NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting
January 9, 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 Michael Camillo
Commissioner Anthony Claffey
Commissioner Michael Fox
Commissioner Domenic Pane
Commissioner Stanley Sobieski
Commissioner Stephen Woods
Commissioner Hyman Braverman-A

Commissioners Absent

Commissioner John Bottalico-A
Commissioner Giangrave-A

Staff Present

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

III. APPROVAL OF AGENDA

Craig Minor: Mr. Chairman, I have one item I’d like to recommend adding. Please add the following item to the agenda under Petitions for Public Hearing. Petition 1-19 Special Permit, Section 3.2.1 Churches and Places of Worship, at 2172 Berlin Turnpike. Highpoint Church, applicant, Berlin Turnpike of Newington LLC owner, Gary Weber, 227 Sunrise Avenue, Newington CT, contact. This is a church that currently meets in the Shriner Hall, but they have found a building at the north end of the Berlin Turnpike which was a day care for a while. It’s been vacant for a while, so they would like to move in there. The building is right on the town line, it’s partly in Newington, partly in Wethersfield, mostly in Wethersfield actually, but the street address and the frontage is in Newington, so they are starting with Newington for their special permit. I recommend that it be added to the agenda for the next meeting.

Chairman Aieta: So you will put that under Scheduling?

Craig Minor: Correct. That will be Item A, under Scheduling. That’s all I have.

Chairman Aieta: Any Commissioner comments on the agenda? All in favor of the change with the addition?
The vote was in favor of the change, with seven voting YEA.

IV.公共参与
(For items not listed on the agenda; speakers limited to two minutes.)

None

V.规划执法官报告

Andrew Armstrong: Good evening Commissioners. You will see the ZEO report in your packet and if you have any questions?

Chairman Aieta: Anything stick out there? Anything that you would like to discuss with the Zoning Enforcement Officer?

Commissioner Pane: I notice that there were some signs taken down on the corner of Richard Street and the Berlin Turnpike at the car wash and I don’t see anything in the records here. Could you explain that?

Andrew Armstrong: Yes. I did go out and speak with them and had them, I had a face to face, and had them taken down, and I must have just missed it in my report that I did go out there.

Commissioner Pane: There are still two signs on the building.

Andrew Armstrong: Okay.

Commissioner Pane: I don’t know if you saw them. There were some standup ones I think and some banners, but there are also two banners on the building, I think we have to check the signage on that site.

Andrew Armstrong: Okay, I’ll do that. I did get them to take the banners down.

Commissioner Pane: Yes I noticed that. Thank you.

Andrew Armstrong: You’re welcome.

Chairman Aieta: Any other Commissioner comments for the ZEO? Mr. Planner, anything?

Craig Minor: Do you want to take up the Berlin Turnpike motel issue now while the ZEO is here or do you want to discuss it later tonight under the Town Planner report?

Commissioner Pane: Is he leaving?

Craig Minor: He doesn’t normally stay for the whole meeting, but we can ask him to stay.

Chairman Aieta: I don’t think we are going to be very long with this, I think in a half hour we will be finished with this agenda, so seeing that the attorney is here for the public hearing, so we are ready to go. Just hang in there, we’ll be finished. Any other Commissioner remarks at this time?
Commissioner Claffey: The signs, the temporary signs, do we have an updated list of the temporary signs?

Craig Minor: There actually have not been any new temporary sign applications for the last couple of months. We have gotten some renewals, but as the Commissioners may recall, when we worked out the protocol the understanding was that the renewals would be approved by the staff and they would be reported to you. There were a couple of renewals earlier this year, so they will be in the January ZEO report.

Commissioner Claffey: The reason I ask is, if we have a report, and I drive by and see it, I don’t waste your time. If I don’t have a report, when I look at the Verizon store on Fenn Road and see their two signs out in front, I don’t know if they are okay or not.

Craig Minor: Right, but remember that there is really a lot of lag time between the report that you get and what you see if the field, so it is always best, if you see something, say something. If you see something that you are curious about, just call us.

Commissioner Claffey: If that is the way that you want to handle it, I just......

Craig Minor: Call anytime during the day if you have a question.

VI. **REMARKS BY COMMISSIONERS**

Chairman Aiesta: Any other Commissioner remarks before I move on.

VII. **PUBLIC HEARING:**

A. **Petition 53-18:** Special Permit (Sec. 6.13: Accessory Apartment) at 99 Cedarwood Lane, Paul Cioffari Trustee; Callahan Qualified Personal Residence Trust, Owner, Attorney John M. Kelly, 66 Cedar Street Suite 208 Newington CT, Contact

Chairman Aiesta: Mr. Kelly, do you want to come forward and make your presentation? Bring Mr. Callahan with you.

John Kelly: Good evening Commissioners, Happy New Year. John Kelly for the applicant who is Fred Callahan who is seated to my right. State your name and address.

Fred Callahan, 99 Cedarwood Lane.

Attorney Kelly: As the application indicates we are seeking an accessory apartment approval under your regulations, Section 6.13 of the regulations. I do believe with the application a map was submitted.

Craig Minor: Yes, it is in the packet.

Attorney Kelly: Then you will have an idea of what the interior will look like. Essentially what the applicant would like to do is, under the regulations put in an accessory apartment. It will have no changes to the exterior of the house. The only improvements will be interior so, there will be some slight changes to making a door instead of a window, that type of thing, but as far as the architectural style of the property, everything is going to conform to your regulations as they are set out clearly in Section 6.13. Mr. Callahan and his wife will live in the accessory apartment so the property owner will continue to occupy, that is certainly a
requirement of your regulations. There is going to be, like I said, the property is currently in the R-20 zone so it meets that requirement as it has to be a property, it has to be a home within the proper zone. The accessory apartment must contain at least 500 square feet and will have a bathroom, kitchen facilities, and the utilities will not be separately metered, that’s a requirement that your regulations require and there currently is a driveway that has been there since the house was built some 28 years ago, and that driveway will still be utilized. The house is pretty set back from the main road on Cedarwood Lane, so any disturbance or issues with the neighborhood, they aren’t going to see any difference besides the exterior changes which will be very cosmetic. Changes to windows, doors, things like that, not really significant. They are already on the property, large windows and doors, those modifications are really going to be minor.

In terms of, as the Commission goes through the application and looks at the requirements of 6.13, one of the areas that we meet, as any special permit request needs to meet, has to meet the standards of Section 5.2. Obviously this is the appropriate Commission to have a public hearing which has begun today and again, there is, because there are no changes on the site, probably the Commission wouldn’t require a site plan, although we do have a map showing the interior changes and some of the window changes and things like that, so we do have quite a bit of information there. As far as the need for this use, Fred had this in his mind when he built this house some 28 years ago that he may want to have a family member move in with him and he would be in the accessory apartment, and that is the plan. Again, the Commission, not only in 6.13 but also in 5.2 takes a look at any changes in the character of the neighborhood, again, there are going to be no changes in terms of what the neighbors are going to see because there are no changes to the exterior. Not going to be any parking lots added or anything like that, there is already an existing driveway. It’s already hooked up to public water, and again, as I said, there is going to be no separate metering, it’s all the same meter that has been, also I should have mentioned, 6.13, this part of the house has always had access to the main part of the house, so that is going to continue, so the interior will be as shown on the map.

