



TOWN PLAN AND ZONING COMMISSION
PUBLIC HEARING AND REGULAR MEETING
Thursday, September 24, 2015
Town Hall Conference Room L-101
131 Cedar Street, Newington, CT 06111

8:00 p.m.

A G E N D A

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND SEATING OF ALTERNATES

III. APPROVAL OF AGENDA

IV. PUBLIC HEARINGS

- a. Petition #29-15: Special Permit (Section 3.2.5: Convalescent Home) at 238, 256, and 268 New Britain Avenue ("Bel-Air Manor"). Bel-Air Manor Associates, applicant; Bel-Air Manor Associates LLC and Salvatore Sbriglio et al., owners; Matthew Boggio, 88 Ryders Landing Suite 208, Stratford CT, contact. Continued from September 9, 2015.
- b. Petition #35-15: Special Permit (Section 3.11.6: Restaurant) for "Subway" at 63 East Cedar Street. Newington Sovereign Bank Plaza LLC, owner; Terrence McMorrow, 433 Old Mountain Road, Farmington, CT, applicant/contact.
- c. Show Cause Hearing to Revoke Special Permit #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.

V. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to 2 minutes)

VI. REMARKS BY COMMISSIONERS

VII. MINUTES

- a. Regular Meeting July 22, 2015
- b. Regular Meeting August 26, 2015

VIII. NEW BUSINESS

- a. Petition #30-15: Site Plan Modification at 80 Fenn Road. Fenn Road 80 LLC, owner/applicant; Joseph Sullo, 312 Murphy Road, Hartford CT, contact.

RECEIVED & RECORDED IN
NEWINGTON LAND RECORDS

2015 SEP 17 AM 10:50

BY *Tanya D. L...*
TOWN CLERK

- b. Petition #28-15: Site Plan Modification at 238, 256, and 268 New Britain Avenue (“Bel-Air Manor”). Bel-Air Manor Associates, applicant; Bel-Air Manor Associates LLC and Salvatore Sbriglio et al., owners; Matthew Boggio, 88 Ryders Landing Suite 208, Stratford CT, contact.
- c. Petition #36-15: TPZ Approval (Section 3.23.1: Accessory Outside Use) for Tent Sale at 3388 Berlin Turnpike (“Rizzo Pools”). Albert Rizzo Inc., owner; James Galvin, 3388 Berlin Turnpike, Newington CT, applicant/contact.

IX. OLD BUSINESS

- a. Petition #34-15: Resubdivision of Parcel at 45-47 Monte Vista Avenue. Jacques Morreale, 123 Cherry Hill Drive, Newington CT, owner/applicant/contact.

X. PETITIONS FOR PUBLIC HEARING SCHEDULING

- a. Petition #37-15: Special Permit (Section 3.2.1: Churches and Places of Worship) at 800 North Mountain Road. Hartford Liederkrantz Inc., owner; St. Thomas Indian Orthodox Church, applicant; Rev. Fr. Abraham Philip, 10 Lantern Road, Newington CT, contact.
- b. Petition #38-15: Special Permit (Section 3.11.6: Restaurant) at 39-41 Market Square. Sarjac Partners LLC, owner; Nichole Vega and Michelle Dickenson, applicants; Nichole Vega, 163 Francis Street, New Britain CT, contact.

XI. TOWN PLANNER REPORT

- a. Town Planner Report for September 24, 2015

XII. COMMUNICATIONS

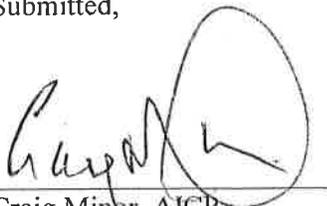
XIII. PUBLIC PARTICIPATION (for items not listed on the Agenda; speakers limited to 2 minutes)

XIV. REMARKS BY COMMISSIONERS

XV. CLOSING REMARKS BY THE CHAIRMAN

XVI. ADJOURN

Submitted,



Craig Minor, AICP
Town Planner

STAFF REPORT
Special Permit for Additions to Bel-Air Manor

September 16, 2015

Petition #29-15:

Special Permit (Section 3.2.5: Convalescent Home)

238, 256, and 268 New Britain Avenue (“Bel-Air Manor”).

Bel-Air Manor Associates, applicant; Bel-Air Manor Associates LLC and Salvatore Sbriglio et al., owners; Matthew Boggio, 88 Ryders Landing Suite 208, Stratford CT, contact.

Description of Petition #29-15:

The applicants would like to construct an approximately 12,000 square foot addition onto the existing convalescent home, with approximately 40 additional parking spaces.

Staff Comments:

The public hearing was kept open because the “Notice of Public Hearing” sign was not installed the full ten days before the hearing opened.

At the public hearing on September 9, two concerns were raised by neighbors: the increase in traffic, and the aesthetic impact of the new 26-car parking lot. I think both concerns are valid.

Traffic: I have asked the applicants to have their consulting engineer prepare a brief study describing the traffic impact of the application. This study should address the accident history, the design of the driveway in relation to New Britain Avenue and adjacent driveways, and include a sight line analysis.

Parking Lot: The New Britain Avenue streetscape is single-family residential in character from Willard Avenue to Church Street, where the character changes to commercial from there to Fairfield Avenue. At Fairfield Avenue the character returns to single-family residential until Carr Avenue, where it goes back to commercial until the New Britain town line (see attached aerial photograph of the area).

While Bel-Air Manor and the Emmanuel Baptist Church are in the single-family stretch from Willard to Church, the parking lot for Emmanuel Baptist Church is on the side of the hill raised above the view of motorists and local residents. Bel-Air Manor currently has no parking in front and is screened by the existing single-family house. Eliminating that house and constructing a parking lot less than 20 feet from the street will have an impact on the character of this neighborhood. I have asked the applicants to consider reducing the size of this parking lot and providing some visual screening. The site plan currently shows no landscaping.

A petition in opposition to this application was submitted at the hearing on September 9, 2015 (attached).

cc:
Applicant
Bongiovanni Group Inc.
file



170



Beacon Hill Park



Church of the Holy Spirit

TOWN OF NEWINGTON

C/O Town Plan and Zoning Commission

131 Cedar Street

Newington, CT 06111

ATTENTION: Mister Craig Minor – Town Planner

SUBJECT: Petition #29-15

DATE: 9/7/2015

We the abutting property owners are opposed to petition #29-15.

Very truly yours:

Lorraine M. Magroli
Albert Magroli
273 NEW BRITAIN AVE

Valerie Lescase
Jean Goss
269 New Britain Ave

Sharon
Beng Kuan
263 New Britain Ave

[Signature]
Teresa Yong-Kuan
263 New Britain Ave.

Karen Buckley
253 New Britain Ave.

Raymond Goss
245 New Britain Ave
Newington, CT 06111

[Signature]
237 NEW BRITAIN AVE

received 9/8/2015

STAFF REPORT
"Subway" Restaurant at 63 East Cedar Street

September 17, 2015

Petition #35-15:

Special Permit (Section 3.11.6: Restaurant)

63 East Cedar Street

Newington Sovereign Bank Plaza LLC, owner; Terrence McMorrow, applicant/contact.

Description:

The applicant would like to open a "Subway" grinder restaurant in a vacant portion of the three-unit commercial building at 63-73 East Cedar Street. Restaurants are allowed by Special Permit in the B-TC zone.

Staff Comments:

According to the floor plan submitted by the applicant, this restaurant use will require 16 parking spaces. The retail use that it replaces only required 7 parking spaces.

Normally this would be a problem, but since the parking area is immediately adjacent to the Constitution Square municipal parking lot (and in fact, the site is accessed via the Constitution Square parking lot), my understanding is that the applicants can use the municipal parking lot to make up the parking shortfall.

cc:
file



RECEIVED
AUG 28 2015
PLANNING DEPT.



63 East Cedar Street



Printed: 9/17/2015 9:46 AM

This map is user generated static output. This map is for reference only and should be used for REPRESENTATION ONLY. The Town of Newington refuses any liability for any actions taken or not taken based on this map.
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134.1 Feet

67.05

0

134.1

Notes

Notes

Legend

Parcel

2012 color aerial photo

Red: Band_1

Green: Band_2

Blue: Band_3



STAFF REPORT
Plaza Azteca Special Permit Revocation

September 17, 2015

**Revoke Special Permit #16-14: Special Exception (Section 3.15.3: Outside Restaurant Seating)
3260 Berlin Turnpike (“Plaza Azteca Restaurant”)
Hector Angel, owner; Manuel Rubio, applicant/contact.**

Description:

An incident occurred on May 5, 2015 at the Plaza Azteca restaurant at 3260 Berlin Turnpike in connection with the “Cinco de Mayo” special event conducted there. The numbers of customers inside the building exceeded safe levels, resulting in an Incident Report filed by the Newington Police Department and the closing of the restaurant by the Newington Fire Marshall. The applicant apparently has not complied with one or more of the “conditions” of Special Permit #16-14. The TPZ is therefore considering revoking the third year of the three-year Special Permit #16-14. The purpose of this hearing is to give the applicant the opportunity to tell the TPZ what happened that night, and to say why the permit should not be revoked.

Staff Comments:

The TPZ approved Special Permit #16-14 at the regular meeting on April 9, 2014. The permit was good for three years (2014, 2015, and 2016). Several conditions were attached:

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.

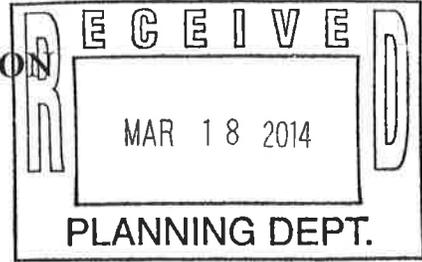
The applicant did not file notice with the Town Planner in 2015 stating that he intended to conduct the event again, as required by Condition #3.

