NEWINGTON TOWN PLAN AND ZONING COMMISSION

March 27, 2019
Regular Meeting

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 Michael Fox
Commissioner Stanley Sobieski
Commissioner Hyman Braverman-A

Commissioners Absent
Commissioner Anthony Claffey
Commissioner Domenic Pane
Commissioner Stephen Woods
Commissioner John Bottalico-A
Commissioner Giangrave-A

Staff Present
Craig Minor, Town Planner

Commissioner Braverman was seated for Commissioner Woods.

III. APPROVAL OF AGENDA

Craig Minor: I have one item to change. Again, the engineer for O'Reilly Auto Parts would like to come to you at your next meeting. There are things in play regarding the sewer proposal so he will come to your next meeting and tell you how that is working out. It's under Old Business, Item A.

Chairman Aieta: Any questions on the change? All in favor of the change?

The Commission was unanimously in favor of the change with five voting YEA.

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

None

V. REMARKS BY COMMISSIONERS

None
VI.    PUBLIC HEARING


Chairman Aieta: Mr. Planner, you have something to report on?

Craig Minor: Two items that I want to bring to the Commission’s attention. We received a letter by e-mail earlier this evening from Attorney Hollister and I won’t read the letter, but basically his concern is that some of the Commissioners had been discussing adopting the regulations, but with a change. The regulation as posted would require a one hundred foot buffer between residential zones and new auto related businesses and would prohibit roll up doors facing the street. During the discussion, some of the Commissioners expressed a preference for only having a fifty foot buffer and allowing roll-up doors. Attorney Hollister’s letter points out that because the amendment as posted talks about a hundred foot buffer and no roll up doors, if the Commission were to end up adopting something different, in his opinion that would be a procedural error because the amendment as published didn’t talk about those things. So I discussed it with the Town Attorney and the bottom line is, the Town Attorney feels that if the Commission does end up amending, adopting the regulation but with only a fifty foot buffer, or allowing roll-up doors, that would probably be appealable and therefore you should have another public hearing on that. So what I suggest we do is when we get to the end of the public hearing, when the Commission feels that we are ready to close the hearing, close the hearing, but then during the discussion, if it looks like there is a consensus that a majority of the Commission would prefer to have just the fifty foot buffer, have a new public hearing on an amendment with just the fifty foot buffer. Have that hearing, open and close it and then the Commission could then decide which way it wants to go, but under that scenario nobody could claim that they didn’t have sufficient notice that they could come and speak and ask questions about either of those two proposals. So we will come back to that when it is time to close the hearing.

The other thing I wanted to bring to the Commission’s attention, at the last meeting I was asked to have the GIS department put together a map showing what the impact would be if the regulations required a one hundred foot buffer versus a fifty foot buffer. I think what I will try to do is to display those two maps on the screen here so that the audience can see those two maps.

I’m not going to try to get the whole map on the screen because the Town of Newington is long and skinny, but this shows you the parcels in town that would be, the crosshatched parcels are commercially zoned lots that, if not for the buffer would be able to have an auto related use. But with a hundred foot set back, all of these crosshatched parcels would not be eligible to establish a new auto business.

If the Commission adopted the fifty foot buffer, then more parcels would be available to, for auto related use, I’ll try to toggle back and forth so you can see. Okay, a one hundred foot buffer, more parcels would not be available for auto businesses, fifty foot buffer, more properties would be available for auto related use. This is something that the Commission brought up, if we adopt the more stringent buffer, there would be less land in Newington that could be used for an auto related business. The Commissioners have those maps in their packet and they are available if anyone from the public would like a copy I can certainly do that. So those are the two things that I wanted to bring to the Commission’s attention.
Chairman Aieta: It looks like to me that there isn’t much of a change between the fifty and the hundred foot as far as the properties that are being affected, very little.

Craig Minor: It's subjective, whether it's a lot or a little it's relative.

Commissioner Braverman: Could you explain the crosshatches where the blue and the green, what is, it says, parcels 100 feet from residential zone. Explain that versus the fifty foot blue one.

Craig Minor: This is the map that shows the impact if the Commission were to adopt the 100 foot buffer and so every parcel that is yellow is in a business zone that if it weren't for a buffer setback rule an auto business could open up. The crosshatching shows lots that are within a hundred feet of the residential zone. There are some parcels, like Milk Lane, these parcels are more than 100 feet from a residential zone so if the Commission adopted a one hundred foot buffer requirement, these lots could still be developed for an auto related business. But if you adopted only a fifty foot setback, then more properties would be eligible.....

Commissioner Braverman: In the yellow.

Craig Minor: Yes. I'll try to toggle back and forth, fewer parcels available, more parcels available. It's more dramatic on the Berlin Turnpike. Fenn Road is a good demonstration of how the greater buffer would reduce the number of lots that could be used for auto business in Newington.

Commissioner Braverman: Thank you.

Chairman Aieta: Comments from the Commission on that? Does anyone have a preference, fifty to one hundred feet, any discussion on why we should favor one over the other? In the regulations most of them talk about the Plan of Development and protection of the residential zones. Particularly the Plan of Development talks about protecting the residential zones with buffering. We have in our regulations the speaker for a drive though restaurant is a 300 foot distance requirement from a residential zone, and we are looking to cut this down from one hundred. My preference would be to increase it to more than one hundred but I don't think the Commission is willing to go that far. I think 50 feet is too close with all of the problems that we have had because of the distance requirements. Fifty feet is kind of close.

Craig Minor: I would suggest, don't make that decision now, because the public hearing is still open and there might be more input from the public that might reform your opinion on that issue.

Chairman Aieta: Okay, any other......

Craig Minor: That's all I have.

Chairman Aieta: Any questions from the Commission? We'll open it up to the public again. We will be leaving this open. People wishing to speak in favor of the application please come forward and state your name and address for the record.

Amy Souchen: For the record, representing (inaudible) real estate partners, as you know. I just wanted to speak to the letter that Attorney Hollister submitted yesterday afternoon about the revisions that I had suggested to the regulations. I did make those two comments, but I think what he overlooks in his letter is that in his comments he also conceded a proposed change to the regulations that would further expand the property that would be covered by
the bay door restriction. Clearly what he telegraphed in his letter, in my opinion is that they are willing, the clients are willing to appeal whatever the Commission's decision might be and so my position is consistent with the advice that you will likely get from your Town Attorney, would be to make a decision about how you want the final regulations to be worded and incorporate whatever that decision is into a new application and hearings on it's merit. I just wanted to add that. Thank you.

Chairman Aieta: Anyone else wishing to speak in favor of this application? Anyone wishing to speak in opposition to this application? We will leave this open for our next meeting.

B. Petition 07-19: Special Permit (Sec. 3.2.1: Churches and Places of Workshop at 6 Church Street. Vaishnav Parivar of CT, Owner/Applicant, Rageev Desair, 712 France Street, Rocky Hill, CT, Contact.

Rageev Desair: Good evening to everybody. We would like to have 6 Church Street, we would like to use that house for our priest and his family.

Chairman Aieta: You want to use this house strictly as a residence?

Rageev Desair: Yes, strictly as a residence.

Chairman Aieta: The property at this time is pretty blighted, needs repair, stuff out there....

Rageev Desair: We are planning to remedy that, because we bought this property from a foreclosure, so it is in really bad shape. We are getting ready to have it for a residence.

Chairman Aieta: Is that the only use that you are looking to......

Rageev Desair: Yes.

Chairman Aieta: So you are going to keep it strictly for a residence for your priest or the religious people who are coming into town. It's not going to be for meetings or, you don't have parking there for meetings and stuff like that so.....

Rageev Desair: No, it's for the benefit of the priest.

Chairman Aieta: Any questions from the Commissioners on this piece of property? You know which one that it is, it's the one on the corner of Church Street and New Britain Avenue. It's the blue house, and it's been under foreclosure, and it's in pretty tough shape as far as it's run down and there is junk on the side, needs some repair.

Commissioner Sobieski: One question, will you fence around the exiting house from the other house that is there now to give them privacy?

Rageev Desair: Yes, we will definitely do that.