There is not going to be any signage, it’s just going to be for Fred and his family members to live there, so I really think that when the Commission looks at what is proposed, at the regulations, both Section 6.13, the accessory apartment rules and 5.2 which covers your special permit, I think you are going to see that this application squarely fits all of the regulations and we would ask you to consider it and approve it.

Chairman Aieta: Mr. Planner, do you see any problems with meeting the requirements of both those sections?

Craig Minor: No, I don’t see any problems. As Attorney Kelly listed, it complies with all of the requirements of your regulations and 6.13 and 5.2, it is not going to have any impact on the neighborhood, so I don’t see any problems with it.

Chairman Aieta: Before I open this to the public, do any of the Commissioners have comments?

Commissioner Pane: Is there a larger map, because it is hard to tell the square footage here, and do you have the square footage?

Craig Minor: Oh yes, they gave us a full size map.
Commissioner Pane: Could the applicant show what modifications he is going to make to the plan as far as the windows and doors? The other thing I want to find out is if the applicant is going to comply with Section 6.13.8, Item C, an affidavit with this application.

Craig Minor: Normally we get that afterwards, in fact a number of years ago…..

Attorney Kelly: Commissioner Pane, actually I have it right here for you. The original and many copies for the Commission. Yes, thank you for reminding me. Would you like to see a bigger version of the map Commissioner Pane?

Commissioner Pane: No, I just would like to know where the modifications are happening.

Fred Callahan: We are going to take out a window there and put a door in. That would be the modification.

Commissioner Pane: And that would be to the rear of the property?

Attorney Kelly: Yes.

Commissioner Pane: Thank you.

Chairman Aieta: Any other Commissioner comments? We are going to open it up to the public.

Attorney Kelly: We will get our stuff out of here so the public can come up.

Chairman Aieta: Anyone from the public wishing to speak in favor of this application please come forward, state your name and address for the record? Seeing none, is anyone in opposition to this application? Commissioners, what would you like to do at this point? I would like to move it to Old Business and act on it tonight.

Commissioner Fox: Move that we move this petition to Old Business for action tonight.

The motion was seconded by Commissioner Sobieski.

Chairman Aieta: Any questions, comments? The Planner will have a draft motion for us.

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

Chairman Aieta: We will be taking this up under Old Business so that you can get going.

Attorney Kelly: Thank you.

Chairman Aieta: That ends the public portion of the meeting.

VIII. **APPROVAL OF MINUTES**

December 12, 2018 Special Meeting
December 12, 2018 Regular Meeting

Commissioner Sobieski moved to accept the minutes of December 12, 2018 Special Meeting and Regular meeting. The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion, with seven voting YEA.
IX. NEW BUSINESS

A. Zoning Text Amendment (Motor Vehicle Regulations.)

Commissioner Pane: Mr. Chairman, for the reasons stated at the previous meetings, I'm going to recuse myself from this, but I would also like to, there were some questions brought up about other distance requirements and stuff, I don't want to recuse myself from any discussion on that.

Chairman Aieta: Okay, when we talk, make yourself available. Now, Mr. Planner, you have a memorandum? When we discuss this, I have some questions.

Craig Minor: Okay, sure. As I said in the memo, at the last TPZ meeting, the Commission discussed what was used to be allowed back before the regs were amended in 2007. We discussed gas stations, car dealerships, oil, tires and brake shops, car washes, and car and truck rentals. These uses were all allowed by special permit in the variety of zones, and what the Commission felt was that they wanted to go back to allowing these uses in the same zones under the same circumstances, granted by special permit.

Chairman Aieta: I have a question. That does not pertain to what we are doing as far as the regulations, because we are only regulating motor vehicle department uses.

Craig Minor: These are all regulated by......

Chairman Aieta: Car washes? That is not a regulated use by the motor vehicle department.

Craig Minor: Right, but it is prohibited currently under your regulations and it used to be allowed under your regulations so that is why it is on the list of uses that you are discussing reinstating.

Chairman Aieta: Okay, any questions on that from the Commissioners?

Commissioner Claffey: Number five, on page 2, Adult oriented establishments.....

Chairman Aieta: Before we get into page 2, let's address what is going on in the first page as far as the buffer zone, let's be specific on this so that Domenic can get in on the distance requirements on these other items. These are not part of the auto regulations. Let me explain, Domenic would like to participate in the distance requirements other than auto related uses. So if we limit ourselves at this point to discussing requirements for the auto, then we can get in the remainder like adult oriented establishments and he would be able to participate.

Commissioner Claffey: So we can talk about Item #1 on page 2, does that have to do with motor vehicle issues, does that coincide with what you are talking about, the paragraph dealing with the chart?

Chairman Aieta: Yes.

Commissioner Claffey: So anything below number one we would take up after, because they are not specific to auto related uses?

Chairman Aieta: Correct. Do the Commissioners understand that? What I'm trying to accomplish? Okay.
Chairman Aieta: I have a question for the Planner. It says here, under the chart, "The only new regulations that TPZ wants to keep are the prohibition on overhead service doors facing the street, and the 100' buffer between motor vehicle activities and residential zones which was only 50' in 2007. Be advised that the Town Attorney has recommended going back to the original 50' buffer." Is there an explanation as to why he feels we should go back to the 50' because I'm looking to increase the 100'?

Craig Minor: Right. He is here tonight, but I will go out on a limb and suggest that he wants, he's recommending that we stay with the original 50 to minimize the differences between 2007 and today, to turn the clock back completely to 2007 and not keep a little bit of what new rules have crept in during the past decade. He is here, so if he wants to speak to that item, he's present.

Chairman Aieta: I think it's important because when we increased the buffer, I don't think there is really not a legal reason why we should go back to the 50'. I want to make changes to the regulations.

Commissioner Claffey: I'd like to hear his explanation.

Attorney Ancona: Mr. Chairman, I think the thing is to try to achieve conformity. Going back to the 2007 starting point would allow us to try to reach conformity with as many businesses as possible. I'm not trying to be obtuse here, but we have pending litigation and some of the things that I need to say really should be said in executive session.

Chairman Aieta: We will be going into executive session, so we will discuss it in executive session later on. We need an explanation, I want to go back to the 2007 regulations, but I would like to be able to have us not just go back but go back and improve regulations, and the fact is, unfortunately no matter what we do there are going to be some business that will not be able to conform. It's just the nature of the beast.

Attorney Ancona: I agree.

Chairman Aieta: So we can try to minimize the best we can, but while we are making these changes to the regulations, I'd like to be able to make it so that when we are finished we have regulations that would protect the rest of the community from our actions. So we will discuss it in executive session. Thank you.

