NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

April 24, 2019

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

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL AND SEATING OF ALTERNATES

Commissioners Present

Chairman Frank Aieta
Commissioner Michael Camillo (7:10)
Commissioner Michael Fox
Commissioner Domenic Pane
Commissioner Stephen Woods
Commissioner Hyman Braverman-A

Commissioners Absent

Commissioner Anthony Claffey
Commissioner Stanley Sobieski
Commissioner John Bottalico-A
Commissioner Giangrave-A

Staff Present

Craig Minor, Town Planner

Commissioner Braverman was seated for Commissioner Sobieski

III. APPROVAL OF AGENDA

Craig Minor: I'd like to add under Old Business Item A Petition 7-19 Special Permit, Churches and Places of Worship at 6 Church Street Vaishnav Parivar of Ct, owner/applicant; Rajeev Desai, 712 France Street, Rocky Hill CT. contact.

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

The vote was unanimously in favor of the change with six voting YEA.

IV. APPROVAL OF MINUTES

Commissioner Fox moved to approve the minutes of the April 10, 2019 meeting. The motion was seconded by Commissioner Pane. The vote was unanimously in favor of the motion, with six voting YEA.

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

None.
VI. REMARKS BY COMMISSIONERS

Commissioner Fox: Really quick, I'm sure, maybe I'm not so sure, that you all heard about the stabbing last Friday at Plaza Azteca? I was just wondering what the rest of the Commission thought about that, I mean, I realize we can't do anything about it, but maybe Steve Clark might want to put a few more people, a few more men up there.

Chairman Aieta: It's something that we already approved.

Commissioner Fox: Yes, we can't do anything about it.

Chairman Aieta: We can't do anything about it, and I'm sure they don't encourage people to stab each other at their restaurant, this stuff happens. We just hope that when they have their event that they will be able to control the people who are there. They are not able, then the next time that they come in we'll take that into consideration. There isn't anything that we can do at this time, but I did see that.

Any other Commissioner comments?

VII. PUBLIC HEARING

Commissioner Pane recused himself from Petition 03-19.

A. Petition 03-19: Zoning Text Amendment (Section 3.11, Section 3.17 and Section 6.11; Motor Vehicle Service Uses, Town Plan and Zoning Commission, Applicant, Continued from April 10, 2019.

Craig Minor: We kept the hearing open on this item because there were a number of, pieces of language in the proposal that the Commission still had some discussions over, and the public had some discussions, so that is why the hearing was left open. I have nothing new to add.

Chairman Aieta: Do you want to proceed to close the hearing? Have discussion? We would have to close the hearing before having a discussion.

Craig Minor: At this point, yes, that would be appropriate.

Chairman Aieta: There are a couple of items hanging that we should discuss, but if you want, we could put it off until the next meeting.

Commissioner Woods: Aren't we waiting for a report from CRCOG? Didn't you send them something back out on the distance? That was why we weren't going to take action at the last meeting.

Craig Minor: What we did was I sent a version of the amendment that had only a 50 foot setback and allowed roll up doors and sent it to CRCOG so that we could have a hearing on that, but the hearing can't be until the next meeting because the hearing has to be 30 days in between, but I did that in case that it turns out that a majority of the Commissioners did feel that the 50 foot buffer was appropriate, and/or thought that the roll-up doors should be allowed. Those were the two issues that we were warned that if the Commission adopted a regulation that included those two pieces of language that would be considered insufficient notice to the public and could, somebody might appeal that it would take months, and rather than run that risk, we made it possible so if the Commission wants to have a public hearing
on those items, the 50 foot buffer and the roll-up doors, if it turns out that is what the majority of the Commission wants, but we still don’t know, a straw poll, after we close the hearing might be a good idea before you actually vote, and then we’ll know what direction we will be going.

Commissioner Woods: I think Mr. Chairman, you want to postpone this, and I have no problem with that, putting it off until the next meeting.

Chairman Aieta: We could close it tonight and then put it, move it to the next meeting and I know Stanley wants to weigh in on it.

Commissioner Woods: Before you close it, I have a request of the Planner before the next meeting, if we could get the distances that we require between say the Industrial zone and the residential, commercial and residential, just so I can have some sort of a scale.

Chairman Aieta: The distance between the industrial zone, industrial land and residential, there is no distance requirement. The only thing that there is, is a buffer requirement which would be a 25 foot buffer requirement. There is no distance requirement between industrial and residential zones if they abut each other.

Craig Minor: I think the point that you made in previous meetings is that Newington’s buffer regulations are different, in different zones, so that’s why, there are different kinds of buffers....

Commissioner Woods: All of the different kinds of buffers that we have.

Craig Minor: Right.

Commissioner Woods: Thank you Mr. Chairman.

Chairman Aieta: Do you want to close it, we can close the hearing so that we can move it to Old Business.

Commissioners Woods moved to close Petition 03-19 and move it to Old Business for the next meeting. The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion, with five voting YEA.

Chairman Aieta: Put it on for discussion, and we will get an idea of how to proceed, because I don’t think, we have kept this open and we haven’t had many people come in for discussion under the Public Hearing.

Commissioner Woods: It appears that the public is not coming out any more.

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

Commissioner Pane returned to the table.
B. **Petition 15-19: Special Permit (Section 3.15.3: Restaurant Outside Seating)**

at 2391 Berlin Turnpike, (Artichoke Basille’s Pizza) JGF Holding Company, Owner; Matt Rusconi, 195 W. Main Street #16, Avon CT, Applicant/Contact

Chairman Aieta: Mr. Planner, we have this and we also have under New Business Petition 16-19 which is a site plan modification for the same applicant. Can we take them together?

Craig Minor: Yes.

Chairman Aieta: Is the applicant here? Come forward and give us an idea of what transpired, particularly on the site modification. You have an approved site plan that you came in with when we approved this, and then when you went to build it you built something different, so......

Dante Boffi: Dante J. Boffi Design LLC, representing both Artichoke and JGF Holding, which one are we talking about?