A site plan was submitted with the application for Special Permit #16-14 indicating that patrons would be limited to an area on the north side of the property, and not on the Berlin Turnpike side of the property. A photograph of the May 5, 2015 event taken by the Newington Fire Marshall (attached) shows a large number of people standing on the Berlin Turnpike side of the property - the “Total Fitness” and “PCW Computer” building seen in the background is on the other side of the Berlin Turnpike.

An incident report filed by one of the two off-duty police officers assigned to work the Cinco de Mayo event stated that shortly after 9 pm they entered the building and found the lobby area “to be so crowded that we could not pass through without loudly announcing our presence and telling people to move.” The report also stated that male patrons complained that “there were



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

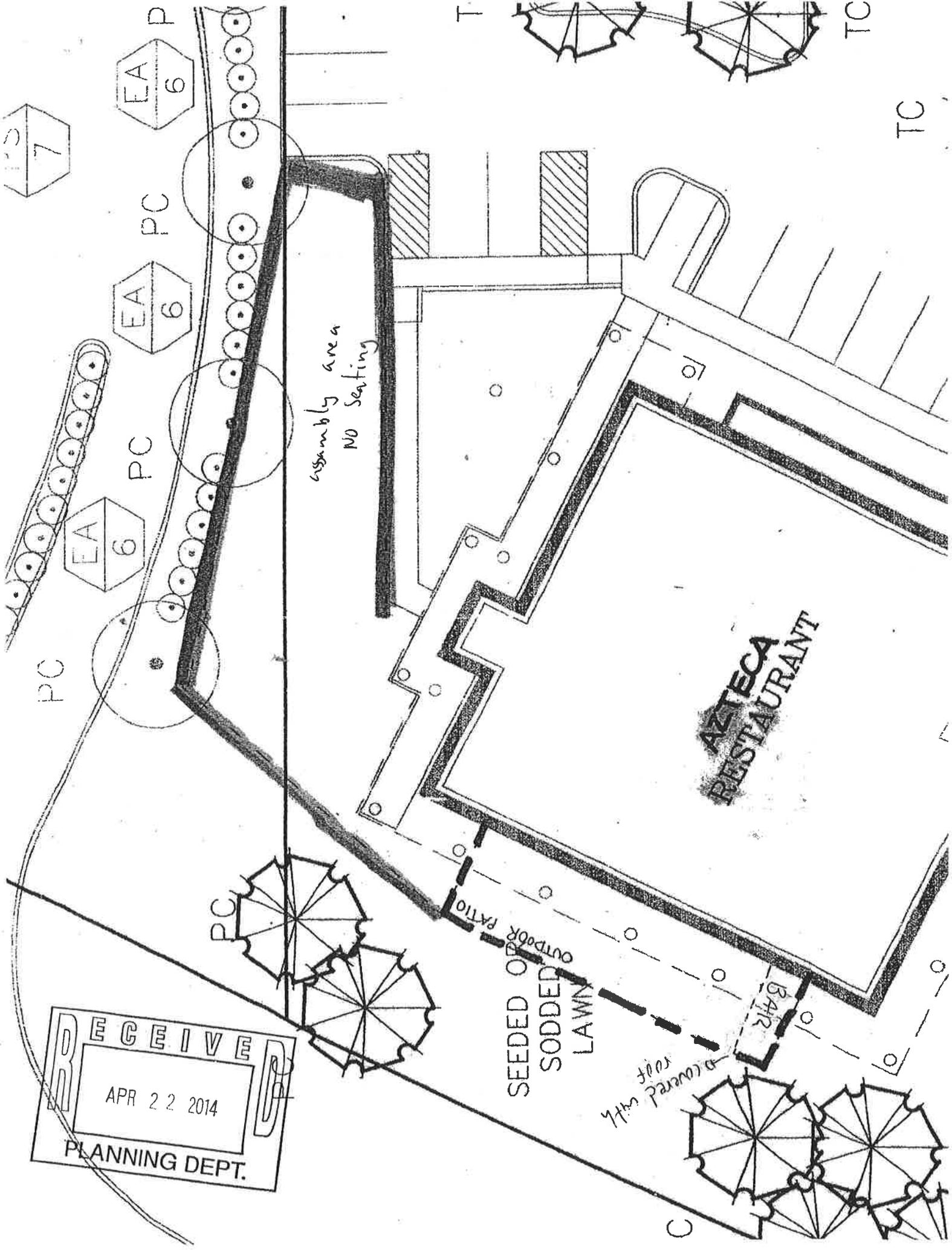
SIGNATURE:

<u>Manuel J. Rubio</u> APPLICANT	<u>8/13/18</u> DATE	 OWNER	<u>8/13/18</u> DATE
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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.





RECEIVED
 APR 22 2014
 PLANNING DEPT.

**AZTECA
 RESTAURANT**

*assembly area
 NO Seating*

SEEDED OR
 SODDED
 LAWN

OUTDOOR PATIO

BAR

covered roof

7

EA 6

EA 6

EA 6

PC

PC

PC

PC

TC

TC

C

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	11/01/1953	61	M	WHI	0ft		
	1485 Main Street ,Newington CT 06111 Home #: (860) 667-5910 Bus #: (860) Cell #: (SSN: DLN:							

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: _____

SUMMARY

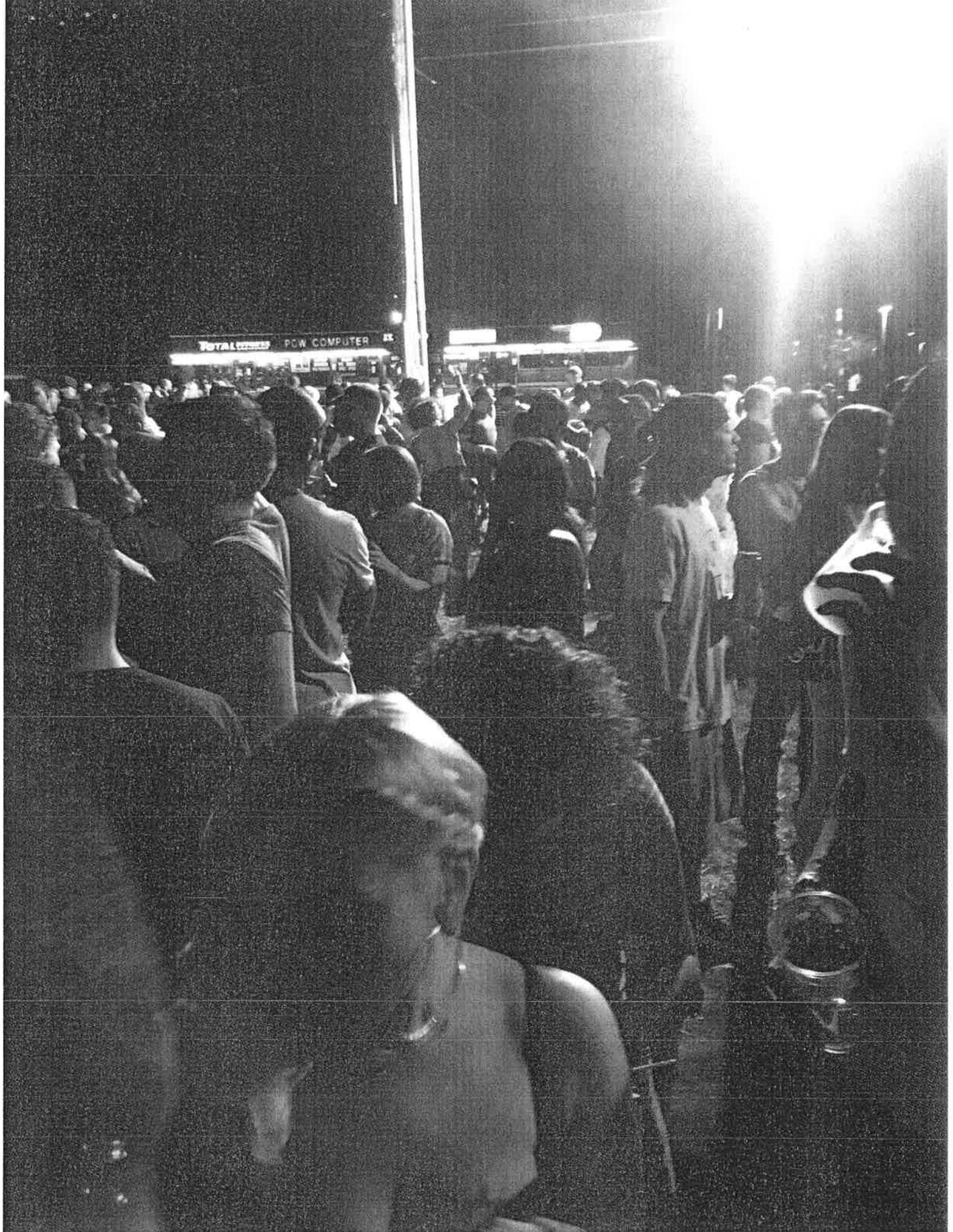
REVIEW STATUS: APPROVED	REVIEWED BY: 2529	DATE: 06/11/2015 1:45:28PM
INVESTIGATOR ASSIGNED:	ASSIGNED DATE:	
DEPT. CASE DISPOSITION:	DATE:	
UCR STATUS: OPEN	DATE: 06/08/2015 11:59:45AM IBR EXEP CLEAR CLASS:	
Reporting Officer 2565 Kaufmann, Daniel Detective	Reviewed/Approved by 2529 Jameson, William Lieutenant	Date Reviewed/Approved 06/11/2015 13:45

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

Notary Signature: _____ Title _____

Reporting Officer Signature: _____





STAFF REPORT
Site Plan Modification for Parking Lot Improvements
at 80 Fenn Road

September 17, 2015

Petition #30-15:

Site Plan Modification (Section 3.16.1: Processing or Assembly of Components or Goods)
80 Fenn Road
Fenn Road 80 LLC, owner/applicant; Joseph Sullo, 312 Murphy Road, Wethersfield CT,
contact.