Commissioner Claffey: Stop me if this goes into what we may discuss, I still have the concern over the overhead doors in existing structures now that come into play in the chart, like, I'd use Enterprise. Originally it was not a, in the chart when they were on the Burger King side of the Berlin Turnpike, because the service, or where ever they clean it, was in the back of the property. I think it faced the woods, and if there is any residential there, it was well up the hill. Now that they have moved across the street, and they occupy what used to be a stereo shop I think, which has a rear garage door where they pull the cars in now, to clean, and I don't know the measurement as to how close it is to the residential, I think it's Brockett Street, no Kits, my point is, their business definitely got bigger from moving from one site to across the street, got even bigger with the square footage and the building, they have more cars cut front, they use the door. Will these changes make those structures more not in compliance? What we are trying to clean up so we don't have other properties when we change the rules, becoming more, what's the word.....

Chairman Aieta: Compliant?
Commissioner Claffey: If you change the law.....

Chairman Aieta: Non-conforming?

Commissioner Claffey: Non-conforming, yes, thanks, I mean......

Chairman Aieta: The example that you gave wouldn't meet any of the criteria because it abuts a residence zone, so it doesn't meet any of the requirements.

Craig Minor: I know, but it's the overhead door that he is talking about.

Commissioner Claffey: It's not the use, because the actual entrance for the general public...

Chairman Aieta: I'm just saying, for Brockett Street.

Craig Minor: Okay, so let me speak to that. I wasn't aware of Enterprise, so yes, if you retain the prohibition on overhead doors for automotive uses, that would then make Enterprise non-conforming with regard to the door.

Commissioner Claffey: But would still allow them to operate.....

Craig Minor: Yes.

Commissioner Claffey: Because that is what is allowing these, and I think we have discussed this in the past, and there is a lot of vacant land that have say, oil, tire and brake facility, or a gas station on it, and it seems like how does it impact those non-conformities, or do you go from leave them out, .......

Craig Minor: So every other auto related business, other than Enterprise, which I wasn’t aware of until you mentioned it, any other places in Newington that have overhead doors, they have them from way before us. So, they would always be grandfathered in. It's only the ones that have come in since 2011, well, they would also be grandfathered because, such as Enterprise, because at one time they were allowed to do that, so they would be allowed to continue to operate. They wouldn't be allowed to add any new ones, no on second thought, how is it that Enterprise has an overhead door to begin with?

Commissioner Claffey: It was in that original building that just always changed.....

Craig Minor: Right, but the ZEO wouldn’t have let them move in.....

Chairman Aieta: That came to this Commission and it was an approval.

Commissioner Claffey: I'm using that as an example because there is, as you look down the pike, vacant structures and this pending litigation that every developer probably knows about, but, looking at that strip, I just don’t want to take vacant pieces of land that from a development standpoint is future growth for our town....

Craig Minor: You are right, this rule, if it is kept would prohibit businesses from overhead doors facing the street for auto related businesses.

Commissioner Claffey: I know, it was before my time, that they changed the facing to try to minimize that, which it's great, but you still see it.......
Craig Minor: The question that the Commission has to ask themselves, is to balance aesthetics against economic development.

Commissioner Claffey: I don’t mind vacant lots or possible occupancy changes to cover more, if we made these changes.

Craig Minor: A vacant building which has an overhead door on the Berlin Turnpike would not be able to be occupied by an auto related use with the regulation changes that we are discussing as it goes forward.

Commissioner Claffey: With that said, how does that go with what the pending litigation that we need to talk about in executive session, that I personally wouldn’t want……

Craig Minor: That’s too many moving parts for my poor brain, to talk about that also.

Commissioner Claffey: But they go hand in hand with what Attorney Ancona is saying I think, and we can speak further in executive, I guess I just want a clarification that it might be something to ask across the hall. If we make this change….

Craig Minor: It’s not making a change, it’s keeping the rule that has been there since 2011. The prohibition on doors facing the street has been around since 2011, but it did not exist before 2011.

Commissioner Claffey: So if you now revert back to 2007, (everyone talking at once.) So now you are making it even worse, you are taking a 2011 ruling……

Chairman Aieta: That is why we have to discuss this in executive session.

Commissioner Claffey: Okay.

Commissioner Fox: My question is, the answer has to do with the, whether we go 100 feet as you suggested, or stay at 50’. As Commissioner Woods stated at the last meeting, would preclude any auto related uses within that open lot on the corner of Hartford Avenue and Main Street.

Chairman Aieta: No, it wouldn’t. That is already zoned, if they come back……

Commissioner Fox: Okay, but it would make a certain number of auto related uses that are in existence now non-conforming.

Craig Minor: No it wouldn’t. There are none that this would impact. That was something that Ed Meehan had researched.

Chairman Aieta: Here’s my rationale for increasing. You have from the speaker box to the (inaudible) you have to be 300 feet but a guy can open the garage doors and start banging away on a tire with a sledge hammer, and that’s only going to be 50’. Doesn’t make any sense. I mean, the distance requirements are all skewed all over the place. That’s why when we get into everything beyond Item #1 on the next page, we should standardize some of this stuff.

Commissioner Sobieski: On garage doors facing the Berlin Turnpike, I remember that from when DOT built that building, they had to put the doors sideways and put a berm in front of it,
and that was well before 1999. That goes way back. I can't remember the exact year, but it goes way back. That has been in there for quite a while.

Commissioner Woods: I don't really have an issue with doors facing the Berlin Turnpike, I think you can handle it different ways, with buffering, but I do have a question on distances on the next page where it lists schools, playgrounds, churches, hospitals, and I'm going to use churches as an example. One of the problems now, with churches being in the commercial zones, where there is likely to be an automotive use next door. We're going to start drastically limiting where they are going to go. I mean, I don't think you would have seen a church on the Berlin Turnpike years ago, in a commercial building, and we have now approved them, and there is another right across the street from it. I'm trying just to struggle with the rationale and it doesn't make sense, and again, there is use of it already, and you can't have one doing it, I understand that, but I think if you increase the distance to 100 or 125, 150 I think because when we start making it more restrictive, and when an applicant comes in, because of the weird shapes of property, and some how it is touching a residential zone, but then the distance would meet the maximum.

Chairman Aieta: We can discuss that when we get into that. Is there anything else on the first part?
We can start discussing the other distances and Commissioner Pane can return to discuss these other items with the distance requirements. Now we can get into the distance requirements on the second page.
B-BT zones, do you want to take one at a time, starting with the B-BT zone and other zones "no parking or loading shall be located within 25 feet of a residential zone boundary."

Commissioner Claffey: So we are speaking of subtitle #2?

Chairman Aieta: Yes.

Commissioner Claffey: My question on that is kind of where we have zones with TOD areas in town, especially over in the west hill area, you know, Francis, Day Street because there is, and there is also a question of where you measure that 25 feet from. You measure it from the corner of the lot line, which abuts the residential zone, but the load dock is 400 feet at the other side of the building? I say that because there is a lot of activity across from the welding site area on Day Street, where the airplane, it's like an airplane type company in there that makes things that hold the engines. Recently they are doing a large expansion of the project and sometimes in the morning you will go in there and there will be eight or ten 18 wheelers waiting to load or unload and it's, the next property, the next lot is a residential house. So, the building itself is a couple of hundred feet long, in width, but it is normal to see eight or ten trucks backed up on the street, and I think we have to look at it a little differently within the areas where the residential property, where literally the next property is a residential house. That street, because I travel it a lot....