Craig Minor: Can we just address the outside seating now?

Chairman Aieta: Well, the outside seating, but at some point you are going to have to address what happened with the site......

Craig Minor: That is a third item on the agenda. The cut through is a different public hearing modification on the agenda.

Chairman Aieta: Okay, is that on here?

Craig Minor: Yes. It’s the 262 Brockett Street site plan as opposed to 2391 Berlin Turnpike. It’s a separate site plan modification application.

Dante Boffi: This is specific to Artichoke Pizza, the building that you see before you.

Craig Minor: Dante, excuse me. They need site plan approval for this because it changes the landscaping layout and your regulations require site plan approval if the landscape is changed, so that is why he’s here.

Dante Boffi: What we are looking at here is the Artichoke Pizza building, which is the stand alone building right on the Berlin Turnpike. What we are proposing is, you see the existing sidewalk, off the side of the building off of Brockett Street. What we are proposing is in that lawn area is to install a mosaic modular stone paver patio, lined with mulch beds, shrubs to match, same style and size shrubbery that we have around the building now. We’re proposing five tables, four tops with umbrellas overhead, and the total amount for seating on this patio is 20 people. There is a control ingress/egress that leads to the parking lot. Access is through the building only, so that is ingress and it’s a, I think it’s a pleasant addition to this building. If you are familiar with the building, it stands on the corner. This would sit nicely, it’s about 12 feet off the front corner of the building, as it pertains to the Berlin Turnpike, and then it enlarges to about 24 feet off the rear corner of the building. It’s nestled in nicely, it goes along with the topography and the landscape quite well, and we think it will be a nice addition to the property and to the venue.

Chairman Aieta: Do you want to address the parking, the increase in parking that will be on the site, how do you calculate the parking?
Chairman Aieta: How can there be no increase when you have, you are adding 20 patrons?

Craig Minor: It has been the practice of TPZ that when outdoor dining for existing restaurants was approved not to require additional parking. I came across that when I was doing some research a few years ago, and it makes sense, because the outdoor seating can only be used a few months a year, to make them add additional parking for 365 days a year for use that is only going to be three months of the year, it's like designing for the week before Christmas. When I came across that in my reading of the minutes, I thought, well that seems logical that the Commission would not require additional parking for outdoor seating.

Chairman Aieta: When was that?

Craig Minor: That was, actually that was before I got here, that was from some of the early outdoor restaurant approvals that the Commission made. I came across that when I was doing research for I think it was Mooyahs or maybe the Sloppy Waffle when they requested outdoor seating after they had been approved. In Mooyahs, and the last couple of outdoor seatings, Dunkin Donuts, you have not required additional parking for that reason.

Chairman Aieta: This site was deficient in parking before this additional seating.

Dante Boffi: I think also in restaurant use, we do quite a few restaurants, from our office and the high times for the restaurants are often the low times for the rest of the lot. This, we see this use happening from the five or six o'clock on whereas the rest of the occupants of the site, especially the hair salon, that is when everyone goes home. So the two really have minimal overlap. I know that I have been there during the day, I've been there during the night, I have tried to, with Mr. Rusconi tried to see what the patterns are. Quite often, after five or six o'clock there's, on most nights there is no one else in the lot except to come to this building.

Chairman Aieta: Dominic, do you remember how we handled this, I don't remember, not counting that as seating, I don't understand how we could consider that as not an increase in the amount of parking.

Commissioner Pane: Most of the places that have come in have plenty of parking, and I don't know, but there has to be a few that we talked about possibly that (inaudible).

Commissioner Woods: I remember Dunkin Donut, when we did that, we didn't discuss the parking. I think the Planner makes a strong point, if people want to sit out there, they don't want to sit in, so you might not be overloading the restaurant, and again, I think there is that rare occasion that the inside and outside will be full. You, running the restaurant, would like to see that every day, I get that, but it's probably not going to happen. If the weather is beautiful, outdoor seating should be available, you want to sit inside, the place is a ghost town. I think that is very typical of the population these days, we know what we want, but again, from my time of the Commission I know Dunkin Donuts, that only added a few little tables, but there was no mention of parking.

Commissioner Fox: I kind of agree, but I don't know, I know on the weekends, they are doing a land office business, and they have the shared parking, so I don't know, maybe it would be prudent to expand many at least four more parking spaces, one for each table, or something like that.
Chairman Aieta: If you want to speak you have to come forward, state your name and address for the record.

Matt Rusconi: 80 Riverknolls, Avon, CT, the owner of Artichoke Pizza. Just so, on the weekends, the salon in closed on Sunday, there is nobody there, and they close at 3:00, so there is very ample parking, and we open at 11:00 on Saturday so you have just a brief overlap from 11:00 to 3:00, but other than that, you are wide open on the weekends. The only time that there is actually an issue is Thursday night. That is the salon’s late night. They close at 8:00, and we do Karoke, we are open until midnight, Thursday, Friday and Saturday so after you have that little constraint there, it's wide open, and I would say that would probably be the only time that we would experience an issue, so in my opinion it would almost be a shame to limit what we can do based on an hour or two a week. Thank you.

Commissioner Pane: One of the other concerns I would have is safety with how close it is to the turnpike. Are there any measures that are going to be taken to protect the tables in the pedestrian area in case a car comes off the road?

Dante Buffi: We do have a metal rail going all the way around the patio. I don't have one of the site plans in front of me, but could I borrow that sir?

It's twenty-five feet off the turnpike, and about fifteen from Brockett. It's a slightly raised elevation. If necessary we certainly could put a couple of bollards within the shrubbery to protect just in case there was a run away car, a strange situation.

Commissioner Pane: Thank you. Is the tenant use staying about the same for the whole building? I notice that there is one empty space, are the other tenants remaining there in place?

Dante Buffi: Yes, the tenant on the corner was an eye store/eye doctor, but everything else is staying intact to our knowledge.

Commissioner Pane: There is one empty space, is that correct?