Commissioner Sobieski: Are you going to remove the fence in the back to allow the priest to go from there into the parking lot and then over here?

Rageev Desair: Yes. From there to 26 Church Street.

Commissioner Sobieski: And this will be only for his residence, not for classes or anything like that.
Rageev Desair: Yes, it is strictly for the residence of the priest that we have.

Commissioner Sobieski: Thank you.

Chairman Aieta: He will be living there full time?

Rageev Desair: Yes, he will be there full time.

Chairman Aieta: Any other questions from the Commissioners?

Commissioner Sobieski: You will not sub-let this if he relocates, you will not sub-let this as a rental property, will you?

Rageev Desair: No.

Chairman Aieta: Any other questions?

Commissioner Fox: I'm just a little concerned, I know the facility is supposed to be for a residence only for the priest, there will be temple related activities even during the day light hours?

Rageev Desair: No.

Commissioner Fox: Because in your letter to Mr. Minor asking for a special permit you stated something about a religious use.

Rageev Desair: It is strictly for the use of the priest. Anything religious will be in the temple.

Chairman Aieta: That was a concern on mine, that you had such a big property at 26, why did you need an additional spot for anything during the day. It didn't make sense to me to expand the use at 6 Church Street. It's a residence.

Commissioner Camillo: Do they need a special permit for that then?

Craig Minor: No, I don't think so.

Commissioner Camillo: It's a residence.

Craig Minor: Right.

Chairman Aieta: It's good that he is here because we have gotten a clarification on what he asked for in the beginning and what he is saying now. So the records will reflect that they are strictly going to use this as a residence for the priest.

Commissioner Fox: Once again, through the Chairman, Commissioner Sobieski asked about what would happen if say, your priest went somewhere else. You would have an empty residence and we would expect that you would not be renting it out. If you lose your priest and you get another priest would he immediately be eligible to use that house as his residence?

Rageev Desair: Any time we get a priest it is our responsibility to provide the house. Priests are coming from India, they don't have any other place to go.
Commissioner Fox: Thank you, thank you Mr. Chairman.

Chairman Aieta: Any other questions from the Commissioners? Anything else you want to add? We'll open it up to the public for public comments. Thank you. There is a letter......

Craig Minor: She might be here tonight, so if she is here, she will read it to you also.

Chairman Aieta: Anyone wishing to speak in favor of this application? Anyone here wishing to speak in favor at this time? Anyone wishing to speak in opposition? Please come forward, state your name and address for the record. Is this the letter, you sent a letter to the town? Do you want to address the letter?

Deborah Brodacki, 10 Church Street.

Chairman Aieta: Your property is the property between the temple and this piece, right? 10 Church Street:

Deborah Brodacki: Yes. I’m sorry it is such a lengthy letter but I had numerous questions and numerous concerns. I asked that the letter be read.

Chairman Aieta: I’m going to allow you to read it into the record.

Deborah Brodacki: “In our opinion the petition should not be on the table due to the history of non-compliance by the Temple for years. At the last zoning meeting pertaining to the temple, the temple was directed by the town that the spotlights must be turned (aimed) down onto their own property and not onto the adjacent properties due to town ordinances. We still can’t sleep in south facing bedrooms as the result of the spotlights still shining in and through our home, the pedestrian and traffic noise, be it a large event or regular weekly activity. We’ve moved to a bedroom on the north side of the house which is bordered by #6 due to this.

Additionally they now have added hundreds possibly thousands of permanently attached holiday lights to 2 sides of the building. We don’t know if there was a permit. But we do understand due to religious beliefs and holidays this is similar to Christmas. Christmas lights typically last a few weeks but these lights were on for about 3 months. As a result for months we not only have spotlights but we have a large amount of additional lighting which can easily be seen from Maple Hill Avenue with the amplified lumens. This all is on top of the building painted overly bright yellow, blue and red that is bright on its own even without added lights. It glows. I know in the 1979’s there was an issue of a home on Main Street being painted black and not conforming to the neighborhood and than again a home near the quarry being painted several bright colors in the 1980’s. This seems to be a similar issue of not fitting and blending into the area. If we remember they were both made to alter these.

Secondly the temple was instructed by the town to install a fence to help with light pollution, pedestrian and traffic noise. This was sort of complied with quickly by putting up plastic orange highway fencing that is lined with holes. But nothing else was done. This does serve as a line of demarcation to prevent trespassing and stopped people ducking behind our shrubs for cover to urinate when the restroom lines are long during festivals and stopped trashing blowing in but does nothing for noise and light pollution, so it did do some help. This fence is now starting to sag in many sections and becoming an eyesore. As a result we still have lights, hear slamming door, car alarms and pedestrian noise on 2 sides of our home. So, if this petition is allowed we will now have the same sort of issues on 3 sides of our home and will not be able to sleep anywhere in our home.
Another concern is construction. What if it is decided to double or triple the footprint of the house, or worse yet, knock it down and build a large building nearing the size of the temple itself? The last construction project lasted well over a year. We had to put up with construction noise, debris and dust blowing into our yard as well as having the view of several large dumpsters around the building. #6 Church Street property is even closer, about 30 feet to the house so it could even be a bigger issue this time.

With the house being about 30 feet away our biggest concern is at some point is wanting to turn the yard into parking, be it paved or unpaved. They currently do this on the front and side lawns of the temple when they run out of parking space during large event. In fact, a few months ago cars sunk into the mud up to the axils and had to have a few tow trucks come to pull the cars out. Parking expansion would involve potentially putting in a sidewalk or driveway within feet of our house to enter the main door of #6. This would move traffic, car lights etc., and pedestrian noise VERY close to our house as well as losing all of our privacy. They will literally be able to see in our windows. We shouldn’t be expected to live in a cocoon behind heavy window shades on all sides.

If driveways or walkways are put in this would also result in sidewalk lights, spot and security lights meaning our home would be bathed in light on the 3rd side creating more light and noise pollution. Due to the proven non compliance of the past issues, why would we expect the 3rd side to be different?

We have a huge concern with parking expansion and its runoff of automotive fluids leaking into the water table. Our home water is supplied by a wonderful very old established natural well. We are worried about all of these fluids leaking into it and contaminating the well water as well as the soil pollution for our fruit trees and gardens. We depend on our gardens for preserving organic food to eat in the winter. With having a great well, we don’t want to have to pay 10 to 20 thousand to connect to city water with not only the cost but the quality change from our current supply. Who do you think would have to pay for all this plus soil abatement?

If anyone is familiar with the Church St. and New Britain Ave. intersection you will now it is an extremely busy intersection. This also includes a crosswalk and school bus stop. This driveway is right on the right turn only lane. Many times drivers, be it car, truck, bus go quickly to beat the light and not stopping on this red light. If driveways or cars cutting over the lawn happen this will be a sure recipe for disaster by adding more travel and foot traffic.

In closing let’s talk property value. Would anyone here want to buy a property enclosed on 3 sides by any entity, private, public or secular with known issues of safety, noise, light and chemical safety? Our property values will tank. We are heading closer to retirement age. We were not looking to move but if we do have to why would we want to have to incur the cost and trouble of relocation to find a similar size of home and yard? We would be losing thousands in depreciation of value of our home. We would not be able to purchase anything else comparable. This has been my family home since 1963 with many family memories that you can't put a price on. We are taxpaying residents like everyone else in town. And are hoping our town will protect and respect us in our older age that is approaching. We shouldn't have to worry about quality of life, security and property value. The temple has demonstrated previously the lack of concern for the entire neighborhood. This is a neighborhood where people live. #6 Church Street has been home to 3 wonderful families and neighbors over the years and we would like it to continue.

- If we do have issues where do we turn?
- What is the plan for this home at #6 Church?
We had understood this home would be used as a lease for a year or so per family as they come to the area while they get established then a different family in same situation would repeat, which doesn't sound like the current plan.

Will the plans be followed in its entirety?
What is the recourse if it is not?
What are the hours the house is in use?
Who will be there?
Are just basic things like landscaping, painting, window and gutter repair being done or larger construction projects?
If there are issues nights and weekends who do you turn to?
In the past there have been professional sound stage trailers and tents brought into the parking area. Will we now have them next door?
What about the bon fires and fireworks?
After the purchase there was a load drum procession of people from the temple entrance, down the street to #6. Is this continuing?

