



174

Petition # 27-15

TOWN OF NEWINGTON
TOWN PLAN AND ZONING COMMISSION
APPLICATION FORM



LOCATION OF PROPERTY: 37 Ann Street ZONE: ~~B-PD~~ B-BT
APPLICANT: Backstage Academy of Dance TELEPHONE: 860-665-0640
ADDRESS: 3320 Berlin Tpk, Newington, CT 06111 EMAIL: backstageacademyofdance@icbly.com
CONTACT PERSON: Kimberly Larson TELEPHONE: 860-305-1387
ADDRESS: 7 Wintergreen Rd, Bristol, CT 06010 EMAIL: backstageacademy@gmail.com
OWNER OF RECORD: 37 Ann Street, LLC - Barry Lustig

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

- Zoning Map Change from the _____ to the _____ Zone (Public Hearing required).
- Zoning Text Amendment to Section _____ A copy of the proposed amendment and the reason for amendment is attached (Public Hearing required).
- Subdivision
- Resubdivision (Public Hearing required).
- Special Exception per Section 3.11.1 of the Zoning Regulations. Explanation of the proposed activity is attached (Public Hearing required).
- Site Plan Approval or Modification
- Other (describe in detail, or attach): _____

SIGNATURE:

	<u>6/25/15</u>		<u>6/25/2015</u>
APPLICANT	DATE	OWNER	DATE

COMPLETE APPLICATIONS SUBMITTED TEN DAYS BEFORE THE NEXT TPZ MEETING WILL BE PUT ON THE AGENDA. A COMPLETE APPLICATION INCLUDES THE APPLICATION FEE, TWELVE SETS OF PLANS (IF APPROPRIATE) AND A SEPARATE NARRATIVE EXPLANATION OF THE PETITION (IF APPROPRIATE).

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 ECONOMIC DEVELOPMENT COMMISSION PRIOR TO INITIATING THE WORK.

B.A.D

Backstage Academy of Dance
3320 Berlin Turnpike
Newington, CT 06111

June 25, 2015

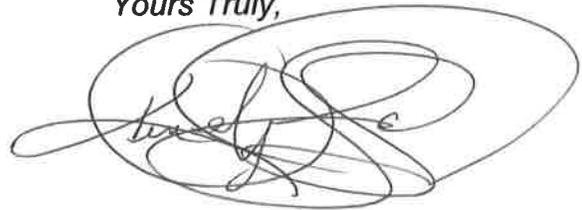
Craig Minor, Town Planner
Town of Newington
131 Cedar Street
Newington, CT 06111

Dear Mr. Minor,

I established my business in 2003 as a dance instructor in the town of Newington. We cater to younger clientele local to the Newington area and teach a wide variety of dance focusing on building confidence and self-esteem. Because of our small class size, usually 8-10 people at a time, we are able to maximize our student's skill-sets and get positive results in less time. Because most of our clients are not old enough to drive, parents typically do drop offs and pickups. Our parking needs therefor remain minimal. Our requirements are simple. We need storage space for our props, office space, a reception area, and a studio. So with 4 walls, mirrors, dance flooring and music we are in business. Our present location is 3320 Berlin Turnpike in Newington and we are so excited to expand our business and move to 37 Ann Street!

Because of the urgent need to be operational for our fall season in September, we respectfully request your help in guiding us through the process with the town. Any assistance would be greatly appreciated!

Yours Truly,

A handwritten signature in black ink, appearing to read "Kimberly Larson", enclosed within a large, loopy oval scribble.

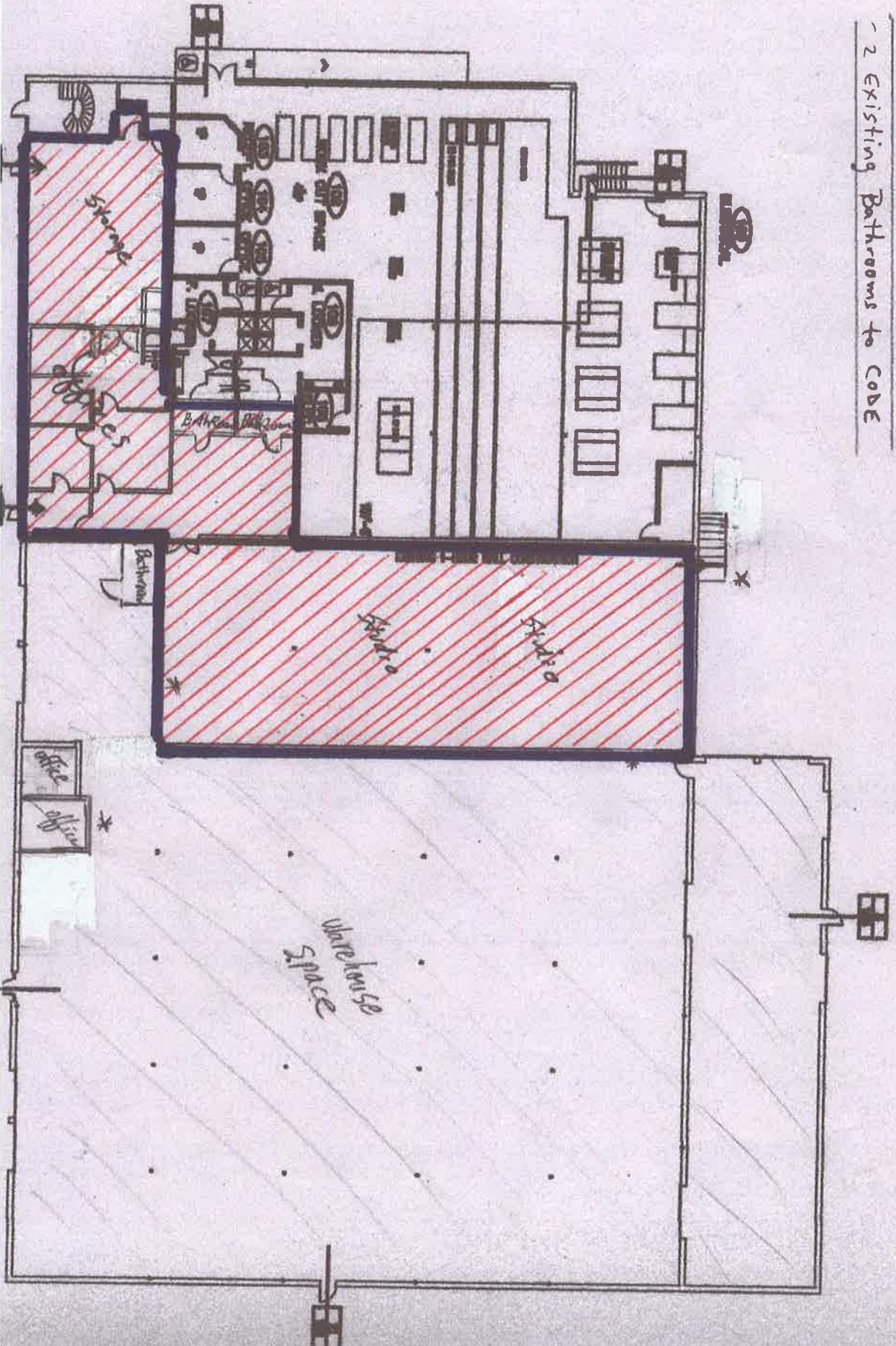
Kimberly Larson
Backstage Academy of Dance

