AGENDA

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND SEATING OF ALTERNATES

III. APPROVAL OF AGENDA

IV. PUBLIC PARTICIPATION (For Items Not Listed On The Agenda; Speakers Limited To 2 Minutes)

V. REMARKS BY COMMISSIONERS

VI. EXECUTIVE SESSION - Pending Litigation
   A. Amy Berube V. Town Plan And Zoning Commission Of The Town Of Newington.

VII. APPROVAL OF MINUTES
   Documents:
   TPZ MINUTES 12JUN2019.PDF

VIII. NEW BUSINESS
   A. Petition #18-19: Site Plan Modification At 80 Fenn Road. 80 Fenn LLC, Owner; Montana Nights, Applicant; Merle McKenzie, 80 Fenn Road, Newington CT, Contact.
      Documents:
      TP MEMO 80 FENN SPM 26JUN2019.PDF
   B. TPZ Discussion Of Window Signs
      Documents:
      TP MEMO WINDOW SIGNAGE 26JUN2019.PDF
   C. Plan Of Conservation And Development Update
   D. Newington Ridge Preserve Update

IX. OLD BUSINESS
   A. Approval Of Stipulated Judgement Re Amy Berube V. Town Plan And Zoning Commission Of The Town Of Newington.
   B. Petition #14-19: Zoning Text Amendment (Section 3.11.3, Section 3.17.8, And Section 6.11) Regarding Motor Vehicle Service Uses. Town Plan And Zoning Commission,
TOWN OF NEWINGTON
TOWN PLAN AND ZONING COMMISSION
JUNE 26, 2019 - 7:00 P.M.
Town Hall - Conference Room L101

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      TP MEMO AUTOMOTIVE TA 26JUN2019.PDF
      FINAL VERSION MOTOR VEHICLE AMENDMENT.PDF
X. TOWN PLANNER REPORT
XI. COMMUNICATIONS
XII. PUBLIC PARTICIPATION (For Items Not Listed On The Agenda; Speakers Limited To 2 Minutes)
XIII. REMARKS BY COMMISSIONERS
XIV. CLOSING REMARKS BY THE CHAIRMAN
XV. ADJOURN
NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

June 12, 2019

Chairman Frank Aieta called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in the 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 Anthony Claffey
Commissioner Michael Fox
Commissioner Domenic Pane
Commissioner Stanley Sobieski
Commissioner Stephen Woods
Commissioner Hyman Braverman-A

Commissioners Absent

Commissioner Michael Camillo
Commissioner John Bottalico-A
Commissioner Giangrave-A

Staff Present

Craig Minor, Town Planner
Andrew Armstrong, ZEO/Asst. Town Planner

Commissioner Braverman was seated for Commissioner Camillo

III. APPROVAL OF AGENDA

Chairman Aieta: Mr. Planner, are there changes to the agenda?

Craig Minor: Yes Mr. Chairman, two items to add. Under Petitions for Public Hearing Scheduling, we have received for a text amendment Petition 23-19, Zoning Text Amendment for a new section, Transit Village Design District. Newington Town Council applicant, Andrew Brecher, contact, so I recommend putting that under nine B Petitions for Public Hearing Scheduling.

I also just yesterday received an application from Phantom Fireworks, they want to have a July fireworks and sales, and I told them I would try to get it on the agenda for tonight because if they have to wait until the next meeting they would have like a week to sell the fireworks, so I recommend that you add that to New Business, Petition 24-19, Fireworks Tent Sale at 3164 Berlin Turnpike.

Chairman Aieta: Any questions on the changes to the agenda?

The changes were unanimously approved by the Commission with seven voting YEA.
IV. PUBLIC PARTICIPATION (For items not listed on the agenda; speakers limited to two minutes.)

Patti Foley, 51 Crown Ridge: Last night I happened to be listening to the May 22nd TPZ meeting, yeah, I need a life. I found it very interesting and I sent an e-mail earlier regarding how to get the information about the POCD out to the folks, and there was quite a bit of discussion back and forth and I had a headache by the time the meeting was over, so I thought if I could bring to you an opportunity to put together, something that we can send out every week through NCTV, whether it be on our channel 14 or 16, but also through our Facebook page, opportunities where we might do short videos and I mean short, I don’t mean like fifteen minutes, I mean short on a particular subject that would get the public to understand that this is what we want to hear about. The one thing that I don’t know is, at a public hearing, what am I going to talk about? I don’t know, so having some dialogue in advance of the meeting may be an opportunity for those of us in the public who are interested, generally may have the opportunity to actually think about it, what topics would be considered and then plan. This would be for the 2030 Plan, as we have referred in the past to the 2020 Plan, this would be the 2030 Plan. So that is why I am here, thank you very much.

Chairman Aieta: Patti, would you mind if I had our consultant get in touch with you through the Town Planner....

Patti Foley: Not at all.

Chairman Aieta: If you would give your contact information to the Planner, and then he will have the consultant, we have a consultant that is putting together all of the media and he is going all of the legwork for us, so if you could work with him, I would really, really appreciate it. We talked about it, but we, this would be great.

Craig Minor: I have already done that actually. I cc’s that e-mail from you today and I have already sent that to Glenn Chalder to get together to talk about taking advantage of NCTV.

Patti Foley: That’s what we are here for. We’re here to support you. Thank you, have a great night gentlemen. Let’s have a little bit more of an exciting meeting, okay?

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

V. REMARKS BY COMMISSIONERS

None

VI. ZONING ENFORCEMENT OFFICER REPORT

Andrew Armstrong: I do not have any new temporary sign applications or renewals since our last meeting. I was out for a week last month for Zoning Officer Training, just so you can keep that in mind as you are reading the May 2019 report. With that, are there any questions?

Commissioner Claffey: 29 Clarendon Terrace, on page 6, this is like what we talked about on West Hartford Road, with the house using unpaved stone next to it to put cars on. 29 Clarendon Terrace, there is an unpaid portion of the property. I guess we need a better definition of what a vehicle can sit on, on the side of the house that is right on the property line. I have seen a lot of these......
Chairman Aieta: I think the regulations state that it has to be a paved area.

Commissioner Claffey: Right up to the property line, the paved area?

Craig Minor: Not exactly, if parking in the front of the house, it means the driveway, but the regulations are silent are to whether the cars behind the house needs to be on pavement, and I think that is fine, because if you think about it, most of the times if there is a car in the backyard, way in the back, on the lawn, I wouldn’t want to do it, but it’s pretty common, and it’s not really a violation of the regulations. I don’t think you want everyone to pave their backyards so they can put that truck that they have been working on for the past twenty years that still isn’t road worthy…….

Commissioner Claffey: So anyone can pull up next to their house, park the car on the side of the house, park the car on the grass, and that's okay?

Craig Minor: I’m saying there is no regulation against it.

Chairman Aieta: Parking in the side yard, not the back?

Craig Minor: The side yard, that’s a gray area.

Commissioner Claffey: My question is also setbacks, if you have setbacks on a house, you could have a setback on a driveway.

Craig Minor: Well, driveways have to be five feet from the property line.

Commissioner Claffey: But you are okay with using the side of the house as a partial driveway, I want to make sure that we are all understanding that way.

Craig Minor: And the regulation is gray, and in fact, Andrew and I talked about proposing an amendment to clarify that which we will bring to you at the next meeting. It’s been treated by previous ZEO’s a certain way, but that is problematic the way that it has been interpreted in the past, I can go into more detail when we present the amendment to you at the next meeting.

Chairman Aieta: Anything else Anthony? Anyone else?

Commissioner Claffey: The illegal signs that are popping up, and there is a bunch. None of them have come back in the last two weeks to, like Wendy’s, that was a violation on the 28th, did we send a notice out or what?

Andrew Armstrong: I have been instructed by the TPZ to do a face to face with the manager and they took the sign down right then, and they haven't put it back up.

Commissioner Claffey: I see some have notices, but no new, I guess what I'm getting at is that out of all of these, has anyone come and, I guess you answered that earlier, no new permit signs.

