

**TOWN OF CROMWELL  
PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
7:00 PM THURSDAY, MAY 9, 2019  
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET  
MINUTES AND RECORD OF VOTES**

RECEIVED FOR RECORD  
May 16, 2019 08:39A  
JOAN AHLQUIST  
TOWN CLERK  
CROMWELL, CT *LC*

**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

1. **Call to Order:** The meeting was called to order by Chairman Kelly at 7:05 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; Seconded by Nick Demetriades *All were in favor; motion passed.*
4. **Approval of Agenda:**

Mr. Popper added two applications under 8. New Business, Accept and Schedule:

Application #19-21: Application to amend the zoning regulations to add an overlay district for billboards. DFC, LLC is the Applicant.

Application #19-23: Application for Site Plan Modification to allow a storage trailer at the Quality Inn at 113 Berlin Road. Harry Patel is the Applicant.

Michael Cannata made a motion to approve the amended agenda; Seconded by Paul Cordone. *All were 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 noted that the Carrier Group

was finishing up the installation of the water and sewer infrastructure, was completing some cuts and fills, and was in the process of applying for a building permit to construct a model home.

- 7. Town Planner Report:** Mr. Popper said that ShopRite was opening on May 18 at 8 a.m. and there would be a ribbon cutting ceremony to which the public was invited. He said that Marshalls would open within 10 days after that. He said that the TPC building would be finished a month early and that Marriott had purchased the Berlin Road property and was moving forward with obtaining a building permit to construct the hotel.

He advised the Commission that they had been named in a lawsuit, along with the Town Council, in regards to the Fawn Run matter. He read the summary page of the lawsuit in which the Plaintiff, SFPG, LLC, asked the Court for a declaratory judgment as to whether the Town Council or the Planning and Zoning Commission has jurisdiction in the matter.

Mr. Popper also stated that the Dollar General would have its Grand Opening on May 11, 2019 and that he had received many compliments on the store.

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

- a. Application #19-21: Application to amend the zoning regulations to add an overlay district for billboards. DFC, LLC is the Applicant.

Michael Cannata made a motion to accept Application #19-21 and to schedule it for a public hearing on June 18, 2019; Seconded by Paul Cordone. *All were in favor; motion passed.*

- b. Application #19-23: Application for Site Plan Modification to allow a storage trailer at the Quality Inn at 113 Berlin Road. Harry Patel is the Applicant.

Michael Cannata made a motion to accept Application #19-23 and to schedule it to be heard as a business item on June 4, 2019, Seconded by Chris Cambareri. *All were in favor; motion passed.*

**9. New Business:**

- a. Application #18:21: Request to release the \$14,860.82 Erosion & Sedimentation Control Bond for the retail building at 539 Main Street. Garrett Homes, LLC is the Applicant and P&D LLC is the Owner.

Mr. Driska said that the bond was held as part of site plan approval to cover Erosion and Sedimentation controls, as well as landscaping. He had inspected the property and determined that all items were in

place. He said that he was recommending the full release of the bond in the amount of \$14,860.82.

Michael Cannata made a motion to approve Application #18-21 Request to release the Erosion and Sedimentation control bond in the amount of \$14,860.82 as recommended by Town Staff, Seconded by Chris Cambareri. *All were in favor; motion passed.*

**10. Public Hearing:** Chairman Kelly read the legal notice for Applications #19-17 and 19-19. She said that the public hearing for Application #19-13 was being continued and therefore did not need to be re-noticed.

- a. Application #19-17: Request for a Special Permit under Section 7.5.B.4 of the Zoning Regulations to permit a restaurant with accessory sales of alcoholic beverages at 199 Shunpike Road. Albion Kallogjeri D.B.A. Guilla Pizza Restaurant is the Applicant and Cromwell LLC is the Owner.

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

Attorney Matthew Carlone, Wethersfield, Connecticut, represented the applicant. He began by submitting the proof of mailing to the abutting property owners. He said that his client would be applying for a beer and wine permit from the state, but first needed a zoning permit from the Planning and Zoning Commission. He said that the sign had been installed on April 11. Attorney Carlone said that it was a small restaurant that had just opened up in its new location, with about 35 seats. He was not aware of any objections from any neighbors.