Description of Petition #30-15:

The owner of the building at 80 Fenn Road wants to lease space in the building to a hazardous material transport business ("Triumvirate"). The prospective tenant needs to be able to bring trucks to the back of the building where they can be temporarily secured in a locked area. Changes to the parking lot, aisles, and landscaping are therefore needed.

Staff Comments:

I have nothing new to report. We have not received the Town Engineer's final comments on the LID design.

cc:
file

STAFF REPORT
Site Plan Approval for Addition to Bel-Air Manor

September 17, 2015

Petition #28-15:

Site Plan Modification (Section 3.2.5: Convalescent Home)

238, 256, and 268 New Britain Avenue ("Bel-Air Manor").

Bel-Air Manor Associates, applicant; Bel-Air Manor Associates LLC and Salvatore Sbriglio et al., owners; Matthew Boggio, 88 Ryders Landing Suite 208, Stratford CT, contact.

Description of Petition #28-15:

The applicants would like to construct an approximately 12,000 square foot addition onto the existing convalescent home, with approximately 40 additional parking spaces.

Staff Comments:

There are numerous deficiencies with this site plan (see attached letter to the applicant). Most of these deficiencies are minor, although the lack of information on the height of the building prevents me from verifying that it complies with the regulations.

The issue that concerns me is the parking lot. In my opinion this parking lot will have an impact on the single-family character of this area of New Britain Avenue (please refer to my comments on the applicants' Special Permit application for a detailed description). This impact can be mitigated by reducing the size of the parking lot and/or putting a landscaped berm in front of the site. I have conveyed this recommendation to the applicant.

This site plan also requires the prior approval of the Conservation Commission, which is still pending.

cc:
file



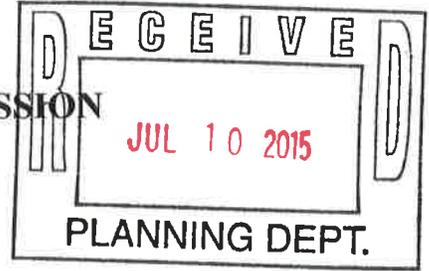
OK #1069

Petition # 28-15

TOWN OF NEWINGTON

TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM



LOCATION OF PROPERTY: 238, 256, 268 NEW BRITAIN AVENUE ZONE: R-20

APPLICANT: BEL-AIR MANOR ASSOCIATES, LLC TELEPHONE: (203) 381-1327

ADDRESS: 256 NEW BRITAIN AVENUE EMAIL: MBOGG1063@GMAIL.COM

CONTACT PERSON: MATTHEW BOGGIO TELEPHONE: (203) 381-1327

RYDERS HEALTH MANAGEMENT, 88 RYDERS LANDING, SUITE 208 ADDRESS: STRATFORD, CONNECTICUT 06614 EMAIL: MBOGG1063@GMAIL.COM

OWNER OF RECORD: 238 NEW BRITAIN AVENUE / SALVATORE, MARGARET, ROBERT MD, MARTIN RN, SBRIGLIO 256 NEW BRITAIN AVENUE / BEL-AIR MANOR ASSOCIATES, LLC 268 NEW BRITAIN AVENUE / BEL-AIR MANOR ASSOCIATES, LLC

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 _____ of the Zoning Regulations. Explanation of the proposed activity is attached (Public Hearing required).
[X] Site Plan Approval or Modification
Other (describe in detail, or attach): _____

SIGNATURE:

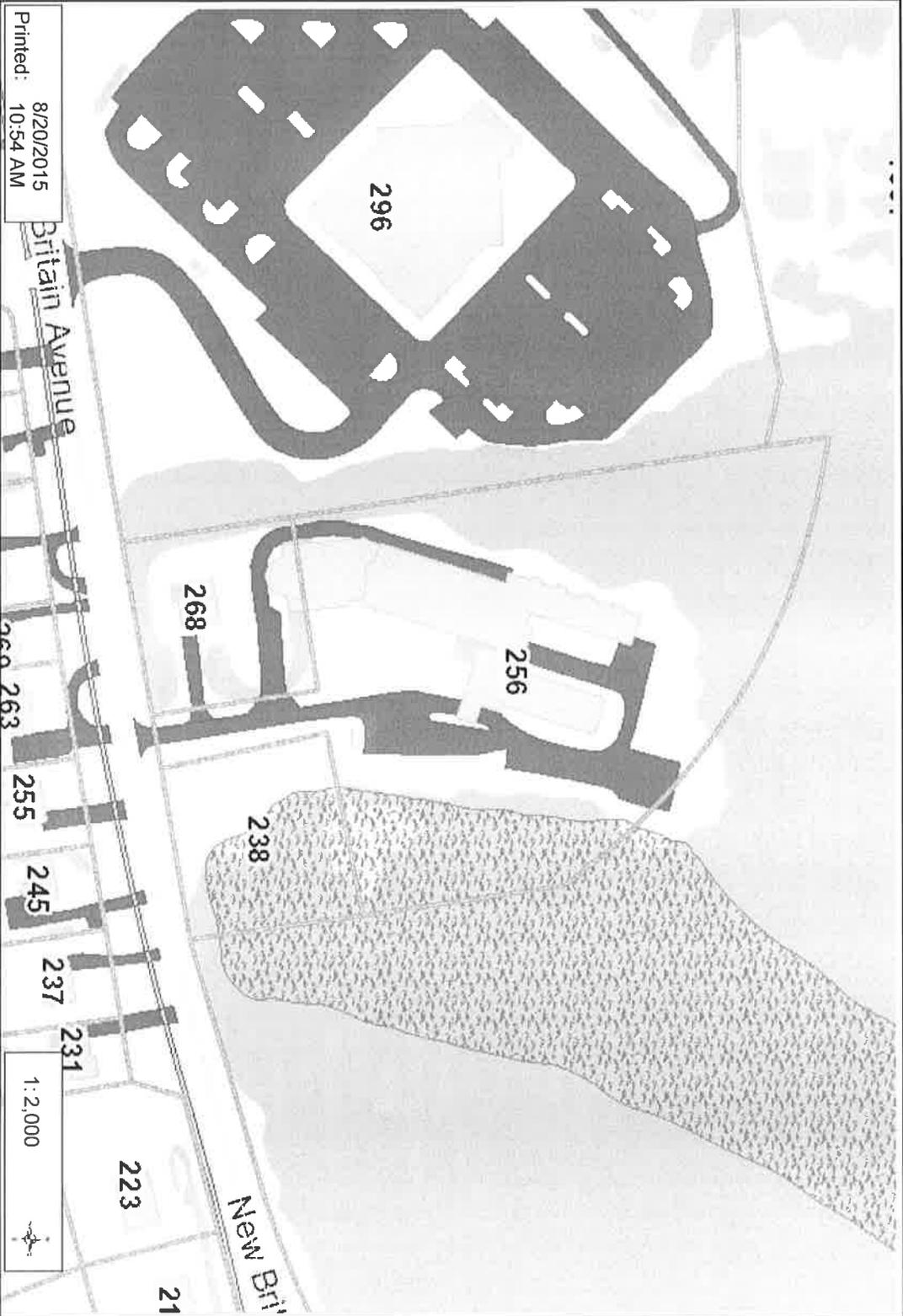
Signature boxes for APPLICANT and OWNER with handwritten signatures and dates (7-10-15).

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.



Bel-Air Manor



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Legend

- Parcel
- Structures**
 - BUILDING
 - CEMENT
 - DECK
 - FOOTBRIDGE
 - FOUNDATION
 - GREENHOUSE
 - POOL
 - STEPS
 - TANK
- Paved Areas**
 - Driveway and Parking Lot
 - Sidewalk
- Rail Road Line**
- Hydrography**
 - Water
 - Swamp area
- Stream**
- Vegetation Area**

Notes

Notes



John Salomone
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Town Plan and Zoning Commission

Craig Minor, AICP
Town Planner

September 16, 2015

Matthew Boggio
Ryders Health Management
88 Ryders Landing Suite 208
Stratford, CT 06614

Dear Mr. Boggio,

Re: Petition #28-15: Site Plan Modification at 238, 256, and 268 New Britain Avenue ("Bel-Air Manor"). Bel-Air Manor Associates, applicant; Bel-Air Manor Associates LLC and Salvatore Sbriglio et al., owners; Matthew Boggio, 88 Ryders Landing Suite 208, Stratford CT, contact.

I have completed my review of the above-reference site plans, and have the following comments.

The following items are missing or incomplete:

1. Section 5.3.4 (Contents of a Site Plan):

- a. The data blocks on Sheet 4 should be revised as follows (Section 5.3.4.A.1):
 1. The minimum area required is 1 acre per 30 living units, not 20;
 2. Please add a line indicating the maximum allowable height and the proposed height;
 3. Please add a line indicating the minimum required pervious area and the provided pervious area.
- b. The proposed sanitary lines should show the direction of flow (Section 5.3.4.A.4).
- d. Please indicate if there are monuments at the lot corners and angles, and if not, that they are "to be installed" (Section 5.3.4.C.7).
- e. Architectural elevations of all sides of the addition need to be submitted (Section 5.4.3.B).
- f. The location of the dumpster enclosure should be shown, if any (Section 5.3.4.C.5).

- g. No landscaping plan was submitted (Section 5.4.3.C.10).
- h. No lighting plan was submitted (Section 5.3.4.C.11 and Section 6.1.1.G).
- i. Please indicate any of the existing trees in the southwest corner of the site have a 6" or greater caliper (Section 5.3.4.A.10).

2. Section 3.2: Special Exceptions Permitted in All Zones:

Section 3.2.5.D states that "Buildings shall be sited, and landscaping and buffer areas provided to assure maximum privacy to the residents and adjoining uses." In my opinion the phrase, "and adjoining uses" refers to the single-family neighborhood across the street. However, no landscaping or other buffering has been proposed. The house at 268 New Britain Avenue to be demolished and replaced with a parking lot (admittedly part of the Bel-Air Manor operation) is single-family in appearance and helps to mitigate the visual impact of Bel-Air Manor on the neighborhood. I recommend you consider reducing the size of the parking lot, and add some vegetative screening and/or berm.

