

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
REGULAR MEETING
7:00 PM TUESDAY, APRIL 16, 2019
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET
MINUTES AND RECORD OF VOTES**

Present: Chairman Alice Kelly, Vice Chairman Michael Cannata, Nicholas Demetriades, Chris Cambareri, Paul Cordone, Ken Slade, Mo Islam (alternate), John Keithan (alternate)

Absent: Jeremy Floryan, Brian Dufresne, Ken Rozich

Also Present: Director of Planning and Development Stuart Popper, Development Compliance Officer Bruce Driska, Town Council Liaison James Demetriades

1. **Call to Order:** The meeting was called to order by Chairman Kelly at 7:07 p.m.
2. **Roll Call:** The presence of the above members was noted.
3. **Seating of Alternates:** Michael Cannata made a motion to seat Mo Islam and John Keithan; Seconded by Ken Slade. *All were in favor; motion passed.*
4. **Approval of Agenda:** Mr. Popper added Application #18-21: Request to Modify Site Plan in regards to Required Height of Arborvitaes at the Dollar General at 539 Main Street under New Business as Item 9b.

Michael Cannata made a motion to approve the amended agenda; Seconded by Paul Cordone. *All in favor; motion passed.*

5. **Public Comments:** NONE
6. **Development Compliance Officer Report:** Mr. Driska asked if there were any questions or comments on his report. He reported on the following projects: that the building at 120 County Line Drive was almost ready for its Certificate of Occupancy and was finishing landscaping, that the TPC Clubhouse project was also in the process of finishing its landscaping, that Dollar General was undergoing its final course of paving and the trees and fence were installed, that the infrastructure and sewer line at Arbor Meadows was in, that he had toured the inside of Marshalls and ShopRite

recently with Mr. Popper, and that the Commerce Drive building was ready for its footings and foundation.

7. **Town Planner Report:** Mr. Popper said that ShopRite anticipated opening on May 12, with Marshalls following one week later.

8. **New Business Accept and Schedule New Applications:**

- a. Application #19-19: Request for Special Permit under Section 7.5.B.1 of the Zoning Regulations to permit the sale of beer in a retail grocery store exceeding 50,000 square feet at 51 Shunpike Road. Shop Rite of Cromwell is the Applicant and HBN-CSC LLC c/o HB Nitkin Group is the Owner.

Michael Cannata made a motion to accept Application #19-19 and to schedule it for a public hearing on May 9, 2019, seconded by John Keithan. *All were in favor; motion passed.*

- b. Application #17-56: Request to modify the Site Plan at 23 Shunpike Road to remove the existing self-serve bays and replace with more vacuums (modify approved vacuum type). Splash Car Wash is the Applicant and Vincent Vento is the Owner.

Michael Cannata made a motion to accept Application #17-56 and schedule it as a business item to be considered tonight; Seconded by Ken Slade. *All were in favor; motion passed.*

- c. Application #18-21: Request to Modify Site Plan in regards to Required Height of Arborvitaes at the Dollar General at 539 Main Street. All Green Hydroseed LLC is the Applicant.

Michael Cannata made a motion to accept Application #18-36 and to consider it tonight as a business item; Seconded by Chris Cambareri. *All were in favor; motion passed*

9. **New Business:**

- a. Application #19-18: Request for Site Plan Modification to relocate the transfer station at 100 County Line Drive. The Town of Cromwell is the Applicant and the Owner.

Jon Harriman, Town Engineer, spoke on behalf of the Town of Cromwell, regarding the site at 100 County Line Drive. He said that this was Phase One of a multiphase project, starting with the relocation of the transfer station. He began by showing the conceptual plan layout and reviewing the site orientation. He said

that the current transfer station, which is entirely portable and has minimal utility connections, will be moved about 350 feet southeast to make way for the combined town highway/CWPCA garage. Mr. Harriman said that he had already received approval from the Inland Wetlands Agency. He said that the new transfer station layout would be more consolidated, but would still flow in a counterclockwise manner. He said that the impervious coverage would be reduced by 12,000 square feet. He reviewed the Erosion and Sediment Control Plan and said that an updated propriety oil-water separator would be implemented. Mr. Harriman said that the transfer station would remain open during construction and that the work would be done by town staff. Mr. Harriman said that all of the cans would be covered to be in compliance with current regulations.