Dante Buffi: Yes, I think it's for the owner of the building, they are keeping one empty space, but all of the actual rental spaces are filled.

Commissioner Pane: Thank you.

Commissioner Fox: That area does not extend into the state right of way, does it?

Dante Buffi: No it does not.

Commissioner Fox: Okay, I agree, you should have some bollards or something.....

Dante Buffi: Sure.

Chairman Aieta: Any other questions? This is a public hearing so we will open it up to the public and then move onto the next item. Why don't you sit down for a second, and then come back up. Anyone wishing to speak in favor of this application? Anyone wishing to speak in opposition to this application? Commissioners do you want to close this and move it to the next meeting?
Commissioner Fox moved to close Petition 15-19 and move it to Old Business for the next meeting. The motion was seconded by Commissioner Camillo. The vote was unanimously in favor of the motion, with six voting YEA.

Chairman Aieta: Okay, do you want to come back up and talk about the next item?

Dante Buffi: I'm sorry, we just missed what happened here.

Chairman Aieta: We closed the hearing and moved it to the next meeting for action.

Dante Buffi: Okay, so there is no chance of getting this approved tonight?

Chairman Aieta: Let's talk about the next application, the next two I believe.

**Petition 16-19: Site Plan Modification at 2391 Berlin Turnpike (Artichoke Basille's Pizza) JGF Holding Company, Owner; Matt Rusconi, 195 W. Main Street #16, Avon CT, Applicant/Contact**

Dante Buffi: This is the same thing we just talked about?

Craig Minor: Now, we merged the two, this is the second one for Artichoke.

Chairman Aieta: What is the modification?

Craig Minor: The seating.

Chairman Aieta: The seating, and the other one was the Special Permit for the seating? Read 17-19.

**C. Petition 17-19: Site Plan Modification at 262 Brockett Street, JFG Holding Company LLC, Owner/Applicant John Formato, 798 Southington Road, Berlin, CT, Contact**

Dante Buffi, Dante Buffi Design LLC: This came about during construction, during the paving of the lot. The owner had, I don't think it is written up in your minutes, but the owner had paved a small section between the two neighboring properties. The Mexican restaurant and JGF Holding had in the past used each others parking lots when convenient so he thought it would be a great idea just to pave it while the guys were out there. I'm pretty sure it was Craig, or someone from Town Hall who told him you just can't do that without approval, please come before us, talk to us about it, and we'll discuss it at the proper course of action, so that is where we are.

Due to the fact that they do have sort of a gentleman's agreement, they said they certainly could put it in writing to avoid any legal issues, but they do use each others spaces. The restaurant uses it when they need it, often again, off hours. John Formato, the owner of Sculptures will use the Mexican restaurant's parking lot for employees during their peak hours which are typically during the day. Again, the hours for the peak for 262 Brockett Street are the opposite of the hours for the Mexican restaurant. So they thought this would be a good unification of the two lots, and we're here tonight to see if we can make it something more official than a piece of paper.

Chairman Aieta: The site plan, where is the one that we approved?
Craig Minor: This is what is being discussed right now.

Chairman Aieta: This is an as built?

Craig Minor: This drawing, this reflects the site……

Chairman Aieta: I understand that, how did they generate these drawings?

Craig Minor: Oh, they had…..

Chairman Aieta: Where is the original drawing that we approved?

Craig Minor: It’s not here.

Chairman Aieta: I want to see what we approved. I want to see the layout. Any questions from the Commissioners on this?

Commissioner Fox: Thank you Mr. Chairman, you seem to be depending not only on the Brockett Street property, but also Puerto Vallerta.

Dante Buffi: Correct.

Commissioner Fox: You stated in the previous public hearing that you had enough parking, so why do you want to go into the Puerto Vallerta parking lot?

Dante Buffi: We are talking about two different businesses. There is plenty of parking for Artichoke, but in the mornings, Artichoke isn’t open and Puerto Vallerta isn’t open, but that is the high time for Sculptures, the hair salon. It’s really for his employees, because he doesn’t like to use the public parking spaces for his employees, so he has them park at Puerto Vallerta which is I guess a gentleman’s agreement. Rather than having them walk over the lawn, and having to drive through Puerto Vallerta’s property, and park, he thought this would be a simpler way for his employees to access that site. Again, it’s with Puerto Vallerta’s approval, if Puerto Vallerta says yes, you guys have to say yes also.

Commissioner Fox: And does Puerto Vallerta say yes to the cars coming, because they have to pass, you have a one way connection coming from the turnpike it looks, so going this way, you have to come out the (inaudible) of the parking lot. There are times, as I said at the public hearing that you are both packed, so that can create a problem and it is still strikes me a little funny that you say you have enough parking here, yet you say you want more parking over there.

Dante Buffi: It really has to do with the time of day. The time of day for the three entities that we are talking about, the overlap is very specific.

Commissioner Fox: And Puerto Vallerta approves of this?

Dante Buffi: They do, and they said they would put it in writing with JGF Holding.

Commissioner Fox: Okay. I have another question. Where are you going to put the snow?

Dante Buffi: I can’t answer that specifically, but I know that they have a regular maintenance program and it’s, it has been done for years. We’re not essentially changing the make-up of the lots, except for that small cut-through.
Commissioner Fox: I'm not talking about Sculptures. I'm talking about Artichoke. Am I to assume that you are going to push the snow over into the Brockett Street parking lot? I don't think so. I don't recall, when we did the original site plan, did we require a snow shelf? I don't know whether we did or not, and if we did, where is it?

Craig Minor: I'm fumbling for that map now.

Dante Buffi: That is what I was saying in the original approval, BGI's drawings did address that. This one change I don't think affects where the plan of attack was.

Commissioner Fox: I would think that would depend on where this snow shelf was placed on the original approval. I can see with the barrier between your driveway here and the other parking lot, that would probably be a good place to put some snow. If there is no parking here, I don't know if they take deliveries here or not, but right now you are going to have people coming through here and, I know you say there is a difference in open hours, but something like this.....I guess we will have to see what the Town Planner comes up with.

