

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Public Hearing and Regular Meeting
October 13, 2016

Chairman Frank Aieta called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room L101 in the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND SEATING OF ALTERNATES

Commissioners Present

Chairman Frank Aieta
Commissioner Chris Miner
Commissioner Domenic Pane
Commissioner Michael Camillo-A
Commissioner John Bottalico-A

Commissioners Absent

Commissioner Brian Andrzejewski
Commissioner Robert Serra
Commissioner Stanley Sobieski
Commissioner Judy Strong
Commissioner Paul Giangrave-A

Staff Present

Craig Minor, Town Planner
Michael D'Amato, Asst. Town Planner and ZEO

Commissioner Camillo was seated for Commissioner Andrzejewski and Commissioner Bottalico was seated for Commissioner Strong

III. APPROVAL OF AGENDA

Craig Minor: I recommend deleting one item, Public Hearing item B, the special permit for the free standing business sign for Artisan Vapors. They asked that it be postponed, they have some more work to do on the application.

IV. PUBLIC PARTICIPATION (for items not listed on the Agenda, speakers limited to two minutes.)

Susan Tine: I'm Susan Tine and I live at 62 Francis Avenue. I'm addressing a letter that I received on September 26 from Michael D'Amato regarding my Airbnb on Francis Avenue. I was notified that I was in violation of Section 1.2.1 which states "any use not stated in the zoning regulations is prohibited." My house is set back in the woods behind numbers 56,64 and 72. My backyard is wetlands and Piper Brook, the industrial park on Day Street is on the other side of the brook, and Muir Printing is across the brook on the west side of my property. I first learned about Airbnb from one of my son's teachers who ran one in her home and encouraged me to do the same years ago. Airbnb started in California in 2008 and has grown into a worldwide online home-stay network that enables people to list or rent short-
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term lodging in a residential property where people can feel at home anywhere in the world that they stay. When our fourth child went off to college in 2011, we experienced our first Airbnb stay up in Ithaca, N.Y. With Cornell and Ithaca College in the area, we found the limited hotel/motel accommodations to be expensive. We spent the next four years at area Airbnbs and loved the feeling of being welcomed into someone's home like part of the family. As a result I began my own Airbnb in 2012 as a way to fill that empty next void, pay down three college tuitions and cover taxes and expenses on our own home. The only advertising that is done by me is by listing my home on the Airbnb website. Guests access hosts by entering a destination and seeing what's available in that area. They read the reviews of hosts left by previous guests and hosts accept or decline requests based on reviews of the guests left by previous hosts. It is through this method of reviews that I achieved "Superhost" status by Airbnb.

I have hosted the most amazing people from all over the world, who share their stories, journeys, and talents. Most are seasoned Airbnb members. I've hosted authors in the area for book signings; musicians on national tours; screenwriters; playwrights, CEOs; students, parents from Vancouver, Ireland and England visiting their children in college and attending graduations and sporting meets. I have hosted medical students applying for internships or jobs at local hospitals or taking medical exams. I've hosted young couples or single young adults from England, Australia, Texas, Ireland, and South Carolina who have taken new jobs at ESPN, Jackson Lab, Traveler's and research and development companies in the area. I even hosted two retired Australian couples who were traveling the world doing geocaching as a hobby; this is a treasure hunt using a GPS, and they even found a treasure in our own Starr Park. I hosted a journalist from Newsweek Magazine and her ten year old son who was attending a baseball camp at the University of Hartford.

Lawyers, consultants, and salespeople who travel a lot for work tell me hotel/motel living is very lonely – sometimes you even forget what state you're in. Return visitors come back to stay, sometimes because they have family here, are attending reunions, weddings, and funerals, or are tending to elderly parents. I am always asked for recommendations on restaurants, donut shops, sight-seeing highlights, grocery stores, walking trails and parks. One engineer brought his entire consulting team from GE in Plainville to shop at the Asian mart on West Hill Road, where they could get their special ethnic foods. Another guest had a rigorous, high-tech government job during the day, but spent his evenings sampling local restaurants and wrote a Yelp review praising one of the Newington ones as the best hamburger joint around.

There are over seven hundred Airbnbs in Connecticut, including eight in West Hartford and three in Newington. However this is not the only site of its kind for rentals. Other sites include VRBO, Home Away, Couchsurfing, etc. I do not post any signs, I do not cook for my guests or advertise by business in any form other than the website. I pay taxes on my income through the website and customers now have to pay an additional 15% tax added by Governor Malloy on July 1, 2016, which coincidentally has drastically reduced my Airbnb reservations; I have only had two guests since July 10th.

