released, but I went back to the Zoning Regs and it turns out that any site plan that was approved by the Commission, if there is a bond, then the Commission has to approve the release of the bond, it can't be done by the staff unilaterally so that is why it's on your agenda at the last minute, because I found out at the last minute that staff can't do it unilaterally. It has to come before you.

Chairman Pruet: Okay, anything else?

Craig Minor: Nope.

Commissioner Woods moved to add the bond release for 2553 Berlin Turnpike to Old Business. The motion was seconded by Commissioner Camerota. The vote was unanimously in favor of the motion, with six voting YES.

VI. NEW BUSINESS

A. Petition 13-12 Site Plan Modification at 2909 Berlin Turnpike ("Bonefish Grill") Wex-Tuck Realty II LLC owner/applicant, Nathan Kirschner of Langan Engineering, contact.

Chairman Pruet: Okay sir, if you could just come up and state your name and address for us?

Nathan Kirschner: Good evening Mr. Chair, Members of the Commission, for the record my name is Nathan Kirschner, I'm a project engineer with Langan Engineering. Langan is responsible for the site design and the landscape architecture for this project. As mentioned by Mr. Minor, I'm actually here tonight to present two applications, the first application is Petition 13-12, the site plan application. We are also on the agenda for the Special Exception application for a public hearing. After discussions with the town staff as well as the Chairman, it was recommended that I give a more succinct presentation this evening for several reasons. There is the public hearing which I would talk about later because it is on the agenda for a later date, and we are also currently in front of the Conservation Commission with two other applications. The site in fact does have wetlands on it, there is a map amendment which requires a public hearing which has been scheduled for July 17th, as well as a wetlands permit application. Both those items are scheduled for the July 17th meeting. If no one has any objections.....

Commissioner Aieta: I have a question Mr. Chairman, to the Town Planner if I might, just a procedural question. I just asked the Planner before, there is a Special Exception for a restaurant use, shouldn't that be done first before we do the site plan? Sounds like we are doing it backwards like.

Craig Minor: Well, I don't think there is any one right way to review all of the material....

Commissioner Aieta: Because if we don't approve the Special Exception then the site plan is a moot issue. We could go through all of this and find something that we don't approve the Special Exception for and then we've, I don't know, it just seems as if we need the Special Exception first, before you would be able to approve the site plan.

Craig Minor: But if he literally made a presentation on only the Special Exception which is just a restaurant, then you would never hear him discuss all the aspects of the site. It's really, there's no.....

Commissioner Aieta: Maybe it should have been heard like together.

Craig Minor: Well, that's what he's doing.

Nathan Kirschner: If I may, my request is with everybody's agreement, to combine the two, obviously the public hearing with respect to the restaurant, as I understand it, it doesn't make sense to, as you mentioned, we would present both applications at public hearing.

Commissioner Aieta: I see it, it's under.....

Chairman Pruet: Proposed scheduling.

Craig Minor: So he is going to make a more or less brief presentation, and then the full blown presentation will be during the public hearing essentially for the Special Exception but it's really a public hearing for both.

Commissioner Aieta: Okay, I've got you.

Nathan Kirschner: The site, as mentioned is 2909 Berlin Turnpike, it's commonly known as the Krispy Kreme Donut site, although it's currently occupied by a vacant bank use. The proposed redevelopment involves maintaining the existing bank space of approximately 4200 square foot bank building. There is no longer a drive through on it, so we are anticipating no drive through in the future use. The development involves construction of approximately a 4800 square foot restaurant on a different portion of the site. The current site layout as shown here does show the 4200 square bank as well as the large parking field, and the large landscaped area. Previously the town Planning and Zoning Commission did approve a retail use as per this plan, the last plan that we have on the record was as of January 15, 2002. This plan does show a 51,600 square foot retail space in what is currently a landscaped area. That retail space is actually larger than what we are proposing for the restaurant use. In doing our site due diligence we learned that all utilities, all infrastructure was installed per this design plan which does a great job in limiting site work, and limiting land disturbance and also able to limit the site to excavation and have no direct impact on the wetlands. Obviously that is an issue that will be dealt with by the Wetlands Commission however, we aren't extending curb lines anywhere beyond where they currently are. There is a reduction in current landscape areas, although we have gone out of our way, as I hope you will see from the landscape plans, to improve upon the current landscape conditions. When the pre-application was discussed with Mr. Greenlaw and Mr. Minor one of the main topics of conversation was parking. Obviously with the additional use, additional parking will be required. The current layout does provide sufficient parking, maintaining the bank use as a financial office use, as well as the restaurant use. This I believe currently has 107 spaces which is approximately seven over the requirement that we used.