Andrew Armstrong: Correct, I had a couple of people inquire about it, seems like they might be on the cusp to apply, but no new ones. Where you see a an illegal H frame sign violation it’s typically where I go out and remove the sign from the right of way.
Commissioner Claffey: 191 Brookside Road, is that a residential property or commercial?

Andrew Armstrong: It’s residential, the out of state plates was not a violation, but the heavy equipment was. It’s been removed and they are now compliant. Actually they did it fairly quickly, within two or three days.

Commissioner Claffey: 14 Dean Drive, this has been going on for seven months, six and a half months?

Andrew Armstrong: They were in contact with me a lot, and you can see on April 30th they gave me an update that they had moved everything out of the storage unit and they were just waiting for it to be picked up. Since then I reached out to them multiple times and I haven’t heard back from them so it’s now at the point where on June 5th I sent a citation. They have ten days to appeal that.

Chairman Aieta: Fenn Road, the parcel on Fenn Road, they never came back with a site plan.

Craig Minor: They have actually hired a Weston (inaudible) to prepare a site plan and we met with their engineer last week. We explained what we need.

Chairman Aieta: Are they operating out of there?

Craig Minor: They are. They have a site plan that shows the majority of their parking lot as gravel. The regulations don’t prohibit gravel. Gravel technically comes to be considered impervious but we warned them, and they will make a case for why it’s very expensive to pave, I’m just giving you a heads up that the site plan that you will see will probably show a large part of that area remaining, well not remaining as gravel, but it will be improved as gravel, but that’s their preference is to pave only where the trucks will be.

Chairman Aieta: Are they meeting all of the storm water requirements?

Craig Minor: They will have to, they haven’t submitted it yet, but they know that they have to.

Chairman Aieta: We’ll want to see that complete application when they come in, we don’t want to see pieces.

Craig Minor: Right.

Chairman Aieta: Anyone else have questions for the ZEO? Thank you.

VII. APPROVAL OF MINUTES

Commissioner Sobieski moved to approve the minutes of the May 22, 2019 minutes. The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion, with seven voting YEA.
VIII. PUBLIC HEARING:

A. Petition 14-18 Zoning Text Amendment (Section 3.11.3, Section 3.17.8, Section 6.11 Motor Vehicle Service Uses. Town Plan and Zoning Commission, Applicant.

Commissioner Pane: Mr. Chairman, I’m going to recuse myself for the same reasons that I stated before on this application.

Chairman Aieta: Mr. Planner?

Craig Minor: I don’t really have anything new, the hearing was kept open after the last meeting for additional comments, but to be honest, I’m not sure why.

Commissioner Woods: I thought it was because of the distance, I know I lost on the distance but the doors, the doors are no longer an issue facing the street and that is why we kept it open actually.

Chairman Aieta: Why did we keep it open then?

Craig Minor: Maybe to give the public an opportunity to talk about the merits of having the doors facing the street because that was what was heard at the last meeting....

Commissioner Woods: Actually I thought we kept it open because you were going to reapply and do it all over again because that was a significant change.

Craig Minor: That was what last meeting was.

Commissioner Woods: That was my understanding. It was the hundred foot buffer, am I correct?

Craig Minor: The reason we started all over again at the last meeting was because of the buffer and the garage door issues. So that is why we started again at the last meeting. I don’t know why we didn’t close the hearing that night. Maybe to give the public more time to think about the impact of these changes.

Chairman Aieta: We’ll open it up to the public for, does everybody understand that we had two issues, the two issues, one was the distance requirement and the other was the garage doors.

Commissioner Claffey: In your memo, under 6.11.2 there were some changes and some of the public comment had to do with regards to an Auto Zone allowing them to go out and do replacement and putting a headlight in and I remember the public, the person who came and spoke said, I’ll use Modern Tire as an example, where he is not allowed to pull the vehicle out to do like a ..... 

Chairman Aieta: That is part of the 6.11.2 per the staff amendment for the revision.

Craig Minor: Right, and when the hearing is closed and the Commission then finalizes the amendment, I am going to recommend that this be in the final version. It’s not a controversial issue the way that the buffer is and the garage doors are.
Commissioner Fox: I think that was one of the reasons that we left it open. It wasn't in there and Bob, Mr. Amenta had mentioned it so,.....

Craig Minor: It was his idea originally.

Commissioner Claffey: Have we vetted that enough for public opinion? Those changes that come out of that, outside of the doors and distance?

Craig Minor: Yes, I think so.

Commissioner Sobieski: Mr. Planner, I'm reading your comment here on 6.11.7 where it says that where the house, it was DOT property, but since it became a house, Firestone now is technically in violation of.....

Craig Minor: No, it (inaudible)

Commissioner Sobieski: But they would have been.

Craig Minor: They would have been non-conforming. They wouldn't have gotten approval if the house was (inaudible) at that time.

Commissioner Sobieski: My question is, what happens, like at Mr. Amenta's property if house or a building there that becomes residential property, what would happen?

Craig Minor: Say that again?

Commissioner Sobieski: What happens if another automotive business that there was a building next to it, and the property next to it becomes residential, what happens?

Craig Minor: If there is an existing commercial zone next to a residential zone, in theory, that business is already, has already provided a buffer because you have the rule, town wide, that any commercial property next to a residential zone has to have a buffer area of at least 25 feet. Let's say, the business was approved before you had the buffer requirement. If the owner of what is now the commercial property next door comes before you and asks for a zone change to residential, and then the property becomes residential, that doesn't have any immediate impact on the existing business next to them. They are non-conforming. They are grandfathered. Now, that would have an affect on their ability to expand in the future, but it wouldn't be a problem for them to continue operating.

Commissioner Sobieski: So my second question is how, let's assume I own a business and I'm non-conforming, I want to see if, I would have a problem. Am I correct?

Craig Minor: No.

Chairman Aieta: What would be the problem?

Commissioner Sobieski: Because the building itself is non-conforming at that point. That's my question. Would I have a problem selling a building that is non-conforming, that is in a non-conforming area?

Craig Minor: I think if you had an appraiser here he might, he would tell you whether being non-conforming impacts the value of the piece of property, I think it depends on a lot of specifics. You need to think location. Would it decrease the value of the property? Probably
because if you buy you know you won't be able to expand which you would if it was conforming. Yes, it probably would impact the sale price?

Commissioner Sobieski: The second thing with that, would that prohibit me or give me a harder time if I wanted to take a business loan out on that?

Craig Minor: That would be up to the bank.

Commissioner Sobieski: I'm asking the question because if the property is non-conforming and would that in any way, shape, or form cause a problem for that individual trying to get a loan?

Craig Minor: It would be the policy of the that particular bank, I mean, if it was a small town bank, used to doing business in town, understanding what non-conformity is, understanding that it is not anything bad, it might not be a problem. You might have to shop around a couple of banks to get it, but at the end of the day if it was a good business, there would be no reason for the bank not to lend you the money.

Commissioner Sobieski: I guess I'm comparing this to someone who has an illegal apartment in their house, and they want to sell their house, and we have had several, that's all, that's why I'm concerned.

Craig Minor: An illegal apartment, sure, I can see that.

Commissioner Sobieski: Then they would have a problem, I think there was one on Wilson Avenue or something, can't remember now, that had, they had to take it out. I'm just asking if that same criteria apply to commercial property as well. That's all I'm asking.

Craig Minor: That's a good question, and really a banker would give you a better answer, but really I think the difference between a legal non-conforming and an illegal apartment, those are pretty different things. A bank would treat them differently.

Chairman Aieta: I don't know how we would get away from classifying them from what they are, they are non-conforming. Some of them still are going to be non-conforming. I don't know how we get it so everybody......

Commissioner Sobieski: I just don't want to hurt anybody. That's all.

Chairman Aieta: I don't either, but it's the nature of what we are doing here.

Commissioner Woods: I think the Planner as he said, legal non-conforming which is a difference from non-conforming. It sounds much better.

Craig Minor: It does....

