

NEWINGTON TOWN PLAN AND ZONING COMMISSION

January 22, 2020

Regular Meeting

Chairman Pane called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:15 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 Domenic Pane
Commissioner Anthony Claffey
Commissioner Michael Fox
Commissioner Garrett Havens
Commissioner David Lenares
Commissioner Stanley Sobieski
Commissioner Stephen Woods
Commissioner Thomas Gill-A
Commissioner Bryan Haggerty-A

Commissioners Absent

Commissioner Braverman-A

Staff Present

Craig Minor, Town Planner

III. APPROVAL OF AGENDA

No Changes

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

None

V. REMARKS BY COMMISSIONERS

None

VI. APPROVAL OF MINUTES

Commissioner Fox moved to approve the minutes of the January 8, 2020 Regular Meeting and the January 8, 2020 Special Meeting. The motion was seconded by Commissioner Havens. The vote was unanimously in favor of the motion, with seven voting YEA.

Robert J. Haggerty
Town Clerk

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VII. NEW BUSINESS

- A. Petition 41-19: Residential subdivision at 55 East Robbins Avenue. Domelas Home Improvement LLC, owner/applicant; Helton Domelas, 55 Wood Pond Road, Farmington CT, contact.**

Description of Petition 41-19

This petition is to split the large developed lot at 55 East Robbins Avenue in town, with the existing house to remain on one of the lots.

Staff Comments:

55 East Robbins Avenue is located on the southwest corner of Flagler Street and East Robbins Avenue. The existing house was built in 1928. The property consists of two parcels from the 1925 "Miami Heights" subdivision which were merged by a previous owner when the previous owner constructed an accessory building in the southwest back corner (As an aside; if the previous owner had not built the accessory building, the current owner would not need to go through the subdivision process to split the lot in two.)

There are numerous, substantial deficiencies with the plans as submitted which I described to the applicant back in November. As of this writing, he has not submitted revised plans. He has given his permission to extend the decision deadline, so I recommend TPZ take no action on this application at this time.

Chairman Pane: Is there any update on that?

Craig Minor: I spoke to the applicant and I spoke to his surveyor today and they are still working on the revisions for the Commission.

Chairman Pane: So we will table this for now then.

Craig Minor: Correct.

Chairman Pane: The applicant is not here, correct?

Craig Minor: Right, he isn't here. I told him not to bother coming.

Commissioner Claffey: We will table this to the next meeting?

Craig Minor: Correct.

- B. Petition 02-20: Site Plan Modification at 2414 Berlin Turnpike (Mykonos Restaurant) JCJ Associates LLC. Owner, Despina Milos, Applicant Mike Milios, 2424 Berlin Turnpike, Newington CT, Contact.**

Chairman Pane: Thank you. I'll turn this over to the Town Planner for a report now.

Craig Minor: The applicant's representative is here tonight. I think most of you are familiar with Mykonos Restaurant. The owner of the restaurant came into the office a month or so ago with a site plan, and there was some confusion at first as to what exactly he wanted to do. Did he want to put an addition onto the building where the patio currently is, or did he want to expand the patio and actually the patio consultant and I figured it out and he is here today to explain to the Commission what exactly it is that the applicant wants to do.

I just realized tonight, or this afternoon, that the addition is not going to be bricks and mortar, it's going to be a patio, some kind of a manufactured structure, not a walls and insulation type of construction, but it is part of the building, so I'll turn it over to the applicant's representative.

Chip Bellman: I work for Patio Enclosures and I've been working with Mykonos Restaurant since August. What we are doing is putting up what we call an all season room. It is insulated, it's made up of extruded aluminum. The roofing is also made of aluminum skinning and it's six inch, 30 (inaudible) I beams and panels with aluminum skinning on the top.

It's insulated glass, all tempered, and it's going to be an insulated all season room. I have some pictures, drawings, I sent them to Craig today.

Craig Minor: I didn't have the opportunity to get to them.

Chip Bellman: I have a description, if you want to hand this around. This actually has the picture of what it is going to look like, and here we break down what each of the walls is, the roof, and here it shows how it is constructed.

Chairman Pane: Does this require a foundation?

Chip Bellman: We will be using the foundation that is there.

Craig Minor: The engineer, I got an e-mail from the engineer this afternoon and he is satisfied with the plans.

Chairman Pane: So the Town Engineer has no comments on this at all. There is no problem with the parking requirements, you looked into this.

Craig Minor: Right, it's actually over served for parking.

Chip Bellman: I have another drawing, so you can see how it opens and closes. This shows how this is constructed.

Commissioner Havens: Is this structure going on the existing patio that is shown in the picture here?

Chip Bellman: It will sit on that concrete patio. That is 12 x 24.

Commissioner Claffey: How is this being heated?

Chip Bellman: He hasn't told me how it is going to be heated yet. He may tie into his present system.

Commissioner Claffey: What are the walls here?