Commissioner Aieta: Could you just tell us how you derived, what formula you used to derive the parking for the restaurant?

Nathan Kirschner: Well, Mr. Minor did offer and the regulations do provide a provision for shared parking given that bank and restaurant use don't typically have primary operational time periods that are similar. We were able to accommodate for each separate use, requirements per square footage. We conservatively estimated the restaurant's square footage usage, Newington does it on public space, we did it, assuming an area of I believe...

Commissioner Aieta: 4373, the total square footage.

Craig Minor: Right, but that's.....

Nathan Kirschner: At seventy percent of the overall building square footage. As you get into the actual floor plan, it's less than the seventy percent, so we are being extremely cautious with this, and then obviously the bank space is strictly based on square footage.

Commissioner Aieta: So your client is aware that by putting a restaurant on this site, he's restricting his use of the Krispy Kreme building to certain uses that have, you know, you couldn't go in and put another restaurant per se, or a high retail use there, because you wouldn't have enough parking, so you are aware of that, so you're going to try to keep it as a bank or some kind of a use like that.

Nathan Kirschner: Right, there have been several items discussed actually. Mr. Minor was speaking of a couple of uses that were obviously discussed with the town staff and the property owner, he's found several, and he has done the quick numbers so that the uses that he is considering will be consistent with the use.

Commissioner Aieta: Okay, thank you.

Nathan Kirschner: Again, with the abbreviated presentation, I can speak to the storm water, but I suspect it will come up in the public hearing.....

Chairman Pruet: No, no,

Nathan Kirschner: Sediment control, soil erosion?

Chairman Pruet: No, you can save that for the Conservation Commission.

Nathan Kirschner: Landscaping, seems to be a favorite topic of everybody. Our landscape architects, our internal planners as well as the proposed tenant are extremely into preserving and beautiful site planning, Bonefish, I don't know, there are currently none in Connecticut. I don't know if anyone has had the opportunity to go to one of their restaurants, but in my opinion, goes above and beyond the respect to their landscaping. On this site we provided shrubbery along both property lines, street lines, as well as the rear property line. We are parking cars facing Main Street, the Berlin Turnpike as well as the adjacent property. The shrubbery is to provide headlight blockage to ensure there is no light splash from vehicles onto the street, either street, causing a potential traffic, safety issue, or to the abutting property to the north. Additionally there are five existing trees on site that we actually inspected and determined that they can be salvaged, two of them will be relocated, three of them will actually be re-graded and reset in their current locations, so the previous landscape provisions will be maintained.

Those are more or less the highlights of this. If there is anything specific at this point that you don't feel we touched on.....

Chairman Pruet: We'll call upon staff first, and then the Commissioners.

Craig Minor: I haven't completed my review yet, but I did send some of the plans to the Fire Chief and the Police Chief, the Fire Marshal had no concerns. The Police Chief did have a question about the traffic coming in from the street which I just received today, and I'll send them to Mr. Kirschner to address before the next meeting. Our initial review doesn't indicate any problems with it, and there is sufficient parking if the Krispy Kreme building does become a doctor's office which we've been approached about that feasibility, and the two work, parking wise.

Chairman Pruet: Okay, Commissioner questions or concerns?

Commissioner Aieta: Through the Chair, to the Planner, do you want to talk to the applicant about the other piece of property that the applicant owns and the access to that property? Do you want to address that now?