I apologize for being so lengthy but we felt it important to give a good amount of background details.

Respectfully,
The Brodacki-Magnan's 10 Church Street, Newington CT

Again, I apologize for the length of the letter, but we just had many issues.

Mr. Magnan: There are so many issues that we have had over so many years and the temple has said that we'll comply, we'll comply, we'll comply but they just continue to do what they do the in the past. They have clearly demonstrated over many years that they don't care about the neighborhood, they don't care about the neighbors, I've reached out to Rajeev, what can we do about this? They just want to do what they want to do. What is going to happen if they decide to knock the house down and build another building the size of the temple? Would anyone here buy a house surrounded by the temple on all three sides dealing with the noise, the confusion, the light pollution, anything.

Chairman Aieta: That is not what they are here asking for. They are not here asking to knock down the building. They are asking for....

Everyone talking at once.

Chairman Aieta: They are asking, they came here asking to use the house as a residence. We have questioned them as to whether they are going to use it as part of the temple and have classes or anything, they are saying no, so we have to take them at their word, and we will enforce that they, this residence that it will stay that way. If there are any changes, any changes, anything other than that, then they would be in non-compliance and we would take action to stop it.

Mr. Magnan: That would be fine, we would love some new neighbors.

Deborah Brodacki: As neighbors.

Chairman Aieta: That is what they are saying, they are saying that their priest would be a resident of that particular house.
Mr. Magnan: That would be fine, but we were worried that they were going to expand this site.

Chairman Aieta: No, that is not what they are here for and they don't have permission to do that. Frankly, between me and you, they don't even have to be here if they are going to keep it as a resident house. I mean, it's good that they are here and we hear all of the concerns and everything, and we clarify exactly what the use is going to be, it's not going to be used for any other purposes as far as the temple. It's going to be strictly residential. That is what they are going to have to adhere to.

Deborah Brodacki: May I, I don't know if it is okay to ask a question directly?

Chairman Aieta: You can ask through me.

Deborah Brodacki: Okay, is it Mohawn, is the priest Mohawn, would he be the person there?

Rajeev Desai: Yes.

Deborah Brodacki: We chat over the fence about gardening, so he would be the one there?

Rajeev Desai: Yes.

Deborah Brodacki: That makes me feel much more comfortable. We talk over the fence and his English has gotten much better, he doesn't have to call anyone to help him, we can have conversations, so I feel much more comfortable with that.

Chairman Aieta: That's good. We are going to open it up for other people.

Deborah Brodacki: Thank you.

Chairman Aieta: Anyone else wishing to speak in opposition to this application? I hope that we answered your concerns and your questions, and trust me, this Commission will be watching to make sure that this property is strictly for residential.

Deborah Brodacki: Thank you very much, and again, I'm sorry it was so lengthy.

Chairman Aieta: No problem. Thank you.

Craig Minor: I think if the Commission wants to close the hearing tonight you can, but I would say give me another couple of weeks to put together a motion to approve, for your next meeting for action, but you can close the hearing tonight.

Commissioner Sobieski moved to close the hearing. The motion was seconded by Commissioner Camillo. The vote was unanimously in favor of the motion.

Chairman Aieta: We will act on this at the next meeting. We're glad that you came and clarified what the use is going to be and you made the neighbor who has the most skin in the game comfortable with what you are doing. Thank you.

C. Petition 09-19: Special Permit (Sec. 3.2.8: Group Day Care Homes and Child Care Centers, and Adult Day Care Centers) at 395 Willard Avenue. Colchester Properties LLC, Applicant, 395 Willard LLC, Owner, Eric Spungin, 56 East Main Street, Avon CT, Contact.
Chairman Aieta: Mr. Planner, they are also under New Business, Petition 08-19 for site plan approval. Can we take both of these together at this point?

Craig Minor: Certainly.

Chairman Aieta: Do you want to make a presentation that includes the site plan modifications?

Alan Bongiovanni: Yes Mr. Chairman. Good evening Mr. Chairman, Commissioners, staff, for the record, my name is Alan Bongiovanni, I'm a licensed land surveyor in the State of Connecticut with an office at 170 Pane Road. I'm representing Colchester Properties LLC in this application for a special permit on a property known as 395 Willard Avenue. The special permit is for a children's day care facility on this property. To give the Commission a little history, the two acre parcel was part of the frontage of the Fafnir Bearing plant, immediately adjacent to the Fountain Pointe complex. This was approved in 2008 as an adult day care. We have a special permit for this property, but it's for adults as opposed to children. In 2017, as we know that never came to fruition, and in 2017 the site was re-approved as a medical office building, Craig, if I could, there is a drawing of the old site I think. This is what has been approved already. This is the current site plan that is approved and in force at this point.

Chairman Aieta: And this was for an adult day care?

Alan Bongiovanni: No, this was the new one done in 2017, it's about a 10,000 plus square foot medical office building, a speculative building, and that again did not happen. If you look at the configuration, it gives you a feel for what it is.

The next drawing if you would Craig, represents our proposal. It's very similar in nature. We are proposing a 10,000 square foot children’s day care facility. The name of the facility or the franchise is The Learning Experience. We believe this is going to be corporate owned and they have over 200 locations throughout the country, several here in Connecticut and they will provide care and learning from infants over a couple of months old to toddlers up until, pre-school until kindergarten.

It's a little bit smaller footprint, there is less parking required then what was previously approved. The site plan as you see it, the previous site plan meets and exceeds all of the town's requirements for site plan as far as parking requirements, coverage, green space, landscaping, and if you look at the upper portion of the site we have an area colored in yellow. That was used last week when we went to Wetlands Commission to have our permit updated for this application to show the area of wetland, and the yellow is the area that is their regulated area, the hundred foot way.

The change in this application from the previous one is along the whole back we have a driveway instead of parking on both sides. It's about a fifty percent reduction in the impervious area within the regulated area. Having said that, we have no changes to the front entrance on Willard Avenue from the previous application. There was an island, right turn in, right out and that has been re-approved as a full access entry by the State Traffic Administrator over the last couple of years, so there will be a minor change there, nothing of any large significance other than allowing the patrons of this facility and the Fountain Pointe facility to have easier access to Willard Avenue.

This proposal as I said is for a day care child learning experience. The applicant feels that there is a need in this area, they have done their demographic and their studies and they feel
that we are under served by this type of facility. Recently one was approved on Alumni Road, similar in nature to this type of facility and yet the applicant is very comfortable that the need exists.

The next item talks about the existing or probable character of the neighborhood. This is the vacant piece in this area. We have commercial on this side of the street, we have commercial and business uses. We think this fits in very well, it was already approved as an adult day care. It's really the same with the exception of the age of the people attending it.

Chairman Aieta: Do you have elevations?

Alan Bongiovanni: We do. It’s a single story with a (inudible) roof, it has a brick band on the bottom, it has a hardy plank clapboard siding. Those are the colors. They do have their own unique columns which portray the interest to the children that are going to be there, the shape of building blocks with numbers and letters. It’s part of their trademark. We think it’s a nice feature and it’s attractive to the building.

Chairman Aieta: This is similar to the one on Alumni Road, the school that......

Alan Bongiovanni: It’s very similar, there are some unique differences, but it’s about the same size. On the Shunpike in Cromwell, there is a facility similar to this, it’s the same detail in the front, and it’s been there for probably ten years. The size and scale of this building in relation to the rest of the area, it’s very similar to what you have next door on Fountain Pointe. They are the same style roof lines, similar eave heights, and a footprint relatively the same as the neighbors.

The traffic circulation on the site was thoroughly reviewed, it’s the same pattern on this proposal as the previous one. Since the last approval that also went through the office of the State Traffic Administrator so we are very comfortable about meeting any requirements for that purpose.

It is served by MDC sewer and water, one of the features of the site plan is that we did an extensive low impact development for drainage, with the wetlands to the rear of the property, so again, with that aspect, we believe that we have covered all of our bases as we did with the two previous applications.