3. Section 6.10: Green Space, Landscaping and Buffer Requirements:

a. Section 6.10.5 states that "Where buffers are required in this regulation [and they are, per Section 3.2.5.D], the following standards shall be met:"

- A. If, in the judgment of the Commission, a buffer is necessary to protect residential areas within or adjacent to the proposed area, the Commission may require landscaping, fencing or other appropriate screening within any required front, side or rear yard, in an amount and location appropriate to the need for such screening.
- B. A minimum buffer area shall be not less than 25 feet in width and planted with evergreens no fewer than 2 rows nor further than 15 feet apart, with trees planted no more than 15 feet apart along each row, staggered to provide maximum screening, and using trees not less than 5 feet in height at time of planting. Suitable existing tree cover may be substituted. When the proposed new development abuts existing Town-owned open space or a designated greenway, the minimum buffer area shall not be less than 50 feet in width. Suitable existing tree cover may be substituted when approved by the Commission. (Effective 3-4-2011)

See my above comment about the parking lot. I recommend you provide this buffer by reducing the size of the new parking lot, and creating a landscaped buffer. According to your parking calculations you are proposing 43 more spaces than are needed; the new parking lot is approximately 30 spaces. I am not suggesting you eliminate this new parking lot completely, because I realize you need parking at the entrance to the new addition. But I believe it can be achieved with less impact on the homeowners across the street.

4. Section 6.1: Off-Street Parking and Loading Regulations:

a. A parking area with more than three spaces abutting the side or rear lot line of a residential or institutional premises should be screened (Section 6.1.1.F).

b. No parking lot lighting was shown. Is it your intent to have no parking lot lighting (Section 6.1.1.G)?

c. It is not clear whether the 10% minimum interior landscaping for the parking lots is provided. Please confirm this, with calculations.

4. Section 7.4: Design Standards

The following information is missing or incomplete:

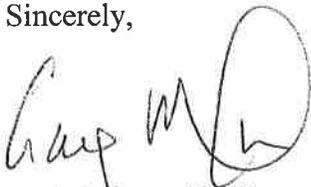
a. A location for snow storage must be shown (Section 7.4.17).

b. The site plan doesn't show where the water service is coming from (Section 7.4.11).

The Town Engineer will submit separate comments on the stormwater management (LID) design.

If you have any questions or comments, please contact me at (860) 665-8575.

Sincerely,



Craig Minor, AICP
Town Planner

cc:
Bongiovanni Group, Inc.
file

STAFF REPORT
Tent Sale at "Rizzo Pools"

September 17, 2015

Petition #36-15:

TPZ Approval (Section 3.23.1: Accessory Outside Use) for Tent Sale

3388 Berlin Turnpike ("Rizzo Pools").

**Albert Rizzo Inc., owner; James Galvin, 3388 Berlin Turnpike, Newington CT,
applicant/contact.**

Description of Petition #36-15:

The applicants would like to conduct a "tent sale" in a 50' diameter tent. The sale will take place over four days, from October 15 – 18.

Staff Comments:

The location of the tent is actually on the property of the "Friendly's" restaurant next door, behind the building setback line. The applicant forwarded to me an email from the Friendly's Ice Cream LLC Director of Operations granting permission.

Since the tent is on the grass I do not have the usual concerns over parking and emergency vehicle access. The applicant has been informed that he needs to get permission from the Building Inspection and the Fire Marshall.

cc:
file

CR#3925

Petition # 36-15



TOWN OF NEWINGTON

TOWN PLAN AND ZONING COMMISSION

APPLICATION FORM

LOCATION OF PROPERTY: 3388 Berlin turnPike ZONE: _____

APPLICANT: James Galvin TELEPHONE: 860-666-1531

ADDRESS: 3388 Berlin turnPike EMAIL: Service@Rizzo.com ^{Pools.}

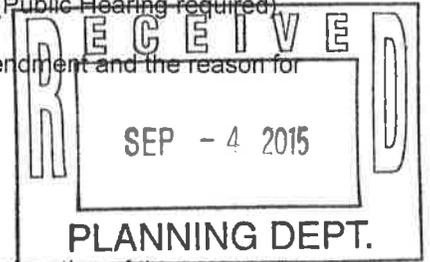
CONTACT PERSON: James Galvin TELEPHONE: 860-666-1531

ADDRESS: 3388 Berlin turn Pike EMAIL: XX XX XX

OWNER OF RECORD: _____

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 _____ 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): 4 Day tent Sale Located on Property Lawn. With Temporary tent 50' Round.



SIGNATURE:

	<u>9-4-15</u>		<u>9-4-15</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.

30 Ft.
From
Sign.

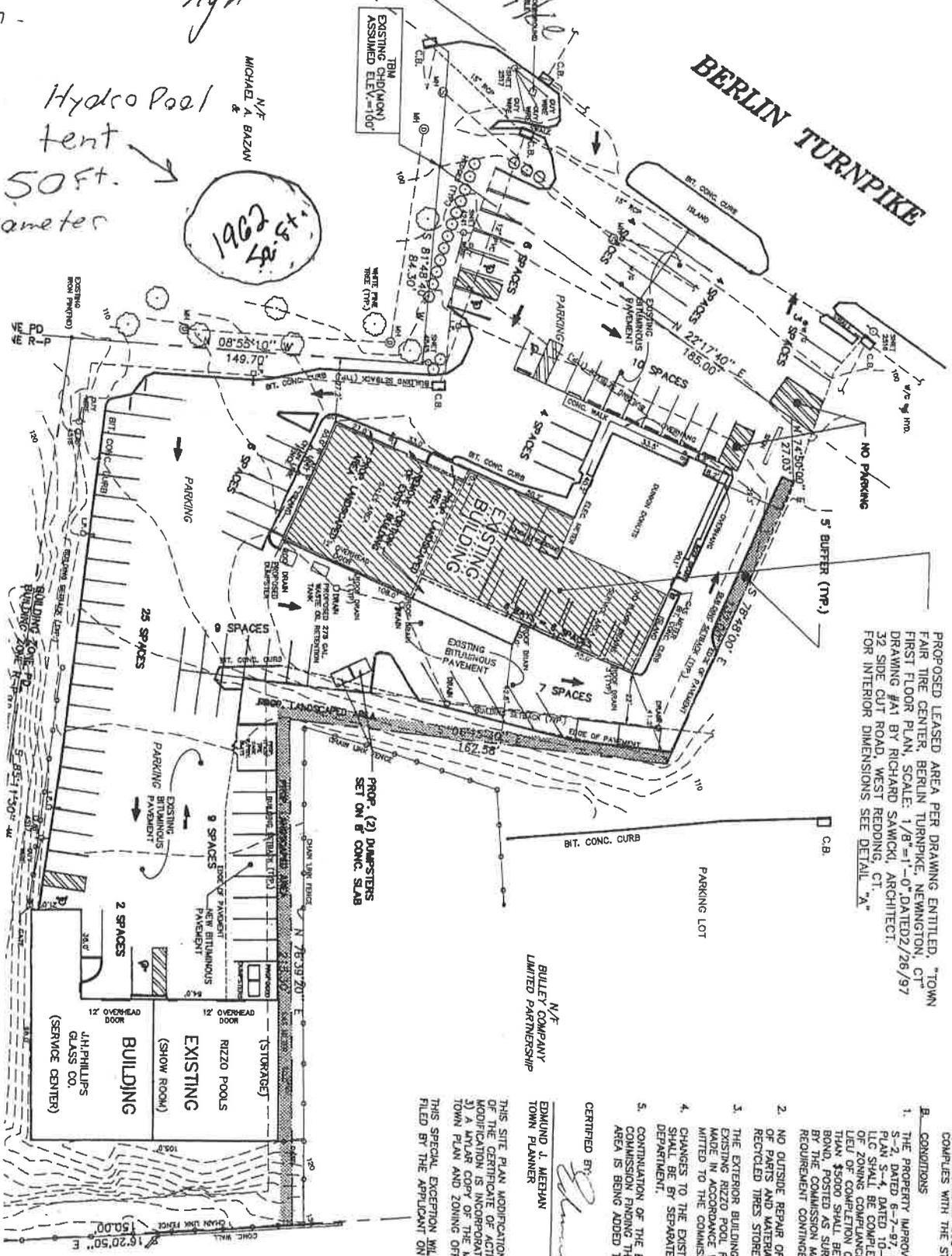
Friendlys
Sign

Hydro Pool
tent
50ft.
Diameter



Berlin Turnpike

BERLIN TURNPIKE



PROPOSED LEASED AREA PER DRAWING ENTITLED, "TOWN FAIR TIRE CENTER, BERLIN TURNPIKE, NEWINGTON, CT" FIRST FLOOR PLAN, SCALE: 1/8"=1'-0". DATE: 2/26/97. DRAWING #A1 BY RICHARD SAWICKI, ARCHITECT. 32 SIDE CUT ROAD, WEST REDDING, CT. FOR INTERIOR DIMENSIONS SEE DETAIL "A."