Nick Demetriades asked if there were any distance requirements from the nearby daycare and liquor store and Mr. Popper said that there were not.

There were no public comments. Mr. Popper said that there were no staff comments.

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

Michael Cannata made a motion to approve Application #19-17: Request for a Special Permit under Section 7.5.B.4 of the Zoning Regulations to permit a restaurant with accessory sale of alcoholic beverages at 199 Shunpike Road; Seconded by Ken Slade. *All were in favor; motion passed.*

- b. Application #19-19: Request for a 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. ShopRite of Cromwell is the Applicant and HBN-CSC LLC c/o HB Nitkin Group is the Owner.

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

Dan Cramer, Director of Operations for ShopRite, presented the application. He began by submitting the mailings to the abutting property owners. He said that they had roughly 65,000 square feet of grocery retail space, with about 40,000 square feet being for non-perishable goods and 25,000 square feet for perishable goods. They planned to have about 17 refrigerated doors of beer being sold, as well as non-refrigerated pallets.

Chris Cambareri wanted clarification that this was for the sale of retail grocery beer only and Mr. Popper said that it was. Mr. Driska said that the Connecticut State Liquor Control has defined the word "grocery" as part of the permit.

There were no public comments. Mr. Popper said that there were no staff comments.

Michael Cannata made a motion to close the public hearing; Seconded by Ken Slade. *All were in favor; motion passed.*

Michael Cannata made a motion to approve Application #19-19: Request for a 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, Seconded by Ken Slade. *All were in favor; motion passed.*

- c. 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.

Michael Cannata made a motion to take Application #19-13 off the table and open the continued public hearing; Seconded by Nick Demetriades. *All were in favor; motion passed.*

Attorney Refai Arefin gave a short overview of the project and proposed site plan in response to the Commission's request for additional details. He reviewed the property's current uses and non-conforming status. He reviewed the parking plan of 24-25 parking spaces, as well as details of the lighting, signage, and handicapped parking markings.

He said that they had made arrangements to lease parking from Benita Properties, owners of Asia Market, at 540 Main Street for overflow parking. He said that this additional parking area, as well as the spaces available at the adjacent site should prevent parking on Oakwood Manor. He repeated that the site's proximity to the Berlin mosque would curtail the congregation's growth. He concluded by reviewing how the application complies with the Special Permit criteria, saying that the proposed use is an improvement over the building's current uses.

Michael Cannata asked for information on the parking geometry, parking stall size and traffic flow. Attorney Arefin said he thought that information was included on the site plan. Michael Cannata said he specifically wanted information on the parking proposed for the Fasola Realty LLC lot. He said he had tried to review the site but was not able to get into the rear lot because there was a car blocking the driveway. He said that the existing home does not appear to have a parking area allotted to it and that the house tenant would need a stall or two, which would impact the total parking count. He reviewed the required width and depth for angled parking stalls, that being 10.5' in width and 20' in depth. Michael Cannata said he was concerned about the traffic flow and if there was the required 24 feet needed for two-way traffic. He said that without an A-2 survey and dimensions, they could not determine the exact number of stalls available in the back lot. He did compliment them in obtaining a lease for parking from Asia Market and said he assumes they will have a shuttle bus service.

Ahmed Bedir said he misunderstood the information Mr. Cannata had specifically requested. Mr. Bedir said that the tenant has a stall in the front left of the property designated for her. He said that the parking

lease not is not currently in effect because their application is still pending with town. Michael Cannata said that he wanted the length and width information of the stalls.

Attorney Arefin said that the tenant's parking space was not included in the site's parking count. He said that the site plan was done to scale and he believes the parking spaces to be at ninety-degree angles, or close to that, with about fifteen feet or so for maneuvering. He said that the parking space count of 24 is conservative.