I had no idea I was breaking any laws by hosting guests in my home. I believed I was benefiting the town and the state by putting Newington and Connecticut on the map in a positive way, by helping build our economy, by encouraging use of our local businesses and by making new transplants to our area feel welcome and loved enough to want to stay. It is my understanding that someone in my neighborhood reported me. It took five years for this person to even know I existed. I have had no complaints of noise, parking issues or traffic and I believe this ruling is outdated. I believe there are many good reasons Airbnb exists and is so successful. For this reason, I ask you to revisit the ruling to shut me down. Please reconsider the benefits of allowing Airbnbs to continue in this town. I know West Hartford addressed this subject by looking at it on a case by case basis. The state has addressed it by taxing Airbnb directly. Perhaps, like daycare centers Airbnbs could also be embraced as a viable home business endeavor. I'm heartbroken by the thought that I'm

being asked to discontinue my Airbnb for no specific reason, when it brought joy to so many people. Thank you for your time.

Chairman Aieta: We don't get into a discussion back and forth between the Commission and the public in public participation. I just want to clarify some things that the Zoning Enforcement Officer stated. You are in violation of the regulations as they are stated or written today. This is not an allowed use in the Town of Newington. Bed and Breakfast, Airbnbs are not an allowed use. They are not in our regulations, so they are not allowed. We've had discussions on this at the Commission level and because this is a complaint, we had to take action.

Robert Randich, 43 Brook St, Newington: I'm an attorney at law and I'm representing Susan Tine tonight. I guess I would like to address a couple of things. I did review the minutes from both the August 10th meeting where an initial vote was taken, as well as the September 14th meeting where a second vote was taken and first of all I guess I would say that the resolution was passed under the mistaken premise that my client was advertising her business. As she testified, she has a listing on the Airbnb web site, which you can only find if you go to the Airbnb web site, and you search the Newington area for Airbnb, that's kind of like saying you are advertising your telephone number because they are in the telephone book. It's not advertising in my opinion. So, I do believe that the Commission didn't have the correct facts, when they passed this resolution, my understanding is that this is the only complaint that has been filed against the Airbnb, so obviously this is a complaint that was made to the Commission, and seeing that incorrect information was utilized, we would request that it be reconsidered and that it pertains to Airbnb and not Bed and Breakfast, the Airbnb be withdrawn because the use is completely different.

The other thing I would like to comment on is that the Commissioners had stated that it is not an allowed use. Well, I beg to differ. Section 3.3.3 of the Zoning Regs specifically provides the use of residences for personal business purposes, and it says that a personal business such as the Airbnb business described by my client is permitted subject to the following requirement; no businesses conducted on the premises except by mail, telephone, or data terminal. Well, she indicated that anyone looking to use her service has to find it on the internet. She investigates them by using the internet, then if she accepts them, they pay by the internet, nobody comes to her house with cash. There is no money exchanging hands at this property. The business aspect of this is completely done on line or by data terminal if this is allowed. B: no persons other than members of a resident family are employed; well, she does the whole thing herself as she said, so there are no employees are traveling to this property to conduct the operation, she does it all herself. C; no external evidence of the business is visible; well, that's plainly true, nobody even knows, you wouldn't even know what was going on.

Chairman Aieta: Apparently someone did, because they complained about it. We are a complaint driven.....

Robert Randich: Are we having a back and forth now that you said that we don't do, or.....

Chairman Aieta: I'm trying to answer your questions, you are not on the agenda, to even, I'm giving you the courtesy by allowing you to speak as a client who got up and spoke during public participation, so wrap up your comments, and...you know the law as well as we do, you know the regulations as well as we do.....

Robert Randich: Well, I'm trying to establish a record for what this is, if I could continue? No businesses signs are erected, you will not find any business signs on here property or anywhere in town about this business, and E, no pedestrian or automobile traffic, other than

that normally generated by the residents is permitted. Well, yes, her adult children could be living in these rooms, with their own cars and be in and out all day, and there wouldn't be an issue, so there is no way that the Airbnb business puts an additional stress above and beyond what is allowable for a normal residence usage for that property. I don't think there is any question that this is an allowable use, and I just think that for you to come to the conclusion that she did, without even looking at the allowable business use under this existing statute or having a discussion about whether it was a use or not, is disappointing. Again, on behalf on my client, I ask that you reconsider this resolution and exempt the Airbnb. Thank you.

Chairman Aieta: Is there anyone else in the public wishing to speak under Public Participation?