Craig Minor: I have one copy that shows where the snow shelf is, I was planning on displaying it on the monitor, but I'm not, the computer is not cooperating as usual. If you look at the plan that you have, which is actually one that shows the outdoor seating, but this plan, one of the many sheets for this plan shows a snow shelf here, and down here. It's not written on the copy that you are looking at, but on the sheet of this set of plans, those are where the snow shelf's are.

Commissioner Fox: East and south.

Craig Minor: Yes, east and south.

Commissioner Fox: That is all I have, thank you.

Commissioner Pane: Is all of the work completed on that? It appears that one of the spaces, there is a monument, a concrete monument sticking out of the ground about an inch and a half, so it leads me to believe that the top course hasn't been put on yet.

Craig Minor: I don't know if the top course has been put on or not. I know that the Town Engineer has recommended that the parking space closest to the dumpster be eliminated because if anyone does try to park there they would not be able to see because the dumpster is in the way, so in the final approval he recommends that you eliminate that last parking space next to the dumpster. This parking space, right next to the dumpster, if someone tried to park there, they wouldn't be able to see if somebody wanted to come out, in the violation of the one way.

Commissioner Woods: It's a blind space. Because of the driveway?

Craig Minor: Yes.

Chairman Aieta: Any other questions?

Craig Minor: Mr. Chairman, I have one question. Why the one way?

Dante Buffi: I think that they thought the one way would be more palatable to you if traffic was flowing in one direction. There would be less chance, as you just pointed out, with the dumpster there, for any kind of collisions or two people trying to go at once, so I think the one
way typically, whenever you are adding, you are implementing a one way in a parking lot, it is to cut down on traffic and vehicular movement so I think it was to make this whole situation a little more palatable for you guys and the safety of the site.

Chairman Aieta: So Puerto Vallarta can't use your parking unless they go onto the turnpike and go to Brockett Street.

The right way to do this would have been to bring it in with the first application, not doing it after the fact, after we have an approved site plan. I'm not in favor of approving this because of that.

Dante Buffi: You are right, it was a situation where the site contractor when he was paving made the suggestion to the owner and.....

Chairman Aieta: Then the owner should have come back to the Commission for approval to cut through somebody else's property, that should have all been on the record when we heard this application. It might have changed the thoughts of people who were interested to make comments.

Commissioner Braverman: I think we should get everything on the record and have it recorded and make sure it is proper by all parties so that we have data on everything.

Chairman Aieta: I will need a letter from the Puerto Vallarta giving permission to......

Commissioner Pane: Mr. Chairman, I know that Commissioner Fox was talking about the parking area and some of the information that they talked about the last time that they were in, maybe the Town Planner could pull the minutes so that we could have them by the next meeting and see exactly what the applicant said about the parking situation.

Chairman Aieta: I want to see the original site plan and the minutes from the original application. Anything else?

Commissioner Camillo: When Mr. Bongiovanni was here with the original site plan, they gave us the whole front yard as green space between the building and the street. That's where the additional parking was. They accommodated us by giving us that green space, so.....

Chairman Aieta: They gave up the green space because it's a requirement of this Commission that they have 35 feet of green space in front of their building. They didn't give anything up. Part of it was state highway anyway. They didn't give up parking there, trust me Michael, they have a business there, they have several businesses there, they should be able to contain their parking on their own piece of property, and that was parking so that it did not spill out into the highway and into Brockett Street causing problems in traffic movement and congestion on the site. They didn't give anything up and they wouldn't have gotten the building approved without the 35 feet, that is what the Commission has been asking along the turnpike for the last couple of years, trying to restore that 35 foot green space. There were parking spaces in the front but some of them were on state property, and they were angled parking to make them fit on the piece of property.
Any other questions on this? We are going to get the information and put it back on the agenda.

We can discuss and review the information that they bring in, and then we will take action at the next meeting.
Dante Buffi: Can I ask one question before I leave. Not this application for the cut through, but for the patio dining. At this point there is no chance to get that approved tonight?

Chairman Aieta: I want to resolve this whole issue on this piece of property, and unless the Commissioners feel.....

Dante Buffi: They really are separate.

Commissioner Camillo: They are two separate things.

Dante Buffi: Artichoke doesn't need the cut through. It has nothing to do with Artichoke.

Chairman Aieta: It's up to the Commission.

Commissioner Fox: I'd rather leave (inaudible)

Chairman Aieta: We'll schedule it for the next meeting, and we will take it up again.

Dante Buffi: Thank you.

VIII. NEW BUSINESS

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

Merle McKenzie, Higganum, Ct.: Before we start I just want to have a review. About a year ago we came before you guys asking for approval for Montana Nights, so we are doing employees, twenty part time employees and we donate all of our cans to local Newington charities and none of that would have happened without your approval, so I appreciate that.

So I'm here looking for approval for two things. One is increased parking area, and one is for an outdoor seating area adjacent to my building. I believe you all have a schematic in front of you, of what is proposed.

Chairman Aieta: Do you want to go through what is proposed. We have the plan, just explain it to us.

Merle McKenzie: We found that the additional parking would be very helpful to our business, like I said, we're very successful and we are seeing larger groups. CCSU wants to do home coming events with us, and bring down hundreds of people and so there is anticipated need for the extra parking. In addition to that, we would like to add that outdoor seating area that you see here, just to the left of the original entrance. I don't have the square footage of it in front of me, but it's about nine feet out from the building and about 22 feet, 23 feet in length the last time I saw a schematic on it. We'd like to put up an overhang to protect people from the sun and if inclement weather, if there is rain out there and they still want to sit outside. That's about it.

Commissioner Pane: Will the people sitting outside be able to have a drink?

Merle McKenzie: Yes sir.
Commissioner Pane: You are going to have to go back for approval for that?

Merle McKenzie: From the state, yes.

Commissioner Pane: Thank you.