Michael Cannata made a motion to approve Application #19-18, Request for Site Plan Modification to relocate the transfer station at 100 County Line Drive; Seconded by Chris Cambareri. *All in favor; motion passed.*

- b. Application #17-56: Request to modify the Site Plan at 23 Shunpike Road to remove the existing self-serve bays and replace with more vacuums (modify approved vacuum type). Splash Car Wash is the Applicant and Vincent Vento is the Owner.

Jason Frank, Splash CarWash, Greenwich, Connecticut, presented the application, saying that they had previously applied to remove the self-service bays and convert that space into additional vacuum space, but in preparation to do so, had learned that they cannot get the previously approved type of vacuums. They had found a similar model that was two feet shorter but had a more streamlined design and the same height clearance for vehicles. They planned to paint them black. He reviewed the cut sheets, saying that they also planned on providing a sunshade in spring and summer as well as a LED strip light. Mr. Frank said that the footings may change but that the overall location of the vacuums would be the same as previously proposed.

Michael Cannata made a motion to approve Application #17-56: Request to modify the Site Plan at 23 Shunpike Road to remove the existing self-serve bays and replace with more vacuums (modify approved vacuum type), with said vacuums to be painted black in color; Seconded by John Keithan. *All were in favor; motion passed.*

- c. Application #18-21: Request to Modify Site Plan in regards to Required Height of Arborvitaes at the Dollar General at 539 Main Street. All Green Hydroseed LLC is the Applicant.

Mr. Popper said that the site plan required 6 foot tall arborvitae to be planted, but 5 foot shrubs were planted instead and the applicant was asking permission to leave the plantings as is.

Randy Olmstead, All Green Hydroseed LLC, Plymouth, Connecticut, said he was having a difficult time sourcing taller shrubs as this time of year is when they are at their most vulnerable stage. The best they could do was 5 feet. He had tried five different sources. He said that he thought it was best to plant 5 foot shrubs and to let them grow, and offered an aggressive fertilization program to get them to 6 feet as quickly as possible, which he said would be within the season. He did not want to berm them to make them higher as he was concerned about them shedding water. He said that he only had two to two and a half weeks notice to source the plants. He said that one other tree was reduced in size from a 4-inch caliber to a 3-inch, but he had upgraded other trees to make up for it. He said that there were a total of 60 trees and 40 arborvitae.

Mr. Driska asked about his capacity to provide a soaker hose if necessary and Mr. Olmstead said it could be added, but that he would schedule the fertilizer program accordingly to avoid any burning.

Michael Cannata made a motion to approve Application #18-36: Request to Modify Site Plan in regards to Required Height of Arborvitaes at the Dollar General at 539 Main Street, with the condition that a soaker hose be used, if necessary, along with an aggressive fertilizer program, to be monitored by the Town Zoning Enforcement Officer; Seconded by John Keithan. *All were in favor; motion passed.*

10. Public Hearing:

- a. Application #19-13: Request for Special Permit under Section 2.2.C.4. of the Zoning Regulations to allow for a place of worship at 573 Main Street. Omar Islamic Center is the Applicant and the Knights of Columbus Building Association is the Owner.

Mr. Popper read the legal notice.

Michael Cannata made a motion to open the public hearing; Seconded by Paul Cordone. *All were in favor; motion passed.*

Refai Arefin, Esq., said that this was an application for a Special Permit to allow for the establishment of a place of worship in a residential zone (R-15). This is not site plan approval, but they are submitting a site plan because one is not on file. Attorney Arefin said that the

applicant was a 501(c)(3) non-profit organization that wished to relocate from its temporary space in Middletown to Cromwell because most of its congregation was from Cromwell.