Alisha Charmut: I live at 56 Francis Avenue, and I am a direct neighbor to Susan Tine, as a matter of fact, my house is right next to her driveway and I know that she gave you a long list of her guests which makes it sound like a very busy place, but if she didn't tell me she had guests, which she does as a courtesy, I would never know that she had this going on. My kitchen window looks directly at her driveway, so you know, as far as it being a nuisance, from my perspective as a direct neighbor, it certainly isn't. Like I said, I would never know that she has a guest or not because there is never a difference in traffic, there isn't a difference in activity back there, so you know, from the things that the attorney mentioned, from a neighbor's perspective, those things are not going on. Thank you.

Chairman Aieta: Anyone else wishing to speak?

Magala Surv: I live at 64 Francis Avenue. I also am a neighbor of Susan and I would never know that there was anything going on unless she tells me she has a guest, so I have no problems and my husband and I think she can continue to do whatever she wants to do.

Chairman Aieta: Thank you. Anyone else from the public wishing to speak?

Kathy Nuchen: I just want to say that Sue and Paul are made for hospitality. They have done nothing but help people. It hasn't cost the town anything. It has always been directing people to restaurants and markets. The services that they are offering to people are basically a clean bed and a bathroom or shower, and then people go out and find their meals and other things, but it is a very popular thing and I would think that Newington would be encouraging things like this that are going to be popular. Thank you.

Al Ginn, 104 Brookdale Avenue: Lifelong resident of Newington and the father of Sue Tine and I am biased, I will tell you that right at the beginning. However I wasn't too sure what happened at that meeting because I wasn't there, but being a retired guy I sit around sometime channel surfing on the TV, and lo and behold the last meeting was on TV so I had a chance to see exactly what happened and what was said and quite frankly I did not appreciate what I thought should have been a more positive pro and con type of what is this activity actually doing that is hurting the Town of Newington. As a former politician in Newington I know that anyone that serves this town has to be very concerned about what makes the people of Newington happy. What I didn't hear was a discussion. Here we have a complaint, what are the pros and cons of this whole subject. Maybe it is something we should look at and consider what is going on, and I have to say, in my observation of the total discussion I was not impressed in the least. Whether it is possible or not, I don't know, that if this thing could be re-visited. You have heard some of the facts, that Rob, the lawyer presented, the two types of operation and how it is run and so forth, but I would like to see this come into a discussion by this body and just revisit what you have already (inaudible)

about. I don't know if that is possible, but I think it would be the right thing to do. Thank you very much.

Chairman Aieta: Anyone else from the public wishing to speak?

Jackie Ginn: Hi, I would just like to read the letter from Marie Cormier and Alfred Eaton. They live at 72 Francis Avenue. These are the words of Marie Corner and Alfred Eaton: We are neighbors of Sue and Paul and have known them since June 1979. We would like it to go on record that this Airbnb that they have at their house behind us has not affected us or our neighborhood in any way what so ever. It does not bother us in the least if they want to continue their Airbnb.

Chairman Aieta: Anyone else?

Elizabeth Jackson, 60 Arbour Road, West Hartford: Hi, I am currently a research chemist at Hankel in Rocky Hill. I was transferred from a job from Southern California last June. I actually only lived in California for about eight months, before I was transferred by the company and at that time I really had no option to look for another job but I ended up here because there was a great opportunity provided for me. When I moved here, I really didn't know the area, I had no family around and my company actually provided financial support to stay in a hotel while I looked for an apartment. That was about three or four weeks that I had to think about looking for an apartment before I could actually move in, and have all of my furniture moved with me. In that process I thought, I really don't want to live in a hotel by myself for one month. I'm not married, I don't have any children, and I thought the prospect of living in a hotel for one month very depressing plus I was moving to a city where I had no one. It was a relief for me that I had actually heard about Airbnb and I had previous experience with Airbnb. I knew that I wanted to stay in a place where I had a kitchen so I didn't have to eat out every night. I was actually able to have a real dinner when I came home. I found Sue's listing on Airbnb while I was in California, went through all of the reviews, she is actually rated as a "superhost". I don't know if you are familiar with that category, but not many Airbnb hosts have that label. She has been an amazing support for me. I'm originally from Minnesota and I moved to France to do a post college stint, I moved to California, and I didn't know anyone when I moved there, and that was also very depressing. I moved here and within the first week I met Sue and Paul Tine and I really felt welcomed in Connecticut. Originally, I didn't even know if I wanted to live here. I was considering looking at other jobs, moving back to Minnesota, to California, I thought, why would I want to live in Connecticut? Sue changed my mind about that. Since I have been here, Sue has been a major resource for me beyond staying in her house. I have someone to go to, I have a family outside of Minnesota, I have a family here where I work so besides being a resource and a bed to sleep in for somebody who is visiting on the weekends, or for people like me who need a long term stay, it's very important to have places like this, because I felt safe there. I wouldn't feel safe staying in a hotel room, so I ask you to reconsider for people in my situation who maybe don't have an alternative place to stay. It's much safer and comforting to stay in a home where I know I can be safe and come home in the evenings, and not have to stare at a television in a hotel room. Thank you.