Commissioner Sobieski: Are you talking about Ross Construction?

Commissioner Claffey: Before you get there, there are some duplexes. One end of Day Street is residential homes, and then before it curves, you have that huge mechanical or manufacturing facility......

Commissioner Sobieski: The old Steel place?

Commissioner Claffey: Now they are making aircraft parts out of it and there is a lot of activity over there, and they have brought a lot of equipment in there.
Chairman Aieta: So where are you saying we should take the measurements from? We have to be consistent in how we do that.

Commissioner Claffey: I guess that it is odd that we have 25 feet from (inaudible) and then have 300 feet for a fast food facility. That is a concern that I have.

Commissioner Woods: I think this one talks to, although it doesn’t say it here, you would have a landscaped buffer, so there is a buffer between the residential property and the commercial property. It is actually protecting the residence. That is a perfect example because there is more than enough room for them to give up 25 feet to build a berm to protect the residences and the apartments that are then behind it, to give them a buffer, and still use what they have and be in harmony with……

Commissioner Claffey: I guess the way that I am reading that is that it is just looking for separating distance. Is it a used as a buffer for separating distance, or……

Craig Minor: We can talk about a buffer as a 25 foot area between the parking and loading and the residential zone boundary, unfortunately I think this regulation for example only comes into play when the Commission is reviewing a new site plan, or a site plan modification. I doubt an existing building that has been there for fifty years, and has had a succession of industrial and commercial plants there, that there is parking going on less than 25 feet from the property line, and I don’t know how the TPZ would even know about that because this changes all of the time, and we don’t know about them, permitted uses.

Commissioner Pane: Some businesses won’t have the 25 feet until they redevelop their whole property and then that 25 feet, as Commissioner Woods stated would be used for a buffer system. The buffer would not only be the land but would be an area larger for berming and possibly two rows of trees……

Craig Minor: A landscaped buffer.

Commissioner Pane: A landscaped buffer. I think that it is hard to try to put a standard on everything because each situation is a little different. For instance, you can’t compare the 25 foot buffer for a residential in a B-BT to fast food intercoms because the whole reason that came up was they felt that the intercom was interrupting and disturbing residents and residential properties. So I mean, the whole reason why the buffers are increased is to protect the residential properties. If you notice, in the past, whenever we have gotten into trouble, it is because the activity is too close to a residential property. That is why I think, adult entertainment, it’s 1000, and you are not going to put everything at 1000 feet, so each situation is unique in its own way I believe.

Chairman Aieta: Any other comments? Maybe we are trying to create something where each situation requires its own specific distance requirements. Any comments?

Commissioner Woods: I think we really need to think hard on where you measure this from. I don’t think we can just have it from the property line. I think it needs to be specific to the zone. It can’t be specific to each property because that doesn’t work, but maybe we do it on the zone. When you establish 1000 feet, it’s kind of like you don’t want it, we are saying, you can’t come here, you are effectively opposing say, adult entertainment, but I don’t have a problem with that, but with some of the others, it becomes more difficult because when applicants come in, there always seems to be one little hang up with our regulations that may keep us from what I think we may like to do. Now there is no bending of the rules.
Commissioner Claffey: Now on the Berlin Turnpike you have two day care centers that are pretty close to that.

Craig Minor: Legally it didn’t meet the definition of an adult oriented establishment.

Commissioner Claffey: It’s not there now, and it’s for lease, but I bring that up because the building is for lease, and unless they change it, they could go back.

Craig Minor: It was just a book store. As far as the zoning department was concerned, it was just a book store because it did not meet Newington’s definition of adult oriented business. It was just a book store.

Commissioner Claffey: But it goes to how you measured that. Like on this, we are going to measure it on the boundary, but on this, alcoholic beverages, we are going to do it from the radius of the front door to the front door of each establishment. At what time do we start to try to hone in how we take the measurements. It seems to be getting more confusing why we can’t come to an agreement.

Craig Minor: Can I suggest that you guys have the big picture. You look at the zoning regulations and you notice that it seems like they are all over the place as to how we define distances. I suspect that the person who wants to open a fast food restaurant in Newington couldn’t care less what the other definitions of distance are, he just wants to know what he needs to do to get a permit to come to Newington. I don’t think he looses sleep over how apparently inconsistent our distance definitions are, or measurements are, as long as each one makes sense in its own context. I would suggest that you move on to other items and not try to make too much sense out of somethings which have evolved over time in response to maybe at the time unique circumstances.

Commissioner Claffey: But it does come into play when applicants sit here and use the marijuana. I mean, that we debated, I don’t know, three months, maybe and we still couldn’t get to figure it out.

Chairman Aieta: It got resolved, it got figured out.

Commissioner Claffey: But, from the, that’s the problem. We just had an answer, like, well it got resolved, and we are still sitting here debating distances on businesses, right? So what got resolved?

Chairman Aieta: As far as debating, it looks like.

Commissioner Claffey: We have never answered Commissioner Wood’s question, of where we take a measurement from.

Craig Minor: As I said, no business measurement was stated, but when we had one, a few years ago, Firestone, and I reviewed the plans to make sure they complied, I don’t remember what I did. I’m sure I measured it in some way, I’m sure we said, yes, it meets your regulations.

Chairman Aieta: From the property line to the (inaudible).

Craig Minor: That’s usually the same thing, the property line is often the zone boundary.
Commissioner Claffey: Take the marijuana, the property line abutting Prospect was X feet wide, and we didn't use that in our determination.

Craig Minor: Okay, I would take the center line of the driveway entrance and measure from there, or I'll even be more conservative, the side of the proposed entrance, measure how far that is to the property boundary of the church next door. If that property boundary of the church next door is less than 100 feet and there is a problem. The applicant is going to have to move his driveway further away so that the driveway is at least 100 feet from the property line of the church next door.

Commissioner Pane: Mr. Chairman, maybe in the future we could talk about this a little bit more. I think that there is a little bit of work, for instance, item #4, Helipad facilities, “The facility shall not be within a 300 foot radius of any residential structure. Well, with that 300 feet for a speaker box or intercom, I think for a helicopter landing next to my house at 300 feet, I think the 300 feet might be off. That's one that sticks out. My thought was that maybe we are getting a lot more involved in this than, and it brings up a lot of other things, and maybe......

Chairman Aieta Maybe we should have a separate item to go over these, and remove it from the auto related discussion. Take it up as a separate item.

Craig Minor: So, are we moving on?

Chairman Aieta Yes.

Craig Minor: There is a draft text amendment which summarizes what the regs would look like if you went back to 2007.

Chairman Aieta Until we have the Executive Session, we'll put this off until the next meeting, and then that will give us some ideas. So you will put this back on the agenda. Let's go onto the next item.