He said that the current use of the building is as a Knights of Columbus assembly hall and reviewed its location on Route 99 and Oakwood Manor. He said that the current setup was ideal for their needs for a prayer space and assembly hall, and that the two areas within the building would not be used simultaneously. He said that the space is currently used for meetings and rented out for church services, Sunday School, and to outside groups for parties. He said that the applicant's use would not be a real change from its current use, except that there would be no weekend parties or outside groups using the space.

Attorney Arefin showed an aerial photograph of its location and the surrounding residences and businesses. He said that the use as a place of worship fits in with the area as it is close to the Local Business Zone and because of the current mix of residential and business uses. He said that the current use of the building causes issues in the neighborhood due to noise, alcohol use, and parking, especially along Oakwood Manor. He said that the applicant had obtained a 99-year lease from the adjacent property owner for parking and that because they would have between 24 and 25 spaces, there shouldn't be a need to park along Oakwood Manor. He said that there would not be alcohol consumption.

Attorney Arefin said that the congregation consisted of about 20-25 families and there was limited expansion potential as they were close to the Islamic Association of Greater Hartford (the Berlin Mosque). This mosque would only draw people who already live in the Cromwell-Middletown area. He described their planned schedule of activities and expected attendance. He said that the main service was midday on Friday.

Attorney Arefin reviewed how the application meets each of the Special Permit criteria, saying that a place of worship fits in the surrounding mixed uses and that it is the best use of the existing building. He said that they planned some landscaping and exterior improvements, that there would not be an adverse impact on traffic, that public utilities were available, that there would be no environmental impact, and that this use had long term viability. He submitted information regarding how proximity to a mosque helps improve resale values of nearby homes. He said that there were no changes to the site plan and that the application complies with all

regulations. He said that the proposed use as a place of worship is more in harmony with the neighborhood than a rental hall for parties.

He said that this would be a traditional mosque, with Friday afternoon's service drawing about 60 people and taking place about 1 p.m., 5 daily prayers drawing small crowds of 5 to 10 people throughout the day, and then classes and social gatherings, such as monthly Saturday family get togethers, which might draw 40 to 60 people. Per Section 5.2.D.1, the parking allotment was one space for every 5 people as families tend to arrive in groups. He read the schedule of activities and their anticipated timing into the record. He said that all activities were linked to the prayer service so there was no need for anything to go late into the evening.

The application was opened to Commission comments.

Chris Cambareri asked about the impact of the parking lease should it expire or be rescinded. Attorney Arefin said that it was a contract that was meant to be enforced, that the mosque wouldn't default as there was too much at stake and that it did not contain a viable rescission clause for the property owner. Mr. Popper said that he had reviewed the lease and said that the language is adequate.

Mr. Popper said that the building had been on the market for a long time and that there had been many prospective tenants and uses, such as a liquor store, dance studio, and a medical and dental office, and that this applicant had gotten the furthest in its lease and sale negotiations. He said that parking was always the issue. Mr. Popper said that the use as a meeting hall is non-conforming and any use other than as a meeting hall needed a change of use permit. He said that places of worship are allowed in all residential zones via a Special Permit.

Chris Cambareri asked about widening the driveway or making it one way in and one way out. Mr. Popper said that there wasn't room and it had always been used as is. He said that the Police Chief had no comments after reviewing the plans and did not suggest additional traffic controls. Attorney Arefin said that the applicant intended to change the landscaping to address line of sight issues. Paul Cordone asked if the hall would be rented out to others and Attorney Arefin said no. He said it would be used for religious ceremonies such as weddings and births. John Keithan asked if the lease was for the house as well and was told that it was just for the parking area. Chairman Kelly asked what would happen if the adjacent house was sold and was told that the sale would be subject to the lease. The attorney clarified that there may be a small reception following a

religious ceremony, where refreshments are served, but they would not be receptions in which invitations were sent out.