Chairman Aieta: Anyone else wishing to speak at this time? Anyone else?

V. ZONING ENFORCEMENT OFFICER REPORT

Mike D'Amato: Everyone has received my report in the agenda packet. If anyone has questions on it we can go over it. The only other thing that came up was that we talked about

an auto related use on Louis Street, and I sent the Chairman some information on that. I don't know if anyone has any questions on anything they see?

Chairman Aieta: Any Commissioner comments or remarks? Anything to bring forward to the Zoning Enforcement Officer for the next meeting?

Commissioner Pane: I recall Commissioner Bottalico asking about a billboard sign on Deming Road, and I was wondering if we could get an update on that?

Mike D'Amato: I'm not aware of.....

Craig Minor: The church sign?

Commissioner Bottalico: Yes.

Chairman Aieta: It's on the truck.

Mike D'Amato: It's on Deming?

Commissioner Bottalico: Yes, it's at the Sphinx, in the parking lot.

Mike D'Amato: One of the ones that we have been working on, on the turnpike, have been going back and forth with the landlord a couple of times, but has been moved, and the landlord understands how TPZ looks at the regs, so basically we have to police it. I'll take a look at this and give you a report at the next meeting.

Commissioner Pane: The only other one is the vacant lot on Day Street. Have you found any violations over in the area, since we would like to clean that area out? Someone mentioned at the last meeting about a parking lot that was used as a storage area for construction equipment and.....

Mike D'Amato: Is that the lot at the corner of Day and Francis?

I have sent them something in the past because we have had blight complaints about that property, and with some of the disarray of things that have been stored there. I can look at it again, I have talked to them a couple of times in the past.

Chairman Aieta: Any other Commissioner remarks, comments?

VI. REMARKS BY COMMISSIONERS

None

VII. PUBLIC HEARING:

A. Petition 40-16: Show Cause Hearing to Revoke Special Permit 03-04 at 174 Francis Avenue. American Muscle Inc., permittee. Continued from September 28, 2016.

Craig Minor: This is a continuation that was opened two weeks ago, the purpose of the hearing was to give the applicant the opportunity to explain to the Commission why the Special Permit should not be revoked. The hearing was continued from two weeks ago to give the applicant the opportunity to start cleaning up the property, or prepare a clean-up plan, or whatever it is that the applicant would like to discuss at the meeting tonight.

Chairman Aieta: Please state your name for the record.

Matthew Kriedel, 366 Maple Hill Avenue, Newington: I did meet with the Town Planner following our last meeting to, I remembered that there was a plan asked for at the time of the meeting. At the time of the meeting, the Town Planner wasn't aware that had been asked for, so we went over the listing of violations and he said to try to come up with an outline to accomplish that. We've gone back and forth in e-mails to discuss that, and he discussed, he had outlined to do several phases, the first one being, I believe in about two weeks, and I replied to him that what I would like to do for the first phase is just to clean up the front so that visibly everything looks much better. His first suggestion was to clear a fire lane, and my suggestion was to try to do the front so that we could address that area first. He had had several phases and in some of them he had removal of ten vehicles by a certain date, and the phase time I believe was a week, in those phases, and ten vehicles in a week is extremely difficult to accomplish. I could probably do something around five or six. So, we e-mailed each other back and forth on the plan, and I did not have an updated plan from him as of this meeting.

Craig Minor: The Commission suggested to you very strongly that you come back tonight with a possible clean-up plan and they directed you to meet with me to discuss that. So we did. It would be your plan, not mine and I'm a little surprised that you came tonight without anything. Without anything to show the Commission that they could then respond to on a point by point basis. So, it's your plan, it's not my plan. I gave you some suggestions, but it's your plan, you have the obligation to clean up the property, and short of that, come up with a schedule to clean up the property, and that is what the Commission asked you to do for tonight, and you have come up with nothing. I'm a little surprised.

Matthew Kriedel: I'm surprised as well, because you had e-mailed me a plan.....

Craig Minor: It's not my plan Mr. Kriedel. It's your plan, it was your job to come tonight with something to show the Commission and you are coming here empty handed. I'm at a loss.