B. **Newington Ridge Preserve**

Craig Minor: Actually I put that on the agenda because it's an item that is always on the agenda, so if anything happens the Commission can talk about it. It was before your last meeting the developer did go out and pave the road and a couple of days ago we got a request from the developer for a bond release which I'm not prepared to discuss tonight because it just came in three days ago, so it will probably be on your agenda next meeting, to discuss his request for a bond release. I don't have anything to report on Newington Ridge.

Chairman Aieta Any questions or comments on Newington Ridge?

Commissioner Claffey: Did the reports come back on the borings, did the Town Engineer look at that? The last communication I remember was......

Craig Minor: I can't remember because it's been over a month, but I will have a brief report for you at the next meeting.

Chairman Aieta Any other questions on that?
X. **OLD BUSINESS**

**Petition 53-18**
Special Permit (Sec. 6.13: Accessory Apartment) at 99 Cedarwood Lane
Paul Cioffi, Trustee; Callahan Qualified Personal Residence Trust, owner; Attorney John M. Kelly, 66 Cedar Street Suite 208, Newington CT, contact.

Commissioner Camillo moved to approve (with conditions) Petition 53-18: Special Permit (Sec. 6.13 Accessory Apartment) at 99 Cedarwood Lane Paul Cioffi, Trustee; Callahan Qualified Personal Residence Trust, owner; Attorney John M. Kelly, 66 Cedar Street Suite 208, Newington CT, contact.”

Conditions:

None.

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

Craig Minor: Just to clarify, what Mr. Camillo read was the draft which had the words “with conditions” in brackets so if the Commissioners had conditions they could say so, but I did not hear any conditions, so……..

Commissioner Woods: He actually ended it with “no conditions.”

Craig Minor: Okay.

XI. **EXECUTIVE SESSION** – Pending Litigation

Chairman Aieta Let’s do Executive Session at the end of the meeting.

XII. **PETITIONS FOR PUBLIC HEARING SCHEDULING**

Chairman Aieta That would be the church?

Craig Minor: Yes, Petition 1-19 Special Permit, Section 3.2.1, Church and Places of Worship, 2172 Berlin Turnpike, Highpoint Church, Applicant, Berlin Turnpike of Newington LLC, owner, Gary Rutland, 227 Sunrise Avenue, Newington CT, contact.

XIII. **TOWN PLANNER REPORT**

A. **New Plan of Conservation and Development**

Craig Minor: The first item is the Plan of Conservation and Development and two meetings ago I gave the Commission my draft request for proposals which is sort of an outline of how the update will work, but it’s the detailed instructions for the consultant that the Town hires to do this. So I wanted it on the agenda for the Commission to discuss so that we are all on the same page as to what skill set we are looking for in the consultant, what we are going to expect the consultant to do as far as the POCD update process.

Let me know if there is anything in there that you don’t like, if there is anything that you think is missing.

Chairman Aieta Have you looked at it, do you want time? What do you want to do?
Commissioner Woods: Actually I read the whole thing, think it's very well written, that it is actually what we are looking for, I hope this is what we buy in the end. I think this is what we should put out there, and see what we get in the end. This seems very broad overall.

Craig Minor: That's a good point. It's also possible that the amount of money that we have budgeted might not in fact be able to buy everything that I want.

Chairman Aieta: I think we have to go with it.

Craig Minor: Okay.

Commissioner Claffey: I have a question, no I'll hold it.

Chairman Aieta: Anything else?

Craig Minor: On that, no.

B. Motels on Berlin Turnpike

Craig Minor: At the last meeting, or the meeting before that even, the Commissioners raised the issue of people who are living for extended periods in motels, mostly on the Berlin Turnpike and possibly elsewhere in town, and so I was asked to do some research into it, and I prepared a memo for the Commissioners.

In summary, it's a complicated issue as you can probably imagine, and in my memo I point out that part of the problem with enforcing this rule is the definition of motel, hotel and efficiency units, so that is in my report and you can read that, but another issue has been brought to my attention which I hadn't thought of in this context, as most people know, whenever the government displaces people from where they are living, usually through the building inspector or the fire marshal the town is then responsible for finding accommodations for them and paying their rent where they are temporarily displaced at. I hadn't thought of that in a zoning context, but just as if the fire marshal evicts people because there has been a fire, or the building inspector evicts people because of a building is structurally unsafe, it would probably apply to a zoning enforcement officer. So it's a complicated issue.

Chairman Aieta: Commissioner comments?

Commissioner Sobieski: Mr. Chairman, a lot of those motels up there, people are placed in there by the State, whether it is Section 8 or whatever it is called and you know, I believe that there is a statute on the books, I don't have the number in front of me, maybe the Town Attorney has it, that anything over three families has to be eligible for Section 8 housing. So I think if the State is putting people in there, this could open up a huge can of worms. It's not only in Newington, it's all over the place. Thank you.

Chairman Aieta: Any other Commissioner comments? The point being Stanley, what?

Commissioner Sobieski: The point being if somebody is located in there, the Section 8 housing usually applies in two ways, either it is applied to the building itself, or it is applied to the family that goes there.

Chairman Aieta: Do these motels comply with that?

Commissioner Sobieski: I believe that they do, that's what I'm asking, I don't know. You have to look and see what the State Section 8 is.
Commissioner Claffey: And that is why I keep bringing this up, because I’m trying to figure out how, if that is true, how we’re allowing Section 8, which is for apartments to be funded through a hotel or motel. That is something that I have been asking.

Commissioner Woods: I think it allows for temporary housing, they get a voucher for a limited amount of time, in these motels that we have, but not a permanent place. That voucher goes to a resident, not a structure. It is the resident that has the voucher.

Chairman Aieta: I’m going to ask the Attorney to come forward, and maybe will have some information that will shed some light on this.

Attorney Ancona: Just for clarity, Commissioner Woods has it right, the voucher is actually under possession of the tenant themselves, and it goes where ever he goes. The building itself has to confirm to the minimum federal housing guide of requirements. They are not very strict, it depends on who oversees it. Imagineers is probably the most strict, and then you get to the individual housing authorities across the state, it depends on the inspector, but you can use that voucher, and you could live there for twenty years.

Commissioner Woods: There is a yearly inspection though too, with that voucher.

Attorney Ancona: Yes there is.

Commissioner Woods: The voucher is only good for, the permit is only for one year and has to be renewed every single year with an inspection of the property.

Attorney Ancona: They won’t look at zoning issues.

Commissioner Pane: I think what is going on here is we could remove the regulations over here on a few of these hotels and have for a long period of time, and it’s detrimental to the Town and the quality of life. If a hotel is changing their occupancy to an apartment, but not complying with the regulations, zoning and building codes, they are in violation, and it has to be corrected and we need consistency. It’s also leading to other problems that are tying our police force up. I think this situation has to be addressed by the town, and it has to be addressed immediately.

Attorney Ancona: If I may Mr. Chairman, that would require an 8-12 action which we do all of the time. We do that all of the time, we go into court, we ask the judge, hey, they are not complying with their zoning regs, or (inaudible) and we need an order, and we have people, I don’t want to pick on anyone, but at the Grantmoor, where we had somebody living there with hot plates and it was a permanent residence. There is no denying it. The relocation statute, which you were addressing, I may be in the minority of municipal attorneys, but if your lease is week to week, or month to month, I think the town’s obligation only extends to that lease period, so I have said in the past, if relocation is required, your location would only be for the period remaining in the lease terms.