Chip Bellman: The walls are all glass. The doorways are glass too. It looks like that from the front and this side here, this is the door that goes out onto the existing patio.

Commissioner Gill: As far as the egress?

Chip Bellman: Each of the windows, I mean the windows have screens in them and you could get out the window just by popping it out and going through there. I have some brochures if you want to see how it will look.

Chairman Pane: You can pass one around.

Commissioner Claffey: It can carry dead weight snow on there?

Chip Bellman: Yes, that also shows, says it will handle a thirty to forty pound load, and our six inch can handle up to a sixty pound load.

Craig Minor: The Town Engineers' comment is that the drawing is acceptable and BGI will make improvements on the final drawing.

Commissioner Claffey: Where is the additional seating added to the count? 243 square feet or something like that?

Chairman Pane: 235 I think, it's normally five spaces for one thousand square feet.....

Craig Minor: For a restaurant it's based on the area open to the public so the amount required for a restaurant is twenty spaces for each 1,000 square feet which is two spaces or one space for every fifty square feet of floor area.

Commissioner Claffey: So he is reducing his exterior patio, does it take away from the number of total exterior patio seating?

Craig Minor: Good question. The Commission's policy has been that when the Commission has allowed patio seating for restaurants that that does not increase the amount of required parking which makes sense since you can only use the patio a few months out of the year. It makes sense for the Commission not to require a restaurant to provide more parking just because they have some outdoor seating.

Commissioner Claffey: I get that, but the second part of my question is, is there so many seats for outdoor and how many?

Craig Minor: No, it doesn't change the amount of parking you have to have.

Commissioner Claffey: I'm talking about the seating.

Chairman Pane: Do we limit how much seating.....

Commissioner Claffey: I know lately we have been given numbers by applicants of like, here's this patio and we want to add outdoor seating and then they come here and have been given a number.

Chairman Pane: That might be just because the space was, they had a few too many tables planned in a particular space.....

Craig Minor: And maybe because it is easier to talk about seats. You can visualize a seat, whereas it's hard to visualize square feet. So that may be why you recall the conversation that talked about seats but in reality the requirement is based on the square footage of floor area.

Commissioner Claffey: So what I'm getting at is, we're reducing the amount of outdoor seating and in the future, if he came back before this Commission and added more outdoor seating somewhere else around the building.....

Craig Minor: There still would not be a need to increase the parking because you don't require parking for outdoor seating.

Commissioner Claffey: I just don't want to set a precedent for another business is what I am getting at. I know that there was an issue with the pizza place across the street when they came before us and said no, we're not having outdoor seating and then a few weeks, months, later, oh, we want outdoor seating, and they came back here to discuss the placement of outdoor seating.

Craig Minor: Right and while I would never tell the Commission that what was discussed, it was kind of awkward, not that we gave the restaurant a hard time about it, but talking about how outdoor was impacting on parking when the policy of the Commission has been outdoor seating does not affect parking. I think, I know you did, because there was a sense among the Commissioners that that shopping center was short on parking and that this would exacerbate it, I think that was what was on your minds.

Commissioner Claffey: I just don't want to set a precedent here and in the future have somebody become conforming/non-conforming. That's all.

Chairman Pane: Any other questions from the Commissioners?

Commissioner Woods: On the staff comments, the last sentence, you had not received the Town Engineer's comments?

Craig Minor: They were on the sheet that I passed around.

Commissioner Woods: This is for 890 Willard Avenue.

Chairman Pane: On the top, the very top.

Commissioner Woods: It says, Budney Estates. Oh, the second sheet, I didn't have the sheet, I'm sorry.

Chairman Pane: I think this is really nice for the restaurant, it's obvious that they are doing well, and they have plenty of parking there, so if there is no objection I think we should move this to Old Business for action tonight.

Commissioner Fox moved to move Petition 02-20 to Old Business. The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with seven voting YEA.

VIII. OLD BUSINESS

A. Petition 01-20: Residential subdivision at 890 Willard Avenue. Cross Construction LLC, owner/applicant; George Flores, 151 Maple Hill Avenue, Newington CT Contact.

Unidentified: Thank you very much. Mr. Bongiovanni is not in town, but I talked with him this morning and I also touched base with Mr. Minor and I guess we are pretty close to aligning on the issues, the outstanding issues that they were working on. The only thing I have is the availability for utilities, I discussed that with Mr. Minor and other than that, I think Mr. Bongiovanni covered all of the aspects.

Chairman Pane: I'll ask the Town Planner to give us a report on it, if there is anything outstanding or.....

Craig Minor: No, nothing outstanding. If the Commissioners may recall this was the subdivision that we discussed at the last meeting, whether LID was appropriate or not, and so the applicants have provided LID to the maximum that is practicable for a site like this.

Chairman Pane: Could you explain to the Commissioners because of the decision that we made at the last meeting, we have to modify the regulations. Would you explain that to them?