Matthew Kriedel: You had e-mailed me a plan on your letterhead, saying this is what I suggest, and we went back and forth in the e-mail while I was away in Wisconsin at a funeral, and your first statement was, well, in looking at the minutes I just realized that they did ask for a plan which was I believe at the end of last week. You gave me an outline. I sent you two e-mails, the first one you responded to and said, to try to come up with a better number, and then I e-mailed you again I believe on Monday or Tuesday and I received no response.

Chairman Aieta: Do you have anything else to add?

Matthew Kriedel: No sir.

Chairman Aieta: Do any of the Commissioners have any questions or remarks at this point? It was obvious at the last meeting that we had that it was incumbent on you to come to this Commission explaining how you are going to clean up the property with a time line. It's not up to the Planner to give you outlines or anything else. I think he has gone beyond what he is supposed to do, and at this point we were expecting something from you, some time line, or some list of activities that would happen over the next couple of weeks, two or three weeks, to show that you are serious about cleaning this thing up. We're not doing a six month or a year, we're not going to do that.

Matthew Kriedel: I understand that.

Chairman Aieta: We're at the point where we need to move on with this process. If you are not going to give us anything that we can sink our teeth into, something really constructive and that really shows that you are sincere about cleaning up the place, and bringing it into conformity, then we are going to proceed and revoke the permit.

Matthew Kriedel: Mr. Chairman, I, in looking at the plan that Mr. Minor suggested and my suggestion was that by the end of October, which is the 31st, that instead of doing a fire lane which I believe wouldn't cosmetically alter the look, that I clean up the front yard to make it visibly look as if something is happening. That was my suggestion.

Chairman Aieta: You have no front yard, the right of way is the Town of Newington. What is your proposal.

Matthew Kriedel: The front yard is the 25 feet inside of the fence as indicated on the staff comments of September 21st, number six, the permittee is displaying vehicles in the front yard of the property which is described as an area of 25 feet from the fence, in violation of requirement number five of special permit 03-04 which is the condition of approval for number five, special permit number 03.

Chairman Aieta: This is the only site plan.....

Craig Minor: The original site plan.

Chairman Aieta: This is based on the original permit. Are there any additions or any other plan?

Craig Minor: No.

Chairman Aieta: The area that you own, from the right of way, to the building, shows a landscaping plan. Are you willing to put that in, and what type of a time period would that be?

Matthew Kriedel: Mr. Chairman, I didn't see anything in the letter where it says anything about landscaping. It just said, displaying vehicles in the front yard. Condition number six.

Chairman Aieta: You must be aware of this plan, it's the plan that is the basis of your operation. It's the site plan.

Matthew Kriedel: Yes.

Chairman Aieta: The space between the right of way lines, and the building shows a landscaping plan that I don't know if it was ever accomplished. That was part of the approval, that has to be there.

Craig Minor: I think what Mr. Kriedel is saying is that he is offering the clean up the area behind this dark line, which is 25 feet from the (inaudible) property. He is offering to clean up this area, which was one of the requirements, that this area be kept free of vehicles, by a certain date though, we don't have it in writing.

Chairman Aieta: Any Commissioner remarks at this time?

Commissioner Miner: That's the swing gate in that area? Am I correct?

Craig Minor: Yes.

Mike D'Amato: That was the area that was in the pictures the last time that we were here.

Craig Minor: Do you want to look at some photographs?

Commissioner Miner: Yes, if you could just refresh my memory? Is that the same now, or have there been any changes to it?

Craig Minor: These are photographs that the ZEO took this morning. That is the area that we are talking about.

Commissioner Miner: From the standpoint of accessibility, you could get in there. It's the only way in. Do you know how many vehicles are in there at the present?

Matthew Kriedel: To clear to the back of the building would be to move eight vehicles, which would be obviously far beyond the 25 feet, but.....

Commissioner Miner: That would allow you to get into the rear half on the, getting past the rear plane of the building?

Matthew Kriedel: Definitely.

Chairman Aieta: How long would it take you to bring your piece of property into compliance with this site plan and the articles of approval? Do you have an idea of how long it would take? Because we are not going to go back and you come in and you move five cars and right this thing for the next millennium. I mean, how long would it take you to bring this into back into conformity?

Matthew Kriedel: I believe I could do it to your satisfaction within 90 days, sir.

Commissioner Miner: Would it be proper for us to offer a memorandum of understanding that says this has to occur within the next ninety days or your special permit would be revoked without further action. That would be my recommendation.

Commissioner Pane: You could just keep this open, so that after ninety days you don't even have to close this, you could keep this open, and then he could come in every 30 days, give us a progress report if he wanted, and then after 90 days if it doesn't meet our satisfaction then you could revoke his permit without a memorandum.