PLAN I

 Approx 6500 sqft.

Projected work

- install rear exit steps
- Partition of skeetrock 2-12" openings
- Relocate 2 Furniture Offices, Bathroom
- Retrofit HVAC
- 2 existing Bathrooms to code



37 Ann Street - Newington



LEGEND
 PROPERTY LINE OF PARCELS
 EXISTING SIDEWALK
 PROPOSED SIDEWALK

N.F.
 MICHAEL J. SHAPIRO, ET AL.

N.F.
 GASTANO GERMANO, ET AL.

N.F.
 FRANK MAURO



OWNER, APPLICANT & DEVELOPER:
 J.B.W. LUSTIG BROS., INC.
 20 COLD SPRING ROAD
 ROCKY HILL, CT 06067

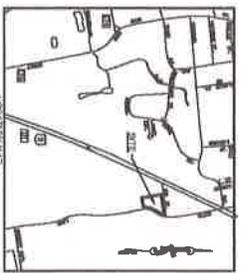
APPROVED BY THE NEWINGTON PLANNING & ZONING COMMISSION

TOWN OF NEWINGTON
 Planning & Zoning Commission
 100 State Street, Newington, CT 06111
 461-2611

NOTES:
 1. THE PLAN IS TO BE CONSIDERED AS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF THE TOWN ENGINEER.
 2. THE PLAN IS TO BE CONSIDERED AS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF THE TOWN ENGINEER.
 3. THE PLAN IS TO BE CONSIDERED AS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF THE TOWN ENGINEER.
 4. THE PLAN IS TO BE CONSIDERED AS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF THE TOWN ENGINEER.
 5. THE PLAN IS TO BE CONSIDERED AS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF THE TOWN ENGINEER.

NOTES

1. THE PLAN IS TO BE CONSIDERED AS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF THE TOWN ENGINEER.
2. THE PLAN IS TO BE CONSIDERED AS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF THE TOWN ENGINEER.
3. THE PLAN IS TO BE CONSIDERED AS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF THE TOWN ENGINEER.
4. THE PLAN IS TO BE CONSIDERED AS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF THE TOWN ENGINEER.
5. THE PLAN IS TO BE CONSIDERED AS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF THE TOWN ENGINEER.



DESIGNED BY:
 HALLISEY, PEARSON & CASSIDY
 CIVIL ENGINEERS & LAND SURVEYORS
 20 COLD SPRING ROAD
 ROCKY HILL, CT 06067
 461-2611

PLANNING DETAILS

NO.	DESCRIPTION	QUANTITY	UNIT
1	ASPHALT DRIVE	1,000	SQ. YD.
2	CONCRETE DRIVE	1,000	SQ. YD.
3	ASPHALT DRIVE	1,000	SQ. YD.
4	CONCRETE DRIVE	1,000	SQ. YD.
5	ASPHALT DRIVE	1,000	SQ. YD.
6	CONCRETE DRIVE	1,000	SQ. YD.
7	ASPHALT DRIVE	1,000	SQ. YD.
8	CONCRETE DRIVE	1,000	SQ. YD.
9	ASPHALT DRIVE	1,000	SQ. YD.
10	CONCRETE DRIVE	1,000	SQ. YD.

PROPOSED IMPROVEMENTS

NO.	DESCRIPTION	QUANTITY	UNIT
1	ASPHALT DRIVE	1,000	SQ. YD.
2	CONCRETE DRIVE	1,000	SQ. YD.
3	ASPHALT DRIVE	1,000	SQ. YD.
4	CONCRETE DRIVE	1,000	SQ. YD.
5	ASPHALT DRIVE	1,000	SQ. YD.
6	CONCRETE DRIVE	1,000	SQ. YD.
7	ASPHALT DRIVE	1,000	SQ. YD.
8	CONCRETE DRIVE	1,000	SQ. YD.
9	ASPHALT DRIVE	1,000	SQ. YD.
10	CONCRETE DRIVE	1,000	SQ. YD.



IMPROVEMENT LOCATION SURVEY-PROPOSED AND LANDSCAPING PLAN
 PREPARED FOR
 J.B.W. LUSTIG BROS., INC.
 PROPERTY LOCATED AT
 #87 ANN STREET
 NEWINGTON, CONNECTICUT

HALLISEY, PEARSON & CASSIDY
 CIVIL ENGINEERS & LAND SURVEYORS
 20 COLD SPRING ROAD
 SOUTHWEST CORNER PARK - LOT #811
 ROCKY HILL, CONNECTICUT

DATE: 11/10/11
SCALE: 1" = 20'
SHEET: 2 OF 6
REVISIONS:
 DATE BY DESCRIPTION

STAFF REPORT
Dance Studio at 37 Ann Street

July 2, 2015

Petition #27-15:

Special Exception (Section 3.11.1: Dance Studio)

37 Ann Street.

Backstage Academy of Dance, applicant; 37 Ann Street LLC, owner; Kimberley Larson, 7 Wintergreen Road, Bristol CT, contact.