- A. FINDINGS**
1. THE USE OF THIS PROPERTY FOR AN AUTO RELATED PURPOSES IS NOT PERMITTED BY THE ZBA, SEP 1997.
 2. THE REQUESTED USE OF THIS PROPERTY FOR AN AUTO RELATED PURPOSES WITH THE STANDARDS OF SECTION 3.2 AND 5.2.
- B. CONDITIONS**
1. THE PROPERTY IMPROVEMENTS SHOWN ON DRAWINGS PER PLAN S-1, AS REVISED 9-20-97, AND LANT L.C. SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF A ZONING COMPLIANCE AND CERTIFICATE OF USE. AN OVERHEAD SIGN SHALL BE INSTALLED ON THE BUILDING BOND, POSTED AS SURETY FOR IMPROVEMENTS TO THIS PROPERTY BY THE COMMISSION MARCH 26, 1997. CAN BE USED TO REQUIREMENT CONTINGENT UPON MR. RIZZO SIGNING THE BOND.
 2. NO OUTSIDE REPAIR OF VEHICLES SHALL OCCUR ON THE PROPERTY AND MATERIALS IS PERMITTED ON THIS PROPERTY RECYCLED TIRES STORED IN THE ENCLOSURE SHOWN ON THE EXTERIOR BUILDING ELEVATION CHANGES FOR THE EXISTING RIZZO POOL RETAIL WAREHOUSE BUILDING PERMITTED IN ACCORDANCE WITH THE TOWN FAIR PLAN S-1, AS REVISED 9-20-97, AND LANT L.C. SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF A ZONING COMPLIANCE AND CERTIFICATE OF USE.
 3. CHANGES TO THE EXISTING Pylon AND WALL SIGNAGE SHALL BE BY SEPARATE PERMITS ISSUED ADMINISTRATIVE DEPARTMENT.
 4. CONTINUATION OF THE EXISTING PARKING LOT LAYOUT IS COMMISSION FINDING THAT NO NEW ADDITIONAL BUILDING AREA IS BEING ADDED TO THE SITE.

N/E
BULLET COMPANY
UNITED PARTNERSHIP

EDMUND J. MEELHAN
TOWN PLANNER

CERTIFIED BY: *Edmund Meelhan*

THIS SITE PLAN MODIFICATION WILL NOT BECOME EFFECTIVE UNLESS THE CERTIFICATE OF ACTION IS AFFIXED TO THE ORIGINAL MODIFICATION IS INCORPORATED INTO THE SITE PLAN AND A MAJOR COPY OF THE MODIFIED SIGNED SITE PLAN (SIGNED BY THE APPLICANT) IS FILED WITH THE TOWN PLANNING AND ZONING OFFICE.

THIS SPECIAL EXCEPTION WILL NOT BECOME EFFECTIVE UNTIL FILED BY THE APPLICANT ON THE LAND RECORDS OF THE TOWN OF NEWINGTON, CONNECTICUT.

N/E
FOOTPRINTS FASAI,
FOOTWEAR, INC

Minor, Craig

From: James Galvin <service@rizzopools.com>
Sent: Thursday, September 17, 2015 11:57 AM
To: Minor, Craig
Subject: FW: Friendlys

From: Mellen, Jeffrey [mailto:Jeffrey.Mellen@friendlys.com]
Sent: Wednesday, September 09, 2015 3:11 PM
To: James Galvin <service@rizzopools.com>
Subject: Friendlys

Good Afternoon

We have no issues with you putting a tent up as long as it doesn't block our sign or entrance.

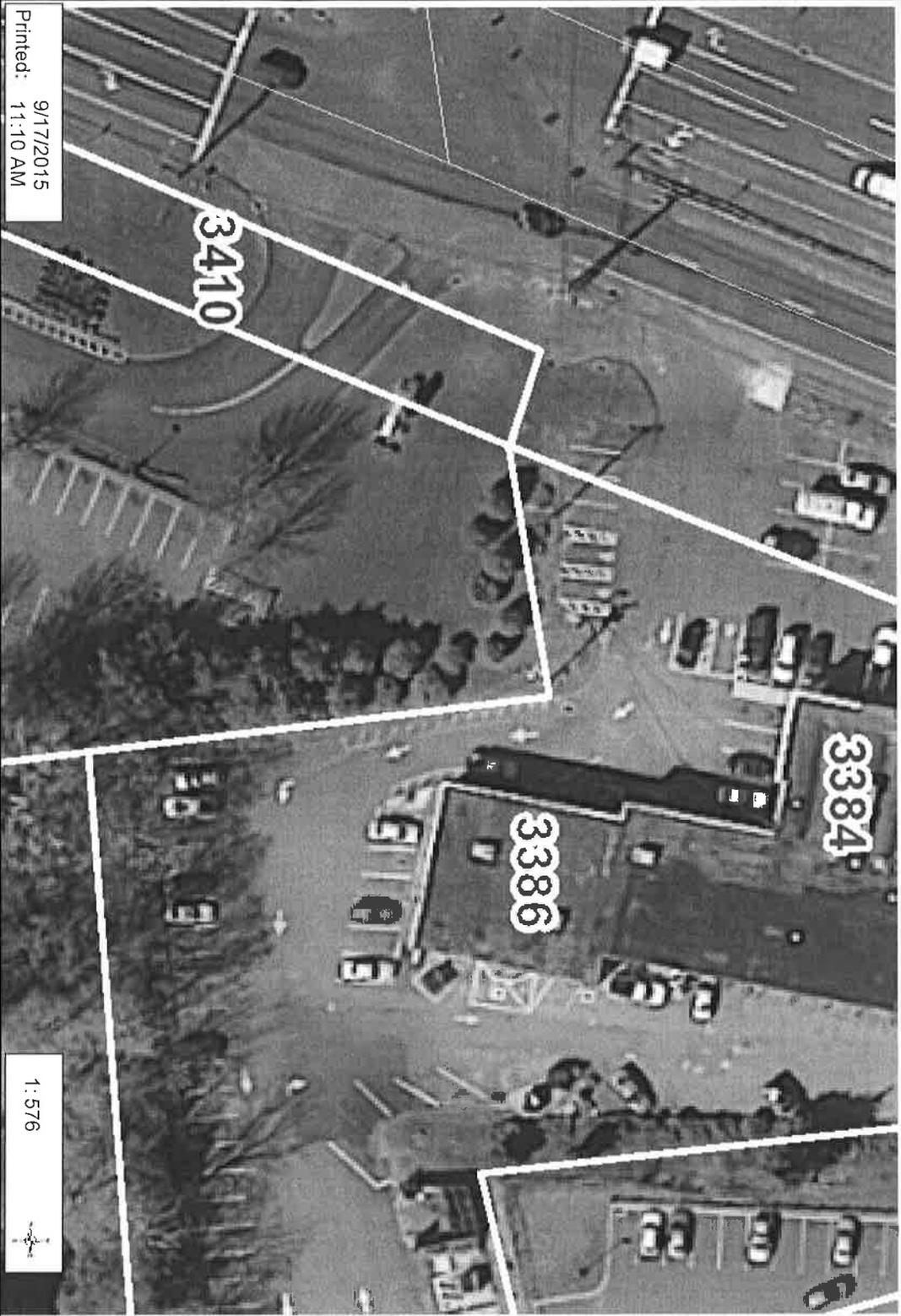
Thank you

Jeffrey Mellen

Director of Operations
Friendly's Ice Cream LLC
1855 Boston Road
Wilbraham, Mass 01095
Phone: 860-836-2853
Fax: 860-812-2426
Jeffrey.Mellen@friendlys.com



Rizzo Pools



Printed: 9/17/2015 11:10 AM

96.0

0

48.00

96.0 Feet

1:576



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Legend

Parcel

2012 color aerial photo

Red: Band_1

Green: Band_2

Blue: Band_3

Notes

Notes

STAFF REPORT
Special Permit for Church at 800 North Mountain Road

September 17, 2015

Petition #37-15:

Special Permit (Section 3.2.1: Churches and Places of Worship)

800 North Mountain Road

Hartford Liederkrantz Inc., owner; St. Thomas Indian Orthodox Church, applicant; Rev. Fr. Abraham Philip, 10 Lantern Road, Newington CT, contact.

Description of Petition #28-15:

The applicants would like to purchase the building and conduct religious services there. This is allowed by special permit in all zones.

Staff Comments:

The applicants have submitted a very detailed description of the property and their organization.

I recommend the public hearing be scheduled for the next meeting on October 14, 2015.

cc:
file

Petition # 37-15



TOWN OF NEWINGTON
TOWN PLAN AND ZONING COMMISSION
APPLICATION FORM

COPY

LOCATION OF PROPERTY: 800 North Mountain Road **ZONE:** I - Industrial

APPLICANT: St. Thomas Indian Orthodox Church **TELEPHONE:** 860.656.7703

ADDRESS: 10 Lantern Hill, Newington CT 06111 **EMAIL:** cherianellukalayil@yahoo.com

CONTACT PERSON: Rev. Fr. Abraham Philip **TELEPHONE:** 917.691.0400

ADDRESS: 10 Lantern Hill, Newington CT 06111 **EMAIL:** philemonacha@gmail.com

OWNER OF RECORD: Hartford Liederkrantz Inc.

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 3.2.1 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>09/09/2015</u>		<u>9/9/2015</u>
APPLICANT	DATE	OWNER	DATE

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St. Thomas Indian Orthodox Church
10 LANTERN HILL, NEWINGTON, CT 06111



September 10, 2015

Town of Newington
Town Plan and Zoning Commission
131 Cedar Street
Newington, CT 06111-2644

Respected TPZ Commission Members,

Please find attached an application for a special exception request for the property at 800 North Mountain Road. If there are any questions, please contact me at binu_chandy@sbcglobal.net or 860-465-7680.

Thank you in advance for your kind consideration.

Sincerely,

Binu Chandy

(on behalf of Rev. Fr. Abraham Philip, St. Thomas Indian Orthodox Church)

Project Overview

Applicant:	St. Thomas Indian Orthodox Church
Property Location:	800 North Mountain Road (see attached site plan/project area map)
Zoning:	Industrial (I)
Property Size:	0.94 acres
Current Owner:	Hartford Liederkrantz Inc.
No. of structures:	1 one-story building (total of 4,910 square feet)
Current Use:	German social club
Special Permit Request:	Applicant requests special exception as per Section 3.2.1 of the Zoning Regulations to allow use of property as a church/place of worship.

Background and Project Description

The building on the property was constructed in 1972 and has been used as a German social club ever since. The property was placed on the market in August 2015. The Applicant, St. Thomas Indian Orthodox Church, is currently negotiating purchase of the property from the Owner.