Craig Minor: If the Commission, if you are thinking of that direction, what I would recommend is that you close the hearing after an appropriate time, pass a motion, take an affirmative action that the permit is revoked unless the following; unless a clean-up within ninety days, and then if he is not cleaned up in 90 days, the revocation automatically kicks in. You don't have to revote, it automatically kicks in. So, we can discuss that after the hearing is closed, if the Commission is ready to close the hearing.

Chairman Aieta: At this point I am going to open it up to the public and get their comments on the record again, if there is any additional information that we might need from the public. People who are in favor of us revoking this permit please come forward, state your name and address for the record. That is to revoke this permit to operate at that location.

Peter Hoffman, 32 Francis Avenue: I was here at the last meeting. The picture that you had up there just a few moments ago, there was a pickup truck on the flatbed, it's old.

Craig Minor: The picture was taken today.

Peter Hoffman: It's old, that pickup truck is no longer on the flatbed, there is now a car on the flatbed, and the pickup truck is sitting along side of the flatbed. Mr. Kriedel has said that moving ten vehicles out would take a long time, but when a petition came through from the neighborhood, he had approximately 15 vehicles removed within two days, that were in the right of way, and cleaned up quite nicely. There were still some issues with a couple of engines still out. Those have been removed. They are within two feet of the inside of the chain link fence, up against the building. He has got two vehicles right in front of the building, a pickup truck and I believe an Audi. There seems to be a disjoint as to what he can do and what he has been able to do. It seems like we are being played for fools. You are. This has been going on for many years. I think it's about time that we hold his backside to the fire, and say, clean it up, or lose it. After 23 years of living on Francis Avenue and seeing this area go downhill, it's just not worth constantly beating your heads against the wall. Do something! If he wants to stay in business, fine, I have no problem with him staying in business as long as he cleans up the place. If he doesn't clean up the place, he is subject to laws and regulations just like everybody else would be. If I had a situation at my house, or if I had unregistered vehicles, you guys would be coming after my input as to what am I going to do about it. And I would only have a few weeks, a couple of months to get it done. He's had thirteen years approximately. Do something please for the neighborhood. I have nothing against him personally, I would like to talk to him about it. But I don't feel that I should. So as I'm saying, please come to a recommendation, give him a drop dead date that he has to be done, thank you.

Chairman Aieta: Thank you. Anyone else wishing to speak in favor of revoking the permit?

Karen Frisbee, 44 Brook Street: I did speak last week. I do think giving him 90 days is totally unacceptable. We are going to get into the winter season, and then he is going to say, oh I can't do it because of the snow, the ice, I think 30 days is more than enough time. As Mr. Hoffman said, he has had 13 years, at this point it should be taken care of. Thank you.

Chairman Aieta: Thank you. Anyone else wishing to speak in favor of revoking this permit? Anyone wishing to speak in favor of not revoking the permit? Anything from the Commissioners?

Al Ginn: I used to manage the lumber yard where he is right now, and even though I'm out of there a long time now, I've been very interested what is going on with that piece of property. I have only one question, I have been interested enough to try to get information about how it was going to be used when he first went in there, and my understanding was when he was proposing going in there and what kind of use there was going to be. At one time I think I heard what the number was, and it would be contained all in the back of the building, at least that was the impression that I got. I may be wrong, but that is what I thought I heard. I have watched over the years as things got closer and closer to the fence until the fence is almost bursting, and I'm thinking to myself, what is going on? I just wanted to see if I was right, I asked if there was a limitation and I heard one time, Rob, Rob Randich told me at one time that he was representing him, and I guess he severed his relationship, but anyway, he said that he was being pressed about what was happening to the property, and I can see what the frustration is from the people who lived around Francis Avenue and looking at that horrible mess day in and day out because every time I go to visit my daughter, she lives further up, I see it and it angers me, and I just thought I would let you know how I feel about it.

Chairman Aieta: To answer your question, I believe that the site plan that is approved is somewhere around fifty cars, and there is an excess of eighty, eighty-five cars on the property at this time. There are thirty something more cars than allowed by the approval that I have. There are an additional thirty plus cars on the site that are not allowed under his approval.

Al Ginn: That tells me a lot, thank you.

Chairman Aieta: Going back to the Commission, the Planner.....

Craig Minor: I have no objection to closing the hearing, but I will have some comments to make when we move this to Old Business or New Business to discuss.

Commissioner Pane: I think we can close the hearing, I think we have heard everything. It's on the record, we have heard from the applicant. He has told us what he feels he can take care of, how he feels he can take care of it, I think the next thing would be to close it so that we can have a discussion at the next meeting.