Craig Minor: Well, I don't know, I'll leave it to the Chair whether it's appropriate to talk about any of, future uses on other property that Wex-Tuck owns next to it.....

Commissioner Aieta: It could affect the traffic flow into this.....

Craig Minor: Yeah, but at the time, unless the Chairman wants to, I would rather stay focused tonight.....

Chairman Pruet: Unless the petitioner wants to share something where he has plans for the other part, there is no plan that we know of coming forth. Any other Commissioner comments or concerns? We look forward to you approaching us after your Conservation Commission hearing and we'll keep this petition open in a two pronged approach for accommodating this petition as it goes forward.

B. Petition 14-12 Site Plan Modification at 49 Fenn Road ("Walk-in Medical Center, LLC") A while in Medical Center LLC< owner/applicant Attorney Kevin Mason, contact.

Chairman Pruet: The applicant has asked to postpone this, so he won't be making a presentation tonight.

VII. OLD BUSINESS

Bond Release
2553 Berlin Turnpike

Commissioner Camerota moved to approve the bond release at 2553 Berlin Turnpike in the amount of \$34,000 as recommended by the Town Planner.

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

VIII. PETITIONS FOR PUBLIC HEARING SCHEDULING:

- A. Petition 12-12: Special Exception (Section 3.15.3: Sit-Down Restaurant at 2090 Berlin Turnpike ("Bonfish Grill"), Wex-Tuck Realty II LLC, owner/applicant Nathan Kirschner of Langan Engineering, contact.

Craig Minor: The first one is the special exception for the restaurant, the Bonfish Grill, and we could do it at our next meeting, but I think with the summer schedule otherwise being relatively light and people's vacation schedule, the Commissioners might want to consider having just the one meeting in July, the second meeting, and if so, then you would be scheduling this for July 25.

Chairman Pruet: Anyone have a problem with that? It's a light schedule, two petitions now have to be heard before the Conservation Commission, so it kind of makes sense, a little break in the action, and we'll hear them all on July 25th.

Commissioner Woods: Sounds good.

Chairman Pruet: Okay, if that's the consensus, make that official Craig. No other petitions right? Nothing came in this afternoon?

Craig Minor: Correct.

IX. PUBLIC PARTICIPATION (for items not listed on the Agenda)

Rose Lyons, 46 Elton Drive: I would be remiss if I didn't ask that when you ask for signage for this room that you include our NCTV people. I don't see any signs out there for that. As for my remarks regarding the equipment, wonderful that you have these big screens, what the need for three of them is I don't know. I can just imagine how many new microphones or how many new digital recorders could be bought with the money that was spent on that. I can just about hear some of the Commissioners as I sit out there, and I don't know how it's being picked up by NCTV.

As someone who is very interested in what is happening with the busway, the pros and the cons, comments were made last night regarding what the State can do to control zoning and what they can do to control grants. I would hope in the future, if there are any handouts for the Commissioners there will be some available for the public as well. I print off my agenda from the computer. The gentleman who was late getting here and the other gentleman who was with him weren't aware that you had them sitting on the chairs up there. It's kind of hard to tell if you are not a regular.

The white board over there, I sat for about five minutes trying to figure out whether or not I should be looking at it, if it was part of a presentation or if somebody ruined it with the wrong kind of crayon. I guess they ruined it, because as I looked closer it's just one big blur. I would just like to comment that in going through town, I have seen the Liberty Bank and how nice it looks, having sat through the hearings that you had here and the comments from the neighbors and the way that you fine-tuned it, I think that even though at the time I was a little bit concerned that it was just going to stand out in the center, it looks very nice. They should be complimented, and you should be complimented for your perseverance in getting it to the point where it actually looks as if it has been there forever. Thank you.

Chairman Pruet: Thank you. Anybody else from the public?

Dave Marsden: Good evening, my name is Dave Marsden, I live on Maple Hill Avenue, been around a while, and also a member of the Development Commission. I happen to be acquainted with the gentleman, I'm sorry that I missed his presentation, Normand Rainville regarding that subdivision he wants to put behind his house. I know that the guy is a quality builder, and I know that if he does put something up there on that site, it will be certainly worthwhile and enhancing the value of Newington's property. It's a great property, the guy is a great property owner and builder and, I've even had him to work for me, so I speak in favor of him.....