The signage for the building, it’s right there on the plans before you. The Learning Experience signs, it has the two signature columns on either side, we have shown a footprint for a monument sign, but there is no request to do that, we’re not sure. The lighting has been designed with the cutoff type fixtures, it’s all LED, energy efficient so that there will be no glare or intrusion into the neighboring properties. The last item, safeguard to protect adjacent property in the neighborhood in general from detriment including but not limited to proper buffering. We again, met or exceeded all of the town’s requirements for planting, landscaping, buffering, and there really is no buffer between the buildings on the side or the rear, but I think we have done a really nice job with mature plantings, it really gives a nice appeal.

Chairman Aieta: Sounds like you have covered the modifications under this exception.

Alan Bongiovanni: Yes.

Chairman Aieta: Mr. Planner, any deficiencies or anything that you can see?
Craig Minor: The only concern I have is parking. On the floor plan he submitted and then indicated there would be 153 infants, toddlers, pre-schoolers and 28 staff persons. But you are only providing 25 parking spaces for parents and 15 for employees. Are you sure that will be enough parking?

Alan Bongiovanni: It is, again, this company owns over 200 of these facilities and this is their prototype. They have a maximum shift at 15 employees. They start around 6:30 in the morning and they go to about 6:30 in the evening. They have 15 employees and at least 25 spaces for drop off and pick up. That is generally done between 6:30 to 9:30, 10:00 o'clock in the morning, so it is staggered over a large period. The same thing with pick-up. About 3:30 to 6:30 in the afternoon, so there is never a large influx. There is adequate capacity to add additional parking if that was to be a problem here. With the low impact design and their insistence that they know their business and their business model that they don't want to put in more than they need.

Craig Minor: Thank you.

Chairman Aieta: If they are comfortable with those projections can you have, if we see that there is a problem in the future, then we will make you comply. Does that answer your question. Any engineering?

Craig Minor: The earlier version, I know that the Engineer had comments on, so if there are some problems, you addressed those concerns, but that's all....

Alan Bongiovanni: I didn't see those.

Craig Minor: It was back some time ago, it was back in February I think.

Alan Bongiovanni: Whatever it was, I'm sure it's of a technical nature.

Craig Minor: Yes.

Chairman Aieta: Any questions from the Commissioners?

Commissioner Sobieski: One quick question, I was looking at this playground area, you are going to have a PVC fence?

Alan Bongiovanni: Yes.

Commissioner Sobieski: Are you going to do anything for safety in case someone comes flying through there. Are you going to put any bollards in there at all? Just asking the questions. I remember we had a day care facility and I can't remember where it was and we had them put bollards in there.

Alan Bongiovanni: That wasn't part of the information that was provided to us when we laid the site out, but it is something that I can definitely relay to the applicant, the operator, if it is something that the Commission requires. I know in the front there are, I've worked on a couple of these in other locations, and I believe there are some bollards potentially to protect the front entrance. We do have trees planted around the outside, those aren't necessarily a deterrent but.......

Commissioner Sobieski: I'm just concerned because I see the traffic flow coming around so I was concerned with the kids playing in that area.
Chairman Aieta: Any other questions from the Commissioners? We’ll open it up for comments from the public. Anyone wishing to speak in favor of this application please come forward, state your name and address for the record. Anyone in opposition? Commission, can we close this hearing?

Commissioner Camillo moved to close the hearing and move it to Old Business for action tonight. The motion was seconded by Commissioner Sobieski.

Chairman Aieta: Any questions? Looks like they have done a good job answering all of the questions. We’ll make it a condition that the engineer has to look at it.

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

D. Petition 10-19: Special Permit (Sec. 3.2.7: Charitable Religious Social and Civic Events) at the Municipal Parking Lot (“Big K Flea Market”) Kiwanis Cub of Newington, Applicant, Town of Newington, Owner, Daniel Henry, 140 Fisk Drive, Newington CT, Contact.

Daniel Henry: Good evening Commissioners.

Chairman Aieta: This is similar to what you have been doing.

Daniel Henry: It’s the same. It’s interesting, five years ago we asked for a three year permit and you gave us five, so we’re asking for five this time.

Chairman Aieta: Has anything changed?

Daniel Henry: The only thing that has changed is, after some comments from the owners of the Rooster Company, we now put a rope up, probably have been doing this for about two years, we put a rope up to prevent the vendors from getting too close to the restaurants. That leaves open about sixty parking spaces. The vendors sometimes would spread out to the point where they didn’t need to, but beyond that we also have reduced the number of porta-potties to two because they weren’t in heavy use. They are currently used by the vendors, and the cost was just too much. There was never a line or anything. We have about 500 people a week come through there, most of them are going through in about twenty minutes. A few people are looking at every item and may be there longer.

Chairman Aieta: Any questions from the Commissioners on this? We’ll open it up to the public. This is pretty cut and dried. You are asking for five years?

Daniel Henry: Right.

Chairman Aieta: Any one here wishing to speak in favor of this application? Anyone wishing to speak in opposition?

Commissioner Fox moved to close the petition and move it to Old Business for action tonight. The motion was seconded by Commissioner Camillo. The vote was unanimously in favor of the motion, with five voting YEA.

E. Petition 11-19 Special Permit (Section 3.15.3: Restaurant Outside Seating at 3260 Berlin Turnpike (Plaza Azteca) John Kennelly, Applicant, Kleban Newington LLC; Owner, Manual Rubio, 3260 Berlin Turnpike, Newington CT, Contact
Chairman Aieta: Mr. Planner, I'd like clarification as to why this is coming under this section of the regulations when they already have outside seating.

Craig Minor: They don't really. They have a little outdoor patio area but it's so insignificant that I'm not even sure where it is. They want to have a lot more for this event. This is the vehicle for them to get permission from the Commission to have this event, so that's your way of controlling it. I'm sure they would prefer that it be an as of right, but because outdoor seating is only allowed by the Commission, this is the way the Town is able to regulate this event.

Chairman Aieta: Isn't there a section in the regulations that regulates events?

Craig Minor: They are non-profits.

Chairman Aieta: They are non-profits, okay.

Commissioner Fox: Through the Chairman, in the past, especially last year, it was brought up by I think Commissioner Pane, that the applicant had applied under the wrong regulation.

Chairman Aieta: That is the only mechanism that we have for them to come under because the only other thing is the regulation for events for non-profits or for people who would have an event and donate the money to charity. That's the language in the regulations.

Commissioner Fox: So a for profit organization such as this does not have......

Chairman Aieta: There is really nothing in the regulations that covers this specifically so we put it into this bracket.

Craig Minor: This is where it falls in our regulations.

Commissioner Fox: Okay, thank you.

Attorney Kennelly: Thank you very much, and it is a pleasure to be before you guys again. This time I don't have bronchitis, so therefore I won't need Commissioner Fox feeding me cough drops, or Commissioner Sobieski feeding me cough drops and candy so I don't lose control of my coughing, so I appreciate your patience last year.

I'm here again, you're familiar with this event. I do agree, I don't recall the actual discussion that we had regarding this regulation, and we had kind of the same back and forth which was, if you would like to tell me that we have a right to do this and you have no jurisdiction over it, that's fine by me, however I do think that you do. I think that this regulation in fact is really there to kind of control these things. It recognizes that institutions or entities may want to on occasion have special events and this is a way for the city to be able to have control and input. I understand why the town would want to have some sort of control as to how an entity through an event that was bigger and larger than the normal. With that being said, just a housekeeping matter, evidence of our posting of our public notice sign as required by the regulations in town. It has been there and it is still there at this time.

That being said, I am here to request your permission to have the outdoor seating at Plaza Azteca in Newington. This institution has a liquor license and a small exterior patio. For the purpose of this is to have, to allow us to have an outdoor area for a set amount of time. Last year the regulation was between 12 noon and ten p.m. at night. There were police and fire regulation of it, during the entire event last year. The event was, no incidents
were realized and the police report, the Police Chief’s report there were no calls for the police, no incidents, our pre-paid surety to the police showed that we did not use as many officers as we thought. We also did a pre-paid $5,000 surety for any potential clean-up and in addition to that surety we had our own services to clean up the area and the parcels around our area resulting in no usage of city services for any clean-up. We did it starting very early the next morning, and actually even during the event.