Commissioner Woods: There have been changes within our zoning regulations after that building was approved for whatever reason it was approved for, and then the zoning board, at whatever time, has changed them, has made them non-conforming. But it's still legal.

Craig Minor: Right. The term legal non-conforming is actually redundant because non-conforming means something that was allowable at the time, but since then the regulations have changed. You will hear me say, once in a while, to emphasize the point, but it is
redundant, it's still legal. If it never complied with the zoning regulations, that would be illegal, not non-conforming.

Commissioner Woods: The piece of property that we are talking about right now, they didn’t cause that to happen, zoning board did, but they had nothing to do with it at all.

Craig Minor: That’s right.

Commissioner Claffey: I have a question, a clarification on this packet you have, page 2, which is, the top of the page is revised May 9th, 2019. I just want to make sure that, I don’t see the changes on this page.

Craig Minor: Right, because what I am doing is I am giving you the amendment as it was proposed, at the time it was published, I’m not making any changes to the basic document.

Commissioner Claffey: So that brings up my second question, with some of these on this page 2, if you move forward, we may be putting more properties in a non-conforming, say like 6.11.4, No display, sale, rental, or storage of any motor vehicle is permitted in the required front yard or in the street right of way. The reason I bring that up is that you have two rental facilities that all of their cars are stored, some of the cars on one side of the pike at Avis are stored in the front in the parking lot, and on the other side, going south at Enterprise, all of their cars are in front. So if you go and enact this, those two properties are going to be legally non-conforming which is going to make it worse.

Craig Minor: Currently no display, sale or rental or storage of any motor vehicle is permitted in the front yard, so that is how it is now. That’s the law of the land today. If this amendment is approved, then sales, rental is no longer prohibited….okay, right now the rule is no display or sale or rental or storage of any motor vehicle is permitted in the front yard. If the change is approved, then it will take that no display or storage is permitted in the front yard. We are deleting the prohibition of sale or rental because one of the things that this amendment will do, it will once again allow sales and rental of motor vehicles. So this change liberalizes...

Commissioner Claffey: It still makes it non-conforming.

Craig Minor: No it doesn’t.

Commissioner Claffey: If this is enacted, let’s say it’s enacted, just for discussion, enacted tomorrow this tells me it’s not allowed.

Craig Minor: No, I’m saying, it will become allowed. Right now it’s not allowed. Right now, sale and rental is prohibited. So by taking this out of that paragraph....

Commissioner Claffey: You are taking display out of, the people who spoke in favor of, or our legal counsel will look at it the same way that I am, it kind of throws me for a little bit of a loop. I’ll read it, no display or storage of any motor vehicle intended for sale or for rent is permitted in the required front yard or the street right of way. That would be tomorrow, hypothetically this goes into action.

Craig Minor: Yes.

Commissioner Claffey: So you can’t store any rental vehicle in the front of the building.

Craig Minor: That’s the rule now.
Commissioner Claffey: But it’s allowed.

Craig Minor: No, you can’t, it’s prohibited.

Commissioner Claffey: We approved a company to do just that. When they moved from O’Neil Plaza across the street.

Craig Minor: No, no we didn’t. That was negotiated by the ZEO to reduce a non-conformity. This Commission never approved that. It never came before this Commission. That was the ZEO that did it, as I said, to reduce a non-conformity across the street.

Commissioner Claffey: But I’m saying, a business today that has those, they operate like Enterprise. Today, and tonight at twelve o’clock hypothetically the rule goes into effect, that same business will be out of compliance.

Craig Minor: They will still not be allowed to. They aren’t allowed to now.

Commissioner Claffey: They’re not allowed, but they do.

Craig Minor: If they do anything legally today…

Commissioner Claffey: But they have been doing this since their inception.

Craig Minor: I don’t doubt that there are some car rental places in Newington that…

Everyone talking at once.

Commissioner Claffey: Opening a car rental facility, this is prohibiting if they are selling the cars, whatever, you are prohibiting them from even having them out on the front curb.

Craig Minor: By prohibiting them from having them in the front yard.

That is the intent of this regulation. Now, if this Commission feels that that is excessive, then when the hearing is closed and you go through it and you tweak or whatever that you could agree to eliminate that.

Chairman Aieta: I don’t want to see cars in the right of way, I don’t know how the Commission feels but that is something that has been in the regulations and it should stay. It says specifically the right of way and when you are talking about the Berlin Turnpike, that’s what we are talking about is state property. We have a problem right now with a lot of properties that use the state right of way as part of their property and it’s really not theirs.

Anything else? Any other questions or concerns, and if not let’s open it up. Does anyone wish to speak in favor of this application from the public, please come forward, state your name and address for the record.

Anyone in opposition?

Robert Amenta, 3455 Berlin Turnpike, Modern Tire: We’ve gone over these regulations quite a bit and one of the biggest things for me is that my business has been non-conforming since 2007, so when the regulations came back with Firestone and the original did not address my particular piece of property, so the concern that I have, is here we are and if the new regulations come in and I am still non-conforming use, so in regards to liability and it’s value, I understand that if the property is conforming and all of a sudden because of a zone change next to it, it becomes a non-conforming property, but I think that as a business person or investor, you take that into account when you are making your investment. Are you really
next to a property that could become residential? Whereas in my particular situation I’m right in the middle of a commercial zone, so I’m not even concerned about that. My concern is that when the regulations got reinstalled back in 2012 I was still non-conforming, so my hope is that with these new regulations that you put in that I will once again become conforming so that I can make modifications or revisions to my property. I came in a few years ago and showed some scenarios or schematics for adding onto my property and making some modifications and at that point in time the suggestion was just wait until the regulations had been finalized and here we are, seven years later and I’m still in a holding pattern in regards to my property. So my hope is that this gets resolved and I can become a conforming use so that I can add on to my property. There is a difference between properties that are legally non-conforming and those that aren’t legally conforming. Those are the different issues that we have to deal with, but being the property in the middle of the commercial zone I would think that it should be written so that my property would be able to conform.

Chairman Aieta: What areas Mr. Planner is his property deficient to become conforming.

Craig Minor: I don’t know.

Robert Amenta: When the regulations were written in 2012……

Chairman Aieta: If we make the changes, will your property be conforming?

Robert Amenta: If we make these changes right now?

Chairman Aieta: Yes.

Robert Amenta: I’m not quite sure what you guys, all you Commissioners are going to agree upon because there have been some many different changes to the regulations that, I have the memo that was in the packet, with the changes that now are proposed, but then the regulations were still the revised regulations from May 9th, so we had the last meeting a few weeks ago, and there were comments, but none of those comments were put into the regulations. I expected that.

Chairman Aieta: He explained that……

Craig Minor: I just thought it would be too much of a moving target to change the May 9th version, because that is what was filed with the Town Clerk, that was the subject of the public hearing last week, and I opted not to make any changes to that, instead I did it in the memo, that two page memo.

Robert Amenta: There were a lot of comments made in the last meeting that are not even in the two page memo. One of them was in 6.11.3, just for consistency, it says, any entrance should be 100 feet from a church, school, playground, hospital or any residence but then in 6.11.5 it says residential zone, so I thought for continuity that should be residential zone. The storage is an issue that I think has to be resolved between Commissioners. There were some comments on that. The repairs that you, the portion that you put in that says the replacement of disposable parts such as windshield wiper blades and starter batteries may take place outside the building, I still think that is a little gray area. Disposable parts, brake pads are disposable parts, they wear out and they are disposed. So I think something along the lines of, the replacement of minor parts that typically take fifteen minutes or less to replace may take place outside the building on a limited basis. So, you don’t want to see me with cars outside every single one of my bays, every single day, replacing batteries and replacing windshield wipers, but on a limited basis, if you drove by and you saw one car
outside and we were putting a battery in it, or we are installing a spare, that I think should be acceptable, but I think that, that wording should be more succinct and covers the various items that could be serviced in that time, and I think fifteen minutes is a good time period because you would not want a car sitting out there for an extended period of time. You could say I'm just putting a battery in, well, why is it sitting there with the hood open for half the day, so I think that kind of protects you a little bit.