Description of Petition #27-15:

The applicant would like to open a dance studio in a portion of the “warehouse” section of this building.

“Dance Studio” is allowed in B-BT zone by special permit per Section 3.11.1.

Staff Comments:

I do not have any concerns with this application. I recommend the public hearing be scheduled for the next TPZ meeting, on July 22, 2015.

cc:
file



John Salomone
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Planner

Craig Minor, AICP
Town Planner

Memorandum

To: Town Plan and Zoning Commission
From: Craig Minor, Town Planner
Date: July 2, 2015
Re: **Town Planner Report for July 8, 2015**

-
1. **Zoning Enforcement Issues Raised at Previous TPZ Meetings:** None.
 2. **Old Performance Bonds held by Town:** No changes since my last report.
 3. **Incident at Cinco de Mayo:** Attached is the Crime/Incident Report filed by the officers involved in the incident at Plaza Azteca on May 5, 2015, and a complete copy of the original special permit application, as requested.
 4. **Proposed Zone Change on Back Lane in Wethersfield:**

A 24-lot residential subdivision on Back Lane in Wethersfield has been proposed. The applicants have applied for a zone change from the current AA zone (20,000 s.f. minimum) to AAOS (15,000 minimum). A public hearing has been scheduled for Tuesday, July 7.

I have several concerns with this proposal:

a. The street network includes several cul-de-sacs, but only one point of access, on Back Lane. Residents who leave this subdivision intending to go south on the Berlin Turnpike will almost certainly use Cottonwood Drive in Newington, which is a private, narrow street.

b. If approved, the minimum lot size would be reduced by 25%, which increases the potential number of lots, and consequently increasing the amount of traffic on Cottonwood Drive.

I have informed the Town Planner in Wethersfield that I will be submitting a letter on behalf of the Newington TPZ outlining Newington's concerns with this zone change, to be read into the record at the Tuesday public hearing.

cc:
file

Phone: (860) 665-8575 Fax: (860) 665-8577
cminor@newingtonct.gov
www.newingtonct.gov

Crime/Incident Report

Print Date: 06/11/2015 14:00:21

Newington Police Department

Case Id I20151917	Type Description SpecDetail	Specific Detail	Report Date 05/05/2015 21:30
Location 3260 Berlin Turnpike		Occurred From 05/05/2015 21:30	Occurred To 05/05/2015 23:30
District PA4	Linked Incident		
Department Routing ;SSD			

SYNOPSIS

OFFENSES

OFFENSE	DESCRIPTION	LOCATION TYPE	UCR
047	Other Offenses Hazard to Public Safety	REST	26

INVOLVED PARTIES

		DOB	AGE	SEX	RACE	WEIGHT	HEIGHT	HAIR	EYE
OTHER	Plaza Azteca 3260 Berlin Turnpike ,Newington CT 06111 Bus #: (860) 436-9708								
OTHER	Schroeder,Chris 1485 Main Street ,Newington CT 06111 Home #: (860) 667-5910 Bus #: (860) Cell #: (SSN: DLN:	11/01/1953	61	M	WHI		0ft		

PROPERTY

VEHICLES

MO

NARRATIVE

On 05/05/15 Detective Gonzalez and I were assigned to work the private duty Cinco de Mayo assignment (2100 hours to 0100 hours) at Plaza Azteca, 3260 Berlin Turnpike Newington, CT. Shortly thereafter, we were standing close to the main entrance / exit doors when a patron approached us to inform us that there was an active disturbance in the women's bathroom where a group of women were yelling and spilling drinks.

When we entered the building via the main front doors, we found the lobby area in front of the hostess station to be so crowded that we could not pass through without loudly announcing our presence and telling people to "move". We also found the hallway leading to the bathrooms to be

Subscribed and sworn to before me this ____ day of _____ 20____
Notary Signature: _____ Title _____

Reporting Officer Signature: _____

COPY

crowded in the same manner. When we entered the female bathroom, we found it to be crowded but there was no active disturbance in progress.

Upon exiting the female bathroom, many male patrons standing in the bathroom's exterior hallway complained to us that there were female patrons in the men's room using the toilets due to there being so many people and not enough bathroom facilities to accommodate them. When we went inside the men's bathroom, we found several female patrons inside standing in line to use the toilets. These females were instructed to leave the men's bathroom which they did without incident.

Det. Gonzalez and I then walked the dining room of the restaurant and found all of the aisles to be crowded with people standing in them. The area around the bar was also so crowded that we could not pass through freely without announcing our presence and instructing the patrons to "move".

I then spoke with the hired private security employees standing at the entrance to the restaurant and grassy area on the west side of the building being used as additional bar areas. This area was sectioned off by a makeshift plastic construction type fence. This area also had a DJ and live music being played. The patrons in this area were standing shoulder to shoulder and passage through the crowd was difficult. The security representatives were not equipped with counter devices to keep track of the had no idea how many patrons they had inside the event between the restaurant and grass area. Looking at the size of the crowd both inside the building and in the grass area, Det. Gonzalez and I estimated the capacity to be approximately 1500 people.

Det. Gonzalez and I considered the number of persons present at the event to be an egregious hazard and feared that if a medical emergency or fire occurred that police, fire personnel and medical personnel would not be able to enter the building. By the size of the crowd, we also feared that people could be trampled if patrons had to quickly leave the building due to a fire or large fight.

I then contacted the shift supervisor, Sergeant Jordan and advised him of our observations and obvious public safety concerns. Sgt. Jordan in turn then contacted the Newington Fire Department Fire Marshall, Chief Chris Schroeder. A short time later, Sgt. Jordan and Chief Schroeder arrived on scene. Chief Schroeder conducted his own walk through and came to the same conclusion that the amount of patrons present posed a significant risk to the safety of those present and ordered the event to be shut down.

Both Plaza Azteca management staff and the private security personnel were advised of Chief Schroeder's decision and patrons were then advised and asked to leave. Due to the number of patrons present, most of the evening shift of the Newington Police Department had to be used to facilitate the exodus of the Cinco de Mayo event at Plaza Azteca. Due to the size of the crowd, it took approximately two hours to clear out the restaurant and grass area of patrons. Luckily this process was accomplished without incident.