I have spoken to the Health Department who was there with me around twelve o’clock, the Regional Health District for the deployment of the porta-potties and the hand washing station. She approved them and in my discussions with her more recently she requested that we copy what we did last year because she felt that was fine.

If you look to the memo from Fire Marshal Schroeder, there was an over crowding issue during, for an hour and a half between ten p.m. and 11:45, there was some over crowding. It was dealt with effectively by security, staff and Fire Marshal and police. I did learn something today. I learned that the security company that I used last year, that I terminated a couple of months ago, I would have fired them tonight, because I found out that they were pocketing money from a memo that I hadn’t seen before this evening. That some people on the staff of the security company that I hired were taking an extra $5.00 and pocketing it to let people in. This helps explain the observation that the clickers weren’t keeping proper math. How many people the clicker said should be in the building, when we walked in and counted heads that the math wasn’t working. I thought maybe pretty girls were sneaking by, but I guess there was a code where you wore a hat and you gave an extra $5.00. I met with them, I met with them a number of times, they were nice young men, but I think half of them had a different job and this was some sort of part time thing that they did. The individuals hired for this year are all full time security agents. That is what they do for a living. They don’t have a job in construction or a gym or something like that. So I have hired real professionals, they are certified and trained and wear badges and all that.

So there was that problem recognized by the Fire Marshal for about an hour and a half, and I would like to apologize to the Commission. I said to this Commission that I would be responsible and I will tell you, I have, at that time two seven year olds, now eight, I fell asleep early, I’m the type of person who goes home and goes to bed around ten o’clock usually at night. I get up very early, about 5:30, but I did not receive a number of phone calls that were placed to me. I didn’t because I was asleep. However, had I picked up my cell phone my recommendation would have been what was done which was, shut it down. Close the doors, don’t let anyone else in, tell half of them to leave. Don’t let anyone else in, only let ten people in when ten people leave. I would have had the same points and recommendations that were made by the officers, the people on the site if I had picked up the phone. I do apologize, I told this Commission that I would be responsible, I was certainly out there on the site in the morning and the afternoon, but I did go to bed that night. I don’t stay up very late.

There was, at this time I’m going to stop talking and see if the Commission has any questions.

Commissioner Fox: Through the Chairman, you do sound a little better, however you were citing, I believe it is on a Sunday this time. Would you be able to attend?

Attorney Kennelly: To you Commissioner Fox, I would be in attendance, I can make a commitment right now that I would be on the premises, and I think the potential problem would be from nine to until it gets shut down. I would make that personal commitment, I may have to take a nap in the afternoon, and I will also tell you guys that, because I don’t stay up
until midnight, very rarely, but I would be on the site if that would be something that the Commission feels would be proper and I would be happy to do that.

Commissioner Fox: Thank you. That's all I have.

Commissioner Sobieski: Attorney Kennelly, that door that you have going out to the state right of way, that wasn't there last year.

Attorney Kennelly: I'm sorry, my eyes are not that well.

Commissioner Sobieski: You have 45 feet from the edge of the Berlin Turnpike to the edge of the roadway to that there, that is all state property, so therefore I would strongly recommend that that be closed, you don't want anybody near that highway.

Attorney Kennelly: Through you Mr. Chairman, that is a mistake, I should have noted that. It wasn't there last year, there isn't going to be this year, and it wasn't the year before that. No one wants ingress or egress onto the Berlin Turnpike. That is absolutely, I can assure you, you can shut it down right now if I was applying for a door right there.

Commissioner Sobieski: Second question, generator, where is that going, on state property or is it going on the inside of that yellow line?

Attorney Kennelly: It's kind of badly represented here, I was there for the deployment of this and I actually worked with the Fire Marshal on, and actually I purchased the grounding wire and ground stakes, so I do know about the generator. It is on the property owned by our landlord, Kleban. It is not on state property.

Commissioner Sobieski: Again, according to your plan it is. That green square, is a thirty-eight inch pad for a generator.

Attorney Kennelly: No, that's, the generator is....

Craig Minor: It's labeled, but it's not......

Commissioner Sobieski: That's my question. I see a generator out there, and I just would like to know where the generator is located.

Attorney Kennelly: If I could just show, if I could Mr. Chairman, it is located in the same place that it was last year which was here. It was on the outside of the fence because we didn't want people walking around, walking near it. I don't know if it was a three by four, and then the light goes up, but it is not over in this area at all, it is to the east of that line, and I can't believe I didn't catch this, but there won't be, and never has been a door there.

Commissioner Sobieski: One other question, my understanding is that last year you said you were going to have a security post at Target so people wouldn't cross the highway. They were crossing. That is what we were told. My concern is, there is a fifty mile per hour zone out there, people who are supposed to be driving fifty, and they aren't, again, you are going to have people crossing that highway and that needs to be enforced. I wouldn't want to be responsible, and this Commission wouldn't want to be responsible saying, okay, we aren't addressing that issue, and that is a major issue, in my opinion.

Attorney Kennelly: Through you Mr. Chairman, to you Commissioner Sobieski, this is something that we recommended last year and something that we take even more seriously.
I can pay an off duty officer for the entire day, between noon and ten o'clock when the outside thing ends, posting them over there, and us taking, in addition to whatever the police want to do in our parking lot, the IHOP parking lot and the Lowe's parking lot. We absolutely agree with you. We did post, and I drove my car down, we did post and I have a different security company now, I don't know, honestly, tonight when I went on line checking the tabs because I didn't do it earlier, and I found that the police had witnessed what was going on with my security. I will tell you, that is not the company that I am using now, I would fire them just because of this report.

I will tell you Commissioners, and the Town Planner will confirm this, after the event I'm the one that did reach out to the town. I'm the one, the meeting where the Fire Marshal sat with me, that was a meeting that I asked for. I'm the one, I understood, it was impressed upon me last year that my client had burned bridges and as soon as this event was over I was trying to have meetings, and we finally set one up where I sat down with Fire Marshal Schroder, but I reached out to the Chief, and I understand that was a long way, through you Mr. Chairman of answering your Commissioner. We have a new security company who I certainly hope because they are a professional security company, guards, they will not be easily swayed, as I guess mine were last year, but I'm also more than willing to supplement any police requirement on deployment with an off-duty officer just sitting at Target telling people, don't walk across the street. I'm happy with that.

Commissioner Sobieski: One other question. I understand that IHOP had some issues, they couldn't get their customers in. I would think that I would like to see some type of agreement between your operation for that day and IHOP.

Attorney Kennelly: If I may Mr. Chairman, for the record, I was lucky enough to get a letter from the franchise owner earlier regarding their support of this application. This is from IHOP. This is from the owner of the IHOP franchise, and I ask the Town Planner, or any Commissioner to feel free to reach out to Max directly and ask him about this.

Commissioners Sobieski: I was just concerned and want to make sure that all of the businesses can still function while this is going on, because we are going to have a new business there, Chick-fil-A, which generates more traffic than Ruby Tuesday did before they closed, so that is a concern of mine. I'm not trying to give you a hard time, but I also would like something from them and Lowe's also. I think last year you did have something from Lowe's, I can't remember if the manager came in and testified, but I'd like you to get something from them. I also would like to have the Chief of Police and the Fire Marshal here at the next meeting.

Attorney Kennelly: I've kept a good line of communication since that event, anticipating being here before you, and I knew if I didn't take it seriously, you guys wouldn't take me seriously. I have spoken to, for your information, we will be getting together again on this issue I think, and I have no problem with that. There were some issues Oh, there is one other major change I think. There was a defect in the design in my opinion. The design of ingress and egress. The ingress and egress were two of the outside versus the inside were in proximity to each other. This is a slightly newer design so it will have the non-existent door. The ingress and egress that was there before, last year, were pretty close to each other and I didn't know about people taking bribes until tonight, but I was concerned that people were trying to slide in between the two areas, therefore how this would be done now, how the fencing would be done now, is if you are going into the restaurant you can only go into the restaurant over here, next to the building where the overhang is. That is not a sidewalk, it's a covered area. You have to enter here, go to the outside, you can only enter it over here. Those two things are totally, I tried to put another block on that, but these are not going to
have any ability to have cross over. You exit all the way over here, and you enter all the way over here.

