

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
REGULAR MEETING
7:00 PM TUESDAY, JUNE 18, 2019
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET
MINUTES AND RECORD OF VOTES**

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

Absent: Jeremy Floryan, Ken Rozich, Ken Slade, Brian Dufresne, John Keithan (alternate)

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 7:08 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 the following two applications to the agenda under New Business: Accept and Schedule New Applications:

As Item 8b: Application #19-31: Site Plan Modification to reface the "Welcome to Cromwell" sign at 51 Shunpike Road. Town of Cromwell is the Applicant and HBN-CSC, LLC is the Owner.

As Item 8c: Application #19-32: Site Plan Modification to add a new sign at 5 Progress Drive. Creative Dimensions (for Connecticut Technology Group LLC) is the Applicant and Progress Drive Associates, LLC is the Owner.

Michael Cannata made a motion to approve the amended agenda; Seconded by Chris Cambareri. *All were in favor; motion passed.*

5. Public Comments:

Michael Rooslund, 3 Doering Drive, said that Chairman Kelly had said that there would not be any reduction in the transfer station operations during construction. He said that there was a recent press release saying that brush was not being accepted at this time. He wanted to know what had changed since the application was approved. Mr. Popper said that the Commission doesn't regulate the operation of the transfer station and that he may wish to contact Public Works.

James Demetriades, Town Council Liaison, 272 Skyview Drive, said that the matter was discussed at the last Town Council meeting. It was reported that there had been an unusually large amount of brush dropped off and the transfer station staff was requesting a temporary stoppage of brush deposits. There were no objections raised by the Town Council and the request was granted.

- 6. Development Compliance Officer Report:** Mr. Driska asked if there were any questions or comments on his report. There were none.
- 7. Town Planner Report:** Mr. Popper said that Marshalls plans on opening in mid-August in preparation for the fall season.

He asked the Commission if they would be available for a Special Meeting on June 25, 2019 to meet in Executive Session with the Town Attorney to discuss the Court Street / Affordable Housing project. The members indicated that they were. Mr. Popper said he would try to schedule it for 6 or 6:30 p.m.

Mr. Popper read into the record a letter from Councilman James Demetriades, asking the Commission to reconvene the sign subcommittee to look at modernizing the sign regulations. He said that small businesses with limited frontage were at a disadvantage with the current regulations. He suggested that the sign subcommittee solicit businesses for input. Mr. Popper said that staff would review the current regulations and prepare a report for the July 18, 2019 meeting for discussion with the Commission.

Mr. Popper said that the Marriott Hotel was under construction, the ARCO building was almost done, the transfer station relocation project was underway, that they were meeting with Cromwell Growers regarding their expansion, and were waiting to hear from DOT in order for work to begin on Starbucks.

8. New Business Accept and Schedule New Applications:

- a. Application #19-29: Request for Special Permit under Section 3.5.C.4 of the Zoning Regulations to allow for a Contractor's Yard at 150 Sebethe Drive. Robert Gallitto is the Applicant and Alvin Ravizza is the Owner.

Mr. Popper said he would contact the property owner and arrange dates and times for the Commissioners to visit the site. This would be a separate operation from the previously approved soil screening operation.

Michael Cannata made a motion to accept Application #19-29 and to schedule a public hearing for July 16, 2019; Seconded by Paul Cordone. *All were in favor; motion passed.*

- b. Application #19-31: Site Plan Modification to reface the "Welcome to Cromwell" sign at 51 Shunpike Road. The Town 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 #19-31 and to schedule it to be heard tonight; Seconded by Mo Islam. *All were in favor; motion passed.*

Mr. Popper said that the face of the sign would be replaced to include a 3 x 12 foot electronic message board. The rest of the sign details would remain the same: same size, same location, same shape and face. Messaging would be available to the town and other non-profits and it would be operated by the Town Manager's office.

Michael Cannata made a motion to approve Application #19-31: Site Plan Modification to reface the "Welcome to Cromwell" sign at 51 Shunpike Road; Seconded by Chris Cambareri.

Nick Demetriades asked about other establishments in Cromwell wanting to revise their Class 1 signs and said he was concerned over possibly setting a precedent. He said that he wasn't against this particular sign. Mr. Popper said that the Zoning Regulations do not regulate government signs.