In 6.1.6 you had mentioned the type of material that should be used on the side of the building. I had made mention that it should state road facing, because on my building if I were to add onto the building, would I need something on the back, on the front, where I would have to put split block on the back of my property. I can understand putting it on the front, it's very important, dryvit, it would look nice, but on the back of the property, it's not necessary and I thought there should be some clarification there.

The other things, if the overhead doors are going to be allowed, I just wanted to know if I have ten bays right now, I have ten bays facing the Berlin Turnpike, can I have fifteen bays facing the Berlin Turnpike? Or, will it be the ten bays that I have, and you can increase, but you can add on and put them around the back. Those are my comments and hopefully you will take them under advisement, discuss them, but the main thing though is my desire to become a conforming property so that I can use my property as other conforming uses or new applications are able to use their properties. Thank you.

Chairman Aieta: Anyone else from the public? For or against? Can I get a motion to close the hearing?

Commissioner Fox moved to close the public hearing on Petition 14-19. The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with seven voting YEA.

Chairman Aieta: We will close the hearing and move it to Old Business for the next meeting.

Craig Minor: Why not move it to Old Business for tonight and talk about it so that I know what you want me to come back with at the next meeting.

Chairman Aieta: We can put that under Old Business, Item G. That ends of the public portion on the agenda, we will get into New Business.

Commissioner Pane returned to the table.

NEW BUSINESS

B. Petition 18-19: Site Plan Modification at 80 Fenn Road, 80 Fenn Road LLC, Owner, Montana Nights, Applicant, Merle McKenzie, 80 Fenn Road, Newington CT, Contact.

Chairman Aieta: Is this ready?

Craig Minor: No.

C. Petition 22-19: Second Extension of Map Filing Deadline for Resubdivision of Property at 178 Meadow Street, Estate of Faye H. Karanian, Owner/Applicant; Mark Friend, 81 Rankin Road, Glastonbury CT Contact.
Craig Minor: The applicant has asked for another extension of the map filing deadline. I have no objection.

Chairman Aieta: Is there a motion?

Craig Minor: Yes, there is a draft motion in the packet.

Petition 22-19
Second Extension of map Filing Deadline for Resubdivision of Property at 179 Meadow Street.
Estate of Faye H. Karanian, owner/applicant;
Mark Friend, 81 Rankin Road, Glastonbury, CT, contact

Commissioner Claffey moved to approve Petition 22-19: Second Extension of map Filing Deadline for Resubdivision of Property at 179 Meadow Street. Estate of Faye H. Karanian, owner/applicant; Mark Friend, 81 Rankin Road, Glastonbury, CT, contact. No conditions.

The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion, with seven voting YEA.

Commissioner Claffey: Does the extension have a time frame?

Craig Minor: Ninety days.

D. TPZ Discussion of Window Signs.

Commissioner Claffey: Thank you for letting this come back up again. I have sent photos to the town staff and the Chairman several weeks ago and I wanted to get the Commissioner’s opinion on discussing the excessive amount of window signage. When you go around town to different businesses in any location, it’s just a general practice that there are some businesses that, every piece of their façade facing the street or parking lot has signage on it. Some of the those you can’t even see into or out of. Some of it is repetitive, and I wanted to get your opinion on a package store, liquor store. One of the signs didn’t even say the name of the business, I guess the name of the business was Beer and Liquor. You can’t even see in the building, signs are bolted on the wall, so that made me kind of go around town and look over the last six or eight months, and there are some businesses in town that just have the business name on the top of their store, that’s it, and then others, right next door, if you go down Market Square you will see some where the business name is above the business and every inch of window explains what they have inside that business, so I just want to get a consensus and what you think about it in regards to our regulations.

Craig Minor: As I recall, Mike D’Amato, had a policy, on advice from us that no more than fifty percent of the window can be covered, blocked by signs and if a merchant stayed within that agreement, Mike wasn’t going to give them a hard time, but if they exceeded it, Mike would do whatever he could to get the person to stop, so if there are some in town that are violating that agreement, that would be appropriate for Andrew to go and talk to them about.

Commissioner Pane: I think Anthony has a valid concern. I think there is several towns that put restrictions on it for safety reasons, in case the police department gets called to that type of business and if they can’t see in and every space in the window is blocked, it could become a problem, so it’s nice to hear an informal policy on it, maybe we could get updated on that and then maybe we should turn it into a formal policy with a little bit more research.
from the other towns. I would also like to hear from the Chief of Police to see if he has any concerns on it too. Thank you Mr. Chairman.

Commissioner Claffey: Just to clarify, I know there are, I’m not saying we have to regulate the signs, but you have some who do put something on the glass, a portion of one window, and a picture or something, but I feel that the signage in town is getting a little out of control again. We have a handle on the temporary signs which is nice, but I don’t know if I am just out here on an island or I don’t know what anyone else thinks about how the town signage looks. We regulate for sale signs, we regulate for lease signage, and those can get pretty big, I’ve seen banners in town and we have combated that.

Commissioner Fox: I’m not so sure we can actually regulate what a store owner can put in a window, that’s what bothers me. Not necessarily the freedom of speech, we can’t tell them what to say, but I think that we what we need to do research on, I don’t know if you would want to either, but we should look into that.

Commissioner Claffey: I agree with you, I like the feedback, I think it is warranted, I think, but we do regulate size of temporary signs and size of for lease that go in windows that are vacant, and this is something to think about.

Commissioner Woods: I hear your concerns, but I don’t know how you could regulate it and I guess I’m struggling with signage or display. What is it? So if a window is set back a little bit and there is a nice display, that’s okay? But, if it’s right on the window, it’s not okay? Even if we say we don’t want stuff on the window, if it’s set back two inches from the window, it’s not on the window, I think it is the practice of this board, or commission not go after signs on the interior of the of the window. I don’t know how you would regulate that. I have no idea how you could possibly do that.

Craig Minor: I think you could, because there are towns that do. This town just has chosen not to. I would first ask you to decide whether you want to and then we will have to come back with a regulation that does it and then we can debate that regulation.

Commissioner Woods: I will use as an example and I think our ZEO does his best, but this is an eleven page report and it’s basically just exterior signs, with a few other things mixed in, but it’s mostly exterior signs, so now we are going to up to, it’s going to be a full time job, it’s going to be nothing but signage.

Craig Minor: And he would first have to document who has currently because they would be grandfathered, they would be legal non-conforming, so you would have to go around and see who currently is doing it, so if someone new starts doing it, he can make that person stop and allow the ones that are currently doing it to continue to do it.

Commissioner Pane: You just told us that you have a policy that the Zoning Enforcement Officer is not allowing more than fifty percent of the window space taken over, that is your unwritten policy that you are enforcing today.

Craig Minor: Right, so if we come up with a regulation that prohibits signage in the windows, people who currently have signs would be able to keep it because there is no rule against it.

Commissioner Pane: I don’t think anyone wants to prohibit it totally, at least I don’t want to prohibit it totally, I think that it’s okay to have some signage in the windows but for safety reasons I think near the entrance way possibly, I imagine that the Police Department would
like to have those opened up, and that is why some of the other towns have put in some regulations in there on where they can be and how much space can be taken up.

Commissioner Claffey: Right in the report today there is one, package store, 2134 package store advertising signs on exterior walls.

Craig Minor: On the walls, the wall……

Commissioner Claffey: What I am getting at is that you are starting to see a lot more of that. I do agree with Commissioner Woods about the windows and regulating that is probably very, very difficult but these are, they get the sign approval and then it starts to just migrate into something bigger over time because there is no regulation. A new business on Market Square came in for signage and then there was nothing on the window and then they get the approval here and they put the sign above the window and then mysteriously all the windows are now signage. Decals attached to the windows, I get like driving by say a carpet store and seeing their display that is on a rack inside of the store, I totally agree with that, but we have violations of signs upon signs upon signs so actually signage, not just A frame. I mean, we corrected that, I see twelve pages of A frame sign violations because no one knows about the A frame sign regulation even though it’s been two years or so. It's the appearance.