Commissioner Pane: The situation puts an extreme burden on our police department. I believe that they are putting in a lot of overtime, and they are at these hotels and the two issues kind of tie together a little bit. There are two separate issues, you know, are they complying with zoning or building codes for what they were originally supposed to, and because we are not enforcing that it's causing other problems for the police department and it is tying up their time a lot in town. I think it has to be looked at, and if it is a matter of a team of people in Newington to look into it, then it is what it is, I think that the Town Attorney could help in this matter. Thank you.
Chairman Aieta: We have, I know one that it is right on their sign advertising as efficiency apartments. It’s a motel, and it’s right on their sign.

Commissioner Woods: Does the Fire Marshal have any authority, a role in this when he does inspections of establishments to make sure that they are safe.

Chairman Aieta: Apparently he does but there hasn’t been, I haven’t heard of any actions from his inspections. have you?

Commissioner Woods: That’s my point, he’s finding these structures safe? With the hot plates for cooking?

Attorney Ancona: We had that situation with the Grantmoor, it was instituted by the Health Department. They were the ones that went in, and what happens then is that we bring in the state attorney’s office which is nice because we don’t use our resources. When the prosecutor threatens to take them to court, but there is a lot going on, and the resources are pretty limited, so I’m not sure what the situation is, and also the other situation is, they claim that they check out at 11:00 every day, and they just check in at 3:00.

Commissioner Claffey: To help us, is it worth drafting a memo to Chief Clark and getting his input on this?

Craig Minor: There is a task force of town staff that are dealing with issues, including this, and he is on that committee.

Commissioner Claffey: So they are already dealing with this and we’re not. Are we on that task force?

Craig Minor: Yes, your predecessor was.

Andrew Armstrong: I’ve started to become involved in that.

Commissioner Claffey: So what is our involvement? What are we doing, like it’s news to me that the staff has some involvement…..

Andrew Armstrong: They are worried about the law, of having to replace these people somewhere else.

Attorney Ancona: Mr. Chairman, if I may, one way of going about it may be getting the numbers from Chief Clark will be really helpful. How many calls are there in a given month, six month period, a year, at any particular motel or property. Then you use that to issue a blight action.

Commissioner Pane: Mr. Chairman, is there anything else on our books or the state’s books that if a property is extremely burdensome to the police department with prostitution, drug trafficking, all the list of everything, and it’s continuing and continuing, what is that, is that exactly what you are talking about?

Attorney Ancona: Yes.

Commissioner Claffey: When you say blight, I have to ask another question, because when I brought that word up, they said well it is zoning, so is it legally separate from this Commission?
Attorney Ancona: Yes.

Commissioner Claffey: Okay. Is there are role that the ZEO then....

Attorney Ancona: Well, the ZEO has dual roles.

Commissioner Claffey: That’s what I’m saying, it seems that (inaudible) not together because blight and zoning, much as everyone wants to tell me that I’m wrong, they run hand in hand. We never seem to co-mingle, like well we have blight here, and then violations for zoning and they never kind of come together, some properties have both.

Attorney Ancona: It’s true, but they are different.

Commissioner Claffey: Okay, and there is no way to.....

Attorney Ancona: No, because you are an odd Commission because you have special statutory powers, and regulatory powers.

Commissioner Fox: The Chairman had mentioned that a couple of these motels are actually advertising efficiencies. We don’t allow efficiencies. Now is that something that the ZEO can get into, or what? They are out there blatantly advertising something that is against our regulations.

Attorney Ancona: Well I don’t who tells the Fire Marshal, but I think that is right up the Fire Marshal’s alley.

Craig Minor: We probably could, if someone is blatantly admitting to the world that they are conducting a zoning violation, that we could act on.

Commissioner Claffey: Has anyone asked the Building Department how they oversee their inspections, or is it back to the Fire Marshal on a yearly, if any, inspections on occupancy, does the building department deal with occupancy, and that is where this problem stems from. They are approved for an occupancy of a hotel/motel, and then they get their approval that they have had for years and years, and we don’t use that in our legal fight. When they first came in to get the approval for occupancy, you have got to go to the Building Department and say, we want to occupy this structure, then they come to us and we say, yes you can do that. I mean, the newest hotel we have is the Holiday Inn Express I think, that’s one that still has not flipped into the efficiencies say the people who know that I have discussed this with. It’s one of the few that are still out at 11:00, in at 3:00, different people.

Everyone talking at once.

Commissioner Claffey: What I am getting at is back to the definition, you know, occupancy is defined by sometimes the building code, and our regulation states,

Craig Minor: There is no definition, that is part of the problem.

Commissioner Claffey: You use language like, in addition to building code requirements. That’s the language we have I think in our regulation. So first they have to meet that, and also meet that with our zoning regs. I think it’s written in 3.1, and in addition to that, you have to meet all these other things for us, I think it’s 3.14 or maybe in the beginning. When our zoning law talks about occupancy, you have to meet all of that. I wrote it here, and it’s in here......
Craig Minor: It doesn't appear to be in definitions, but it may be somewhere else in the zoning regs.

Commissioner Claffey: If I find it, I'll send it to you.

Craig Minor: Okay.

Chairman Aieta: So where do we go from here?

Commissioner Pane: Maybe we could just (inaudible) it, and also find out what the task force is doing? Give the task force a chance to meet and hopefully take care of this problem instead of referring it. I think that.....

Chairman Aieta: How long as this task force been in existence?

Attorney Ancona: A couple of years.

Craig Minor: It's a huge problem.

Chairman Aieta: Typical government, you don't know what to do so you make a committee, put some people on it, and forget about it, put it on the shelf somewhere. That's what happens all of the time. It's ridiculous. It really is. You meet for two years, this group that you are talking about now, we don't even know about the task force. Are we going to leave this on the agenda?
Put this on the agenda for a month from now, okay? Can you remember that?

Craig Minor: Yes, I'll make a note here.

C. Kindness Counts

Chairman Aieta: Kindness Counts, what does that mean?

Craig Minor: The Newington Parks and Rec Department has come up with an idea for what they are calling Kindness Counts, and I gave you a copy of their template. Under this program, people who do kind things will be recognized for that, by having a sign put in their front yard by the Parks and Rec Department that something kind was done by the person who lives in this house. I just wanted to make you aware that this is a program that the Parks and Rec Department is embarking on. Again, I just wanted to make you aware of it.

Chairman Aieta: How are they going to do that when it doesn't meet the sign requirements. This is ill conceived, to have these signs all over the place, paper signs. We just went through a revision of our zoning regulations on signs to eliminate this, and now our own town department is putting these signs up. Commissioners, do you want to weigh in on this if you have a different thought.

Commissioner Pane: Mr. Chairman, I agree with you. We can't have these signs popping up all over the place, I think that Parks and Rec is going to have to re-think this.