Case status is closed by the order of Chief Schroeder to shut down the event.

Subscribed and sworn to before me this ____ day of _____ 20____

Notary Signature: _____ Title _____

Reporting Officer Signature: _____



TOWN OF NEWINGTON
TOWN PLAN AND ZONING COMMISSION
APPLICATION FORM



LOCATION OF PROPERTY: 3260 Berlin Tpke ZONE: _____
APPLICANT: Manuel J. Rubio TELEPHONE: 860-436-9708
ADDRESS: 3260 Berlin Tpke EMAIL: rubio@artecagroup.com
CONTACT PERSON: Manuel J. Rubio TELEPHONE: 404-719-0757
ADDRESS: 3260 Berlin Tpke. EMAIL: _____
OWNER OF RECORD: Hector Angel

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

- Zoning Map Change from the _____ to the _____ Zone (Public Hearing required).
- Zoning Text Amendment to Section _____. A copy of the proposed amendment and the reason for amendment is attached (Public Hearing required).
- Subdivision
- Resubdivision (Public Hearing required).
- Special Exception per Section 3.15.3 ^{AP} of the Zoning Regulations. Explanation of the proposed activity is attached (Public Hearing required).
- Site Plan Approval or Modification
- Other (describe in detail, or attach): Cinco de Mayo

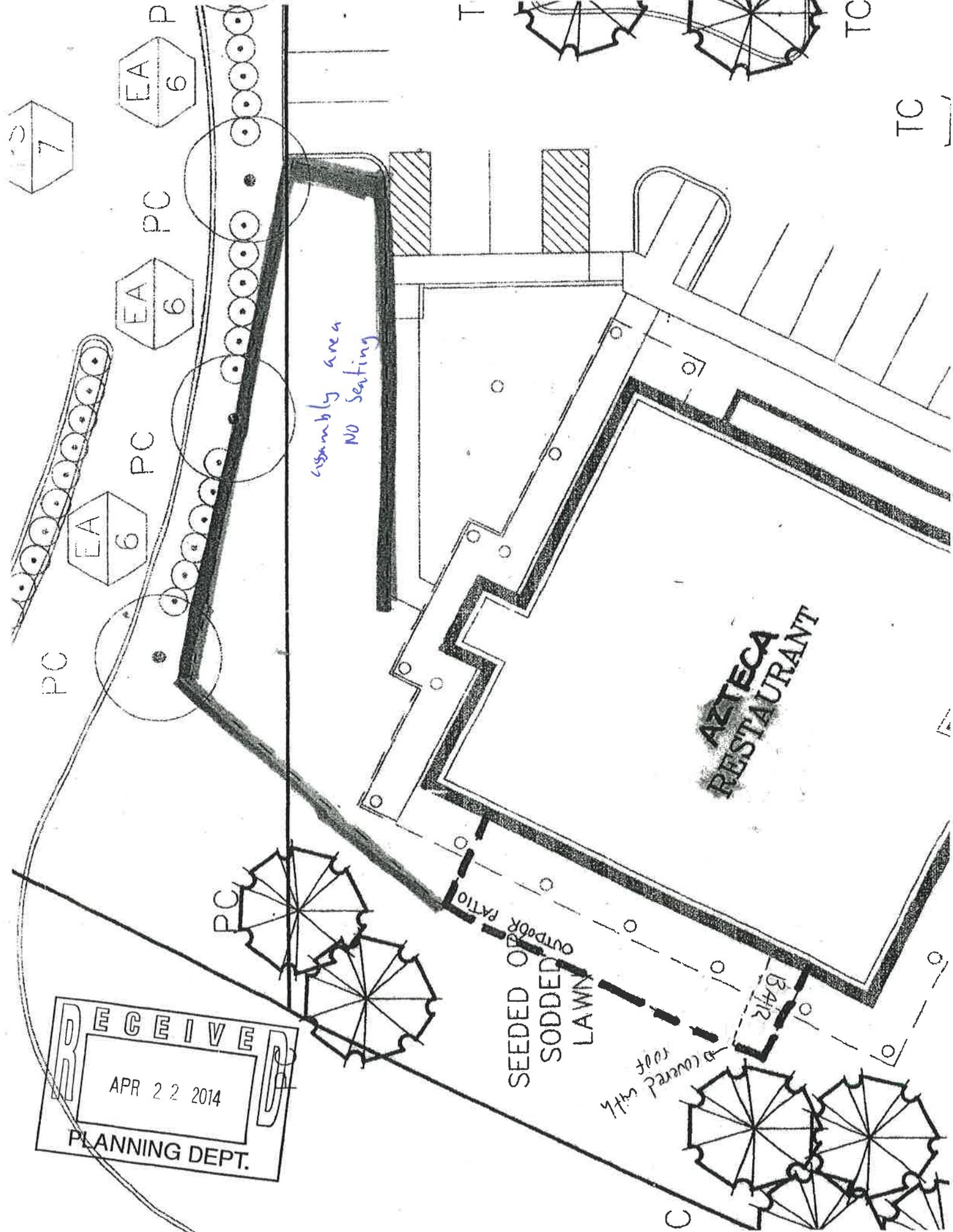
SIGNATURE:

<u>Manuel J. Rubio</u> APPLICANT	<u>8/13/18</u> DATE	<u>[Signature]</u> OWNER	<u>8/13/18</u> DATE
-------------------------------------	------------------------	-----------------------------	------------------------

COMPLETE APPLICATIONS SUBMITTED TEN DAYS BEFORE THE NEXT TPZ MEETING WILL BE PUT ON THE AGENDA. A COMPLETE APPLICATION INCLUDES THE APPLICATION FEE, TWELVE SETS OF PLANS (IF APPROPRIATE) AND A SEPARATE NARRATIVE EXPLANATION OF THE PETITION (IF APPROPRIATE).

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 ECONOMIC DEVELOPMENT COMMISSION PRIOR TO INITIATING THE WORK.