Chairman Aieta: We should get a report from the Police Department, we should get some information from the Police Department if they have concerns about safety, number one and number two, we have to look at this, not that maybe we should cement the requirements of fifty percent and not go beyond that.

Commissioner Sobieski: I seem to remember at one of the CRCOG meetings there was a Supreme Court ruling Gilbert vs Arizona about signage, you might want to check into that.

Craig Minor: Oh right, sure that was (inaudible) to the industry a couple of years ago when it happened and that’s why we now, and you guys get it, we talked about how you can't regulate content, you can’t regulate what the sign says, you can regulate how big it is, where it is, but you can’t regulate what the signs says and that is what Gilbert was all about.

Commissioner Claffey: And I've said from the beginning, I'm not asking about what it says, because they have signs basically telling everybody what is in their store. Beer and Liquor, I thought that was the name of the business, but it isn't. So, also I would ask that staff look into what towns around us have made happen or that you know of. Debunk my questions, or give merit to it, to think more about it.

Commissioner Woods: I know there is an establishment in the center of town that has signage but the windows are probably eight feet off the ground, so there is no interference with looking in, so are we going to try to regulate that too. It becomes very difficult, and I think that if it is not illegal or it’s on the side of the building, it’s signage. Outside, it’s ours, even if it is outside of the window it is regulated. One the inside of the window, I think we need to be careful.

Commissioner Fox: I agree with Commissioner Woods, I think that……

Commissioner Pane: I think that it would be important since there is an unwritten policy now that for that unwritten policy to continue I believe it should be in our book.
Commissioner Braverman: I would think that you would have to have some transparency through a window to be able to see without covering the entire window. That you have to have some level of transparency.

Commissioner Claffey: I don’t disagree with any fellow Commissioners, I like the discussion, I think we are having a pretty normal discussion about the issue and like I said, transparency, I didn’t even think of that like bus wrappings, you still see in the bus but there are businesses you can even see in. If the door opens, you can see in, when it closes you can’t see anything, which I don’t even know if you can regulate that.

Chairman Aieta: Let’s start with the Police Department and get a report back and to whether they have concerns. Then we will re-visit this.

E. Plan of Conservation and Development Update.

Craig Minor: I have nothing to report on that item.

F. Newington Ridge Preserve Update

Craig Minor: Nothing new to report.

Chairman Aieta: The fireworks application?

Craig Minor: He’s here.

Petition 24-19
Fireworks Tent Sale (Section 3.23.3.1.B)

Todd (Inaudible) Vernon CT, State Manager: First of all, I’d like to thank you all very much for having me on the agenda this evening. This season we would like to erect a 20 x 30 tent at 3164 Berlin Turnpike, Newington Commons, in the area of the shopping center which I believe you have the site plan showing. There will also be an 8 x 20 storage container placed on site. This storage container is used for the overnight hours to safely secure the merchandise.

Chairman Aieta: This is in the Wal-Mart shopping center? Correct?

Todd: Yes.

Commissioner Pane: Were you on the Berlin Turnpike last year and if you were, where were you?

Todd: We were not.

Commissioner Pane: Thank you. Can I ask another question? Are you planning any signage?

Todd: That’s a great question after hearing your signage conversation. We do typically put signage on the tent. We do not typically put signage on the road unless it is allowed, if it is not allowed, we do not. We typically put signage on the tent, on the top and on the sides and if there are any permits required for that of course we would pursue that.

Chairman Aieta: When are you going to start this?
Todd: Our sale dates will be from June 26th through July 6th.

Chairman Aieta: The only signage that we allow will be that on the tent. You can't put signage out on the road anywhere. No free standing signs or anything else, no flags, or banners.

Any questions from the Commissioner? Mr. Planner?

Craig Minor: This just came in yesterday so I didn't have a chance to let the police department know, but I can't see that this would be a problem.

Commissioner Pane: I move that we move this to Old Business and act on it tonight. The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion with seven voting YEA.

G. Auto Regulations

Commissioner Pane reused himself from the discussion.

Chairman Aieta: Do you want to proceed with the discussion on the auto regulations? We have to give the Planner some indication as to what you want him to take in the memo and put it in the regulations.

Craig Minor: Right, is there anything in the May 9th version that the Commission doesn't want, and I'm assuming that the Commission is going to be adding the windshield wipers and battery regulation I heard Mr. Amenta's comments, I would prefer to leave it as is rather than get into a fifteen minute because that just gets kind of excessive. I think if the ZEO sees someone doing anything more, in his judgment than the standard windshield wiper and batteries, he would speak to that merchant. Brake pads, that makes me nervous. Now I see somebody with a tool box along side of the road doing work. I think as a rule of thumb, I'm thinking out loud here, anything that doesn't require tools to do, batteries will require tools to change, but a windshield wiper blade doesn't require tools, changing a battery might not require tools, so those kinds of things I think would be fine, and the ZEO would assume that those would fall under the intent of change.

Commissioner Woods: I'm happy with this, and I think if it doesn't work we can always come back and take a look at it, but again, I think the intent here is we are not going to have cars rebuilt outside, but if it takes fifteen, twenty minutes, change a tire, I think that what we are trying to do and I think it makes sense. The auto part stores advertise that, buy a battery, we install it for free, I don't think we will see a lot of it, but they do do it. The other thing, the service doors shall not be permitted facing a residential zone. I would still like to see that not in there and that we control that through a buffer, a landscape buffer.

Chairman Aieta: I think that crux of that regulation, facing the residence zone, most of our problems with the auto regulations came from some residences and (inaudible), problems with the sight line and everything else. As far as the doors opening up facing the street, I don't see that as a problem. As far as keeping it from the residence zone, I think that is a problem. (Inaudible)

Craig Minor: It wouldn't affect existing businesses but there might be some that have been there for twenty years, thirty years that are near residential zones and if they wanted to add a roll up door on the side of the wall that faces a residential zone, they would have to come in for a special permit, they would have to satisfy the 25 foot buffer regulation, and even if you still thought it wasn't sufficient in protecting the residential neighborhood you could still deny
it. So I think the special permit aspect that has everything in here gives you a lot of ability to protect the residences, so I don’t think you need to allow, or disallow overhead doors because you are going to have the opportunity to approve them on a case by case basis.

Commissioner Woods: That is my point, because it is a Special Exception we will have that ability if it is facing residential, it might be that the doors can’t face the residential, or if there is enough room, they could be required to have a buffer. We can do it on a case by case basis. If this goes in there, facing a residential, it doesn’t matter because it’s a reg and we can’t change it, correct? We can’t allow, so if this change was made and someone came in and we didn’t allow doors facing......

Craig Minor: No, it’s opposite. By taking this rule out you are......

Commissioner Woods: The way this is written, overhead service doors shall not be permitted facing the residential zone.

Craig Minor: Oh, you are looking at the memo, right.

Chairman Aieta: We are giving them the opportunity to, right now they can’t even have the doors facing the street, and we are saying that they can face the street and now you want to go a step farther and allow them to face a residence zone.

Commissioner Woods: I’m not really saying that, what I’m saying is that the Commission should look at it case by case. So if it was near a residential zone you might not want that but it could be one of these situations where it’s facing a residential zone but it could be 1,000 feet away, 500 feet away, or it could be raised up. If you don’t allow it you take any flexibility that we have and actually strengthen the regulation, getting a better buffer or a fence.

Craig Minor: The way the draft is, it would liberalize the garage doors anywhere subject to your approval.

Commissioner Woods: This says they can’t be.....

Craig Minor: No, the amendment as drafted, from May 9th, would liberalize garage doors anywhere with your approval, but what Attorney Hollister has requested is that it be kind of in between, open up, continue to disallow them facing the street, I mean, allow them to face the street but now prohibit them from facing the residential zone.