The building has a large assembly hall at the south end (approximately 2,200 sq ft) which is proposed to be converted for use as the worship area/sanctuary. The hall seats 260 people which is sufficient for the Applicant's current size (approximately 20 member families). The current bar area at the north end (approx. 1,600 sq ft) is proposed to be converted for use as social space and as Sunday School.

All improvement/reuse/renovation activities will be limited to within the building space. There will be no exterior improvements or change in the site plan. There will be no increase in the building's gross floor area. There will be no new structures or additions to the property. There will be no improvements to the current landscaping, lighting or parking area. There will be no need for additional parking spaces. Also, this application does not include a request for new signage.

The church will have weekly service and Sunday School on Sunday mornings from 8:00 AM to early afternoon. Various church organizations such as the Sunday School, Women's Group, Youth Group, Charity Group etc. may occasionally meet on Saturday evenings as well.

Applicant Description and Need for Proposed Use

The St. Thomas Indian Orthodox Church (STIOC) was founded in September 2010 by a group of Indian Orthodox Church members. STIOC is registered as a religious organization with the State of Connecticut. The Indian Orthodox Church is as old as Christianity itself. St. Thomas, Jesus Christ's disciple, travelled to Kerala at the southwest tip of India, and converted many of the natives to Christianity. The St. Thomas Indian Orthodox Church belongs to the Northeast American Diocese whose history in the U.S. began in the 1960s with the immigration of Indians to the US. There are a number of churches that belong to this Diocese in Pennsylvania, DC, Virginia, New Jersey, New York, Massachusetts etc. The St. Thomas Church is the first church under this diocese in the State of Connecticut.

Until 2010, the Indian Orthodox Church members had to travel to Boston or New York churches to worship and be part of the Church. In 2010, once St. Thomas was established, we were renting space in other church buildings to conduct worship services. Most recently we have been renting out the basement space in the Grace Episcopal Church in Newington on Sunday mornings. The Grace Episcopal Church has been very welcoming to our Parish and has tried their best to accommodate all our needs. However, on certain

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weekends they require the whole church space (including the basement where we conduct our worship) and therefore, we have been at times unable to conduct Sunday worship. The small group has grown moderately from about 6 member families to about 20 families and we are ready for our own home. This opportunity to purchase the Hartford Liederkrantz property seems to be timely for the St. Thomas Church to have its own place and regular church service for its members. Many of our members are residents and tax-payers of the City of Newington. Newington has been a central and convenient location for all of our members from all around Connecticut to attend.

Impact on Character of the Neighborhood

The proposed use will not alter the character of the neighborhood in any way. The current use includes gathering of people for social/entertainment purposes. The proposed use will enable gathering of people for worship/religious purposes.

There will be no increase in the number of people compared to the previous use. On an average Sunday, there will be only 60 to 80 people that will converge on to this property.

Other neighboring properties and uses include two other social clubs, many smaller industrial properties and businesses (such as a landscaping company and tools supply), some offices, a Hindu temple, and a church (Grace Bible Community Church operating in an office building). The proposed church use will be compatible to the current uses and will not impact them especially since the church will operate mostly on Sunday mornings and Saturday evenings.

There will also be no noise impacts to the neighborhood. The noise generated during worship will not be louder than the noise generated during gatherings at the Hartford Liederkrantz Club. Services will be conducted within the building and only on Sunday mornings (after 8:00 AM). All windows are totally sealed and therefore, there is hardly any potential for noise to escape from within the building. There will also be no outdoor church bells that may disturb the neighborhood.

It may also be noted that the closest residential property/cluster is on Abbotsford Avenue and over 500 feet (as the crow-flies) from the property. In addition this cluster of residential units is buffered from the proposed use by a number of buildings and trees and therefore will not be impacted by any potential noise within the property.

Impact on Traffic and Parking

The proposed use will not generate any additional traffic compared to the current use. Therefore, there will not be any potential impacts to circulation on the neighboring streets and connecting roads. Moreover, the church will operate only on Sunday mornings and certain Saturday evenings

There are currently 75 parking spaces on the property. On most Sundays, we will need about 20 to 30 parking spaces. Certain festival days such as Easter and Christmas may see an increased need for parking, but only for up to a maximum of 50 parking spaces. As such, there is surplus parking on the property for the proposed use.

Impact on Public Water and Sewer

The property is served by public water and sewer. The German Club was designed to accommodate about 250 people at any time. On average Sundays we expect 60 to 80 people and on festival days we expect about 100 to 120 people. The proposed use will therefore, not overload the water and sewer systems. There is also not going to be any change in the parking or landscape area, therefore there will be no impact to the storm-water system.



800 North Mountain Road



Printed: 9/9/2015 10:51 AM

1: 1,000



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Legend

Parcel

2012 color aerial photo

Red: Band_1

Green: Band_2

Blue: Band_3

Notes

Notes



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: September 17, 2015
Re: Town Planner Report for September 24, 2015

1. **Zoning Enforcement Issues Raised at Previous TPZ Meetings:**

a. **Signage at Galaxy Carpet:** We have confirmed that the door on the south side of the building is not a “public entrance”, because it was locked when I tried to enter it recently. The management has been ordered to either reduce the signage or unlock the door. Also, DOT has been asked to order Galaxy Carpet to remove the “wind waver” pole settings from inside the DOT right-of-way. I will have more information for you at the meeting.

2. **Incentive Housing Zone/Transit-Oriented Design District regulations for New Britain:**

We recently received notice that New Britain has scheduled a public hearing on October 6, 2015 for a proposed zoning amendment to create “Incentive Housing Zone/Transit-Oriented Design District” regulations for New Britain, and to establish an IHZ/TODD overlay zone on the east side of the CCSU campus. This is in response to the new CTfastrak station on East Street at Cedar Street.

“Incentive Housing” is a concept that was introduced to Connecticut roughly a decade ago to encourage the construction of affordable housing. Any town that adopts Incentive Housing zoning regulations is eligible for state grants when the regulations are adopted, and more grants if and when any actual housing is constructed. As of this writing I have not read the New Britain regulations completely, but my understanding of the IHZ concept requires that it be “as of right”; i.e., if a site plan application meets all of the zoning regulations, it must be approved.

We can discuss this at the September 24, 2015 meeting and the Commission can decide if they wish to submit comments at the hearing on October 6, 2015.

3. **Federal Transit Authority Grant to CTDOT for “Transit-Oriented Development Pilot Planning Program”**

It was announced earlier this week that the Connecticut Department of Transportation (CTDOT) will receive funding to “advance” transit-oriented development at the four new “Hartford Line” train stations in North Haven, Newington, West Hartford and Enfield. According to the announcement,

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

“This grant will guide CTDOT and its partners toward the implementation of a corridor strategy for TOD to increase ridership, enhance affordable housing opportunities, create mixed-use development to activate station areas, and link people to jobs through multimodal transportation connections along the entire corridor.”

I have asked CRCOG to provide us with whatever information they may have on this project (it's a CTDOT grant, but I assume CRCOG has access to information on it). I've been told that the grant will be discussed at a CRCOG subcommittee meeting on October 7, 2015.

cc:
file

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

ZONING REFERRAL FORM



FOR: NOTIFICATION OF REFERRALS BY ZONING COMMISSIONS Please fill in, save a copy for your records and send with appropriate attachments by certified mail or electronically to: zoningref@crcog.org		
FROM: <input checked="" type="checkbox"/> Zoning Commission <input type="checkbox"/> Planning and Zoning Commission <input type="checkbox"/> City or Town Council (acting as Zoning Commission)	Municipality: City of New Britain	
TO: Capitol Region Council of Governments Policy Development & Planning Department 241 Main Street Hartford, CT 06106	Date of Referral: 9/1/15	
<i>Pursuant to the provisions of Section 8-3b of the General Statutes of Connecticut, as amended, the following proposed zoning amendment is referred to the Capitol Region Council of Governments for comment:</i>		
NATURE OF PROPOSED CHANGE:		
<input type="checkbox"/> Adoption of amendment of ZONING MAP for any area within 500 feet of another Capitol Region Municipality. Attach map showing proposed change.	<input checked="" type="checkbox"/> Adoption or amendment of ZONING REGULATIONS applying to any zone within 500 feet of another Capitol Region Municipality. Attach copy of proposed change in regulations.	
THE CHANGE WAS REQUESTED BY: <input type="checkbox"/> Municipal Agency: <input checked="" type="checkbox"/> Petition		
DATE PUBLIC HEARING IS SCHEDULED FOR: 10/6/15		
MATERIAL SUBMITTED HEREWITH:		
<input type="checkbox"/> Regulation Changes	<input type="checkbox"/> Map of Change	<input type="checkbox"/> Supporting Statements
<input type="checkbox"/> Public Notice	<input checked="" type="checkbox"/> Other (Specify): Petition	
HAS THIS REFERRAL BEEN SUBMITTED PREVIOUSLY TO CRCOG? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO. IF YES, ON WHAT DATE:		
(FOR USE BY CRCOG)		Name:
Date Received:		Title:
Sent certified/e-mail?		Address:
Date E-mail receipt sent		
File Number		

BY LAW, THE PLANNING COMMISSION SHALL GIVE WRITTEN NOTICE OF ITS PROPOSAL TO THE REGIONAL PLANNING AGENCY **NOT LATER THAN THIRTY DAYS** BEFORE THE PUBLIC HEARING TO BE HELD IN RELATION TO THE SUBJECT SUBDIVISION.
 NOTICE SHALL BE MADE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED OR BY EMAIL TO zoningref@crcog.org.