Merle McKenzie: You’re welcome.

Chairman Aieta: The additional parking is on the lot, the empty lot in front of the....

Merle McKenzie: Yes, it's forward to the parking, the parking that we added when we first took the space, so going towards Fenn Road.

I forgot to ask, if you have all the information that you need, I would love it if you guys could say yes or no tonight based on any other questions that you may have.

Craig Minor: Actually the Town Engineer did tell me that he recommends no action yet, there is a lot of information that he hasn’t gotten from the engineer regarding drainage. Could I encourage you to discuss the patio, seating, so even if they don’t vote on it tonight, I’ll know that one hurdle has been cleared and the other hasn’t.

Commissioner Pane: How many tables is he proposing?

Merle McKenzie: We aren’t actually going to put tables. We’re going to put in two parallel, I guess you would call it a long shelf, 18 inches wide, one connecting to the building itself, and one on the parking lot side of the building, with stools in front of each. My guess is it will hold fifteen to twenty people.

Chairman Aieta: You have nine feet by twenty-nine feet, that is the size?

Craig Minor: I didn’t realize, I thought there were to be tables, but now, on the plan in front of you, what we are talking about.

Craig Minor: No, the area of the patio is shown here, as being 29 x 9, but you just talked about what sounds like trestle seats. I remember beer gardens in Germany and that sounds like what I heard you describe just now.

Merle McKenzie: So, they asked if there were going to be any tables, I said no. Technically there is not going to be any traditional outdoor restaurant style seating, it's going to be long places to set your beer, like in a bar, but it's not actually a table. It will run the length of this space and it’s interior........

Craig Minor: I have no idea of what you are saying. Is it a bench, what

Merle McKenzie: If I could, this is our building, here are our exit doors, here is our existing parking now, and this is the space that we want to add parking to. I’m proposing that, we have actually discovered that it is shorter, because we can’t go behind the electrical box that is there. I’m going to run an 18” table or type of wood here, and I’m going to run an 18” plank here, I’m going to put stools, obviously we will have bollards to protect the patrons from people parking, and there will be stones here. That is going to be built into the structure.

Commissioner Braverman: And it will face inside the building?
Merle McKenzie: People sitting here will have the choice to face where ever they like, and there will be cars parked here, and all of the stools are inside the proposed patio space. So whether they choose to look at the street, or the building, it’s their choice.

Commissioner Braverman: How will people be served?

Merle McKenzie: They will go to the bar that is inside....

Commissioner Braverman: Okay, and walk outside? So nothing is through the building?

Merle McKenzie: What do you mean, through the building?

Commissioner Braverman: There is no opening there?

Merle McKenzie: Well, there is a door to get in there.

Commissioner Braverman: No, no, no, where the stools are?

Merle McKenzie: No, there is no opening.

Commissioner Barverman: There is no opening.

Merle McKenzie: No.

Commissioner Woods: Is it fenced or is it bollards?

Merle McKenzie: I’m sorry?

Commissioner Woods: Are you going to put a fence all the way around it?

Merle McKenzie: Not a fence, no, the bollards and the structure that would be the overhang kind of built in with like rustic wine barrels for decoration, just to hide the bollards. There will be no fencing around that. It would kind of kill the look, and it would push us farther out.

Everyone talking at once.

Merle McKenzie: If they do, then I guess it is something I will cross with them at the time, but it’s not something that I plan at the moment. I don’t suppose, considering what that is going to cost me anyway, it’s not that much more to put a fence on, but it’s my preference not to have one if the State doesn’t require it.

Commissioner Woods: I’d be very surprised if they don’t.

Commissioner Pane: Either a fence or a wrought iron railing or something.

Merle McKenzie: A wrought iron railing would be a better look.

Commissioner Fox: You have a, on the top of that, up there, right, you have a cutback, that seems to interfere with the main entrance.

Merle McKenzie: No, we replaced the roll up door with glass doubles. That is where the glass doors are now. They are double wide, so eventually if I go out of business I can roll the truck back out of there. You have to plan.
I don’t want Joe saying, what are you going to do with those trucks if there is no way to get it out.

Commissioner Fox: You have two more trucks on the side.

Merle McKenzie: Yes, future projects. I’ll be back in front of you hopefully very soon talking about a live music venue down the road, but that’s time for another tale, but that’s what those other trucks are for.

Commissioner Fox: Dancing on the back of the pick-up?

Merle McKenzie: No dancing sir.

Commissioner Woods: The trailer that is on the north side, can you have that moved so you can have more parking?

Merle McKenzie: The tractor trailer?

Commissioner Woods: Yes.

Merle McKenzie: What happened is that that comes in and out with their giant rubber rolls, so it’s never stationary period. We haven’t had, I should say, we are asking for increased parking because we see the demand and the need for it. To ask them to move that, when we already use their parking lot would probably be a bit presumptuous, I’d rather just add the additional spots here that we need.

Chairman Aieta: Mr. Planner, did we get this application from this applicant, or the owner of the property?

Craig Minor: From Mr. McKenzie.

Chairman Aieta: How does that work?

Craig Minor: Oh, it has his signature on it. The owner is fine with the application, but he doesn’t need to, he delegated this to Mr. McKenzie.

Merle McKenzie: Yes, Joe doesn’t do this unless it is required by you guys.

Chairman Aieta: All right. Any other questions? Mr. Planner, do you want to give us an idea of what the Engineer is looking for?