Chairman Pruet: This is for items not on the agenda, this part.

Dave Marsden: Oh, I didn't know that, see I came in late and nobody told me what to say, so having said that, thank you very much.

Chairman Pruet: Thank you.

X. COMMUNICATIONS

None

XI. REMARKS BY COMMISSIONERS

Commissioner Hall: I'm going to be the crab of the night Last meeting when we approved the fireworks, we were very specific about the fact that there were not to be any signs stuck into the grass, and I don't know how many of you come up and down the street, but anyway, is that acceptable? If it is, I'll keep quiet, but.....

Chairman Pruet: No it's not and they are violating our zoning regulations and we'll investigate that tomorrow.

Commissioner Camerota: We did specifically mention it.

Commissioner Hall: We absolutely did.

Chairman Pruet: Thank you, and I'll make sure that is followed up.

Commissioner Lenares: On a lighter note, I'd just like to give some kudos to the Newington car show. I got nothing but good responses, people talking about it. I didn't go to it, but everyone in town seemed to really, really like it. People were talking about it for a couple of days, what a nice event it was, they were lucky they got some nice weather, but I drove through town at about eight o'clock and I think it had to be just getting out, and to see the center like that, like it should be like that every weekend. It was nice, people were walking around, you could tell people were hanging out outside some of the businesses. I think it was well attended, had a lot of cars from what I was told. A couple of people called me about it and I just think it was a nice event and it was good to see within the town.

Chairman Pruet: I echo your sentiments. I heard nothing but favorable comments, a lot of cars, everybody was happy and look forward to that in the future too.

Commissioner Aieta: I have a couple of items. I wanted to talk about the P.C Richards Tent sale that they had a couple of weeks ago and make sure that our procedures are being followed. The Zoning Enforcement Officer gave them a permit to operate that tent sale, P.C. Richards parking area. I don't think he has the authority to do that. That stuff is supposed to

come back to this Commission and one of the problems with him being able to do that is that they blocked off the main entrance driveway with the tent and all of their merchandise, so the main driveway for Friendly's and to go southbound on the Berlin Turnpike was basically blocked off or was not readily available to people and what happened as a result of that is that they put the public at risk because people were using the Pane Road entrance to make illegal turns to go southbound. People who were exiting were actually going to, and you are only supposed to take a northbound, and they were going southbound. I got a complaint from the manager of Friendly's that customers were.....I think we have to tighten up how these things get regulated, how they get approved, and I was surprised because I talked to the Planner and he told me that the Police Department and the Fire Department approved it. They blocked off the main fire entrance, fire lanes and everything else. I don't know how the hell they, what they were looking at. And this also was the same spot that we, as a Commission, you will remember this, they asked for fireworks in that location a couple of years ago, and we told them that they couldn't put it that area, they had to put it back into the aisles, but they put this in the main thing, you live near there, you must have seen it.

Chairman Pruet: I didn't see this, I was on vacation during that period. Was there a site plan, did they present a site plan?

Craig Minor: I did talk to Ed Meehan after speaking to you and I didn't have a chance, just talked to him Monday on this, and asked him, what was the practice on this in the past? He said the practice has been, if it's a vendor that is not normally associated with that retailer, such as fireworks is a good example. Firework vendors historically had to come before TPZ with a site plan, showing where the fireworks are going to be and he, I could tell he said kind of sheepishly, yes, we do it under the site plan amendment process, but they are not really amending the site plan, it doesn't get recorded. That is just a way for the fireworks vendor for example, to show how it has been designed, those plans can get reviewed by public safety folks, and by you and get approved that way, but if it is the retailer himself selling something in the parking lot that he normally sells inside the building Ed told me, it did not historically come before the Commission to be approved.

Commissioner Aieta: I don't ever remember that that ever happened like that, that he approved tent sales and stuff without coming to this Commission, I don't remember.