The problem was I believe and I think you received a narrative from Fire Marshal Schroeder, the problem happened when the outside got closed down. Now we’re going to go inside, so last year all of that control point was right here. I’m moving these things way apart from each other to get a better opportunity to control, so there is no bleed-over, therefore trying to avoid over occupancy in the interior. There was no problem if you read the narrative, there is no problem until around eleven o’clock at night. With my idea, if you divorce these two problems, the exit and entrance, the outside from the inside there is not going to be, you are not going to allow any bleed-over from one to the other and you control the people, plus I’m hiring real security guards.

Commissioner Fox: Commissioner Sobieski mentioned Chick-fil-A, a new business, you are lucky that they are closed on Sunday. However, since they are closed I think it would behoove you to make sure, I think the last few weeks since they opened they have cones in the entrances and I would think that maybe you want to talk to their franchisee and have a way to keep people from parking there, or sitting in the parking lot with a couple of brews.

Attorney Kennelly: I definitely will. One of the things mentioned was that a lot of people had to be towed from IHOP and Max is still there and is for us, not against us but even with our security guards, even police officers, this is private property, if a person drives up and parks there and the security guards goes up and says you can’t park here or you will be towed, they can also say keep walking. Now the car gets towed, they were given notice, they can’t complain about it but even a police officer directing traffic couldn’t control it. The power of control is with Max. So we can do, and we will and we did, tell people that they can’t park there but if somebody just takes their keys and walks away then it’s on them. I’m not saying that it is great that we had people out there. I do know certainly that even the people, I think there were twelve people towed, they were identified by us, by the security guards saying yeah, they just walked in. That’s a problem. If Max was really against it, that would be a different story, but Max knew, we tried to work with him, he’s an entrepreneur like the guys who work for Plaza Azteca and as before, let me say right now until at least ten, 9:30. That’s when I think the issues occur. We will be more than happy to pay for an additional officer over at Target. That’s not a problem.

Commissioner Fox: That was going to be my next question. Getting back to IHOP, I do know because I stop in there that the manager and hostess at the time were going nuts. As far as Target is concerned, I don’t know, I don’t think I’m that satisfied with your plan for having an off-duty police officer, I mean, are they going to stop people from going in, driving in and parking some where and then telling them that they can’t cross the street?

Attorney Kennelly: The reason I like the idea of using an officer is that yes, illegally crossing a street is different than parking on private property. An officer can say, excuse me young lady, I’m going to ticket you and I have the police powers to regulate you walking at a no traffic controlled light. That is why that solution seems to work for me. We did have people stationed on that corner, a security guard, and I do know that on a couple of occasions they helped, they had already started across, they had gotten to the island, they were walking and I was of two minds, do you help somebody or do you just try to make sure they don’t get hit. In the end, you have to do what is right for the safety of that moment. We weren’t encouraging these people to come across, they were already half way from Target and I know that our security guards did help them get across safely. In the end, you do what you think will keep everybody safe and in the end be sure no one gets hurt, that is more important then anything else. Obviously we were encouraging, they were already in traffic, they snuck
past, blown off, ignored the security guard over at Target and then they started across the
street, got half way and then we decided whether to part of the solution or not. That is the
only reason I thought that an officer, because you have somebody and it becomes a
misdemeanor, they are crossing the street illegally and that is why I think that solution does
work, where even an officer in a parking lot cannot control private parking.

Commissioner Fox: I agree, but now that Chick-fil-A is there, they were not able to open until
they built the sidewalk and I think that is controlled now.

Commissioner Sobieski: It's controlled, but there is no flashing crosswalk, so the blocks are
signaling in all four directions where they consider a normal person could make it across the
street, but if you have a crowd of people and that light flips from red to green, these people
are going to be taking off. That is why, at that light, and you will see it on the turnpike where
everybody has been killed, where anybody has been killed on the turnpike there are signs,
crossing highway divider is prohibited. That's my point. You can have as much security as
you want there, I think you need a police officer to control that and you need a police officer,
in my opinion, at the corner of Route 173 and the Berlin Turnpike. Those officers should
remain there until the place closes, that's Plaza Azteca. Whether it's twelve o'clock or
whatever, they should be there. Just to make sure somebody doesn't cross that highway and
get wacked. That is my concern.

Attorney Kennelly: Mr. Chairman, I will stipulate that that will be a condition of my approval. I
have no problem with that. I know it is going to cost me some more money right, but if
anything really did happen, if somebody did get hit, I'm not coming back here. Why would I?
None of us want that to happen, I'm more than comfortable with spending more to be safe.
Absolutely!

Commissioner Braverman: I agree with Commissioner Sobieski and Commissioner Fox
because it is really important for safety's sake that there be an assurance that people are not
doing the wrong thing, and I really appreciate you saying that you will hire an extra
policeman, maybe two are necessary, I don't know, but it's critically important for the sake of
safety that the people that are going there that could be somewhat impaired by some kind of
an adult beverage, who knows, but still, it's critically important that their safety be concerned.

Attorney Kennelly: Commissioner Braverman, again, I agree and will accept such
requirements as a condition of approval. I understand that to my client this is an important
cultural economic event, but in the end it has to be comfortable for everybody. The police
have a schedule for being in the parking lot and I'm more than willing to say, okay, that's one
thing and the other thing is the idea of the crossing issue. We will supplement that.

Chairman Aieta: I'm going to open it up to the public. Any of the Commissioners have
anything to say on this application? Anyone wishing to speak in favor of this petition?
Anyone wishing to speak in opposition to this application.

Chairman Aieta: Mr. Planner, Commissioner Sobieski had a question and then requested....

Commissioner Sobieski: I requested that the Chief of Police and/or his designee and the Fire
Marshal and/or his designee attend our next meeting?

Craig Minor: Do we need to have, let me back up, do we need to keep the hearing open? Is
there information that you don't already have because there is an e-mail from the Chief in
here, from both Chiefs, in the package, do you have other questions that haven't been
answered by what was in the agenda packet?
Commissioner Sobieski: My question is, I wanted to know, make sure the Chief is comfortable having the manpower up there, to have an officer sit at Target, to have an officer at Willard and Berlin Turnpike, and how many officers does he need inside. I don’t want to see the districts get drained like they did a couple of years ago where they have to go down there and handle crowd control, so I would like to have the Chief come in here and I see this memo here, or his designee, and I would like the Fire Chief to come in here and I want to have them review that plan, because like I said, that plan to me, even though Attorney Kennelly says this is not right, that’s not right, I want to see a plan that is correct. Maybe I’m wrong, but I would like to see one where the generator actually says, the door is actually closed, so we can say, okay, something happens, this is the plan we were given.

Commissioner Fox: If we do close the hearing tonight……

Craig Minor: No, I don’t think you should, because that information should be on the record and the applicant should have the opportunity to rebut whatever the Chiefs want to say, so we should leave it open.

Commissioner Fox: There are still a couple of things that come to mind, but I have, if this petition is approved for the additional outdoor seating, is there going to be constraint, annual constraint, bi-annual or once we allow them to have the outdoor seating, is that it?

Chairman Aieta: Every year, they have to come every year.

Commissioner Fox: When we were talking about the festival, the event, but now we are talking about outdoor seating.

Craig Minor: It is only the outdoor seating that you are approving, the outdoor seating is so that they can have the event, but you’re not approving the event, you are approving or prohibiting outdoor seating.

Commissioner Fox: Right.

Craig Minor: And as the Chairman says, it’s one time.

Attorney Kennelly: If I may just respond for a moment? Through you Mr. Chairman to Commissioner Sobieski, I have spoken numerous times before this event, after this event to both the Fire Marshal and the Police Chief so I’m one hundred percent comfortable having them here and talking about this. I would like the record to reflect there was an intimation that last year there was any problem. I think the occupancy speaks for itself. The Police Chief’s report at the town Planner’s request said and I want this on the record so it’s clear, there was absolutely not one problem.