Chairman Aieta: Anyone else? I need a motion.

Commissioner Pane moved to close Petition 40-16 and move it to Old Business for the next meeting. The motion was seconded by Commissioner Miner. The vote was unanimously in favor of the motion, with five voting YEA.

Chairman Aieta: The next meeting of this Planning Board is the 26th of October. At that point the Commission will make a determination as to how we are going to handle this. We will have further discussions and hopefully we can come to a conclusion. I'm not trying to belabor this, but the procedures that we follow, we close the public hearing, and under our rules we normally would take it and move it to Old Business for the next meeting so the Commission can deliberate the findings of the public and the applicant.

- B. Petition 41-16: Special Permit (Section 6.2.4: Free Standing Business Sign) at 2545 Berlin Turnpike (Artisan Vapors) George Emerson owner, Image 360/Signs Now, applicant, Randy Hamilton 2434 Berlin Turnpike Newington CT, contact.**

Postponed

- C. Petition 43-16: Special Permit (Section 6.6.2: Alcoholic Beverages) at 3375 Berlin Turnpike (Wood "N Tap) WNT VIII LLC, applicant, Furniture Executives No. 4 LP owner, Michael Hamlin, 287 Chesterwood Terrace, Southington CT, contact.**

Michael Hamlin, 287 Chesterwood Terrace, Southington: Requesting an alcoholic beverage license for 3375 Berlin Turnpike.

Chairman Aieta: What kind of an alcoholic permit are you looking for? There are several classifications of liquor permits.

Michael Hamlin: I'm looking for a restaurant permit.

Chairman Aieta: And you would serve full liquor and beer and wine and alcohol and it's a standard restaurant, correct?

Michael Hamlin: Yes,.

Craig Minor: Do you have any plans for any type of entertainment?

Michael Hamlin: No.

Craig Minor: Okay, thank you.

Chairman Aieta: This is a public hearing, that's pretty much it, we are going to ask the public for comments at this time. Anyone from the public wishing to speak in favor of the application please come forward and state your name and address for the record. Seeing none, anyone wishing to speak in opposition to the application please come forward. I'll open it up to the Commissioners for comments.

Commissioner Pane: Mr. Chairman, through you to the Town Planner, the closest premise with a liquor license, and whether or not it complies with our regulations?

Craig Minor: I used the town GIS system to create a radius, a line 500 feet long, I chose the southwest corner of the building, but if you image that same distance from the door, which is about where the cross area is, any building, such as the Olympia Diner is more than 500 feet away, and that is the distance that restaurants with liquor need to be separated, but Olympia Diner doesn't have a liquor license, come to think of it.

Commissioner Pane: Yes they do, it's a full liquor license.

Craig Minor: Oh, okay. I could have gone from the corner of the Raymour and Flannigan, from the front door of where the restaurant will be to the front door of Olympia Diner and you can see that that is more than 500 feet.

Commissioner Pane: Thank you.

Chairman Aieta: We wanted that on the record because it is part of our requirements that we look at the closest liquor permit of the same classification, and they have a full restaurant liquor license. Any other questions, any other comments? I'd like to move this to Old Business tonight and then take action.

Commissioner Pane moved to close Petition 43-16 and move it to Old Business for action tonight. The motion was seconded by Commissioner Miner. The vote was unanimously in favor of the motion, with five voting YEA.

VIII. APPROVAL OF MINUTES

A. Regular Meeting of September 28, 2016

Commissioner Miner moved to accept the minutes of the Regular Meeting of September 28, 2016. The motion was seconded by Commissioner Pane. The vote was unanimously in favor of the motion, with five voting YEA.

IX. NEW BUSINESS

A. Petition 47-16: 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.

Chairman Aieta: Please come forward. Mr. Galvin, I'm just a little perplexed here, because you are here for an accessory use for a tent and you are asking us to approve a tent sale, and you already put it up. The tent is already there.

James Galvin: Yes, I wasn't aware that.....

Chairman Aieta: Yes you were aware Mr. Galvin because you called the Town Planner and told him that you were.....

James Galvin: I didn't mean anything.....

Chairman Aieta: We have given you permission in years past, but don't slap the face of this Commission that is here to help you. If you had a time problem, you should have come in and applied for this sooner, but to put it up before, at this point it's almost a moot question here, what are we going to do, tell you to take it down?

James Galvin: I understand, and if you do, I can take it down.

Chairman Aieta: No, no, I want you to understand. You do this every year, or every couple of years, come in and put your permit in when you are supposed to, and don't act before we act, I mean, it makes the Commission look ridiculous. We're hearing this and you already have the tent up full of hot tubs.