Craig Minor: The Town Engineer sent a memo to Mr. McKenzie and cc’d his, hopefully he sent it to his engineer. The main comment is on drainage and the engineer asked the applicant to provide a “storm water management report with calculations (project narrative, analysis for zero increase in runoff, scalable pre-and post-development watershed maps. Corresponding to proposed grading plan, hydrographs for 2-, 5-, 10-, 25-, 50-, and 100- year storms, pond report for bioretention area with maximum water height for referenced storms, pond routing hydrographs, chart for proposed yard drain and pipe sizing to existing catch basin for the design storms). Then it says, Refer to Town of Newington Stormwater Drainage Manual.” And then there is a list of items that had been addressed by the applicant. Items that have to be addressed on the plan but it’s the first item that is the calculation that the Town Engineer needs.
Merle McKenzie: So Craig, if I may and forgive me for just being completely ignorant on this whole process, and terminology. From the site plan that we drew up, the plans that are in front of us, I’ve had several conversations, text’s back and forth, and I told them from our initial conversation, hey these guys are looking for a little more information than you provided. It was understood to me that he has had these conversations with you in order to clear up whatever you seemed to have an issue with now so am I now to understand that it is not been resolved to your satisfaction?

Craig Minor: It’s not my satisfaction, it’s the Town Engineer. The letter is dated April 9th, and so far as I know, your engineer...

Merle McKenzie: Russ, Russ Heintz.

Craig Minor I don’t know if Mr. Heintz has responded to the Town Engineer on those comments.

Merle McKenzie: I was under the impression that because you guys granted me this hearing tonight that you guys had gotten satisfaction out of all of those......

Craig Minor: No, it’s the Commission’s practice to get the ball rolling with site plans even if the engineers, obviously yours, still have a distance to go, rather than wait until the last minute and do it all in one meeting. It’s not uncommon for the Commission to review a site plan over a couple of meetings if it takes that long for the engineer to get on the same page.

Chairman Aieta: Do the Commissioners want to see anything other than what was presented for the patio? Are you happy with what you see in front of you?

Commissioner Pane: Twenty-four spaces, is that going to be enough?

Merle McKenzie: The extra parking? Yes, I think so.

Chairman Aieta: Has anyone done a calculation, or is this pie in the sky, put twenty-four in, there is no rhyme or reason for that?

Craig Minor: I wouldn’t say there is no rhyme or reason, but we are in uncharted territory, an axe throwing venue is not something I can go to my manual and see how many spaces are needed for an axe throwing venue, so....

Chairman Aieta: You can use other comparable businesses, bars, restaurants and stuff like that because basically that is what it is. It’s a bar.

Craig Minor: Actually that is where we started, we tried basing it on the amount of parking needed for a bowling alley, but that turned out as not a good choice.

Commissioner Pane: Mr. Chairman, do we have any information from the Fire Marshal as to how many people he is allowing in the building?

Craig Minor: No, we do not.

Merle McKenzie: I can tell you that we aren’t any where near that number, it’s, during the delays before we could open there was a sticking point because it was classified as an assembly use, that they were assuming that 301 was the magic number. It was considered assembly use and that, if that were the case, they needed additional safety features, like a
voice activated fire alarm. So, it was my contention, and it is still my contention after being open, nearly a year that we will never see 300 people in our building, we just don't have the room for it. And I know that you have to plan for future uses, but in the essence of getting it done so I could actually get to working, get the project going, I agreed to put in the fire alarm, the voice activated fire alarm and when I did that they said, okay, you are good for 300. There is just no room. The max capacity of participants is 100 and even if 100 people came in and 100 people crossed each other on the exchange of pits, it's still only 200, and we never see that.

The patio is not going to add business to us, it's going to give our patrons something else to do while they are there. It's not like that is going to bring in another 24 people.

Chairman Aieta: Let's put in on the agenda for the next meeting, hopefully we will have the information from the engineer.

Craig Minor: Are the Commissioner's satisfied with not being able to see the trench tables that Mr. McKenzie has described, because even if he was to draw it on this plan, it would be so tiny that you could barely see them. I would.....

Chairman Aieta: You were here for the last application. You saw what they provided for the Commission so that we had an understanding what they were doing. Show him a plan, yes, the seating that was provided in the packet. This one here. From Artichoke. Give him that.

Commissioner Woods: We want it to scale so that we can see what you have.

Chairman Aieta: It has to be something that is part of the record.

Merle McKenzie: Okay. I hire a guy to put it together.....

Craig Minor: You may also want to hire someone to draw it so it is an accurate representation of what it is you want so the Commissioners know that what they see at the meeting is what gets done.

Merle McKenzie: I'll do my best. So, two weeks from today?

Chairman Aieta: Yes.

Merle McKenzie: Thank you very much.

B. Newington Ridge Preserve

Craig Minor: Nothing there.

IX. OLD BUSINESS

Petition 07-19
Special Permit (Sec. 3.2.1: Churches and Places of Worship) at 6 Church Street.
Vaishnav Parivar of CT, owner/applicant,
Rajeev Desai, 712 France Street, Rocky Hill CT, contact

Craig Minor: The hearing was closed two meetings ago and the applicants understand that some of the conditions of approval that I had suggested, one of which was that the applicant put in a chain link fence around the whole area between the temple parking lot and the house
just to give those folks some seclusion because it has been stressful for the past couple of years and that was a suggestion that I made. I was under the impression that, at least the individual that I was talking with directly at the time, he thought that was reasonable, but apparently the Board of Directors does not feel that they have the money to pay for that fence. I thought it would go along way towards helping the neighbors, but the Board of Directors of the Vaishnav Parivar congregation, they don’t want, it’s beyond their budget, they don’t have the money for that.

Chairman Aieta: Mr. Woods, what would that cost? What are we talking about, roughly, off the top of your head?

Commissioner Woods: Chain link?

Craig Minor: Something substantial, not a snow fence.

Commissioner Woods: Four foot, six foot?

Craig Minor: Four foot.

Commissioner Woods: Fifteen dollars a linear foot. It’s not outrageous.

Chairman Aieta: We are doing three sides, we are doing the length along the driveway of the church, along the back which is part of their property also, so we’re talking……

Commissioner Woods: 700 feet.

Commissioner Pane: Depending on how deep, maybe 400 or 500 feet?

Chairman Aieta: I think that would go a long way, I thought that we required that. We talked about that when we talked about the original application.

Craig Minor: When they proposed the day care.