Commissioner Sobieski: It wasn’t last year, I think it was the year before. When the security company was going to be ex-military. That’s my point, I just want to make sure we are all on the same page here.

Attorney Kennelly: Through you Mr. Chairman, I’m very familiar with the, what happened two years ago, before I had to deal with the fallout right here in this room, but there were only two calls two years ago, both initiated by my client for the removal of people who were causing a disturbance. I understand the crossing of the street. I think that is our biggest problem here, and that is the fear that most of us have, and I totally understand it and I will work, take every reasonable manner to address it, but to characterize this as some sort of a drain on the police
resources, or affecting any police work, it's just not what the document says, what the Chief has said to me, what the Chief has said to Craig, and I just want that to be clear.

Chairman Aieta: We are going to end this now and continue the hearing until the next meeting.

Attorney Kennelly: Just a point of clarification Mr. Chairman, Commissioner Sobieski also raised the question about the misinformation that I submitted with my original application. If the hearing is being left open, will the Commission give me the opportunity to find someone who is much better at computers and can erase and add stuff, probably in their 20’s who can make this map look like it should.

Craig Minor: Yes, and please do that quickly, because that is the map that I want to send to the emergency services people for them to review as requested by the Commission.

Attorney Kennelly: Through you Mr. Chairman to you Town Planner, I'll try to get that to you this week.

Chairman Aieta: We will continue this hearing until the next meeting.

VII. APPROVAL OF MINUTES

A. Minutes of March 13, 2019

Commissioner Sobieski moved to approve the minutes of the March 13, 2019 regular meeting. The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion, with five voting YEA.

VIII. NEW BUSINESS

A. Petition 06-19: Site Plan Modification at 94 Holmes Road, 94 Holmes Road LLC, Owner/Applicant, James P. Cassidy P.E. 630 Main Street, Cromwell CT, Contact

Chairman Aieta: The applicant is here. We have gone through this a couple of times already so, this is the second time that you are here so we are familiar with it, just give us an overview.

Jim Cassidy: I'm a professional engineer and principle of the firm of Hallisey, Pearson and Cassidy, and I just want to clarify, on the application that was just read in as James Cassidy, Owner/Applicant, I represent the owner who is 94 Holmes Road LLC. I just want to make sure that is clear.

As was mentioned I was here two weeks ago at which time we presented a preliminary presentation of this application. The site itself is 1.46 acres located at 94 Holmes Road. There is an existing building on the site. The first slide you see here is an existing site photo. The area, of 1.46 acres is about three-quarters of the way down Holmes Road. It is on the north side of the road. The existing building is a footprint of about 16,000 square feet presently office and warehouse use. There is parking to the front, south and to the east for a total of 44 spaces.

What we are simply proposing to do is, on the east side of the building there is an existing truck turn out area serviced by some overhead doors. We're looking at removing that truck
turn out area and adding an expansion to the building consisting of slightly over 10,000 square feet. This is used for warehousing, John Michaels Associates is presently in the building and is a distributor of custom sports apparel. They have a new client where they need an additional 10,000 square feet of space. We are reducing the number of parking spaces. The dark gray area in the front is the existing parking area, there is an area off to the east there that we’re going to be eliminating. We are going to go from 44 down to 36 spaces and for the operation this will be more than adequate. If you were to look back at the prior site you would notice the parking lot, they are only using about half of the parking spaces right now, so the 36 parking spaces will be more than adequate.

At the last meeting the question came up, we needed to clarify whether the loading dock doors could face towards Holmes Road. We determined that that was appropriate seeing the building itself was set some 75 feet back from the face of the existing building. Since that meeting we did receive staff comments, we have gone through and revised and submitted plans based on those comments. I’m not going to go through all of the individual comments but from the Town Engineer’s comments, a lot of them were technical, and they have been incorporated at this point. The other thing I was requested to do was that we submit a building elevation as part of the package. Again, the gray area to the left hand side of the page is the existing building. The area to the right hand side is the new addition. This area is set more than 75 feet back from the face of the building. It will have three loading dock doors on it. The material itself is going to be a split face concrete block. In addition there will be a vertical siding portion on the upper portion of this building.

The colors of the building are intended to match the existing building, this is a photo along the face of the existing building. It’s a lighter gray color and the panel is also light gray so it will be a similar color to what is presently out there.

Also as part of the Town Planner comment there was a recommendation that we submit a landscaping plan. As I represented previously, there is a sufficient amount of landscaping along the front of this building consisting of a series of evergreen shrubs and in addition there is a bunch of paper birch along the side of the building, and then there are some lower shrubs all the way through that green area. All of the landscaping is remaining and in addition to, between the front of the parking area and the roadway there are a series of canopy trees. They appear to be ten inch maples. All of those trees are also remaining. The only thing that will be added to the landscaping is where we have the gray area for loading, we are incorporating two new islands. We are going to put additional birches within those islands and also some lower arborvitae bushes on the lower portion, that will be the new landscaping that will be out there.

In addition, to the Town Planner’s comments that we need to identify possible snow storage areas, the areas along the front and along the west side or the upper portion of the area would be identified as possible snow storage areas. It should be noted that the actual impervious coverage for pavement is actually about 7,000 square feet less than presently what is out there, the overall will be slightly more because of the addition area where we have increased impervious coverage of about 4,000 square feet. That increase in impervious coverage is so that the run off from that will be handled by a bio-retention swale that is being constructed along the rear of the property, the north side of the property. It’s also important to note that whereas right now that turnout area is visible from the residents in Fenn Wood subdivision, it will now be screened by the higher addition so the operations would be screened by the addition.

There were comments by the Town Planner that we have also addressed and incorporated into the plans. The only one I don’t think we really explained well is, if you were to take a look
at the site today, for trash removal you will find that they have two dumpsters presently within the turnout area, and you will see on this plan we are not proposing any dumpsters. What you should know on the final plan that we submitted is actually what Michaels and Associates is looking to do is they are going to go to a baling system. What happens with a baling system is you actually have a baler inside the building. Because they are a distribution center most of their products come in boxes so they have balers in the building, everything is packed inside the building, and they then have a specialized company that comes in and picks up the bales and takes them out. Therefore, we are not going to have a need for those dumpsters outside. For other take away such as food waste from the employees, they will have a couple of roll out cans that a service will come in and pick up on a weekly basis. Going to a baling system actually works out better for them because they actually get reimbursed for what they sell back to the hauling company. So with that, I conclude my presentation and will be glad to answer any questions that you might have.

Chairman Aieta: Any comments from the Planner?

Craig Minor: No

Chairman Aieta: Any comments engineering wise?

Craig Minor: He has addressed the Town Engineer's comments in the latest plans which were submitted a week ago.

Chairman Aieta: Any questions from the Commission?

Commissioner Camillo: You have a truck coming in....

Jim Cassidy: He's going to have to back up.

Commissioner Camillo: You have a blind spot right here, and now you are going to put trees there. So when he goes to turn to get into here, that is going to cause a problem. Actually that is where the rear wheels of your trailer are going to be. This is what I do, I know the yard pretty well, I've been plowing it for 30 years, so, do you have to put that green there?

Jim Cassidy: No. No, we can eliminate, we're actually increasing the landscaping by putting that.....

Chairman Aieta: Why don't you make an adjustment so you get a clean shot there with a truck?

Commissioner Camillo: Most guys can't back up and I'd hate to see......

Chairman Aieta: Make that change on the plan before I sign it.


Commissioner Fox moved to close the hearing and move it to Old Business for action tonight. The motion was seconded by Commissioner Sobieski.

Chairman Aieta: We are going to move this to Old Business and act on it tonight. The Commission was unanimously in favor of the motion, with five voting YEA.
B. Petition 08-19: Site Plan Modification at 395 Willard Avenue, Colchester Properties LLC, Applicant; 395 Willard LLC, Owner, Eric Spungin, 56 East Main Street, Avon, CT, Contact

Discussion with Petition 09-19

C. Newington Ridge Preserve

Craig Minor: I have nothing new to report on Newington Ridge

IX. OLD BUSINESS

A. Update on Petition 01-18: Site Plan approval at 3443 Berlin Turnpike (O’Reilly Auto Parts) Garrett Homes, LLC< Applicant, Edward S. and Laura Seremet, Owners, Michael Sullivan P.E. 355 Research Parkway, Meriden CT, Contact.