Michael Cannata withdrew his original motion.

Michael Cannata made a motion to approve Application #19-31: Site Plan Modification to reface the "Welcome to Cromwell" sign at 51 Shunpike Road for the Town of Cromwell's public service government

informational sign; Seconded by Nick Demetriades. *All were in favor; motion passed.*

- c. Application #19-32: Site Plan Modification to add a new sign at 5 Progress Drive. Creative Dimensions (for Connecticut Technology Group LLC) is the Applicant and Progress Drive Associates, LLC is the Owner.

Michael Cannata made a motion to accept Application #19-32 and to schedule it to be heard as a business item on June 25, 2019; Seconded by Paul Cordone. *All were in favor; motion accepted.*

9. Public Hearings:

- a. Application #19-27: 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.

Chairman Kelly read the legal notice.

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

Attorney Refai Arefin presented on behalf of the applicant. He reviewed the current status of the building and said it was being used for meetings, party rentals, and Church Sunday school. He said the site was in the R-15 zone and in close proximity to a number of businesses. He reviewed the issues raised by the current use, those being noise, parking, access onto Oakwood Manor and alcohol consumption.

Attorney Arefin said that the applicant's use of the building as a mosque would have a smaller impact on the area, as their congregation only consists of 20 to 25 families and there was limited expansion potential due to the large Islamic Association of Greater Hartford in Berlin. He next reviewed the site location, saying it was along Route 99, a state highway, making it easy to access and also close to the Local Business Zone. He reviewed the criteria to be considered under the Special Permit application process and said that the mosque use was the best use of the property.

Attorney Arefin said that the applicant had obtained a 99-year lease to park on the adjacent property, that there were 24 parking spaces in total, and ADA compliant parking. He said that the use of the adjacent lot for parking would move traffic away from Oakwood Manor and that the amount of parking they proposed is in excess of what is required by the regulations. He said that the mosque use is off hours. He used the Berlin mosque as an example, saying that there is low attendance for daily prayers. He said that communal prayer is on Friday around 1 p.m. and weekend events, which are family oriented, start around 6 p.m. He said that the use was in

harmony with the surrounding area and that some improvements, such as exterior repairs and landscaping, were planned.

There would be no change to the existing site plan, that they were in compliance with all regulations, and there would be overflow parking available at the Asia Market on Main Street, which should prevent and/or eliminate street parking. Attorney Arefin next reviewed the site plan and parking specifications and showed how traffic flow was being shifted away from Oakwood Manor and towards Main Street.

Mr. Cannata asked why there was no signature or seal on the plan and Mr. Popper said he had the original and that it contained a signature and seal.

Mr. Popper read into the record the following staff comments:

A memo from Building Inspector Dave Jolley dated May 22, 2019, saying that he had no comment.

A memo from Sewer Administrator Richard Peck dated May 22, 2019, saying that he had no comment.

A memo from Police Chief Denise Lamontagne dated May 24, 2019, saying that she had no objections to the plan.

A memo from Fire Chief Michael Terenzio dated June 6, 2019, saying that he had no concerns regarding the established water supply or access to the side street. He said that he had not experienced any issues arising from parking and he did not have any concerns over providing fire and life safety protection to the site.

A memo from Fire Marshal Todd Gagnon dated June 6, 2019, saying that the total occupancy for the site was 171 persons derived as follows: 144 in the main level, 20 in the lower level, and 7 in the kitchen. Mr. Popper clarified that this calculation was different from that of the Zoning Regulations that bases occupancy on available parking, which for a church is 1 space for every 5 people.

A memo from Town Engineer Jon Harriman saying that there were no changes to the exterior beyond signage and lighting and he had no comment.

A memo from Zoning Compliance Officer Bruce Driska saying that his previously raised concerns regarding outdoor lighting and handicapped signage had been addressed.

Mr. Popper said that he had asked for police records regarding accident data in the area over the last five years and there had only been one reported incident at the intersection of Main Street and Oakwood Manor.

Chairman Kelly opened the hearing to public comment.