Michael Cannata asked about conditioning the application on there being no street parking and Mr. Popper said that the only way to do so would be to prohibit street parking for everyone, including those living in the neighborhood. Mr. Popper said that they could limit the capacity in general to the number of parking spaces, with the understanding that occasional overflow to the street might occur. He said that the proposed intensity would still be lessened than exists today. He said that the applicant's proposed seating arrangement met the capacity limits. He said that any street parking that occurred would be on Oakwood Manor, not on Route 99.

Attorney Arefin said that the parking problems could be solved by accepting this application as the property is currently over utilized by people with no real relationship to the community. He said that the applicant would emphasis community relations and focus on ensuring safe, on-site parking by its congregation. Michael Cannata asked if the applicant was willing to self-impose the ban on street parking. Attorney Arefin said that they would do their best, but there was no guarantee that someone would not park on the street at some point in the future.

Nick Demetriades arrived at 8:23 p.m.

Michael Cannata asked the applicant to be diligent in seeing that all 24 spaces were used first and to self-police to prevent street parking. The applicant offered to provide a parking attendant during Friday services. Michael Cannata also suggested that they reach out to other commercial properties in the area to see if they could use their parking lots as overflow. Attorney Arefin said that those were reasonable options that they could undertake.

Michael Cannata asked how the request for a Waiver of the A-2 Site Plan would be handled and Mr. Popper said that it was a separate item for approval, to be voted on before the Special Permit was approved. If granted, the Special Permit, Mylar, and Lease would all be recorded on the land records.

The hearing was opened to public comment.

Frank Czech, 25 Oakwood Manor, noted the parking issues over time and said that he doesn't believe that the members will stick to just using the 24 spaces. He said he was concerned about what would

happen in the next 5 to 10 years when the mosque grows, as well as being concerned about parking issues during larger celebrations.

Eileen Pendl, 18 Oakwood Manor, said that the congregation members will park where they want and there would be nothing that could be done once that happens. She noted the three exits/entrances onto Main Street. She was concerned about attracting people from Rocky Hill and other towns and said that there was no guarantee that the congregation wouldn't grow. She said that there will be more traffic in and out with the proposed use than currently exists.

Bill Moriarty, 9 Oakwood Manor, noted ongoing issues with parking and asked how the nearby residence had become a commercial parking lot without Planning and Zoning approval. He noted the narrow street and said he was concerned about there being enough access for emergency vehicles.

Geri Gasior, 15 Oakwood Manor, also noted the parking issues, saying that often cars are parked down both sides of Oakwood Manor and Whitney Court. She was worried about limiting emergency access and the possible growth of the congregation.

Cheryl Chadsey, 26 Oakwood Manor, said that there were bus stops on Main Street. She was concerned about increased parking and traffic impacting the safety of the school buses and children.

Tom McNeff, 8 Woodlawn Drive, echoed the concerns over parking and the safety of motorists trying to pull out onto Main Street. He asked about the proposed signage.

Mertie Terry, 589 Main Street, commended the applicant for wanting to join the community. She asked how many handicap spaces there would be and how that would impact the amount of parking overall. The applicant said that there would be 2 handicap spaces and he did not anticipate an impact, as handicapped people have families as well.

Alan Schumann, 505 Main Street, noted that the building was owned by the 573 Building Associates, Inc. Mr. Popper said that the ownership information was as listed with the Cromwell Tax Assessor's Office.

Jeff Cavaliere, 6 Whitney Court, agreed with the previous comments. He said that there was currently overflow parking on both sides of the streets. He asked what the applicant would do if their congregation grew beyond the building's capacity.

Nancy Berryman, 20 Oakwood Manor, echoed the previous comments, noting concerns over parking, access to Main Street, impact on house values, and potential growth of the congregation.

Nancy McCorkle, 5 Whitney Court, said that this location is just south of the new Dollar General and was concerned about the amount of traffic and past accidents between this area and the Post Office/Citgo area.

Richard Loza, 12 Oakwood Manor, asked who had conducted the survey of the back parking lot as he had never seen it utilized as such until just a few weeks ago. Mr. Popper said that James Cassidy, P.E., had prepared the survey.