Chairman Aieta: You are looking at the language that Hollister asked to have put into the regulations, is that what you are looking at?

Commissioner Woods: Yes, the.....

Chairman Aieta: That is not the language that, so you are saying to not make the change, just leave the regulation as it is.....

Commissioner Woods: No, because 6.11.7 is going away.

Craig Minor: Right.

Commissioner Woods: I’m fine with that. I thought the Planner was trying to introduce a new 6.11.7, in the memo that we had today that is dated June 4th.
Craig Minor: I was just presenting Attorney Hollister's.....

Commissioner Woods: I see that now.

Craig Minor: Okay. So it doesn't sound like there are changes to the May 9th basic version other than the windshield wiper change, so I will have it for you clean without all of the strike outs and underlines.

Chairman Aieta: And everything will be under the Special Exception so they will have to come in for approval.

Craig Minor: As I mentioned at the previous meeting, eliminating the one acre requirement, that is going to open up a lot of opportunities for auto related businesses in Newington that haven't been able to do. It's been a while since I got calls, but a lot of people who wanted to open up a business and had a building in mind, I had to tell them sorry, that building is not an one acre lot or people who wanted to go to a multi-tenant building, it had to be four acres, so that is going away with this change.

Chairman Aieta: As far as getting everybody into compliance, it's not going to happen. I don't know if Modern Tire is going to be in conformity or not, all the different things that are going on with that specific piece of property. I don't know if it is or not, I'm not privy to all of the regulations. Any other questions?

Commissioner Claffey: Question on your May 9th memo, we have a definition of limited repairs.....

Craig Minor: Yes, it's the State's definition.

Commissioner Claffey: Is that something like the oil change or, excuse me, not oil change, scratch that, the windshield wiper, battery......

Craig Minor: Not even.

Chairman Aieta: Okay, so you know what to do for the next meeting.

Craig Minor: Yes.

Commissioner Pane returned to the table.

IX. OLD BUSINESS

Chairman Aieta: Under Old Business we have the fireworks. Do we have a motion?

Commissioner Claffey: Do you want any conditions on this Mr. Chairman? You had mentioned......

Chairman Aieta: Yes, add the signage.

Commissioner Claffey: No signs......

Craig Minor: No free standing signs
Petition 24-19
Fireworks Tent Sale (Section 3.23.1.B.1) at 3164 Berlin Turnpike
Phantom Fireworks, Eastern Region LLC, applicant; Newington VF LLC, owner, Rick Seery, 201 Seymour Street, Lancaster PA, contact.

Commissioner Claffey moved to approve Petition 24-19 Fireworks Tent Sale (Section 3.23.1.B.1) at 3164 Berlin Turnpike Phantom Fireworks, Eastern Region LLC, applicant; Newington VF LLC, owner, Rick Seery, 201 Seymour Street, Lancaster PA, contact.

Conditions:

1. No free standing exterior signage

The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion, with seven voting YEA.

Chairman Aieta: You’re all set, just make sure you take it down when you said you were going to.

X. PETITIONS FOR PUBLIC HEARING SCHEDULING

A. Petition 21-19: Zoning Text Amendment (Sec. 3.5.2 and 3.16.3) to allow non-residential parking in a residential zone. Paul F. and Frank S. Giangrave, Applicant, Attorney Lawrence Shipman, 433 S. Main Street, #318, West Hartford, CT, Contact.

Craig Minor: This started as a zoning complaint. The neighbor complained that, this is a factory that has been there since just after World War II, several decades. It’s in an Industrial zone, a one lot Industrial zone, but the owners of the property bought the vacant lot to the east some time ago. They now want to use it for parking. The problem is, it’s in a residential zone, and you can’t have parking in a residential zone. So the Zoning Enforcement Officer met with the applicant’s attorney a couple of times to try to figure out a way for them to amend the regulations so that they could continue to park there, and we kind of didn’t talk about whether it was a good thing or not, the Commission will make that decision after a public hearing. This text amendment, it, in a very limited way would enable the tool company to have parking on their property in a residential zone with a buffer between the parking lot and the neighbor to the east. It would only be for a residential zone that abuts an Industrial Zone so it’s pretty tightly crafted to not open up the doors to a business in a PD Zone who thinks he can buy the house next door so he can extend his property, so it would only be for Industrial parcels that are adjacent to a residential zone. I will save my thoughts for the public hearing. I recommend that we schedule this for July 10th, and July 10th because we need to send it to CRCOG at least 30 days before the hearing so you can’t do it at your next meeting.

Chairman Aieta: I have a question. Will there be a site plan as part of this text amendment?

Craig Minor: No, but I think, no, the answer is no. In Connecticut, zone changes can not be conditional and even if you approved a site plan....I guess you could ask the applicants to show, but it wouldn’t be binding, but if they show you one thing and get the text amendment and they come back with anything different....

Chairman Aieta: Don’t we have a requirement for a site plan?
Chairman Aieta: How can we have a text amendment allowing them to do this and not know what it's going to look like when it is done? What the buffer is going to look like, where the parking is, is it going to be stripped, paved? We won't know anything about it and we're supposed to give them carte blanch to use this residential piece of property as parking? I'm in favor of allowing them to use this, but I want to see what they are doing. I want to see the buffer, because this is right next door to a residence. This came about because of a complaint from that residence. They are parking right up against the residential zone, right up against her property. That is why we want to see the 25 foot buffer, I want to see the cars parked close to the building, not up near the 25 feet, and I want to see what it is going to look like. I'm in favor of them being able to use that on a limited basis for parking, but not to the detriment of the residence that complained. I think it's imperative that we get a site plan as part of the application so we know exactly what we are getting. The size of the trees, I want to see the buffer, I want to see where they are going, or maybe a berm there, it's too invasive on this property, I mean, it's right there. I'm familiar with this piece of property, right on the corner of Church and Foster.

Commissioner Pane: Mr. Chairman, I think this will be a good example of where the applicant can file a text amendment but should also file in conjunction an application to show us what he is planning on doing, besides the text amendment. So we will have two applications in front of us, one for the text and one showing his site plan, with a full site plan and how it would and how the text would apply to his property.

Commissioner Woods: I'm assume that the parking is going to tie in to the Industrial zone, so I think you are right Mr. Chairman, we need to see what is going to be there.

Commissioner Claffey: Are they going to be removing the property line so these can be combined?

Commissioner Pane: We have to be careful not to get too much into this.

Chairman Aieta: I want to require him to, I want to require him to do more than just this.

Craig Minor: I'll tell him, he's got a month to prepare.

Commissioner Woods: He doesn't have to do a full site plan right away, a rendering of what it is going to look like yes, and then......

Chairman Aieta: You will contact that property owner so that she is aware of this?

Craig Minor: Yes.

Chairman Aieta: Send her the information on what they are asking for.

Craig Minor: Yes, we have spoken on the phone a couple of times since that petition came in and she knows that she, she will be at the hearing.

Chairman Aieta: What about the sign?

Craig Minor: Theoretically if the text amendment can apply any where in Newington where the Industrial zone, we will advise the resident of when the hearing is.
Commissioner Pane: Are we going to ask him to file an application too for, besides the text amendment, if we are asking him for a site plan, he should file an application for what he is doing and if he files an application then he would have a possible sign there, correct?

Craig Minor: No, but I like Commissioner Wood's idea when he said we should have the applicant submit a rendering of what this will look like if it gets approved because if you ask him to supply for site plan approval, he is going to have to have an engineer, he's going to have to show the drainage, the retention basin, everything really to a hundredth of a foot, and then if he ends up being denied, he spent all this money on the site plan that was wasted, so I think a detailed rendering is a perfectly reasonable thing to answer.

Chairman Aieta: He will be working with Bongiovanni on this?

Craig Minor: Yes, correct.

Chairman Aieta: We don't want him to design the Taj Mahal, just give us something that we know where the buffer is going to be, and the location of the parking.

Craig Minor: Okay, I will contact them.

Chairman Aieta: The next item for scheduling is 23-19, TPZ.