Michael Rooslund, 3 Doering Drive, said that the A-2 survey was not complete and there were a number of inconsistencies and items inaccurately depicted. Michael Cannata asked Mr. Rooslund to forward his list of specific questions on the plan to Mr. Popper so that they could be properly reviewed and thoroughly addressed.

Frank Czech, 25 Oakwood Manor, said that the Town needs to find a different solution to this problems created by this property. He said he was worried about someone parking on Main Street and blocking access to the back parking area. He said that there are other areas, such as the old Sav-Mor site, that could be used as a church.

Chairman Kelly said it is not up to Planning and Zoning to find uses for specific properties.

Eileen Pendl, 18 Oakwood Manor, said that the group has stated that it has 35 members already and said that they have looked at other, much larger locations. She wanted to know if the tenant's spot was included in the parking count. She also wanted to know what the property owner had specifically agreed to in relation to the parking lot use. She said using the parking at Asia Grocers is unrealistic. She said the applicant rented out the building during Ramadan and was there for services beginning at 9 p.m. and later. She asked the Commission to ask the neighbor near the Berlin mosque how they feel about the usage and parking. She said she was worried about future expansion, the inability to control visitors, and the constant usage.

Regina Arcuri, 569 Main Street, said that she lives at the property and was told by the landlord that the use of the back parking lot would be occasional, such as during Ramadan. She said that the landlord did not agree to lighting, the removal of bushes or line striping.

Tom McNeff, 8 Woodlawn Drive, asked if a Special Permit was required for the parking lot and Mr. Popper said no. He asked if the capacity would change if the additional parking lot wasn't available and was told yes. Mr. McNeff asked about the lease and was told it would be reviewed by the Town Attorney as part of the approval process of the overall project. He asked if the residence at 569 Main Street needs two parking spaces per the regulations and was told yes. He resubmitted the signed petition in opposition of the application. He said that Plan of Conservation and Development has a stated goal of protecting the town's residential character and said that the proposal to tear down a house to put up a parking lot is in opposition of that stated goal. He said that the concerns over traffic safety cannot be modified and therefore the Commission has no choice but to oppose this application.

Geri Gasior, 15 Oakwood Manor, said she was concerned about the inadequate parking at the site and said that this building wasn't intended to support large amounts of parking and large gatherings.

Jacey Long, 138 Salem Drive, spoke in favor of the application, saying that the plans were well thought out, that it was good that Asia Market was in support of this and that the congregation will listen to the church leaders regarding parking.

Nancy Berryman, 20 Oakwood Manor, says that it seems like they are trying too hard to make this work. She asked if a copy of the lease was available and had been reviewed. Mr. Popper said that he asked the applicant to submit the latest draft. Ms. Berryman said that the lease may impact the future sale of 569 Main Street. She said that the Town's first obligation should be to the taxpayers.

Richard Waters, 84 South Street, asked about the draw of the mosque from surrounding areas. He submitted photos showing cars in the parking lot at night, and said that the applicant had said that there would not be nighttime use. He said that the Commission's first priority is to protect the residents of Cromwell.

Mateen Mohamed, formerly of 12 Woodland Drive, said parking issues could arise during busy times. He said that they were only proposing to use about ten percent of the building's available occupancy. He said that the mosque will be a convenience to the community, making attending services more accessible, will bring visitors to town, and be a peaceful use. He said that members often carpool and that, if the mosque was approved, he would join the congregation.

Mark Fichandler, 8 Whitney Court, said that the previous speaker mentioned that people living in other towns would likely attend this mosque to avoid traveling longer distances. He said that he was concerned about the congregation growing and the constant/daily use. He asked the Commission to consider the concerns of neighbors.

John Croasdale, 4 Bellevue Terrace, said that the church's expansion will happen. He asked if approving this was a good financial move for Cromwell and to consider the impact on water and sewer.

Anthony Varricchio, 6 Kowal Drive, said that he feels everyone should have a place to worship. He said that he doesn't think that this place is suitable because there is not enough parking. He says that the congregation will grow but there isn't room for growth. He said that he is not against the church but against the church going into that particular building.

Richard Waters, 84 South Street, asked if a non-conforming property can be expanded. Mr. Popper said that the only way to expand is via a variance, which requires the showing of a hardship.