Craig Minor: He may not have approved it, because and I went through the regulations looking for something and there is nothing in the regulations that prohibits it.

Commissioner Aieta: But if it is not mentioned in the regulations, it is not allowed.

Craig Minor: The use. If a use is not allowed, then it isn't, but the use which is in the case of P.C. Richards retailing appliance and audio stuff, they are already doing that. There is no rule that says, in your regulations, some towns do, there is not regulation that says he cannot do it outside if he wants to. Now maybe we should add a regulation, and I'll draft something for you because many towns do.

Commissioner Aieta: So everybody could just go out and have a tent sale, it's up to the Commission what.....

Chairman Pruet: A site plan should have been presented and approved like you said, there is no blockage of safety, etc., etc. That's got to be done, no question about that, so I think we can incorporate that.....

Craig Minor: Let me draft something to amend the regs.

Chairman Pruet: We did regulate the fireworks because that wasn't a vendor at that location, it was combustible, it was traffic, and we were very strict on that, in fact, if that same locale came back, we weren't going to give them the approval because of the violations of the signs in the past. We already made up our mind on that, and this sort of bothers me that it was brought to the attention of this new one, and now they are violating it, so that's going to be a strike against them in the future too.

Commissioner Lenares: I don't have a problem with the business, say P.C.Richards putting up a tent, everyday, I could care less, that's their business, they're allowed to do it, if they want to take up their own parking spaces, let them do it. I do have a problem when someone blocks the main entrance of the road and someone approves that spot, that's a safety issue.

Craig Minor: Well, they weren't blocking the main entrance, I respectfully disagree. The Fire Marshal would not have approved it if he felt it was unsafe.

Commissioner Aieta: If you go to that site, that is the entrance way, that is the roadway to go southbound on the Berlin Turnpike. You have to exit that, through that way to go southbound. If you go back to the Pane Road entrance, you can't go southbound, you have to go northbound.

Craig Minor: Right, so all they had to do was go three sides around the square instead of straight across, but those three sides were there.

Commissioner Aieta: There was no way that, I sat there when I had the complaint from the Friendly's manager, I went there. I saw ten cars leave and five of them do illegal maneuvers onto the turnpike.

Craig Minor: Well, shame on them because I left doing the proper, I went the right way. I went three ways around. It wasn't rocket science.

Commissioner Woods: While it might not have been the best spot, it didn't block the road. It blocked one third of three sections of parking. It was the third closest to the street, I'll give you that.

Commissioner Aieta: And this Commission in the past, in other applications that came on that site and other sites that we wanted it in the parking area, not in the roadway.

Commissioner Lenares: For the fireworks one, right?

Commissioner Aieta: Yes.

Commissioner Lenares: Yeah, I agree with that, but, I didn't see it.....

Commissioner Aieta: I'm not saying that can't have it, but come in and ask us so we can review it because apparently whoever reviewed it, the Police Department, the Fire Department, I still don't, for a fire truck to get into that spot, they would have to run over all of the curbing and.....

Commissioner Woods: I think that is the question that we need to ask, did they review it? Because if they did, and they are fine with it, then it's not an issue.

Commissioner Lenares: I don't want P.C. Richards to have to come to this board to have a sale in their own parking lot.

Commissioner Aieta: You don't?

Commissioner Lenares: No, I wouldn't, if they want to have a tent sale, then they should be allowed to have a tent sale, but if the Zoning Enforcement Officer looks at this and says, it's okay here, and it's not okay, then he's got to be held responsible, or whoever it may be.

Chairman Pruet: But we need a guideline

Commissioner Lenares: But I don't think they should have to come here. It's their parking lot. If they want to take up twenty spaces so be it.

Chairman Pruet: As long as it's not blocking safety issues.....

Commissioner Lenares: No, I agree, I agree with Frank one hundred percent. It should not be blocking any of the roadway, one third, two thirds, it doesn't matter, but I don't think it should come here.