CRCOG-2015

Andover / Avon / Berlin / Bloomfield / Bolton / Canton / Columbia / Coventry / East Granby / East Hartford / East Windsor / Ellington / Enfield / Farmington / Glastonbury / Granby / Hartford / Hebron / Manchester / Marlborough / Mansfield / New Britain / Newington / Plainville / Rocky Hill / Simsbury / Somers / South Windsor / Southington / Stafford / Suffield / Tolland / Vernon / West Hartford / Wethersfield / Willington / Windsor / Windsor Locks

A voluntary Council of Governments formed to initiate and implement regional programs of benefit to the towns and the region

CITY CLERK'S OFFICE
NEW BRITAIN, CONN

Doc ID 005546870016 Type CCM
File **33221**



Mr. _____

Dear Sir

Your attention is called to the following petition received by the Common Council at its meeting held Wednesday Evening, AUGUST 12, 2015, and referred to

33221

CITY PLAN COMMISSION
AND
ZONING SUBCOMMITTEE

To Her Honor, the Mayor, and the Common Council of the City of New Britain: the undersigned beg leave to petition your Honorable body:

To Amend the Zoning Ordinances of the City of New Britain, Connecticut in the following respects:

Amend

50-10 Classes of Districts.

For the purposes of this Ordinance, the City of New Britain is hereby divided into ~~twenty-two (22)~~ twenty-six (26) classes of Districts as follows

Add:

SECTION 50-10-60 Incentive Housing Zone/Transit-Oriented Design District Overlay Zones

IHZ/TOD-1 (Incentive Housing Zone/Transit-Oriented Design District - Downtown)

IHZ/TOD-2 (Incentive Housing Zone/Transit-Oriented Design District - East Main)

IHZ/TOD-3 (Incentive Housing Zone/Transit-Oriented Design District - East Street)

Delete (from permitted uses in the CBD zone)

~~170-10-240 Parking garage or off-street parking area, pursuant to Section 240-~~

Add (under 170-20, Special Exception uses in the CBD zone)

170-20-100 Private parking garage or off-street parking area, pursuant to Section 240 and 170-50-10

217-50-40 For residential and mixed-use properties with a total of fifteen (15) or more dwelling units, a 10% reduction of the total residential parking requirement may be taken if secure bicycle parking is provided within the building.

217-50-50 For mixed-use properties with a total of fifteen (15) or more dwelling units and 8,000 square feet or more of business use, an additional 10% reduction of the combined off-street parking requirement may be taken.

217-60 Design Standards

Within the IHZ/TOD-2 zoning district, it is the intention that all new construction, substantial modification, rehabilitation or adaptive re-use of any building, etc. is accomplished in a manner that helps to create a comfortable, high-quality, moderate density, residential and mixed-use neighborhood that is supportive of pedestrian-oriented business development and transit use. To that end, to the extent possible:

217-60-10 All buildings, driveways and walkways and common areas shall be designed and oriented in a manner so as to facilitate connectivity within the neighborhood and to adjacent areas to the CTfastrak station.

217-60-20 New development shall be of a scale which is compatible and complementary to existing development within and adjacent to the district.

217-60-30 The architectural style and materials of buildings shall be attractive, high-quality and compatible and complementary to existing development within the district and surrounding area.

217-60-40 Yards, courtyards, parking areas and common areas shall be designed and landscaped in accordance with good professional standards.

SECTION 218 IHZ/TOD-3 (Incentive Housing Zone/Transit-Oriented Design - East Street)

The purpose of the IHZ/TOD-3 section of these regulations is to encourage the types of development, in-fill development, renovation and re-use of existing buildings and properties in a manner which is consistent with the goals and policies of the City's Incentive Housing Zone Plan and with the principles and practices of Transit-Oriented Development. It is the intent of this Section 218 to:

- 1 Promote development of quality housing opportunities serving a diverse and balanced socio-economic range of households, consistent with the policies and guidelines of Public Act 07-04 regarding Incentive Housing Zones.
- 2 Encourage more intensive residential densities, complementary business uses and mixed-use developments within close proximity to the East Street CTfastrak station.
- 3 Facilitate the creation of an attractive mix of workforce housing which will serve to increase housing choices, improve the quality of the City's housing stock and help create stable and desirable neighborhoods.
4. Promote the preservation and rehabilitation and adaptive re-use of older, vacant or under-utilized buildings, as appropriate, for uses consistent and supportive of goals and policies of IHZ and TOD.

5. To help create an attractive, affordable and high-quality residential and mixed use neighborhood that offers a good quality living environment and attracts a resident base that is supportive of transit use and serves to support businesses in the neighborhood and citywide

218-10 Permitted Uses

Inasmuch as the IHZ/TOD-3 zoning district is an overlay zone which serves to apply special provisions and incentives for the underlying I-2 General Industry, B-3 Secondary Business, B-1 Neighborhood Business, A-2 Multi-Family Houses and A-3, High Rise Apartment zones, the IHZ/ TOD-3 zoning allows, by right, all of the permitted uses allowed in the underlying zones, specifically emphasizing medium and higher density residential uses including single, two and three-family houses on small lots, multi-family residential dwellings and mixed-use residential and commercial buildings in various forms, either as new construction or as adaptive rehabilitation and re-use of vacant or underutilized commercial, industrial or mixed-use buildings. In addition to the uses permitted in the underlying zoning districts, the following uses are also permitted by right.

Residence Uses

218-10-10 Multi-family houses and apartment buildings

218-10-20 Residential apartments over first story non-residential use

For any multi-family development, adaptive re-use for residential purposes or mixed-use business and residential project wishing to qualify for IHZ incentives, a minimum of 20% of the units must meet applicable guidelines of Public Act 07-04 for affordability

Community Facility Uses.

218-10-30 College, vocational school

218-10-40 Park, playground or recreational area operated by the municipality

218-10-50 Public or semi-public building for civic, political, social or recreational purposes

218-10-60 School, public elementary or high, or a private school having a curriculum equivalent to that ordinarily given in such a public school

218-10-70 Public utility facility

218-10-80 Bus Passenger Waiting Shelter.

218-10-90 Passenger transportation terminal.

Business Uses

218-10-100 All Business Uses Permitted in the Underlying Zoning District.

218-10-110 Bank, savings and loan association, excluding drive-through.

218-10-120 Bowling alley.

218-10-130 Office or office building business, medical, professional, utility, semi-public, or government

218-10-140 Personal service shop barber shop, beauty parlor, pet shop, dry cleaner or laundry of not more than 4,000 sq. ft. including self-service establishment, and other similar services to the consumer, excluding drive through services

218-10-150 Radio or television station and/or recording studio

218-10-160 Restaurant, excluding drive-through.

218-10-170 Retail store not otherwise classified

218-10-180 Shop for custom work, or for making articles to be sold only at retail on the premises

218-10-190 Artist studio and gallery

218-10-200 Theater, motion picture theater

218-10-210 Wholesale salesroom or store

218-10-220 Research laboratory

218-10-230 Club - membership, non-profit

218-10-240 Nursery school or licensed day care facility

218-10-250 Mixed-use buildings consisting of a combination of residential apartments over any of these above permitted business uses on the first story use, subject to applicable building and fire safety code requirements

218-20 Special Exception Uses

In the IHZ/TOD-3 zoning district, all of the special exception uses permissible in the underlying zoning districts are permissible, subject to approval by the Zoning Board of Appeals pursuant to Section 270-40, Special Exception Uses. In addition, the following uses are also permissible, subject to approval by the Zoning Board of Appeals. For all special exception uses, the site plan shall be submitted and reviewed, pursuant to Section 280-60.

218-20-10 Church or similar place of worship, Sunday school, parish house, convent, monastery

218-20-20 Vehicle drive-through lane and window in conjunction with a permitted food restaurant, pharmacy, retail or personal service business.

218-20-30 Public or private parking garage or off-street parking area.

218-20-40 Alcoholic liquor permit location in connection with a permitted use, or a special exception use

218-20-50 Arena, assembly hall

218-20-60 Commercial public recreation use not otherwise classified

For all listed permitted and special exception uses, a site plan shall be submitted and reviewed, pursuant to Section 280-60.

218-30 Accessory Uses

218-30-10 Customary accessory uses, buildings or structures, permitted in the underlying zone, and customary accessory uses commonly found and incidental to the IHZ/TOD-3 permitted uses or approved special exception uses, exclusive of retail services and industrial uses otherwise prohibited.

218-30-20 Home occupations, as defined and limited under Section 30-20-310.

218-30-30 Home professional offices as defined and limited under Section 30-20-320.

218-30-40 Parking garage or off-street parking area, subject to applicable provisions of Sections 240 and 217-50-10

218-30-50 Signs pursuant to applicable provisions of Section 250

218-40 Dimensional Regulations

It is the intention that, within the IHZ/TOD-3 zoning district, the development densities and building setbacks and building heights serve to create a comfortable, high-quality, moderate-to-high density mixed-use neighborhood that is supportive of pedestrian-oriented business development and transit use. To that end, no building or structure shall be erected, nor any lot used, unless in conformity with these dimensional regulations.

<u>218-40-10 Lot Area – Minimum (sq ft)</u>	<u>20,000</u>
<u>218-40-20 Lot Area – Minimum per dwelling unit</u>	<u>1,250</u>
<u>218-40-30 Floor Area Ratio – Maximum</u>	<u>1.50*</u>
<u>218-40-40 Lot Coverage - % of total area occupied by all buildings 50*</u>	
<u>218-40-50 Lot Width – Minimum (ft.)</u>	<u>100*</u>
<u>218-40-60 Building Height – Maximum (ft)</u>	<u>60*</u>
<u>218-40-70 YARDS- MINIMUM FEET</u>	
<u>218-40-70 01 Front Yard</u>	<u>10*</u>
<u>218-40-70 02 Side Yard</u>	<u>10*</u>
<u>218-40-70 03 Side Yard-total for both on an interior lot</u>	<u>20*</u>
<u>218-40-70 04 Side Yard-abutting side street on a corner lot</u>	<u>10*</u>
<u>218-40-70 05 Rear Yard</u>	<u>25*</u>
<u>218-40-80 ACCESSORY BUILDINGS</u>	
<u>218-40-80.01 Coverage of required rear yard</u>	<u>35%*</u>
<u>218-40-80 02 Height in required rear yard – Maximum (ft)</u>	<u>25*</u>
<u>218-40-80.03 Setback from any lot line- Minimum (ft.)</u>	<u>3*</u>

* For existing buildings on lots over 10,000 square feet in area that are proposed to be rehabilitated for conversion and re-use for multi-family residential, mixed-use or any permitted or special exception use listed above, the existing floor area ratio, lot coverage, lot width, building height, and yard

setbacks shall be considered to be nonconforming and legal to remain, notwithstanding the change in use or any change to the number of dwelling units

218-50 Off-Street Parking Requirements

Within the IHZ/TOD-3 zoning district, the off-street parking requirements and exemptions are intended to help create a comfortable, high-quality, moderate density, residential and mixed-use neighborhood that is supportive of pedestrian-oriented business development and transit use. The base requirements for specified residential business uses in the IHZ/TOD-3 zoning district area as follows, for all permitted and special exception uses not specified here, the parking requirement shall be as presented in Sections 240-20 and 240-30.