Craig Minor: I think so that future developers, engineers, consultants know what is expected of them before they show up, it would be appropriate for us to amend the subdivision regulations so that the developers know that if it is five lots or fewer, they don't need to go through LID. That it is presumed to be to the maximum as practicable if there are five or fewer and there is no street.

Commissioner Claffey: Number fifteen on the Town Engineer's report says provide pre development and post development impervious for all lots. Are we talking impervious like meaning non pavement areas or are we talking lot coverage areas?

Craig Minor: Lot coverage areas. Roofs, driveways....

Commissioner Claffey: Do we have a calculation for that that would help with this LID.

Craig Minor: That's the job of the Engineer, to make sure that the pre and post development run off on the project is acceptable that it won't clog streets, it won't clog neighbors and so forth, so he needs data and typically he will ask the applicant's engineer to provide storm water data so that our engineer can make sure that it is appropriate and at that time, our engineer needed more data from the applicant, but now we have decided that we will accept whatever LID the developer want to propose. Our engineer no longer needs that detail data that he had wanted at that time.

Chairman Pane: Any other Commissioners have any questions? We talked about this last meeting, and I think we are ready to entertain a motion.

Petition 01-20

Residential Subdivision at 820 Willard Avenue

Cross Construction LLC, owner/applicant

George Flores, 151 Maple Hill Avenue, Newington CT, contact

Commissioner Woods moved to approve Petition 01-20 Residential Subdivision at 820 Willard Avenue Cross Construction LLC, owner/applicant George Flores, 151 Maple Hill Avenue, Newington CT, contact.

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

Petition 02-20

Site Plan Modification at 2414 Berlin Turnpike (Mykonos Restaurant)
JCJ Associates LLC, owner; Despina Milos, applicant;
Mike Milos, 2414 Berlin Turnpike, Newington CT, contact

Commissioner Woods moved to approve, with conditions, Petition 02-20 Site Plan Modification at 2414 Berlin Turnpike (Mykonos Restaurant) JCJ Associates LLC, owner; Despina Milos, applicant; Mike Milos, 2414 Berlin Turnpike, Newington CT, contact

Conditions:

1. The applicant shall revise the plans to address the Town Engineer's comments dated January 21, 2020.

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

IX. PETITIONS FOR PUBLIC HEARING SCHEDULING

- A. Petition 03-20: Renewal of Special Permit #04-17 (Accessory Apartment) at 71 Eddy Lane, Steven and Laura Dutil, Owner/Applicant. Steven Dutil, 71 Eddy Lane, Newington CT, Contact.

Craig Minor: Petition 03-20, renewal of Special Permit 04-17 (Accessory Apartment) at 71 Eddy Lane. This was an accessory apartment, actually it is kind of amusing. It was actually approved some twenty years ago but the then owner forgot to file the paperwork and so a couple of years later it was discovered and so a number of years ago the next owner had to come to you and get it redone. It happened again. Another owner got approval from you, and this is now in my time, didn't file the paper work, so when the Dutil's bought the property, thinking that they bought it with an approved accessory apartment, which they did because the Commission did approve it, the previous owners never filed the paperwork and if you don't file the paperwork it's not really approved. Mr. Dutil, back in 2017 had to come before you to get it approved, and you re-approved it, but with the stipulation that he come back in three years for another public hearing, just in case there had been any problems, and that is why it is before you now for scheduling. To have another public hearing, and it will be the fifth time that this is addressed. He is not available at your next meeting, so he asked that it be scheduled for the February 26th meeting.

Chairman Pane: Thank you very much. Any questions?

X. TOWN PLANNER REPORT

Craig Minor: As we were talking about earlier, I recommend that we tweak the subdivision regulations so that future developers know that they don't have to go through the hassle of LID if it is five lots or fewer and there is no road. I picked five lots arbitrarily, but it seemed like a reasonable number, but as we go through the public hearing if the Commission wants to raise it or lower it you can do that, but this was just to set the table for the public hearing on this. If the Commission has no objection, I'll schedule that for the next meeting.

XI. COMMUNICATIONS

None

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

None

XIII. REMARKS BY COMMISSIONERS

Commissioner Sobieski: Craig, you have my wrong e-mail address again. It's americanflyer26@gmail.com.

Craig Minor: Did it come from me or my office.

Commissioner Sobieski: It's on the sheet that you just handed out tonight.

Craig Minor: I'll be sure that it's corrected. My secretary created that.

Chairman Pane: Any other corrections on the sheet that was just handed out which is everybody's e-mails? Anybody else have anything else?

XIV. CLOSING REMARKS BY THE CHAIRMAN

Chairman Pane: I want to thank everyone for coming in early, I want to thank the alternates for coming. I think it's important to have them here and participating and I thank you for attending.

XV. ADJOURN

Commissioner Sobieski moved to close the meeting. The motion was seconded by Commissioner Havens. The meeting was adjourned at 7:45 p.m.

Respectfully submitted,



Norine Addis,
Recording Secretary