Commissioner Sobieski: When the fire department or the police department reviews this, do they sign off on this? Do they have a check list? I don't know.

Craig Minor: I don't know.

Commissioner Sobieski: To me that would be, if this did occur when people were making illegal turns heading south, south, in the northbound lane to get over there, then that should have been a police issue, and the police should have been called. Or, if there was a fire hazard or something like that, then that should have been looked at, but I also agree, I don't want to tie them up too tight, P.C. Richards, you know, if they want a tent sale they should be able to have them as long as they meet the certain safety issues.

Commissioner Aieta: That isn't the question, the question is who was to issue the permits? Are we, or are you going to leave it up to the Zoning Enforcement Officer, that is the question.

Commissioner Sobieski: I believe that Planning and Zoning should issue the permits, but I'm just saying that as far as the review of what goes on, during the sale.....

Commissioner Aieta: Do you think they should come before this board and say, this is what we want to do and we say yeah, okay, could you move it over into this area, and we could look at, we could look at the traffic flow, we could look at the fire, besides going, this shouldn't have happened where they put that tent, it shouldn't have been there.

Chairman Pruet: Craig, if you could work on this with a two pronged approach. One, they need some kind of a site plan, either has to be signed off by a Zoning Enforcement Officer or they should come to TPZ and we can discuss it at that point, but something has to be done where they have a site plan that is approved by somebody, Fire Department, Police Department for safety reasons.

Commissioner Anest: Is this going to only be for tents? What about the other retailers that have garden stuff outside, is that going to encompass everybody?

Commissioner Aieta: That's a good point. When Sam's wanted to come in and put their, take up fifteen parking spaces and put their plants out, they came to us.

Commissioner Anest: But, that was just once.

Commissioner Aieta: But they didn't come this year and the stuff was out. Maybe they thought the approval was forever.

Chairman Pruet: I talked to Art Hanke about that and he says he reviews that, talking about Sam's and the other ones, they put it out there, he's involved with that, where it's spread out, but I think we should be more specific in that. That's a good point.

Commissioner Aieta: I have just two other quick things. On Maple Hill Avenue there is a business that has a hand written sign that they are selling trees and shrubs and they are displaying them out on Maple Avenue. Do you know what property I'm talking about? I think it's one of Frink's sons.

Commissioner Anest: Can't he sell? He's a nursery.

Commissioner Aieta: But he's got a sign out on the street with his product out on the street, I don't know, I drove by there and I was surprised that no one ever complained about.....

Commissioner Woods: That's been there a long time.

Commissioner Anest: Exactly.

Chairman Pruet: We'll see if that is approved, we'll have the Zoning Enforcement Officer check that.

Commissioner Aieta: So you have no problem with handwritten placards like that?

Commissioner Anest: Well, it's been there forever so I.....

Commissioner Aieta: Just because it's been there doesn't make it right.

Commissioner Anest: No, I don't know if there was any previous approval.

Chairman Pruet: We'll have the Zoning Officer investigate that and see if they are in compliance.

Commissioner Aieta: The other thing, there is a company on Pane Road there's a company that sells granite for granite counter tops and it's right on the S curve and they are displaying in the front yard, eight by eight pieces of granite like a sandwich sign, it's in the front yard. I don't know, I saw on the report from the Zoning Officer he cited some other people on Pane Road, I'm surprised he didn't see that. I don't know if that is an allowable use, front yard display of product.....

Craig Minor: It is, but I think it has to be approved by the TPZ.

Chairman Pruet: Isn't there like a twenty day period when they have a sale but they have to be in compliance.

Commissioner Aieta: He's displaying it permanently. You've seen the granite places where they just have their granite out, and they want people to see it, but this is in the front yard. That's all I have.

Chairman Pruet: I'll have someone check that out too.

XII. CLOSING REMARKS BY CHAIRMAN

None.

XIII. ADJOURNMENT

Commissioner Sobieski moved to adjourn the meeting. The motion was seconded by Commissioner Camerota. The meeting was adjourned at 8:20 P.M.

Respectfully submitted,

Norine Addis,
Recording Secretary