Application fee not paid 3/18/14



RECEIVED
 APR 22 2014
 PLANNING DEPT.

assembly area
 NO Seating

SEEDED OR
 SODDED
 LAWN

OUTDOOR PATIO

AZTECA
 RESTAURANT

BAR

covered roof
 with 1700 sq ft

7

EA 6

EA 6

EA 6

PC

PC

PC

PC

TC

TC

C

PARCEL A

EXISTING
RETAIL
128,622 S.F.

EXISTING
GARDEN CENTER
96,654 S.F.

117 Spaces

10' S.Y.

N/F
A.C. ASSOCIATES OF NEWINGTON
N.L.R. VOL. 172 PG. 66

N/F
TOWN OF
NEWINGTON
N.L.R. VOL. 445 PG. 72
FITZGER STREET

N/F
COLZBOY ENTERPRISES
N.L.R. VOL. 502 PG. 27

N/F
RICHARD B. UTERSTAEDT
N.L.R. VOL. 484 PG. 226

revisions:

no.	date	description:
1	05-14-87	TOWN COMMENTS
2	08-08-87	RESTAURANT MODIFICATIONS
3	10-10-87	ARCH. COORDINATION
4	01-08-88	FOR BD
5	03-27-88	RESTAURANT SUPERVISION

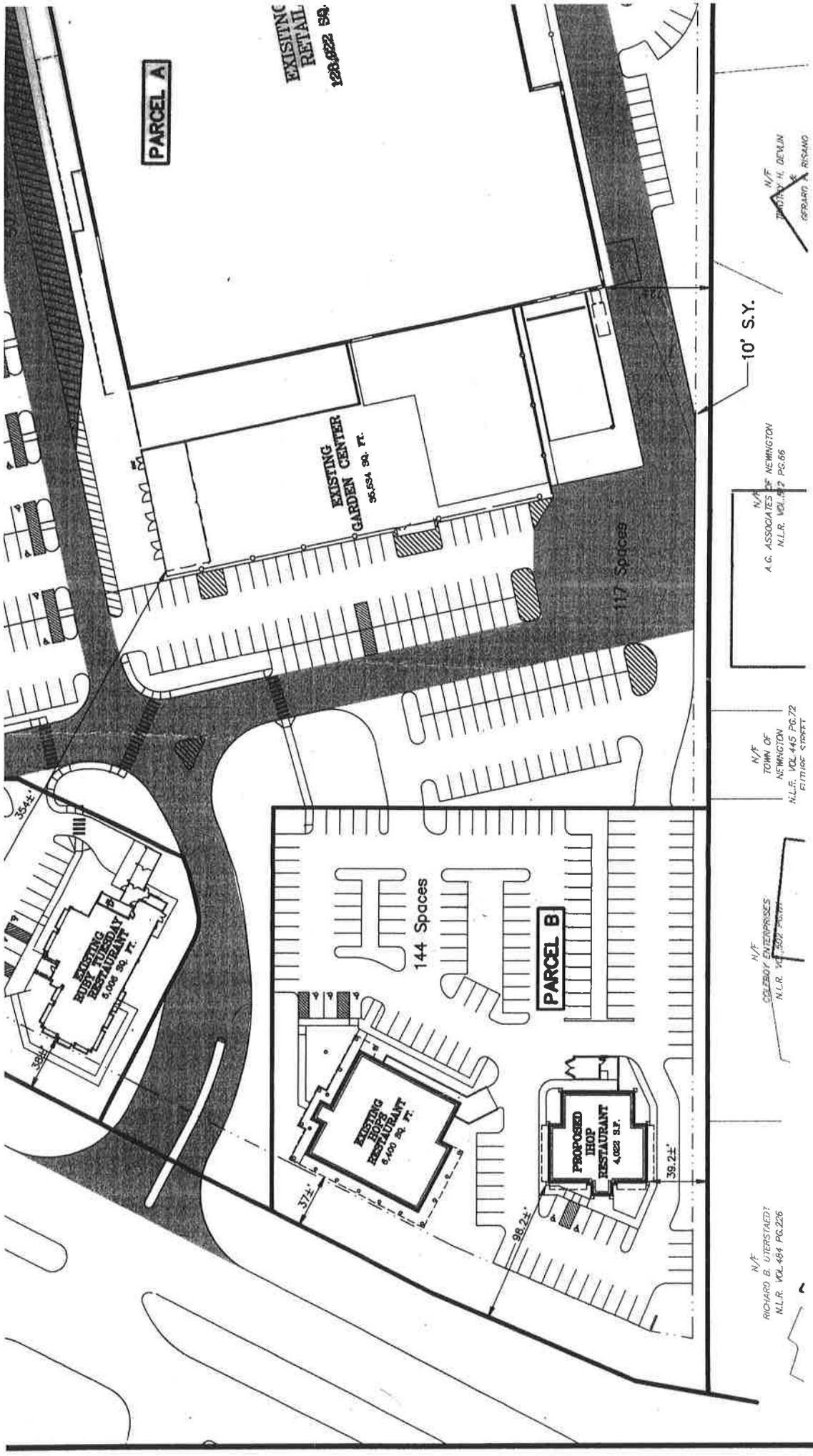
MASTER PLAN

date: 03-26-97 drawn by: KLL job no: 93020

F. A. Heeketh & Associates, Inc.
2 MILLBROOK COMMON, BLOOMFIELD, CT 06002
Civil & Traffic Engineers • Surveyors
Planners • Landscape Architects



NEWINGTON





STATE OF CONNECTICUT
DEPARTMENT OF CONSUMER PROTECTION
Liquor Control Division
Telephone: (860) 713-6210
Fax: (860) 713-7235
Website: http://www.ct.gov/dcp

EXTENSION OF USE REQUEST FORM

PERMITTEE: Hector Angel PERMIT # LIR. 0018350
BACKER: Plaza Arteca Newington Inc.
ADDRESS: 3260 Berlin Turnpike TOWN Newington
TRADE NAME: Plaza Arteca Mexican Restaurant
BUSINESS PHONE: 860.436.9708 FAX # 860.436.4738 HOME PHONE: 404.719-0757
WILL EXTENSION BE PERMANENT: YES _____ NO X

If Extension is going to only be used Temporarily, List exact dates needed: May 5, 2014

DIRECTIONS: ON THE BACK OF THIS SHEET MAKE A SKETCH OF THE EXISTING PERMIT PREMISES AND INCLUDE THE FOLLOWING

1. The Extension in relation to the permit premises. List all dimensions of Extension in feet.
2. All entrances & exits leading to and from the extension.
3. Portion of sketch that shows Permit Premises must be labeled with all the Dining Rooms, Barrooms, Kitchen, etc
4. If extension is outside, include property boundaries and height of fencing, if any.
5. Indicate how alcoholic beverages are going to be served in Extended area. Show all consumer bars & Service Bars

NOTE: If a Consumer Bar is going to be used in the Extension, an application for Additional Consumer Bar permit together with a \$190.00 fee must be Submitted with this application.

