

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
SPECIAL MEETING
7:00 PM TUESDAY JUNE 23, 2020
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET
MINUTES AND RECORD OF VOTES**

Present: Chairman Alice Kelly, Vice Chairman Michael Cannata, Chris Cambareri, Jeremy Floryan, and Nicholas Demetriades.

Absent: Paul Cordone, John Keithan, Mo Islam, Ken Rozich, Brian Dufresne, and Kenneth Slade.

Also Present: Director of Planning and Development Stuart Popper, and Development Compliance Officer Bruce Driska.

1. Call to Order:

The meeting was called to order by Chairman Kelly at 7:01 PM.

2. Roll Call:

The presence of the above members was noted.

3. Seating of Alternates:

None.

4. Approval of Agenda:

Michael Cannata made the motion to approve the agenda; seconded by Jeremy Floryan.
All in favor, motion passed.

5. Public Comments:

There were no comments from the public.

6. Development Compliance Officer Report:

Mr. Driska passed out the updated report to the commission and will address any questions or comments.
There were no questions regarding the report.

7. Town Planner Report:

Mr. Popper reported that the new Marriott Hotel, as well as the new Amazon building, are expected to open this July. He said that Amazon will be hosting job fairs at the Town Hall. Mr. Popper noted that the Covenant Village project is moving along and the work at the Nike site has begun. There were no questions for Mr. Popper.

8. New Business: Accept and Schedule New Applications:

a. Application #20-32: Request to Amend the Site Plan (remove materials from the site) at 100 County Line Drive. D'Amato Construction Company is the Applicant and the Town of Cromwell is the Owner.

Michael Cannata made the motion to accept and schedule Application #20-32 for July 7th; seconded by Jeremy Floryan. *All in favor, motion passed.*

9. New Business:

a. Application #20-28: Request for a Site Plan Approval to construct three buildings at 70 Commerce Drive. 70 Commerce Drive LLC is the Applicant and Henry Vassel is the Owner.

Mr. Jim Cassidy Engineer with Hallisey, Pearson & Cassidy at 630 Main Street Cromwell Connecticut presented an overview of the site at 70 Commerce Drive and the surrounding properties.

He said that the 8.25 acres site is located in the Industrial Zone at the west of the end of the cul-de-sac on Commerce Drive. Mr. Cassidy said that the applicant is proposing to construct two 1-story 31,500 square foot industrial buildings and one 1-story 4,200 square foot office building and an associated 86-space parking lot on the property. He described the location of the buildings and the parking lot on the site. Mr. Cassidy noted that the buildings will be similar in design to those currently on Commerce Drive. He said lower section of the buildings will be constructed of masonry split-faced blocks and the upper sections constructed of vertical steel siding

Mr. Cassidy explained there is a town owned 50 foot right of way on the west end of Commerce Drive which the applicant has proposed to purchase from the Town of Cromwell. He said the applicant is proposing to build a private driveway in the 50 foot right of way to provide access to 70 Commerce Drive. Mr. Cassidy noted that the applicant has agreed to provide an easement to access the driveway to the abutting property owners at 35 and 40 Commerce Drive.

Mr. Cassidy said the proposed plan had required a permit from the Inland Wetlands and Watercourses Agency (IWWA) for activities within the 100-foot upland review area. He explained that the activities proposed would disturb about an acre of upland review area and included clearing, grading and construction of a retaining wall, portions of the parking lot and the office building. Mr. Cassidy said the application was approved at the IWWA meeting on June 3, 2020.

Mr. Cassidy discussed the utilities at the site showing the locations of the proposed catch basins in the parking lot and the onsite infiltration basins. He explained that there is a sewer manhole at the end of Commerce Drive and because the property slopes slightly away from the road the three buildings will be on individual grinder pumps.

Mr. Cassidy read the comment from Development Compliance Officer Bruce Driska dated 6/12/2020 into the record.

1. The Applicant shall provide a person's name and mobile phone number for 24/7 construction contact.

Mr. Cassidy read the comments from Town Engineer Jon Harriman dated 6/23/2020 into the record:

1. Upon excavation of the infiltration basin, notify the engineering department to confirm soil conditions.
2. Notify engineering department when temporary sediment basin has been converted to permanent infiltration basin for inspection.
3. As-built submission shall confirm that the infiltration basin has been constructed to the minimum volume shown on the plans.
4. An annual report shall be filed with the zoning enforcement officer documenting the stormwater system maintenance activities enumerated in the O&M plan are performed during the prior year by January 31st of every year.