Craig Minor: Right. Andrew Brecher has been designated by the Town Council to be the contact and he has asked that the hearing be scheduled for July 10th because he is on vacation June 26th. I know they are interested in getting the hearing started as soon as is reasonable, so that the decision can be made in a timely manner. So he has requested that the hearing be scheduled for July 10th.

Commissioner Pane: Does this have to go to CRCOG?

Craig Minor: No. CRCOG only happens if it affects property within fifty feet of the town line. This is a text amendment that doesn’t, we know that it is for Cedar Street, but it’s not something that requires CRCOG referral. I can send it to CRCOG if you would like.

Chairman Aieta: I’m surprised.

Craig Minor: Yes, in fact I started to post the referral for it and.....

Commissioner Pane: We send everything else to CRCOG so...

Craig Minor: It seems like we do, but we don’t. There are some things where we don’t have to because really only, I started filling out the CRCOG referral and then I thought, wait a minutes, this isn’t a map change, it’s a text amendment that isn’t really, but anyway the answer is no, but we could send it to CRCOG if you would like for them to take a look at.

Commissioner Claffey: On the last TOD areas we did, the two text amendments way back when, on the two sites, West Hill and Cedar Street, how long did we give for us to act on them. It seems that there is a very short window for this, but we had a very long window for the two other TOD overlays.

Craig Minor: In both cases the hearing began in a timely manner, we kept it open for quite a while, for a long time as far as Newington Junction. Cedar Street, I don’t remember how long that stayed open, but they were open pretty much as long as they could be.
Commissioner Pane: I just want to make sure that we have proper notification out to the public as much as possible and I would still like to have the abutters, possibly the list that was used for Maple Hill which I think was about 300 or so names, notification should go out to those people. Then we should try to put this on NCTV and whatever else we can do to make sure we have the public here.

Chairman Aieta: Any other thoughts? I don't know what the town's position is, how fast they want to move it, if time is of the essence. I'm concerned that we are doing this in July where everybody is on vacation and I don't want to push this through. I'm getting feedback already, people in opposition to this, I want a fair hearing for the public to know what is going on. I'm concerned about the middle of the summer here, I want to do what is right for the Town, we have this whole 800 page report and I also want to have people have the opportunity to weigh in on this. I'm concerned that if we get into this in July, that's not going to happen. We're not going to act on it at that meeting. As much as we can get out to the public to have public input. You are aware of the list that Domenic is talking about?

Craig Minor: Yes.

Chairman Aieta: You are aware of that Mr. Brecher? Could we get something out to them? I want to move this along, but I want to do it when we are finished we are not getting a lot of "I didn't even know about it, you are putting in a train station, I'm against it, "

Commissioner Pane: That list I think had Maple Hill, and had Old Farms on there too, I believe. It was a good list, so I'm wondering Mr. Chairman, since you said that someone is going to be out of town in July, maybe we should schedule this for the first meeting in August. That gives us enough time first of all, the Commissioners who have some reading to do and understanding this document which is quite long, and then it also gives us enough time to promote this on NCTV and any other way we can and get the letters off, so that would be my recommendation, having this the first meeting in August.

Chairman Aieta: I think we have to bring it in as soon as possible to start the process. We could always not close it and let it run, we're not going to hear it that night and close it. We can hear it that night, keep the thing open, have another public hearing at the end of the month, and if we have to go into August, depending on the public outcry or input, we'll keep it open until the public is satisfied with what we're doing. That gives us a month for us to digest the information. We could start, give us that meeting in July to start and then the other meeting in July, maybe then in August or the end of August we will be finished with it.

Commissioner Fox: I don't know that we will be finished with it by the end of August, but I agree, we should get this started. I don't doubt that there will be a stretching out of participants, public participants, as we said, vacations are coming....

Chairman Aieta: I just don't want to do it in July and then think that it is going to be one meeting and close it.

Commissioner Fox: That definitely would not be the case.

Chairman Aieta: We'll get Mr. Brecher to give us the dog and pony show on it, and we can start there. We can start there and then have the public weigh in, and we'll keep it open and we will have him come back again and let the public weigh in again, at least two meetings in
July. We'll see what the public reaction is going to be. We might have everybody saying it’s a great thing.

Commissioner Sobieski: For the letters going out, Vincent Drive was included on that list.

Craig Minor: I have that list.

Chairman Aieta: I think if we do that, that will cover most of the people that have, that might have concerns.

XI. TOWN PLANNING REPORT

Craig Minor: I don’t believe I have a report.

Chairman Aieta: You e-mailed one to us.

Craig Minor: Oh, that report, yes.

Chairman Aieta: On that report there was an item that you met with the representatives of the temple. Is it in relationship to the house?

Craig Minor: Yes. I don’t think it comes as any surprise the folks, the congregation doesn’t understand why they had to put a fence around a house in a residential zone. I explained to them that because it started out as a special permit application and it evolved at the end, that that was what the Commission wanted, and so I met with the attorney so he could explain to his clients why.

Chairman Aieta: Have we gotten the fence?

Craig Minor: I don’t know.

XII. COMMUNICATIONS

Commissioner Sobieski: When I get them from CRCOG I mail them out to everybody.

XIII. PUBLIC PARTICIPATION (For items not listed on the agenda; Speakers limited to two minutes.

Rose Lyons, 46 Elton Drive: I was listening to your discussion of the signs in the windows, good luck gentlemen, they are here, there and everywhere. I understand your concern, but it will be difficult to come up with a regulation that is fair to everyone, and you might get some feedback from the businesses.

I spoke to Mr. Minor at length about the expansion to the Victory Gardens.

Craig Minor: Yes, the VA is looking to work with their housing developer to remodel three of those four houses behind the Victory Gardens as supportive housing for veterans. They will be coming before you for site plan approval just like they did for the first one.

Commissioner Woods: Those are the old nursing residences, and for doctors.

Craig Minor: Yes, right.
Rose Lyons: There is going to be a public information hearing on June 25th, at 2:15 at the VA campus in the Director’s Conference Room, Building 1 555 Willard Avenue. There was a lot of controversy over Victory Gardens when it first came in and I think it’s important for people to be informed as to what they are planning, so I just thought I would mention it.

Another issue that has come before you many times is the No Left Turn sign by McDonald’s. I remember the Asst. Attorney General coming here to complain about the signage and so on, and we were assured when they did their renovation, or whatever, remodeling, that that would be taken care of. I get so tired of looking at Facebook and all of the complaints about the left hand turn and from what I understand from the DOT after many months of going back and forth, but as per usual people have been complaining, but in any case, it leads to all of the controversy back and forth across the table and then (inaudible). Thank you.

Chairman Aieta: Anyone else wishing to speak?

XIV. REMARKS BY COMMISSIONERS

Commissioner Claffey: I have a question, maybe put on our thinking caps, maybe not for the next meeting, but for the meeting after about some of the parking lots in town becoming storage facilities for businesses’ product that is taking up hundreds of parking spaces. It’s done at different businesses all around. They are from little businesses to big businesses, no delineation between the two. Some of them are taking up hundreds of spots. I think it needs to be discussed when the business comes before us to do a site plan or a modification to a existing tenant, so maybe for the next meeting or the August meetings.

Craig Minor: I can schedule it or the August meeting.

Commissioner Claffey: Thank you.

Chairman Aieta: One of the violators is Lowe’s. They take up hundreds of parking spaces for display of their merchandise in the parking area. Maybe it is okay, but some of the locations that they have might not be okay, particularly the one that is the closest to Chick-fil-A. They are using up a good portion of the parking in that area. They are one of the biggest violators.

Commissioner Claffey: That used to be all the way to the left of the building, way off to the left, the back left. Now it seems that all of that is vacant, and it has migrated closer to the Berlin Turnpike. That is just one, but as I looked at other businesses, they surely aren’t the only one.

Chairman Aieta: Okay, put it on for the August meeting.

Commissioner Claffey: Thank you.

Chairman Aieta: Any other Commissioner comments?