Chairman Aieta: The day care, and it’s obvious that the people that we want protected, they have come in every time that they have asked for something, they have come in and complained about stuff coming onto their property, people, debris coming onto their property, I think it would go a long way to make those people, at the last, the people that were most affected, the house between the church and the corner house, they left here sort of satisfied because of the conditions that we were talking about.

Commissioner Woods: What are the plans for the house?

Commissioner Pane: Residential use.

Craig Minor: It must be strictly residential, there can be nothing going on that is not strictly residential. That condition is acceptable.

Chairman Aieta: But that is not what they came in for Steve, they came in for, they wanted to make it so they could have their people stay over there plus also they wanted to have services and classes and stuff like that there.
Craig Minor: In my initial meetings with them, months ago, that is what I was given to understand, but then when they actually submitted the application and then went to you a week or so later, that narrative was much more restrictive, that narrative was......

Chairman Aieta: I think they went back to that when we started talking about it. If we had gone along with whatever they wanted, they would have proceeded with their application, but we started asking questions as to, and people were here complaining, so they stepped back on what they asked for., saying no, no, we are only going to use it for the priest that comes in from India. That is the conversation that we had, so they changed their whole application while they were sitting here. If we were to approve it, I would approve it with the condition that they put the fence in.

Craig Minor: There is a draft motion in the folder with the conditions.

Commissioner Woods: Wouldn’t it be better if the Commission required a landscape buffer with plantings? Maybe not the full length of the property, on the south side, maybe two-thirds of it, fifty, seventy-five feet on the front side of the house, then come up and around so it would be south side, and east side and I suppose now that the church owns the other house we would have to do that on the north side too.

Chairman Aieta: You’re probably talking about the same amount of money.

Commissioner Woods: You’re probably talking about a little more money, but you will give them privacy. I think that is what we are trying to get. A chain link fence doesn’t do anything other than keeping people from walking onto their........

Chairman Aieta: Their main concern when we talked about a fence was that people were walking across their property and they are using it as a latrine, and there is stuff blowing in from the festivals and stuff into their yard.

Commissioner Woods: I think we should try to make some accommodations for that house because it is kind of like an island.

Chairman Aieta: The accommodation was the fence, and they agreed to it at the meeting and then they decided after that they didn’t agree. I find it, a congregation of that size, less than $10,000, after buying the house on the corner. They are going to spend $100,000 to try to fix that house up. It’s in such terrible condition, but maybe they won’t, just leave it the way that it is. We will be watching that too because the piece of property is a blight. It’s up to this Commission but I say if you want to move forward with it that you approve the motion that was presented before with the condition of the fence that the Planner scratched off.

Craig Minor: There is another possible condition also on the draft, that the congregation put a temporary fence silt fence, between the parking lot and the 6 Church Street property for main events because one of the complaints that the neighbors raised was during the recent, let me rephrase that, it might also help prevent institutional use of the home at Church Street, their major festivals, a temporary fence between the parking lot and the house backyard to prevent their festival participants from straying onto that property. I just suggested that as a possible condition also. If the Commission is leaning toward requiring the chain link fence then I think that is probably the most important condition for the neighbors.

Chairman Aieta: So you would use the Condition 2 that is scratched and not the Condition 2 that is there. It’s up to you guys as to what you want to do here.
Newington TPZ Commission

April 24, 2019

Page 19

Commissioner Woods: I think the temporary fence, what are you going to do in the winter time? The ground is frozen solid.

Chairman Aieta: Would you read the motion, this motion, take this condition out, put that one in.

Commissioner Camillo moved to approve, with conditions, Petition 07-19: Special Permit (Sec. 3.2.1: Churches and Places of Worship) at 6 Church Street. Vaishnav Parivar of CT, owner/applicant; Rajeev Desai, 712 France Street, Rocky Hill, CT, contact.

Conditions:

1. This approval is for the residential use of the house and property at 6 Church Street only. No classroom, daycare or other institutional use of the house is permitted.
2. The applicants will install a chain link fence along the north, east, and south sides of the property at 10 Church Street, on the applicants' side of the property. This fence will be installed within 60 days of the date of this approval.

The motion was seconded by Commissioner Woods.

Craig Minor: Can I suggest, and I also discussed with Mr. Desai the 60 days. Sixty days was kind of arbitrary on my part, I thought it seemed reasonable, but if you do want to be a little more lenient with the applicant, maybe give them more than 60 days. I'm just suggesting that as an option.

Chairman Aieta: Sixty days, that's two months. That's enough time.

Craig Minor: Yes, but I'm on the board of my religious group and appropriate some $6,000 from one place to another, that's a couple of board meetings, nothing happens quickly so I suggest that you give them a little more time to do that.

Commissioner Woods: 90 days?

Chairman Aieta: Okay, 90 days.

Commissioner Camillo: Change from 60 days to 90 days from the date of this approval.

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

X. PETITIONS FOR PUBLIC HEARING SCHEDULING

None

XI. TOWN PLANNER REPORT

Commissioner Camillo: Before you start your report, how are we going to give up that fourth Wednesday for people who want to come before us?

Craig Minor: When they submit their applications and actually it is already on the town web site, we will just let people know that effectively you are only meeting once a month like a lot of towns do, just once a month. But, if something happened that was really time sensitive, you can take up customer business at the POCD meeting if you want to because it is a legal
meeting. You can add something to it, but what your consultant asked you to do was to devote one meeting a month to the Plan of Development items.

Commissioner Woods: I was under the impression that it would be part of our meeting, an hour, an hour and a half. I would talk to the client and ask him, but I would think that would be enough, especially at the beginning. We wouldn't have to devote the whole meeting to the POCD, only an hour, hour and a half. If that looks like it won't be enough then maybe the Commission has to either......

Chairman Aieta: I think that we can, just make the second meeting light. If there is stuff that has to be, we'll know, if there is something crazy that is going to take a lot of time, we won't take it up, we'll move it to the next meeting. We'll work around it, but we can't shut off the public for a whole meeting. I think we are going to have to take up some items.