Mary Ellen Marino, 11 Chatham Place, said she was concerned about parking, noting vehicles having blocked the sidewalks in the past and impacting pedestrian safety.

James Demetriades, 272 Skyview Drive, read a letter of support from Holly Jacobs of 1214 Cromwell Hills Drive. She welcomed the applicant to Cromwell and asked that the Commission make a decision rooted in reason and not Islamaphobia.

Timothy Griffin, 95 Willowbrook Road, said he did not think that they would find alternate parking at the nearby business, such as the liquor store, citing conflicting hours, and safety concerns about crossing Main Street.

Eileen Rice, 1 Whitney Court, asked how the building could be expanded in the future if the congregation was to grow.

Joanne Sweeney, 18 High Ridge Road, said she had difficulty exiting onto Main Street when people parked on both sides of the road and cautioned the Commission to think about the impact of their decision.

After all public comments were received, the hearing was again opened to Commissioner comments. Ken Slade asked about the Fire Chief's review. Mr. Popper said that the Fire Chief had no comment except in regards to the calculation of capacity. Per the Fire Marshall, based on area, the capacity was 144. The applicant had agreed to 120 people per the amount of parking. Mr. Popper said that any work done inside the building would be subject to inspection by both the Building Department and the Fire Marshal. He noted that the Police Chief had no comment on the application.

Mr. Driska said that the current signage is non-conforming but grandfathered in. Absent a variance, the applicant is allowed a "like for like" sign in terms of area and location. He said signs aren't allowed in a residential zone.

Chris Cambareri asked for clarification regarding the property survey. Mr. Popper said that the Knights of Columbus had used that parking area in the past and that shared parking for churches was permitted in residential zones.

Alan Schumann, 505 Main Street, said that members of the Knights of Columbus had parked there in the past, but the area was not really well known to the public. Other KOC members in the audience indicated that they had parked in that lot in the past.

Ken Slade left the meeting at 9:14 p.m.

Michael Cannata asked about capacity. Mr. Popper said that the capacity of the entire building was 171 and 115 in the main assembly area, per the Fire Marshall. Per the applicant, they had agreed to limit capacity to be based on the amount of parking spaces. Michael Cannata asked the applicant what they would do once they grow out of the building.

Attorney Arefin said that the provided numbers were those projected on growth. He said that their current attendance levels for Friday prayers was about 40 to 45 people. He said that there are 49 mosques in Connecticut and because of that tremendous growth, the net effect was declined attendance at any one mosque. He said that people go where it is convenient. He did not foresee capacity issues or huge growth potential. The intent is for it to be a small mosque for people who live in the area.

Michael Cannata asked the applicant to provide documentation as to whether the 24 parking stalls meet the specific geometry requirements as set forth on Page 102 of the Zoning Regulations. Mr. Popper said that he would ask both James Cassidy and Jon Harriman, the Town Engineer, to review the parking stall requirements.

Nick Demetriades asked if anyone will be staying overnight at the mosque and Mr. Popper said no.

Chris Cambareri asked if the building was up to code. Attorney Arefin said that there was a handicapped ramp and bathroom, but he did not know the details. He said that if anything needed to be made accessible, it would be done.

Ahmed Bedir President of the Omar Islamic Center, said that he had spoken with the Building Department regarding possible updates and that they are willing to comply with any requirements.

Michael Cannata made a motion to continue the public hearing to the next regular meeting on Thursday, May 9, 2019; Seconded by Paul Cordone.

All in favor, motion passed.

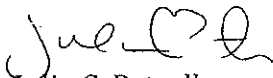
11. Commissioner's Comments: Nick Demetriades apologized to the Commission for being late to tonight's meeting.

12. Approval of Minutes:

a. April 2, 2019: No action taken

13. Adjourn: Michael Cannata made a motion to adjourn the meeting; Seconded by Paul Cordone. Meeting adjourned at 9:29 p.m.

Respectfully submitted,



Julie C. Petrella
Recording Clerk