IF THIS SHEET IS NOT LARGE ENOUGH, CONTINUE SKETCH ON ONE ADDITIONAL SHEET.

1. If access to Extension is through the Barroom, the area is considered an extension of the Barroom (NO MINORS ALLOWED) Unless allowed by Section 30-86(b).
2. If access to Extension is through a Dining Room, the extension is considered part of the Dining Room.
3. If Alcoholic Beverages are to be made from a Service Bar in extended area--NO additional fee if required. (Service must be made by Waitstaff only).
4. If Alcoholic Beverages are to be made from an Additional Consumer Bar Located in Extension area--area is considered Barroom-(NO MINORS ALLOWED)
5. No alcoholic beverages are to leave the extended area (away from premises.)
6. NO DEVIATIONS FROM THE PLAN SHOWN ON THIS FORM ARE ALLOWED WITHOUT WRITTEN APPROVAL FROM THIS DEPARTMENT.

SIGNATURE: [Signature] DATE March 13, 2014
PERMITEE

MUNICIPAL APPROVALS
ZONING: SIGNATURE: [Signature] DATE April 22, 2014
FIRE DEPT. SIGNATURE: _____ DATE _____

DEPARTMENT OF CONSUMER PROTECTION PATIO APPROVAL
THIS MUST BE DISPLAYED NEXT TO YOUR PERMIT OR PERMIT MUST BE ENDORSED. LIMITATIONS OR CONDITIONS:
APPROVED BY: _____ DATE: _____



John Salomone
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Craig Minor, AICP
Town Planner

Certified Mail No. 9314 8699 0430 0002 1279 14

April 14, 2014

CERTIFICATE OF ACTION

Manuel J. Rubio
3260 Berlin Turnpike
Newington, CT 06111

Dear Mr. Rubio:

Re: Petition #16-14: Special Exception (Section 3.15.3: Outside Restaurant Seating) at 3260 Berlin Turnpike ("Plaza Azteca Restaurant"). Hector Angel, owner; Manuel Rubio, applicant/contact.

This is to inform you that the above-referenced petition was approved with conditions at the regular meeting of the Town Plan and Zoning Commission on April 9, 2014. A legal notice to that effect was published in the New Britain Herald on or about April 16, 2014.

The conditions were:

1. There shall be no loud music played after 10:00 p.m.
2. The applicant shall hire off-duty police officer(s) as required by the Chief of Police.
3. The applicant shall be responsible for obtaining any other approvals associated with the event (Health District, Liquor Permit, Tent Permit, etc.) and complying with any requirements.
4. Following the event, the applicant shall promptly restore the outdoor grass area to the pre-event conditions.

This Special Exception will not become effective until you have filed this Certificate of Action on the Land Records of the Town of Newington.

Yours truly,

Craig Minor, AICP
Town Planner

cc:
✓ file

Phone: (860) 665-8575 Fax: (860) 665-8577
cminor@newingtonct.gov
www.newingtonct.gov

VIII. OLD BUSINESS

Petition 16-14

3260 Berlin Turnpike

Special Exception (Section 3.15.3: Outside Restaurant Seating)

Manuel Rubio, applicant/contact.

Commissioner Camillo moved to approve, with conditions, Petition 16-14; Special Exception (Section 3.15.3: Outside Restaurant Seating) at 3260 Berlin Turnpike ("Plaza Azteca Restaurant") Hector Angel, owner; Manuel Rubio, applicant/contact.

Conditions:

1. There shall be no loud music played after 10:00 p.m.
2. The applicant shall hire an off-duty police officer for the evening shift, until closing as was done in previous years.
3. This approval shall be valid for three years, subject to staff approval. If the applicant wishes to conduct this event again in 2015 and 2016, he shall file notice with the Town Planner not later than March 1st of each year, with satisfactory police reports.
4. Receiving the report from the Chief of Police from last year before final approval.

The motion was seconded by Commissioner Aieta.

Chairman Hall: The approval, March of each year with satisfactory police report. It won't just be automatic. You will have to check with the police to make sure that there were no issues.

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

Chairman Hall: Once you have checked with the Chief of Police, just let him know what the outcome was. We are going to do Keystone and P.C. Richards on the 23rd.

IX. PETITIONS FOR PUBLIC HEARING SCHEDULING;

- A. Petition 17-14; Special Exception (Section 6.2.4: Free Standing Business Sign at 2530 Berlin Turnpike(Carefree Buildings) American Sign Inc., applicant, Margas Properties LLC, owner; Tony LaFo, American Sign 614 Ferry Street, New Haven, CT, contact.

Craig Minor: This is for a free standing sign, there is an existing sign there now, and they want to replace the message portion of it, and I told the applicant what I noticed on the site plan, that it encroaches into the highway, I said, please give me something from the DOT that you have permission to do this. Well the sign contractor called me back today and said that the sign has been there for so long that nobody at DOT can tell him how it got approved. I said, okay, I've only been here for three years, but if everyone else knows that it's been there forever, and I don't need to worry about it, that works for me. But he suggested, he offered to move it back, off of, move it back from where it is. I said, well, that's fine, but then you are going to have to hire an engineer to actually prepare that site plan to show the new location, so you might be better off just leaving it where it is, and if the Commission is satisfied that, if the Commission doesn't need a letter from DOT saying, yes, it's okay with DOT, then I don't have an issue with it.