Chairman Aieta: Unless they want to put it on the sign that they own in the center of town that no one else can use but them. Why don't they do that? Have their kindness program on their sign that no one else can use.
Commissioner Woods: I think it is a short-lived program, I don’t think it is going to go on forever....

Craig Minor: It’s only three months, two months.

Commissioner Woods: There will not be thousands of signs, you need to do an act, and then they are going to have someone come out, put up the sign, and then the sign will be like, the extravaganza signs all over town.

Chairman Aieta: Those are illegal too, and the ones from the school when they are putting the plays on, and those are all illegal signs. We defined it in our regulations. We debated signs for years. When Carol was on the Commission years ago, we had a sign committee, I was on it, and we spent years.....

Commissioner Woods: I hear you, but I’ll go back to the seventies or the eighties when we had the big yellow ribbons around the trees, I’m not quite sure how you stop something like that, and I’m not so sure you want to stop something like that. This is a new thing, and maybe it will flop, maybe there are only going to be ten or fifteen signs, this is a community of volunteers and I think this will send a message, what I think what it’s looking to do is people get involved in their community and make it a better place. It’s a positive thing, not a negative thing. I don’t think you are going to see them strung all over the place, I think.....

Chairman Aieta: Then you are going to get other people saying, well, if they can do it, why can’t we do it, why can’t the Girl Scouts have their cookie drive all over the town, and they never take them down, and.....

Commissioner Woods: They do.

Chairman Aieta: They are flying across my lawn on Church Street for weeks. I don’t know, we went back and forth with the sign regulations, and now we are making exceptions to it. If you want to do that, then let’s do it as a Commission and vote.

Commissioner Pane: Mr. Chairman, we could have him come in. He didn’t even come in to ask us permission for this, or tell us how long the signs are going to be up, or how big they are, or anything. He just assumed that he can just put up and sign anywhere he wants. I mean, we have to have some consistency, otherwise we’re going to have all the schools for all of their programs, everybody else is going to be doing this. We have a sign, an electronic sign at the school department, you could put the person’s name on that. You could put it on the signs that you were talking about, there’s I think three or four of those that they could use which still achieves what he wants to achieve, okay, and then this Commission in the past recommended having additional signs, especially since we can’t use them any more.

Chairman Aieta: Put it on the agenda, and we will take a vote on it. I don’t know what else to do. I’m against it, I don’t even want to start it.

Commissioner Woods: I understand that he is informing us, he’s not asking our permission.

Craig Minor: He asked me to bring it to the Commission’s attention, it doesn’t, he’s not asking for your approval, but it’s an issue that the Commission needs to be aware of and if it is something that the Commission feels strongly is a bad thing, then.....

Chairman Aieta: There are other options for him, he could use his own signs.
Craig Minor: What do you mean, he can use his own signs?

Chairman Aieta: He has signs in the center of town, billboards that the Parks and Rec uses exclusively to make sure that their programs are on, so they could use that.

Commissioner Woods: Mr. Chairman, that’s not going to work. Those signs are very effective and they are rented out, actually they are given out, sometimes they are rented and some times they are given, but you have to request them way in advance.

Craig Minor: The Commission doesn’t need to do anything about this program, the Parks and Rec Department can embark on it, and if the signs start showing up around the town, the ZEO can either take action or he wouldn’t depending on what he was doing that day, what sign issues he is working on, but it doesn’t require action on your part.

Commissioner Woods: That wouldn’t play very nice, they are going to put them out, and we’re going to have the Zoning Enforcement Officer remove them. I’d like to see that article in the paper.

Commissioner Claffey: That brings up, I’m still seeing the signs that are hanging at Clem Lemire field, the park, what we talked about....

Craig Minor: That is different, you don’t have jurisdiction over those bed sheets.

Commissioner Claffey: I’m not talking about the bed sheets. Parks and Rec, where they sell out a spot for the private lacrosse league that uses their facilities, and they have signs downtown, big yellow billboards, right next to the Kakery, right there....

Craig Minor: The Community billboard which Parks and Rec has control.....

Commissioner Pane: Mr. Chairman, I think this has to be on the agenda at a later date and he has to come in and explain to us. We can’t let this happen and then try to enforce the zoning. I agree with Commissioner Woods, that would be a nightmare.

Craig Minor: All right, my point is, it doesn’t have to be enforced. It can be enforced at the discretion of the ZEO.

Commissioner Pane: So what are we going to do, not enforce our regulations consistently? It will be depending on somebody’s opinion or who it is, or who is doing the sign? Who’s got the sign out? Is that how we are going to operate, no consistency.

Craig Minor: You always have the right to decide which issues you want to put the full weight of the town zoning enforcement power behind and which issues you don’t. That is always the Commission’s prerogative.

Commissioner Woods: There is the option that we could get behind it and embrace it and support it and issue a permit for sixty days for these signs across town.

Commissioner Claffey: It took two years just to get to the tent sign ordinance.

Commissioner Pane: Maybe we would support it if we had more information. He hasn’t even come in to say, hey, this is what I would like to do, he’s just assuming, he is going to do whatever he wants to do.
Craig Minor: No, in all fairness, he approached me, he asked me to bring it to the Commission. Your point is well taken that you would like him to come before you and explain the program. I will suggest that he come to the next meeting. Is that the Commission's wish?

Chairman Aieta: You should think about whether or want to all to have this happen, but if you do, be prepared that you are setting a precedent, and if you aren't going to be consistent with the regulations, then don't have the regulations at all. We're making exceptions for something that took years to accomplish.

Craig Minor: That's all I have.

XIV. COMMUNICATIONS

Commissioner Sobieski: I just sent out the CRCOG update, it went out today, so everybody should have it. If you don't get it, please let me know.

XV. PUBLIC PARTICIPATION (For items not listed on the Agenda; speakers limited to two minutes.)

Gail Budrejko, 28 Isabelle Terr: I can see both side of the sign issue, and I agree with Commissioner Woods, and let's get behind it and the spirit of it, but I also agree that since it doesn't violate some zoning rules, even though they are exempt, is not really not in the spirit of working together as a town. What I would like to see is, I would like to see the program implemented and maybe we could bring to them other ideas or there may be other ways to recognize the individuals. I think it is a great idea, but let's keep it consistent with our zoning regulations, but let's get behind it with alternatives. Thank you.

Chairman Aieta: Very good thought, thank you Gail.

Rose Lyons, 46 Elton Drive: I agree with what Gail just said, I also would like to find out the difference between you not having any control over the design over the Parks and Rec signs in the center of town because they don't want to change it to conform with Administrative Letter 35. You don't have anything to do with it, maybe I should be contacting the Town Manager and ask her why it is not conforming and yet, they can tell you that they are going to start putting signs around on town. I sat here and listened to you all go back and forth over the signs, so I think it is a little presumptuous of Mr. DeMaio to tell you what he is going to do without coming in front of you, whether you have any control over it, I don't know. Does it make a difference because it is going to be on private property, not on town property, not my call, but just hearing it, I like the spirit, I like the idea, but just a month or so ago I sat at a Town Council meeting where they recognized four people for volunteerism and what they did, there are other ways to do it.