218-50-10 Schedule of Off-street Parking Space Requirements for Residential Uses in the IHZ/ TOD-3 Zone

	<u>Requirements. No. of Spaces</u>
<u>Single, Two and Three-Family Houses</u>	<u>1.5 per dwelling unit</u>
<u>Multi-Family Houses and Residential Units in Mixed-Use Developments</u>	<u>1.25 per dwelling unit</u>

218-50-20 Schedule of Off-street Parking Space Requirements for Non-Residential Uses in the IHZ/ TOD-3 Zone

	<u>Requirements. No. of Spaces</u>
<u>Auditorium, church, convention hall, stadium, theater, studio or other place of public assembly, not otherwise classified</u>	<u>1 per 5 permanent seats or the floor area equivalent {one seat = 18 linear inches of pew/bench}</u>
<u>Bank, savings & loan association</u>	<u>See "Office"</u>
<u>Offices, office building</u>	<u>1 per 350 sq. ft. of net floor area</u>
<u>Public or semi-public art gallery or museum</u>	<u>See "Auditorium", etc</u>
<u>Restaurant, club</u>	<u>1 per 5 permanent seats or the floor area equivalent</u>
<u>Retail store, personal service store, shopping center, under 75,000 sq. ft.</u>	<u>1 space per 350 sq. ft. of gross floor area</u>

218-50-30 For residential and mixed-use properties with a total of fifteen (15) or more dwelling units, a 10% reduction of the total residential parking requirement may be taken if the property is within one-quarter (1/4) mile of the CTfastrak station

218-50-40 For residential and mixed-use properties with a total of fifteen (15) or more dwelling units, a 10% reduction of the total residential parking requirement may be taken if secure bicycle parking is provided within the building.

218-50-50 For mixed-use properties with a total of fifteen (15) or more dwelling units and 8,000 square feet or more of business use, an additional 10% reduction of the combined off-street parking requirement may be taken

218-60 Design Standards

Within the IHZ/TOD-3 zoning district, it is the intention that all new construction, substantial modification, rehabilitation or adaptive re-use of any building, etc. is accomplished in a manner that helps to create a comfortable, high-quality, moderate density, residential and mixed-use neighborhood that is supportive of pedestrian-oriented business development and transit use. To that end, to the extent possible

218-60-10 All buildings, driveways and walkways and common areas shall be designed and oriented in a manner so as to facilitate connectivity within the neighborhood and to adjacent areas and the CTfastrak station.

218-60-20 New development shall be of a scale which is compatible and complementary to existing development within and adjacent to the district

218-60-30 The architectural style and materials of buildings shall be attractive, high quality and compatible and complementary to existing development within the district and surrounding area.

218-60-40 Yards, courtyards, parking areas and common areas shall be designed and landscaped in accordance with good professional standards

Add: (under 230-100 10 Schedule of Permitted Fences and Walls.)

MAXIMUM FENCES AND WALL HEIGHT, EXCEPT WHERE CORNER CLEARANCES AREA REQUIRED IN ACCORDANCE WITH SECTION 230-70				
District	Front Lot Line	Side Lot Line Outside of Rear Yard	Rear Yard Lot Lines	Not in any Minimum Required Yard
IHZ/TOD-1	4'	8'	8'	8'
IHZ/TOD-2	4'	8'	8'	8'
IHZ/TOD-3	4'	8'	8'	8'

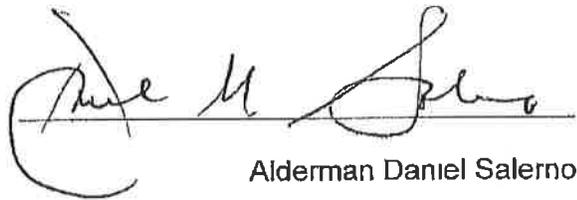
Add: (under 250-10 Schedule of Permitted Signs.)

DISTRICT IHZ/TOD-1.

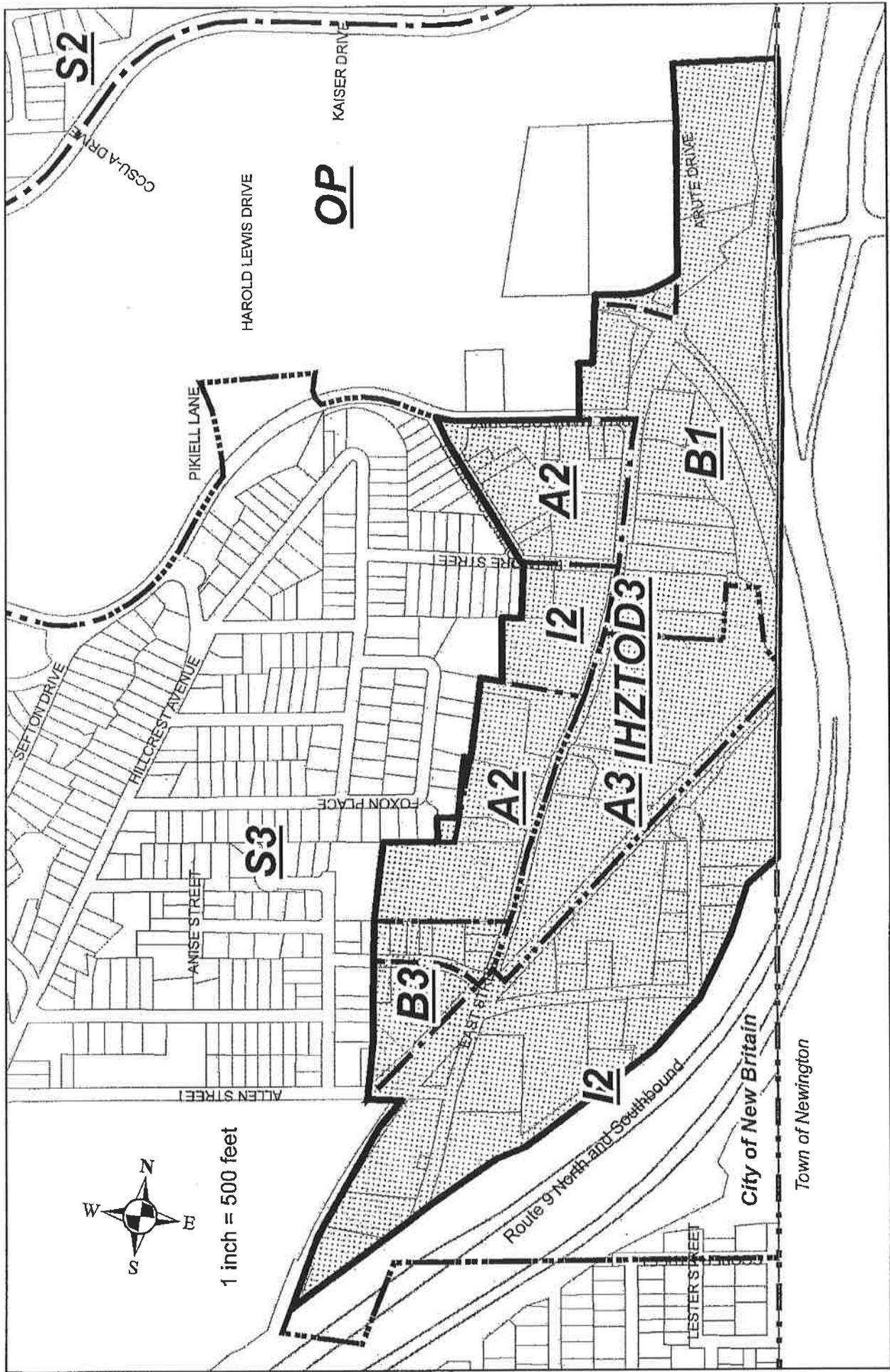
Properties within the IHZ/TOD-1 zoning district may have any such announcement, professional, business, or identification sign; any such bus shelter advertising sign, real estate, temporary or directional sign that is permitted in the CBD district pursuant to Sections 250-20 through 250-70

DISTRICT IHZ/TOD-2, IHZ /TOD-3

Properties within the IHZ/TOD-2 and IHZ/TOD-3 zoning districts that are in entirely residential use may have any such announcement, professional, business, or identification sign; any such bus shelter advertising sign, real estate, temporary or directional sign that is permitted in the A-2 zoning district, pursuant to and subject to the restrictions of Sections 250-20 through 250-70. Properties within the IHZ/TOD-2 and IHZ/TOD-3 zoning districts that are in either mixed-use or business use may have any such announcement, professional, business, or identification sign, any such bus shelter advertising sign, real estate, temporary or directional sign that is permitted in the B-3 zoning district, pursuant to and subject to the restrictions of Sections 250-20 through 250-70.

By  _____
Alderman Daniel Salerno

ATTEST _____
City Clerk



Date Aug 31, 2015

**Proposed IHZTOD3
Incentive Housing Zone/Transit Oriented Development 3 - East Street
Overlay Zone**