John Salomone
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Planner

Craig Minor, AICP
Town Planner

Memorandum

To: Town Plan and Zoning Commission
From: Craig Minor, Town Planner *CM*
Date: July 2, 2015
Re: "Packard's Way" Subdivision

This subdivision was approved by TPZ in 2007 with several special conditions, unique to this project. A copy of the Certificate of Action is attached. Over the years I have had several discussion about these conditions with the developer, Donna DiMauro, and in most cases we have been able to come to a resolution.

However, several of the conditions are ambiguous as what exactly is required of the developer. At the request of Ms. DiMauro I am presenting them to the Commission for a determination. It is my understanding that Ms. DiMauro will be at the meeting to discuss this with the Commission.

1. Underground Service to the existing houses at 68 and 80 Maple Hill Avenue:

The condition reads as follows:

- 3) Add notation [to the mylars] that existing overhead utilities to 68 and 80 Maple Hill Avenue shall be located underground. This underground service shall be installed prior to the issuance of the first building permit.

Notation was added to the mylar, as required. Ms. DiMauro had her contractor install a conduit on 68 Maple Hill Avenue with wiring, up to within approximately 2' from the house.

She feels that this discharges her obligation, and that the homeowner should hire her own electrician to make the final connections to the service box inside the house. The homeowner believes that this is the developer's responsibility. I agree that, in principle, it is the developer's responsibility, but compelling the developer to hire an electrician to go into someone else's home to do electrical work on that person's house is questionable. I have suggested that the homeowner chose the electrician and the developer pays the bill, but that was not acceptable to the developer.

2. Roof Leaders for the existing houses at 68 and 80 Maple Hill Avenue:

Sheet C-3 ("Grading and E&S Control Plan") shows a 6" roof leader from the house at 68 Maple Hill Avenue to the new catch basin in Packard's Way, and a similar leader from the house at 80 Maple Hill Avenue.

Ms. DiMauro has told me that there are no gutters on the house at 80 Maple Hill Avenue, and therefore she feels that she should not be required to install a 6" pipe from the catch basin to a downspout that does not exist. I have no opinion on this, but I do not have the authority to waive it unilaterally.

3. Filing of Approved Mylars:

The approved mylars for this subdivision were never filed. This is a violation of the subdivision regulations, and is expressly indicated in the boilerplate footnote at the bottom of the Certificate of Action.

I have been told by the consulting engineers who designed this subdivision that the plans were never filed because they were never paid for their work, due to a dispute between the original developer (Greene Associates) and the final developer (Ms. DiMauro) over responsibility for such payment. As a result, the mylars were never filed and are still in the possession of the consulting engineers. There is an undated hand-written draft of a letter from the previous Town Planner to (presumably) Ms. DiMauro directing her to file the mylars. I do not know if this letter was ever sent.

It is my opinion that, as the developer who ultimately receive final approval of this subdivision as well as the owner of the property, it is Ms. DiMauro's responsibility to file the mylars. Any dispute over who should pay for them is not the Town's concern.

cc:
Donna DiMauro
Holly Kobayashi
file

Phone: (860) 665-8575 Fax: (860) 665-8577
planning@newingtonct.gov
www.newingtonct.gov



John Salomone
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Planner

Edmund J. Meehan
Town Planner

Certified Mail No. 7160 3901 9846 0873 8498

CERTIFICATE OF ACTION

TO: Attorney Vincent F. Sabatini
One Market Square
Newington, CT 06111

DATE: May 1, 2007

SUBJECT: Petition 69-06 68 Maple Hill Avenue and 80 Maple Hill Avenue, Greene Associates, LLC, c/o Vincent F. Sabatini, One Market Square, Newington, CT 06111, Donna DiMauro and Hollis Kobayashi owners, request for 10 lot subdivision, R-12 District. Public Hearing closed February 28, 2007. Sixty five day decision period ends May 4, 2007.

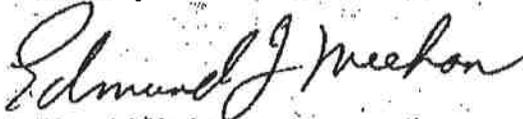
At a meeting held April 25, 2007 the Newington Town Plan and Zoning Commission voted to approve the above referenced PETITION subject to the following modifications completed prior to the chairman signing the plan mylars:

- 1) The subdivision layout shall be reduced from 10 lots to 8 lots. Pursuant to Section 3.9 of the subdivision Regulations an area of not less than 21,000 square feet shall be protected by conservation easement along the easterly side of the development abutting the backyards of Vincent Drive. Within this conservation open space area no grading and no clear cutting of trees shall occur unless associated with storm water control required by the Town Engineer.
- 2) A concrete sidewalk built to Town standards shall be located along the north side of proposed "Greens Way".
- 3) Add notation that existing overhead utilities to 68 and 80 Maple Hill Avenue shall be located underground. This underground service shall be installed prior to the issuance of the first building permit.
- 4) The existing stone wall along the front of the properties shall be removed and the stone delivered to the Town's Highway yard prior to the issuance of the first building permit as directed by the Town Engineer.
- 5) The project engineer shall certify that relocated driveways serving properties 68 and 80 Maple Hill Avenue do not exceed the standard 10% grade.
- 6) All roof leaders for the proposed 8 new homes shall be connected to the storm drainage system and shall not "day light" onto yard areas.

Phone: (860) 665-8575 Fax: (860) 665-8577
planning@ci.newington.ct.us
www.ci.newington.ct.us

- 7) Add double catch at the perimeter of the property between lots 7 and 9 to collect surface storm water and connect to street system with a 15" pipe and extend a 15" pipe stub to the property to the north. The developer shall grade the area around this basin as directed by the Town Engineer. Drainage easement rights shall be provided to the Town in the form approved by the Town Attorney.
- 8) Add to the detail Sheet C-7 the detail of the proposed street light.
- 9) Prior to completing installation of the road subgrade the developer shall conduct additional test holes spaced no greater than 50 feet apart along each side of the right of way to determine the extent of ground water. As directed by the Town Engineer and "edge drain" may be required to divert ground water away from the roadway base.
- 10) Prior to the installation of the street binder course the project engineer shall certify to the Town Engineer that the storm management drainage system has been constructed in accordance with the approved plan and any additional drainage controls as determined to be necessary by the Town Engineer.
- 11) Prior to the release of the subdivision bond the Town reserves the right to require the developer add additional drainage control measures such as yard drains, and/or re-grade home site to control the flow of surface storm water onto adjacent properties.