Commissioner Pane: Yes. On the CRCOG, did our Planner review, there is like four or five of these things that are abutting Newington that are coming in. Have you reviewed them?

Craig Minor: Yes, if there is something that is like a minor change, I don’t. But if it is something that I think will be a concern to the Commission, I’ll ask their Planner for a copy of the amendment, and sometimes I will pass them along to the Chairman. They usually don’t
have any effect on Newington, but if there are any that you have seen that you think I should have brought to your attention, let me know.

Commissioner Pane: Cromwell is talking about billboards, Berlin is talking about affordable housing on the turnpike, I haven't had a chance to read through them all, but it was unusual, there were like four or five that abut Newington.

Craig Minor: The affordable housing I did ask my colleague over there for a copy of that. I'll show it to you.

Commissioner Pane: Then the only other comment was to answer Rose. I think the only way to solve the problem over there is for the DOT to install on the center line, they make these plastic safety sticks that install into the center line and they stand about two feet up and they space them every two feet and they put a line there and if a truck hits it, they don't break and you can still plow, and I think that is the only way you are going to stop people from entering the wrong way, so I just wanted to get that on the record.

Commissioner Fox: I have to agree Domenic. When McDonald's came in, that was one thing that was suggested a number of times, I don't know if you were on the Commission at that time Domenic, and I agree, after what I've seen over there, I don't think even that would stop them.

Chairman Aieta: Anyone else?

XV. CLOSING REMARKS BY THE CHAIRMAN

None

XVI. ADJOURN

Commissioner Fox moved to adjourn the meeting. The motion was seconded by Commissioner Sobieski. The meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Nonne Addis,
Recording Secretary
To: Town Plan and Zoning Commission
From: Town Planner Craig Minor, AICP
Date: June 18, 2019
Subject: Petition #18-19: Site Plan Modification at 80 Fenn Road. 80 Fenn LLC, owner; Montana Nights, applicant; Merle McKenzie, 80 Fenn Road, Newington CT, contact.

Description of Petition #18-19:

The operator of “Montana Nights Axe Throwing” has determined that he needs more parking for his customers. Section 5.3.9.A.4 requires TPZ site plan approval whenever there is a change that increases the amount of parking.

Staff Comments:

As of this writing the applicant’s consulting engineer still has not provided the Town Engineer with the necessary stormwater management information.

cc: file
To: Town Plan and Zoning Commission  
From: Town Planner Craig Minor, AICP  
Date: June 19, 2019  
Re: Window Signage  

At the last TPZ meeting the Commissioners discussed regulating the amount of signage that a merchant may put in the storefront window. For several years the ZEO has been asking merchants not to block more than 50% of the window for safety reasons, and he has never had a problem with merchants voluntarily complying. But it is not enforceable since it’s not actually in the zoning regulations.

I asked Police Chief Stephen Clark for his opinion of regulating window signage. He replied:

I would be in favor regulating at signage convenience/liquor stores. I know it was an issue a couple of years ago when we had the 7-11 clerk and a customer being held hostage during a botched robbery. If you need additional information please let me know.

I also put out a call to my planning colleagues to see what they are doing to regulate window signage. This is what I learned:

<table>
<thead>
<tr>
<th>Town</th>
<th>Maximum Allowed</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brookfield</td>
<td>25%</td>
<td></td>
</tr>
<tr>
<td>Mansfield</td>
<td>40%</td>
<td></td>
</tr>
<tr>
<td>Canton</td>
<td>50%</td>
<td>But may not exceed 25% of allowable wall signage. May be internally illuminated.</td>
</tr>
<tr>
<td>Old Saybrook</td>
<td>25% but NTE 50 sf</td>
<td>No illumination.</td>
</tr>
<tr>
<td></td>
<td>10% but NTE 10 sf</td>
<td>Internally illuminated.</td>
</tr>
<tr>
<td>South Windsor</td>
<td>20%</td>
<td></td>
</tr>
<tr>
<td>Pennsylvania APA</td>
<td>15%</td>
<td>No illumination.</td>
</tr>
</tbody>
</table>
To:       Town Plan and Zoning Commission
From:    Town Planner Craig Minor, AICP
Date:    June 18, 2019
Subject: Petition #14-19: Zoning Text Amendment (Sec. 3.11.3, Sec. 3.17.8, and Sec. 6.11): Motor Vehicle Service Uses. Town Plan and Zoning Commission, applicant.

Description of Petition #14-19:

This amendment will allow auto-related businesses by special permit in the B, B-BT, PD, and Industrial zones. These activities were allowed in those zones up until 2007 when the TPZ made a number of changes to the zoning regulations.

Staff Comments:

The recommended final version is attached. To recap some of the highlights of this amendment:

1. It essentially reinstates the auto-related zoning regulations as they were prior to 2007.

2. It eliminates the restrictions on auto-related business that were added in 2012, namely the minimum lot sizes and the prohibition on roll-up doors facing the street.

3. It does not require any more of a separation between auto-related businesses and residential zones than was required prior to 2007.

cc:
file
PROPOSED
MOTOR VEHICLE-RELATED ZONING REGULATIONS

Section 3.11 Special Permits Allowed in B Business Zones

The following uses are declared to possess such special characteristics that each must be considered a special permit. They may be permitted by the Commission subject to the following conditions and the provisions of Sections 5.2 and 5.3.

3.11.3 Service, sale, repair, rental or storage of motor vehicles in accordance with Section 6.11 and Section 5.2 and 5.3 of the Zoning Regulations.

Section 3.17 Special Permits Allowed in I Industrial Zones

The following uses are declared to possess such special characteristics that each must be considered a special permit. They may be permitted by the Commission subject to the following conditions and the provisions of Sections 5.2 and 5.3. All such uses must be included within a building or structure or accessory to a permitted principal use (Effective 12-01-01).

3.17.8 Service, sale, repair, rental or storage of motor vehicles in accordance with Section 6.11 and Section 5.2 and 5.3 of the Zoning Regulations (Effective __/__/2019).

Section 6.11 Service, Sale, Repair, Rental or Storage of Motor Vehicles

The Commission may grant a special permit for the service, sale, repair, rental, or storage of motor vehicles in certain zones only, subject to the following conditions and to the provisions of Section 5.2 (Procedures and Standards for All Special Permits), Section 3.11 (Special Permits Allowed in B Business Zone), and Section 3.17 (Special Permits Allowed in I Industrial Zones).

For the purpose of this section, “service, sale, repair, rental or storage of motor vehicles” include new car dealers, used car dealers, repairers and limited repairers as defined in Sec. 14-51(a) of the Connecticut General Statutes; the sale of gasoline or any other product under the provision of Sec. 14-319 of the Connecticut General Statutes; as well as car washes and car and truck rental businesses.

6.11.1 All structures and equipment such as fuel dispensers shall be at least 30 feet from any street right of way line.

6.11.2 All repairs shall be entirely within a building and at least 30 feet from any street right of way line. The replacement of disposable parts such as windshield wiper blades and starter batteries may take place outside the building.
6.11.3 Entrances and exits for any use approved under this section shall be at least 100 feet from a religious institution, school, playground, hospital or any residence.

6.11.4 No display or storage of any motor vehicle intended for sale or rent is permitted in the required front yard or in the street right-of-way.

6.11.5 No portion of any use relating to motor vehicles shall be within 100 feet of a residential zone.

6.11.6 The façade of the building shall be a combination of brick, split face block or dryvit. Wall signage shall be uniform in size, design and lighting. The architectural style and design shall provide for a good appearance and blend harmoniously with adjacent buildings, and shall be approved by the Commission.

6.11.7 Pursuant to Sec. 14-321 of the Connecticut General Statues, the Town Plan and Zoning Commission shall act as the local authority in approving Certificates of Location (Gasoline and Motor Oil Sales).

6.11.8 Pursuant to Sec. 14-54 and Sec. 14-55 of the Connecticut General Statutes, the Town Plan and Zoning Commission shall act as the local authority in approving Certificates of Location (Dealers and Repairers Licenses).