Michael Cannata said that he would like a letter of compliance regarding the stall measurements, turning radius, and two-way traffic from the reviewing engineer.

Chris Cambareri said he was concerned over the entrance to the second lot and asked if it could be increased in width to twelve feet, that being commercial driveway size. Mr. Popper said that this is not a commercial driveway or commercial use. Mr. Popper said that this type of use is where everyone is arriving and leaving at the same time, rather than two-way traffic and said it was not realistic to apply commercial standards to this use. Attorney Arefin says they would like to widen the driveway, but they don't own property. If they were to purchase it, they would widen the driveway for two-way traffic.

There was a short recess. Ken Slade left the meeting at 7:51 p.m. during recess. Chairman Kelly said that Ken Slade had not listened to the previous meeting's taped recordings and therefore left prior to the Commission taking any potential action on the application.

The application was opened to public comment.

Eileen Pendl, 18 Oakwood Manor, disagrees with the proposed flow of traffic entering and exiting, citing the proposed schedule of activities. She said that the applicant had listed its congregation at 35 members, drawing from various towns such as Meriden and Middletown, and that the congregation had said that it hoped to double its membership in the coming years. She said that all other churches in town have sufficient parking. She said that she doesn't think that using a shuttle from Asia Market is realistic. She was concerned over what would happen in the applicant purchased the adjacent property in the future.

Mertie Terry, 589 Main Street, submitted a letter requesting that the Commission schedule a site walk and site visit to the property, and that the Chief Police, Fire Marshall, Fire Chief, and interested residents be invited.

Michael Rooslund, 3 Doering Drive, asked why the sign had not been updated per Section 8.10.H of the Zoning Regulations. Mr. Popper said that it was a mistake and that if the hearing is continued, the sign needs to be updated.

Mr. Popper addressed the public to say that the previous application for the chiropractor never came before the Commission and that the town was not at fault for the failed sales negotiations.

Mr. Rooslund asked if the applicant would pay taxes and Mr. Popper said that they do not regulate ownership. Mr. Rooslund asked about snow plowing. Michael Cannata said that any piled up snow affecting parking spaces would have to be removed within 24 hours as a condition on the Special Permit.

Geri Gasior, 15 Oakwood Manor, asked if there could be a condition to prevent parking on the town roads. Michael Cannata said that the Chief of Police is the local traffic authority. If there was a parking ban put in place, it would prevent everyone from parking in the street. Ms. Gasior said she was worried about traffic congestion and parking.

Frank Czech, 25 Oakwood Manor, said that the Commission has the opportunity to end the parking and traffic issues. He said that the building should be converted to residential use.

Tom McNeff, 8 Woodlawn Drive, submitted a petition dated April 19, 2019 with over 70 signatures, summarizing concerns about emergency vehicle access, vehicular traffic, and pedestrian safety.

Mary Ellen Marino, 11 Chatham Place, asked about possible exterior changes to the building.

Cheryl Chadsey, 26 Oakwood Manor, said she was concerned about this application's impact on pedestrian safety.

Richard Waters, 84 South Street, said Main Street gets crowded when there is an accident on 91S. He summarized the philosophy of the Planning and Zoning Commission. He asked the Commission to deny the application because of the safety concerns of the surrounding residents.

Timothy Griffin, 95 Willowbrook Road, said there is probably another more suitable location nearby that could be used. He is concerned about the potential growth of the congregation. He suggested that the Town buy the property and have a single-family house built onsite.

Matt Blanchette, 27 Meadow Road, acknowledged the residents' concerns, but says that the applicants have put forth a good faith effort to alleviate the parking concerns. He asked the Commission to think creatively to fashion a solution that works for all parties involved.

Stu Epstein, 9 Fern Street, asked what would happen with the Middletown location, if it would close and where those members would go.

Nancy McCorkle, 5 Whitney Court, mentioned that there are three schools in the vicinity of building, and families have chosen to live in this area because of its proximity to the schools. She noted the number of kids walking up to restaurants on Main Street.