The Commission members, Mr. Cassidy and staff discussed the application and the applicants.

Michael Cannata made the motion to approve Application #20-28 with condition including the comments from Development Compliance Officer Bruce Driska in his memo dated 6/12/2020, and Town Engineer Jon Harriman in his memo dated 6/23/2020. The last condition is that there will be an easement to the abutters to the 50 foot right of way which will be transferred from the Town to this applicant. Seconded by Chris Cambareri. *All in favor; motion passed.*

b. Application #20-29: Request for a Site Plan Modification to expand the front deck at Luna Café at 35 Berlin Road. Kemal Cecunjaijin the Applicant and River Grace Plaza LLC is the Owner.

Mr. Popper said the applicant is not present this evening and he would present the application. Mr. Popper explained the Luna Café restaurant is located in the River Grace Plaza and the applicant is proposing to expand the sidewalk area in front of the restaurant to provide additional area for outside dining with 6 tables and 4 seats each. He said that the existing sidewalk is 5 feet 3 inches wide and the new sidewalk area will be 8 feet 11 inches wide. Mr. Popper said the area to be widened is 47 feet long. He pointed out that no parking will be lost to this modification.

Michael Cannata made the motion to accept Application #20-29 on the condition that we receive a letter of approval from the owner granting permission for this project; seconded by Chris Cambareri. *All in favor; motion passed.*

10. Public Hearing:

Chairman Alice Kelly read the legal notice into the record.

Michael Cannata made the motion to open the public hearing for Application #20-10; seconded by Nicholas Demetriades. *All in favor; motion passed.*

a. Application #20-10: Request to Amend the Zoning Map to Change the Zoning District Classification from Residential -15 (R-15) to Commercial Billboard District (CBD) at 6 Piney Ridge Road. DFC of Cromwell LLC is the Applicant and the Owner.

Attorney Dennis Ceveviva said the applicant is proposing to Change the Zoning District Classification from Residential -15 (R-15) to Commercial Billboard District (CBD). He said that the 8.57-acre site is located on the south side of South Street in the Residential Zone District. He noted that the site contains three existing homes: one single family home and two multifamily homes.

Attorney Ceveviva explained that based upon the Governor's Executive Order No 7I 19 f. the applicant was not required to notify the abutting property owners of the public hearing. He then read the executive order into the record:

Any Covered Law requiring direct or personal notice by mail from a municipality, agency or applicant to any other person, agency, municipal clerk (including any town, city, borough, or district clerk), municipality, utility company or water company regarding the filing or pendency of any petition, application, or other proposal is suspended and modified to allow said notice requirement to be satisfied by electronic mail notification, if electronic mailing addresses are known or reasonably available for the party to be noticed, provided the same deadline for publication of the electronic notice is met; provided that if electronic mailing addresses are not known or reasonably available, said notice requirement is satisfied by: (i) the posting of a physical, weatherproof sign of at least two feet by three feet in area, in a prominent location on the parcel of land which is the subject of any petition, application, or proposal, specifying the existence of such petition, application, or proposal, and information regarding the date, time, and location of any hearings (including remote access details) related thereto, provided that such sign shall be posted for the duration of the period for which notice is otherwise required by the Covered Laws; or (ii) the mailing of letters (via regular U.S. mail) to addressees provided by a municipality or agency, or agent thereof, where the noticing party has relied in good faith on the accuracy and completion of said list of addressees.

Attorney Ceneviva reported that the sign for the public hearing was posted on the morning of June 8th.

Attorney Ceneviva presented background information on the new CBD zone district and noted the only uses permitted were digital billboards. He described the site in general and the specific location of the two pairs of billboards on the property all of which face Route 9. Attorney Ceneviva described how the billboards are operated and maintained from an off-site facility.

Attorney Ceneviva said if the application to Change the Zoning District Classification from Residential -15 (R-15) to Commercial Billboard District (CBD) is approved the applicant will be submitting an application for a special permit to install the billboards. He explained at that time all the specific information such as location, access, screening, landscaping and any requirements of the special permit will be addressed.

The Commission members, staff and Attorney Ceneviva discussed various issues relating to the application such as the impact to the existing residential properties. Mr. Popper noted that as a result of this zone change, all of the residential properties will become nonconforming and any changes to those properties would require a variance.