Certified by:



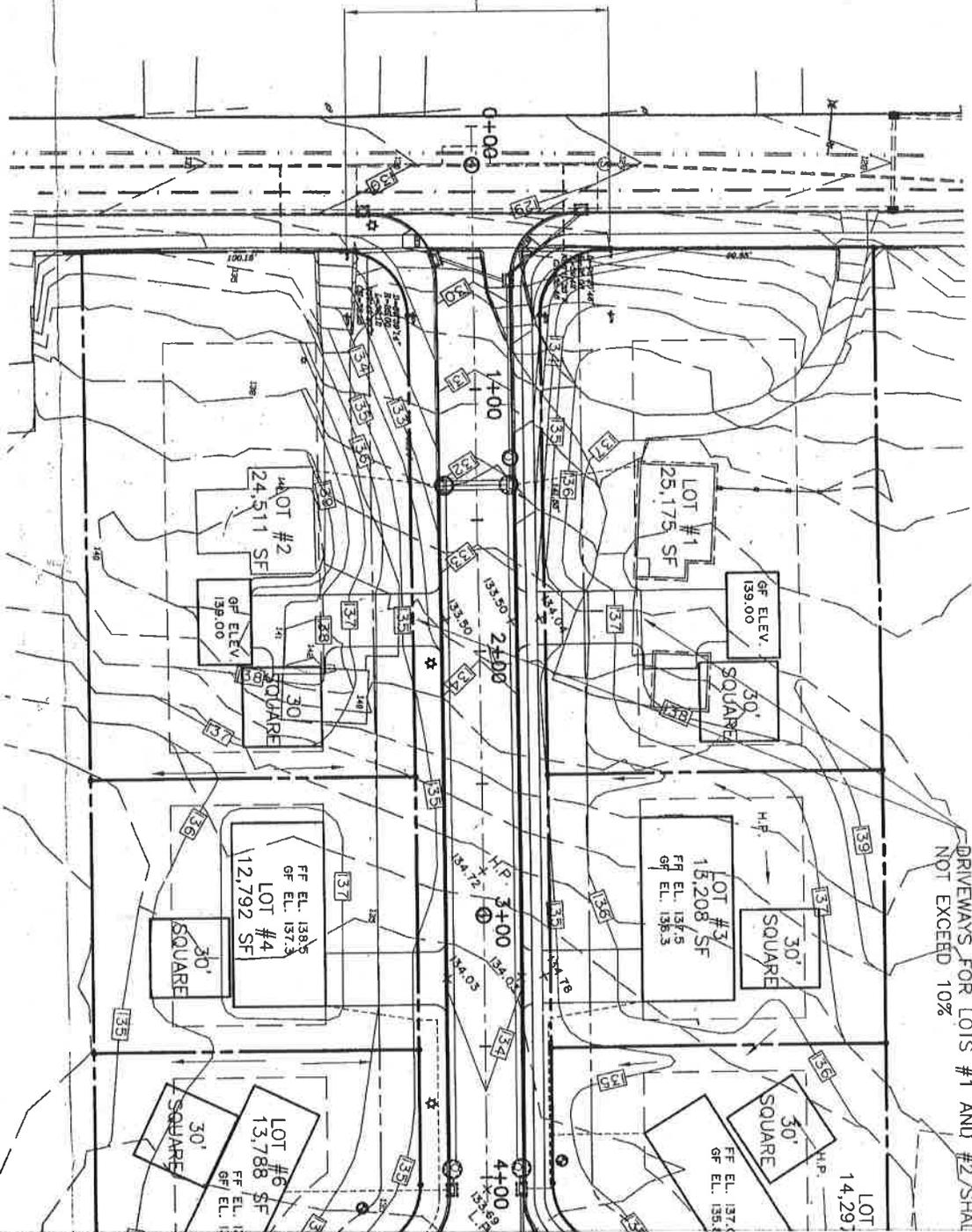
Edmund J. Meehan
Town Planner

This subdivision Approval will not become effective until a) transparency of this Certificate of Action is affixed to the original plan mylar; b) the conditions above are noted and incorporated onto the subdivision plan; c) the mylar original is signed by the TPZ Chairman; and d) a mylar original is signed mylar is filed in the Town Plan and Zoning Office and in the Newington Land Records.

Pursuant to Section 82-8c of the General Statutes all work in connection with this approved Subdivision shall be completed within five (5) years, by April 25, 2012 unless extensions are granted by the Commission.

An AutoCAD DXF File shall be provided to the Town Planner for incorporation into the Town's GIS database at the time of submission of the plan mylar.

REMOVE STONE WALL
 STONE TO BE DELIVERED TO
 TOWN HIGHWAY GARAGE.
 CONTRACTOR TO CONTACT TOWN
 ENGINEER PRIOR TO DELIVERY



GRADING PLAN

T

11/11/11

1

1

lots 4, 6, 8
SOLD?

MAY 31 3 35 3135
copy of the Certificate of Acre
NOT on water

① It has come to our attention that no board
has been filed for the proposed subdivision as
~~per part of Section 7.5~~ Sect 7.5
of the Subdivision Regulations. You are hereby instructed
that no lots shall be sold and no building permits shall be
issued until such board is filed. (GET A LETTER FROM THEM W/IN ___ DAYS?)
req'd by

② With regard to drainage, we are prepared to
consider the following alternatives

① you complete the drainage installation as approved
by the ~~TPZ~~ TPZ

② you obtain ^{approval of the TPZ for} a modification to the subdivision ~~approval~~
~~that~~ for an ~~alternate~~ in-street drainage ~~system~~ system
based on a comprehensive upstream/downstream
drainage analysis. Please be advised that a
particulate separator ^{will} be required

③ You obtain ~~approval~~ for an off-street drainage system
with an open retention ~~basin~~ / particulate
separator system.