John Kelly, 293 Maple Hill Avenue: I listed to the discussion about the motels and this Commission, I appreciate Commissioner Pane's comments that there are several issues that have to be deal with, and there are other issues that Commissioner Sobieski mentioned, and you Mr. Chairman mentioned that there didn't seem to be anything happening. This Commission definitely has the authority to push something along, even if it is a test case, even if you picked a property that the Zoning Enforcement Officer says, this, they are advertising, as Commissioner Fox mentioned, that is blatantly saying that there are certain violations, maybe go to that property, send out some notices of cease and desist, or maybe you take it to court, Attorney Ancona, he mentioned the statute, and you see what happens, and you see what kind of authority you might have. I think it would do a lot to start cleaning
up issues on the Berlin Turnpike that we all know about, but that we don't seem to be able to deal with, but I really appreciate the comments of the Commissioners that are here that I think you might be able to take this and really push it, so I would urge you to do that. Thank you.

Attorney Ancona: Mr. Chairman, I was discussing blight, but I also wanted to mention nuisance abatement statute, that is really what my focus was when I first spoke. Thank you.

Chairman Aieta: Any further public comments?

XVI. REMARKS BY COMMISSIONERS

Commissioner Claffey: Status on the Fenn Road Truss site plan and the Pizza place site plan on the Berlin Turnpike?

Craig Minor: The ZEO issued a notice of violation to the Truss folks, and they are working with a surveyor for a site plan, and I heard from them today saying that they hoped to have some plans in the next couple of weeks.

Commissioner Pane: Do we have some before and after shots? They expanded it massively, so I would expect that staff would get on Google and get some photos of it before they took possession of the property, and then new photos because there is a major expansion there.

Craig Minor: Right. The Plans should show what the site was before they put in those trees. The other item, there has been no change in that. They posted a bond......

Commissioner Claffey: Wasn't there supposed to be something there to alleviate the path through there?

Commissioner Pane: Have you measured the parking spaces there? They seem to be extremely narrow?

Andrew Armstrong: I did not measure them.

Commissioner Pane: They are very narrow. I don’t know if you noticed it....

Craig Minor: No, I haven't been out there looking at the parking, but interesting. I can tell you that when I reviewed the site plan I did know that they were 9 feet by 18 1/2 on the site plan, but we haven't been out there in the field to measure, but we will make sure that we do that.

Commissioner Claffey: Did you have a chance to look at .......

Craig Minor: Montana?

Commissioner Claffey: Just that lot. The site plan......

Craig Minor: I know that you had been talking about it at a couple of the meetings, specifically a few meetings ago you expressed a concern about trucks parking in the Montana Nights parking lot, and I wasn't quite sure what you meant, so if I bring in the plan, you can......
Commissioner Claffey: I'll step up here. This is all here, at night, they have these spots, these spots, and these spots, and what happens at night is there is a gate here that opens at night, and they have 18 wheelers that back up all the way in and come into this overhead loading dock that is underground. So they park anywhere from one to three 18 wheelers, just the trailers along this area here. There are so many people who come to this facility for the use here, that they park now all along here, almost up to the street, sometimes around this curve, and then in the grass here. It just goes back to my original question, is our parking regulations proper to, when these buildings start to expand and expand and expand?

With the respect to the gate that is up, does the parking calculation take into consideration the spots that are behind the gate? So then at night, those spots cannot be used by any other occupant.

Commissioner Pane: I'm sure we used those for parking. We didn't know there was going to be a gate there I don't think.

Craig Minor: Montana Nights got their special permit only when they showed you that there would be enough parking for their use.

Commissioner Claffey: What I am saying is, they are using double, if not triple the night activities.....

Craig Minor: You mean Montana Nights, or the other tenants trucks are parking....

Commissioner Claffey: It's a mixture of both because......

Craig Minor: You mean when Montana Nights is in operation or when they are not in operation.

Commissioner Claffey: Now seeing them in operation during the day,

Craig Minor: Montana Nights?

Commissioner Claffey: Montana Nights, okay, they have some day time events, which is fine, it's never been against them, I want to clarify that it's not against Montana Nights, I'm using Montana Nights as an example because they had a special permit for this parking which would be street facing. That area to the left of the building. That was an addition saying that we will comply when we add those.

Craig Minor: Yes, the Commission did not approve the special permit for Montana Nights until they showed that there would be parking for Montana. Got it.

Commissioner Pane: Let's see if I can straighten this out. The area there where the 10 wheelers are, those 18 wheelers are taking up the parking spaces for Montana Nights.

Craig Minor: Okay, during the time that Montana Nights is open for business.

Commissioner Pane: Correct.

Craig Minor: Okay.
Commissioner Claffey: My question is, behind that gate, there are no parking spaces that are being used, and my question is, we sat here and all of those parking spaces even the ones that were prior to Montana’s special permit for anew parking lot became a new calculation for that whole complex.

Chairman Aleta: Correct.

Commissioner Claffey: So with that being said, when they close that gate, the other occupant, the environmental company down below, those parking spaces can’t be used at night because they put a gate in for some reason, now these people are parking all the way up to Fenn Road, even though there are spaces there, they just can’t access them.

Craig Minor: I understand your point now, it’s a good point. TPZ does not normally, when you approve a use in a multi-tenant building, we have never recommended that you allocate specific areas for parking for one business person over another, in some there is enough parking, in a large shopping center shall we say, where a church also rents space, as long as there are spaces, that is usually as deep into it as you go. But here is a situation that you brought to my attention where when they do put that gate in place, then there is not the ability for everybody to park, where we assumed that they would be able to. So, okay, I will talk to the management about that.

Commissioner Claffey: Then that bring in the pizza joint parking. It’s kind of the same thing where they are sharing parking.

Craig Minor: Oh, Artichoke? Yes, right same property, TPZ has never in the past required a landlord to designate parking for one tenant at the expense of the others. We just have never done that, as long as in total there is enough parking, that’s been as far as the Commission goes.

Chairman Aleta: You’ll get back to us on that?

Craig Minor: Yes.

Chairman Aleta: Any other comments? I need a motion to go into Executive Session.

Commissioner Sobieski moved that the Commission enter into Executive Session at 8:34 p.m. Present at the Session were Town Attorney Ben Ancona, Town Planner Craig Minor, Asst Town Planner and ZEO Andrew Armstrong, Chairman Frank Aleta, Commission Members, Michael Camillo, Domenic Pane, Anthony Claffey, Stephen Woods, Stanley Sobieski, Michael Fox, Hyman Braverman.

The Commission returned to regular session on the motion of Commissioner Sobieski, seconded by Commissioner Fox at 8:55 p.m.

XVII. CLOSING REMARKS BY THE CHAIRMAN

None

XVIII. ADJOURN

Commissioner Sobieski moved to adjourn the meeting. The motion was seconded by Commissioner Camillo. The meeting was adjourned at 8:56 p.m.
Respectfully submitted,

[Signature]

Nonne Addis,
Recording Secretary