Ahmed Bedir acknowledged the residents' concerns. He said this was his third organization he had started. He recounted their use of a facility in Meriden and discussed parking improvements they had done. He also said that he had been by the Oakwood Manor neighborhood and saw that the residents themselves are repeatedly parking on the street and he had taken photographs that he could show the Commission. He said the congregation would do its best to avoid on-street parking. He cannot guarantee that it would never happen, but said that they did not have any problems in the other locations where they self-regulate.

Muamet Cecunjanin, 75 West Street, Rocky Hill, said that he felt that the parking at Asia Market should accommodate their congregation and many prayer services have fewer numbers. He thinks the neighbor concerns regarding parking are overemphasized.

Chairman Kelly said that there could be no discussion and no questions at the site visit in order to prevent ex parte communications. The site visit would take place on May 14, 2019 at 5:30 p.m., and last approximately 45 minutes. Michael Cannata told the applicant that they would need to obtain permission from both the building owner and adjacent property owner.

Mr. Popper said people can e-mail any questions and he would present those to the Commission prior to the walk for use as "thinking points."

Michael Cannata asked for the address of the mosque in Meriden and was told it was 189 East Main Street. The applicant wasn't sure of the zone but said it might be commercial and that the mosque was surrounded by residences.

The applicant said that they did not have an option to purchase the adjacent property but if they did acquire it, they did plan to tear down the house and put in a parking lot.

Mr. Popper said that the lease was a part of the application, and if granted, would need to be reviewed and approved by the town attorney. He would make a copy of the lease available to the Commission for their review.

Michael Cannata told the applicant that the hearing date on the sign must be updated.

Mr. Popper asked about the requested waiver of the A-2 survey. He wanted to know the level of class and what the re-stamping indicated. He said he would pose his specific questions in an email to the applicant.

Michael Cannata said he wanted an A-2 survey in order to obtain parking geometry for both parking lots, but specifically for the adjacent lot.

Paul Cordone asked that the survey include information on the sidewalk and parking spot for the tenant, as well as an updated parking data schedule.

Chairman Kelly asked Mr. Popper to obtain any information regarding traffic impediment for fire and ambulance service, as well as traffic accident data.

Michael Cannata asked Mr. Popper to invite the Fire and Police Chiefs to the site visit and to advise them of the ban on discussing the application.

Michael Cannata made a motion to continue the Public Hearing to Tuesday May 14 at 5:30 for the site visit and then to May 21, Seconded by Paul Cordone. *All were in favor; motion passed.*

Paul Okuja, 995 Newfield Street, Middletown, the Grand Knight of the Knights of Columbus, give verbal permission to the Commission to conduct the site visit and said that he will send Mr. Popper an email as well.

The applicant said that they would get permission from the adjacent property owner.

**11. Commissioner's Comments:** Michael Cannata summarized the Fawn Run lawsuit matter by saying that the Town Council had taken up an application to allow a driveway across the conservation easement in order to access a potential two lot subdivision in Rocky Hill. He said that he and Chairman Kelly attended the Town Council meeting and spoke during Public Comment to say that the matter was an application for a Modification of Subdivision Approval and Planning and Zoning should have jurisdiction, despite the Town Attorney's opinion otherwise. He said that the Town Council did not act on the application. He said that he and Chairman Kelly did not speak on behalf of the Commission, but in their representative capacities as Chair and Vice Chair and that they neither spoke in favor nor against the application itself.

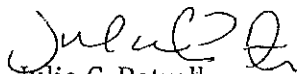
Nick Demetriades noted for the record that he had listened to the tape recording of the April 16, 2019 meeting.

**12. Approval of Minutes:**

- a. April 2, 2019: no action taken
- b. April 16, 2019: Michael Cannata made a motion accept the minutes as presented; Seconded by Nick Demetriades. *All were in favor; motion passed.*

**13. Adjourn:** Michael Cannata made a motion to adjourn the meeting; Seconded by Mo Islam. Meeting adjourned at 9:34 p.m.

Respectfully submitted,

  
Julie C. Petrella  
Recording Clerk