James Galvin: I understand.

Chairman Aieta: Okay, in saying that, it's pretty obvious what you are doing. Do you want to give us a real quick explanation and we'll move forward.

James Galvin: We have an inflatable tent set up and we install hot tubs under it, we're just trying to sell them at discounted rates until Sunday and it will be down Monday. I met with the Building Inspector yesterday and Chris Schroeder so we are all set.

Chairman Aieta: You have approval from the Fire Marshal?

Commissioner Miner: They were there yesterday.

Chairman Aieta: Commissioner remarks at this time? Can we have a motion to.....

Craig Minor: Why don't we do it now? I have a draft motion.

James Galvin: Can I ask a quick question? We have down time over the winter obviously, and can I apply for multiple years so we can do this and not go through the process every year?

Chairman Aieta: That would be better than coming in and asking us to approve it after. It would probably be a good idea.

Petition 47-16

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.

Commissioner Miner moved to approve Petition 47-16: 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.

Conditions:

None.

The motion was seconded by Commissioner Pane. The vote was unanimously in favor of the motion with five voting YEA.

Chairman Aieta: If; you want to come in, in the winter to apply, it would probably be a good idea.

B. Proposed Revisions to Section 6.2: Signs

Chairman Aieta: I think at this point you all had the revisions that the Town Planner had suggested to us. I would like to, at this time, leave it on as New Business for the next meeting. I would really like to have the other Commissioners here when we discuss it. This is too big of an issue to do on a limited amount of Commissioners. I would like to leave it on the agenda for New Business at the next meeting.

X. OLD BUSINESS

Petition 43-16:

Special Permit (Section 6.6.2: Alcoholic Beverages) at 3375 Berlin Turnpike (Wood "N Tap) WNT VIII LLC, applicant, Furniture Executives No. 4 LP owner, Michael Hamlin 287 Chesterwood Terrace, Southington CT, contact.

Commissioner Miner moved to approve Petition 43-16: Special Permit (Section 6.6.2: Alcoholic Beverages) at 3375 Berlin Turnpike (Wood "N Tap) WNT VIII LLC, applicant, Furniture Executives No. 4 LP owner, Michael Hamlin 287 Chesterwood Terrace, Southington CT, contact.

Conditions:

None

The motion was seconded by Commissioner Bottalico.

Commissioner Miner: Just one quick question, on the specifics of entertainment, is that anything that has to be written in as a condition?

Chairman Aieta: I would probably put it on there that the applicant has indicated to the Town Planner that he will not have entertainment. We can add that to the motion, so that in the future we don't have problems.

FINDING: The applicant stated that there would be no entertainment.

The vote was unanimously in favor of the motion, with five voting YEA.

XI. PETITIONS FOR PUBLIC HEARING SCHEDULING

- A. Petition 44-16: Special Permit (Section 3.22.2: Fitness Center at 161-169 Lowrey Place, Tyler English Fitness LLC applicant; Lowrey Place Realty LLC, owner, Tyler English 5A Cheryl Drive, Canton CT, contact.

Craig Minor: This is a fitness center in the Best Yet Market building. I would schedule this for your next meeting October 26th.

XII. TOWN PLANNER REPORT

- A. Town Planner Report for October 13, 2016.

Craig Minor: There are two items on the report. The first one deals with the suggestion that came up at a previous meeting that the Town Council consider rescinding it's immunity from the Zoning Regulations. I presented a memo with my thoughts on that. If the Commission wants to discuss it.....

Commissioner Pane: I don't know about the other Commissioners, but I still need more time to think about this. I think it's an important matter and deciding whether or not we want to send this up to the Council, I need more time.

Craig Minor: And the next item is related, the open space zoning regulation. So we can wait on that.

Chairman Aieta: We can take that up at the next meeting.

XIII. COMMUNICATIONS

- A. CRCOG Zoning Reports to Berlin, Farmington, Hartford, and West Hartford TPZ.

XIV. **PUBLIC PARTICIPATION** (for items not listed on the Agenda, speakers limited to 2 minutes.)

None

XV. REMARKS BY COMMISSIONERS

None

XVI. CLOSING REMARKS BY THE CHAIRMAN

Chairman Aieta: Just for the record, I would like to thank the Zoning Enforcement Officer, the Planner and Craig Miner for the work that they did on the problem that we are having on the Berlin Turnpike with the restaurant liquor permit, we'll see how that goes tomorrow night.

XVII. ADJOURN

Commissioner Bottalico moved to adjourn the meeting. The motion was seconded by Commissioner Camillo. The meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary

DRAFT