Craig Minor: Maybe you and I could meet more prior to a meeting and.....

Chairman Aieta: We'll know, which ones are heavy and which ones are light, and the light ones we'll take and the heavy ones we'll put on for the first meeting of the month.

Commissioner Pane: I agree with that, I think it's important to keep the second meeting for the applicants so they don't have to wait a month before, we did that the last time that we went over a POD. One of the other concerns that I have, how long are we going to have the public hearings open for review, I mean, we left it open, when we did it last time, we had the public hearing open for nine months, which I thought was a little......

Chairman Aieta: Excessive?

Commissioner Pane: Excessive. So, the whole process is about twelve or fourteen months?

Craig Minor: Yes, because it would be adopted in July, 2020. I didn't bring my schedule with me, but I know the plan was to have several public hearings, but he wasn't expecting to go more than a couple of weeks because there will be other opportunities for the public to comment. There will be several different opportunities, but none of them will be open for more than a month at most.

Commissioner Pane: When we do the discussion at the table at each meeting probably with Glenn, will it be a public hearing?

Chairman Aieta: Yes.

Craig Minor: It will be open to the public.

Chairman Aieta: It will be open to the public and I will allow public comment at those meetings. I mean, if they are here I think they should be able to weigh in on what we are talking about.

Commissioner Woods: I agree.

Chairman Aieta: I don't know how we are going to do that, but I think that is important. I think we did it the last time. People should have the opportunity if we're talking about a specific, we're talking about open space and someone from the public wants to comment on it, I think that they should have the opportunity to be heard, so that we get a sense of how they are (inaudible). If we can't get input from them, I don't know how it would work.
Craig Minor: They are here because you have to let them be here, it’s a public meeting, you have to let them be here, it’s the town’s business. If a workshop was scheduled to discuss, let’s say open space, and the workshop was planned for that, there was material, I’ve scheduled conversations, and then Glenn will then propose a draft open space chapter for the Commission to discuss. The Commission will discuss it in public, but not with the public second guessing everything, and after the Commission is satisfied that the open space component seems good, having already been vetted by the public, then there will be a public hearing on that portion of the plan, and if the public doesn’t like the final product, then you will revise it, but I think it needs to stay focused. You need to keep control of the process and so it doesn’t end up taking nine months.

Commissioner Pane: Maybe when we first meet with Glenn we can have a conversation about the procedure going forward on this and that will straighten out some of the questions.

Commissioner Woods: I don’t think we are going to make major changes either, so, if we were making sweeping changes, I think that it could be off the track, but I think the Commission has the ability if it does start to get very large attendance, to enforce our rules, speakers get two minutes, three minutes, but I just don’t see that happening right now. I don’t see us making any big changes, just kind of fine tune this.

Commissioner Fox: I was just going to suggest that we meet an hour before each meeting as Commissioner Woods talked about devoting one hour for the fourth Wednesday, I was going to suggest that we meet say at six o’clock, and then, after that, go into our meeting at seven.

Chairman Aieta: Let’s see how it goes Mike, we’ll see, if we need to we’ll change the hours, but let’s see how it goes, if we need it, then that’s what we will do. We are not re-creating the wheel here, we already have a basis, but I think it’s important that the public have an opportunity to weigh in on stuff that we are discussing immediately, not wait until, or have their input at the end of the process. Maybe somebody might have a good idea, one we might want to use as part of our plan. Everything doesn’t begin and end here.

Commissioner Woods: No, but on the other hand, we listen to them, discuss it, and know that there is that voice out there, but it’s our decision as to whether we want to take their advice or not.

Chairman Aieta: That’s what we do on everything that comes before us. We always listen to the public and if there is good information we use it and if there isn’t, then we don’t. It’s our plan.

Commissioner Woods: They have a say though.

Craig Minor: I just wanted to remind the Commission that the Community Workshop which is the first big roll out of the process will be on Wednesday, June 26th. I had initially thought that we could use the John Wallace school but I went there yesterday, met with the staff, and the cafeteria, the tables are designed for little kids. I wasn’t thinking, so now I’m in touch with the high school to have it…..

Commissioner Pane: We can’t have it here?

Craig Minor: We need a cafeteria so that there are walls to put things on, so that there are tables that people can work from, and so that there are benches to observe the monitor where Glenn would be making the presentation.
Commissioner Pane: We have a monitor, we either did it in this room, or we did it in the auditorium. I know there is construction going on, but until we have the real big public hearings, I don’t think that the first meetings are going to be very crowded.

Craig Minor: Hopefully they will be. The hope is to make it very crowded, this is the kick-off meeting, this is the big public roll-out.

Commissioner Pane: Before we even have an opportunity to talk to him about it?

Craig Minor: That was in his proposal. The community workshop meeting. We can talk about it during the next couple of meetings, but you want to have a big room where there is room for people to mill about and share thoughts.

Chairman Aieta: And how are we getting this out to the public that we are having this big meeting?

Craig Minor: As soon as I qualify that it will be at the high school, we will be putting out on social media, flyers, press releases, I mean, he does this all of the time, I’m sure he has a plan for the publicity.

Chairman Aieta: Okay, what else?

Craig Minor: That’s it.

XII. COMMUNICATIONS

None

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

Carol Anest, 30 Harding Avenue: I seem to remember when we did the POCD and I know that I shouldn’t be talking about it because it is on your agenda, but we talked about putting something in the tax bills.

Chairman Aieta: Yes, we did talk about that.

Carol Anest: So if you are doing on June 26th, the tax bills are probably going out prior to June 26th.

Craig Minor: And that might not be the best group to get people to come to. I’ll talk to Glenn about that.

Carol Anest: You might be able to use that format.

Chairman Aieta: We did talk about that.

Commissioner Woods: We should have a schedule by then of all the different events.

Craig Minor: Yes.

Commissioner Braverman: Set the topic of what is going to be on each schedule.
Chairman Aieta: Any other information?

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 Camillo. The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Nonne Addis
Recording Secretary