Postponed

Craig Minor: I think there are draft motions for everything that you approved tonight, in the folder when you came in tonight.

Petition 09-19

Special Permit (Sec. 3.2.8: Group Day Care Homes and Child Care Centers, and Adult Day Care Centers)

395 Willard Avenue
Colchester Properties LLC, applicant, 395 Willard LLC, owner, Eric Spungin, 56 East Main Street, Avon CT, contact

Commissioner Camillo moved to approve Petition 09-19: Special Permit (Sec. 3.2.8: Group Day Care Homes and Child Care Centers, and Adult Day Care Centers) at 395 Willard Avenue, Colchester Properties LLC, applicant; 395 Willard LLC, owner, Eric Spungin, 56 East Main Street, Avon CT, contact.

Conditions:

None.

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

Chairman Aieta: Is there another portion that goes with it?

Craig Minor: Yes, the site plan that goes with it.

Petition 08-19

Site Plan Modification at 395 Willard Avenue
Colchester Properties LLC, applicant; 395 Willard LLC, owner, Eric Spungin 56 East Main Street, Avon CT, contact
Commissioner Camillo moved to approve with conditions Petition 08-19: Site Plan Modification at 395 Willard Avenue, Colchester Properties LLC, applicant, 395 Willard LLC, owner; Eric Spungin, 56 East Main Street, Avon CT, contact.

Conditions:

1. The applicant shall revise the plans to satisfy the Town Engineer’s comments dated March 8, 2019.

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

Petition 10-19
Special Permit (Sec. 3.2.7: Charitable, Religious, Social and Civic Events) at the Municipal Parking Lot (Big K Flea Market)
Kiwanis Club of Newington, applicant; Town of Newington, owner
Daniel Henry, 140 Fisk Drive, Newington CT, contact

Commissioner Camillo moved to approve Petition 10-19: Special Permit (Sec. 3.2.7: Charitable, Religious, Social and Civic Events) at the Municipal Parking Lot (Big K Flea Market) Kiwanis Club of Newington, applicant; Town of Newington owner; Daniel Henry, 140 Fisk Drive, Newington CT, contact.

Conditions:

None.

Craig Minor: Can I suggest that you make one condition, that this be for five years, otherwise that is not on the record anywhere.

Conditions:

1. This permit is for a five year period.

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

Petition 06-19
Site Plan Modification at 94 Holmes Road.
94 Holmes Road LLC, owner/applicant; James P. Cassidy P.E., 630 Main Street, Cromwell CT, contact.

Commissioner Camillo moved to approve with conditions Petition 06-19: Site Plan Modification at 94 Holmes Road; 94 Holmes Road LLC, owner/applicant; James P. Cassidy P.E., 630 Main Street, Cromwell CT, contact.

Conditions:

1. The applicant shall revise the plans to satisfy the Town Engineer’s comments dated February 19, 2019.

2. The applicant shall revise the plans to satisfy the Town Planner’s comments dated February 4, 2019.
3. The plan will be changed to delete the tree.

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

Chairman Aieta: You did a very good job on this, thank you. That ends the Old Business. The church we will do at the next meeting so that the Planner can write a strong approval so we make sure that it is strictly for residence. Exactly opposite of what they were requesting which is good.

Craig Minor: If our discussion, which started months ago had been the same as tonight I probably wouldn’t have, but maybe this is good because now it’s on the record, what they said, there will be a document giving them permission to do this under certain conditions and the neighbor had a chance to express their concerns. I think it was good that we went through this process.

Chairman Aieta: There are some conditions that you are going to have to put on this.

Craig Minor: Right.

X. PETITIONS FOR PUBLIC HEARING SCHEDULING

None

XI. TOWN PLANNER REPORT

A. POCD Consultant Selection

Craig Minor: It’s in my memo, the memo dated March 21, 2109, the last paragraph, the next to the last page in the packet.

Commissioner Camillo moved to approve the selection of Planimetrics to assist TPZ with updating the 2020 Plan of Conservation and Development and to direct town staff to negotiate with Planimetrics a fee that is within the budget previously approved by the Town.”

The motion was seconded by Commissioner Sobieski.

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

B. Application for Affordable Housing Moratorium

Craig Minor: At the last meeting the Commission asked me to give them more detail about how this affordable housing moratorium process works and what the status of the application was. I haven’t made any further progress than I had two weeks ago, but this memo states what the process is if anyone has any questions.

Commissioner Camillo: The Town Manager asked Craig to look into this, we didn’t know about it, that was the problem.

Chairman Aieta: And is the Council aware of what is going on? Do you want to come up Gall and give us your input?
Gail Budrejko: Initially apparently there was some discussion but there was never a presentation or a vote taken, however at last week’s council meeting the Town Manager explained to us the process and the rationale of the moratorium, so we have been informed that at this stage the Town Planner has been gathering information to see whether we would be eligible for such a thing.

Craig Minor: We are eligible. The requirements to be eligible are minimal. They are complicated, but minimal. However because the actual decision is up to the Commissioner of Housing discretion, it’s whether he chooses to grant the moratorium or not, there is no way of knowing until we submit it, but we are eligible. We have enough points to be eligible to apply for the moratorium.

Gail Budrejko: The Town Manager did say that we had enough points to be eligible, and she did assure us that it would be the Council’s determination whether to submit it.

Craig Minor: Whether to submit it or not.

Chairman Aieta: This is a Council decision, so this is outside the purview of the town Plan and Zoning Commission?

Craig Minor: Not necessarily. The decision will be made by the Council to submit this or not. Part of the process involves possibly a public hearing if the town asks for a hearing and the hearing could be conducted by law, either by TPZ or the Council. So if we get to that point, and we probably will, I suspect that there will be at least 25 people in Newington who don’t think we should do this who will insist on a public hearing. At that point it would be up to the corner office to decide who gets to run that hearing, whether it’s TPZ or the town Council, so that there still might be a chance for you to have some role in the decision whether to submit the application.

Commissioner Camillo: We’ve had moratoriums before.

Craig Minor: Those were on zoning regulations, this is above and beyond that.

Chairman Aieta: The only question I have is that to have a moratorium you should have a plan indicating why you want to have the three year moratorium. You need a plan, or something, you just can’t say, well, we just don’t want this. You need to have a reason and a plan as to how you are going to meet what you are trying to accomplish by having a moratorium. That is part of the process that you are going through.

Gail Budrejko: Again, at the Council level we were informed about the process, but we haven’t had a round table discussion on it, those are the types of questions we have.

Chairman Aieta: Just make them aware that it’s more than them just looking at it, at this point.

Craig Minor: It’s probably now just like a grant application. I’m the staff, I’ve been directed to prepare a grant application. Whether it gets submitted or not is up to the Town Council.

XII. COMMUNICATIONS

Commissioner Sobieski: Not too much, we had election of officers, I was on the nominating committee and we have an issue there that technically everybody on the Commission gets appointed every year from Planning and Zoning. However, the by-laws say that if you are
elected Chairperson or Vice-Chairperson you serve for two years. So, let's assume that somebody has been Chairman and they don't get reappointed, then they would have to start all over again. So that is something that we are looking at.

Commissioner Camillo: I think you got the year because of the elections coming in the fall.

Commissioner Sobieski: Right. Every year you are appointed by the Commission.

Commissioner Camillo: It used to be two years. It was two years the last time.

Commissioner Sobieski: I think it was every year.

Commissioner Fox: It was always every year.

Commissioner Sobieski: What you are referring to is the first meeting that you and I went to, Sandra, I forgot her last name, she had been appointed for two years because Hartford automatically put her in every couple of years or so.

Chairman Aieta: Okay, any other communications?

XIII. PUBLIC PARTICIPATION (For items not listed on the Agenda, Speakers limited to two minutes.)

None.

XIV. REMARKS BY COMMISSIONERS

None

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 8:56 p.m.

Respectfully submitted,

[Signature]

Records Addis,
Recording Secretary