Ahmed Bedir, 207 Jepsen Lane, Meriden, said that the group rented the building during Ramadan from early May to early June and that he was not aware of any complaints during that use. He said that they did not park on the street or cause any issues and only utilized the adjacent lot one or two times during the month. He said he had pictures of the neighbors parking along Main Street and on both sides of Oakwood Manor and Whitney Court. He said that not all families will attend all the services at the same time. He reviewed the schedule of five daily prayers and said that most people attend night prayer with expected attendance of 10-15 people. He said that the church is willing to arrange for a shuttle from Asia Grocer. He said that their religion encourages them to be kind to their neighbors and that they haven't had any complaints from neighbors in other towns where their mosques are located. He said that the latest night prayer is around 10 p.m. and prayers last 10-15 minutes. He said that weekend events are generally held earlier.

The hearing was opened to Commissioner comments.

Michael Cannata asked Mr. Bedir if he had looked at any other sites in Cromwell. Mr. Bedir said no because this site was the most suitable as an event hall because there are no walls or columns. He also said that Omar Islamic Center is an umbrella organization and they plan to eventually open mosques in other towns.

Chris Cambareri asked if they had previously parked at the liquor store. Mr. Bedir said that one person tried to during Ramadan and was told not to. He said that they had obtained permission to park at the liquor store after 8 p.m. during a fundraising event.

Mr. Popper read a letter into the record from Rajeshri Patel, owner of Bruce's 19th Hole at 574 Main Street, in which he said he was not in favor of the application.

Nick Demetriades asked about regulating how the building was rented and Mr. Popper said that the Town does not regulate its use. There was some discussion regarding the fact that the property could be converted into a single family or two family residence without Commission approval, but that multi-family use would require a Special Permit. Mr. Popper said that in order to change the use to something that increases the non-conformity, an applicant would need a variance and cited the previous liquor store application as an example.

Michael Cannata asked if the building could be purchased and turned into a two family house as a matter of right and Mr. Popper said yes, with an approved site plan. Michael Cannata wanted to confirm that there was a way to convert a non-conforming site to a conforming site. Mr. Popper said that if a fraternal organization building was to be built today, it would be in the Commercial Zone and not in the R-15 Zone.

Zouhir Mahiaoui said he was an engineer and that his number one priority was safety. He said that the plans have been reviewed for safety and that it hurts him to

hear all of the safety concerns as he is just looking for a place to worship. He said that the church will ensure traffic control at the site.

Mr. Popper asked the applicant to obtain a written statement from the adjacent property owner about what he specifically agrees to or have those specific terms incorporated into the lease executed by the property owner.

Mohamad Hegazi, 28 Deerfield Avenue, Middletown, said that he understands the concerns regarding parking. He said that the perfect solution is to convert the building to a two-family house and for the applicant to look elsewhere. He said that this perfect solution is highly unrealistic based on how long the site has been for sale. He wants the Commission to give the organization a chance to make a positive change to the community.

Michael Cannata made a motion to continue the public hearing to the next regularly scheduled meeting of July 16, 2019, Seconded by Nick Demetriades. *All were in favor; motion passed.*

10. Commissioner's Comments: Chris Cambareri said that the Town needs two members as appointed representatives to the Lower Connecticut River Valley Council of Governments, with the regular member being a member of the Commission and an alternate, who can be a member of the community at large. Chris Cambareri said he was the regular member and asked if any other Commissioners were interested in being the alternate. No Commissioners indicated that they were interested. Chris Cambareri nominated Anthony LaCava as an alternate member to RiverCOG, Seconded by Michael Cannata. *All were in favor; motion passed.*

11. Approval of Minutes:

- a. April 2, 2019: no action taken
- b. May 14, 2019: Michael Cannata made a motion to accept the minutes as presented; Seconded by Mo Islam. *All were in favor; motion passed.*
- c. May 21, 2019: Michael Cannata made a motion to accept the minutes as presented; Seconded by Chris Cambareri. *All were in favor; motion passed.* Paul Cordone abstained.

12. Adjourn: Michael Cannata made a motion to adjourn the meeting; Seconded by Nick Demetradies. Meeting adjourned at 9:49 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Julie C. Petrella".

Julie C. Petrella
Recording Clerk