Chairman Alice Kelly opened up the floor to any public comments.

Susan Charter of 57 South Street said she had concerns about the brightness of the sign and how it may affect everyone in that area negatively. She said there are already many traffic accidents in that area of Route 9, and she believes having a sign there will only make it worse. Ms. Charter said she is against having a sign erected at this location, she doesn't find it necessary.

Woodrow James of 47 South Street. Mr. James said he had questions about the process and the location and the direction the signs will be facing on Piney Ridge Road. The Commission members explained that the billboards will face Route 9. They said that if the zone change is approved the applicant will be back with a special permit application, detailed plans and there will be another public hearing.

Tom Butler of 45 South Street said he does not want to see a billboard when sitting on his back deck. Mr. Butler said he wants to be able to sell his home and move when he retires, and feels that the sign may affect the resale value of his home.

Jordan Perruccio of 10 Ranney Street said he had concerns about whether changing the zone to CBD means that commercial buildings can be built on this property, or if it would be a stepping stone to becoming a commercial zone at some point. The Commission members explained that the change of zone was to permit digital billboards only and that no other commercial development would be permitted at the site if the Zone Change were approved.

Mr. Popper read the letter from James Gagliano of S & G Realty LLC dated 6/22/2020 into the record. Mr. Gagliano fully supports the applicant's request for a zone change from the current R-15 zoning district to the proposed CBD zoning district.

There were no further public comments.

Chairman Kelly asked if there were any questions for the applicant. Chairman Kelly discussed her concerns that the Zone Change application represented a case of Spot Zoning. Chairman Kelly read the definition of Spot Zoning into the record and expressed

her concerns about this issue. Chairman Kelly and Attorney Ceneviva discussed the legal definition of “Spot Zoning”.

The Commission members discussed the idea of conducting a site walk of the property. The Commission members suggested that the applicant may wish to use a balloon or a crane truck to demonstrate how tall the billboard will be (50 feet).

The Commission scheduled the site walk for Tuesday, June 30th at 5:30 PM. The public is invited to attend on the condition that no questions or comments are made, and that everyone practices social distancing.

Michael Cannata made the motion to continue the Public Hearing until July 7th; seconded by Jeremy Floryan. *All in favor, motion passed.*

b. Application #20-20: Request to Amend the Zoning Map to Change the Zoning District Classification from Local Business (LB) to Commercial Billboard District (CBD) at 241 and 251 Main Street. Rodney Bitgood is the Applicant and Rodnella Realty is the Owner.

Attorney Richard Carella of Updike, Kelly & Spellacy, P.C, presented the proposed Zone change application for 241 and 251 Main Street. Attorney Carella said that the sign was posted on June 9, 2020 and the abutting property owners notified at the same time.

Attorney Carella described the site of the proposed Zone Change which includes 241 Main Street (1.93 acres vacant land) and 251 Main Street (2.23 acres and the site of former Citgo Station). He explained that the properties are located on the west side of Main Street in the Local Business Zone District. Attorney Carella said the applicant is proposing to Change the Zoning District Classification from Local Business (LB) to Commercial Billboard District (CBD) to accommodate the installation of a digital billboard.

Attorney Carella said this location is surrounded by commercial and industrial zones. He said that this property can accommodate only a single billboard. Attorney Carella said the land behind the old Citgo building is wetlands, so the area that the billboard can be put on is limited.

Mr. Popper raised a question as to whether or not all of the two sites were needed to accommodate the billboard. He suggested the applicant go back and redesign the Zone District plan to see if the old Citgo station portion of the property could remain in the LB Zone District while the portion of the property along Route 9 could be rezoned to the CBD Zone District. Attorney Carella agreed.

The Commission discussed the idea of conducting a site walk for this location and determined that it was not necessary.

Michael Cannata made the motion to continue the Public Hearing until July 7th; seconded by Jeremy Floryan. *All in favor, motion passed.*

11. Commissioner Comments:

None.

12. Approval of Minutes:

a. January 21, 2020

No action.

b. March 17, 2020

Michael Cannata made the motion to approve the minutes of March 17th; seconded by Jeremy Floryan. *All in favor, motion passed.*

c. May 5, 2020

No action.

d. June 2, 2020

No action.

13. Adjourn:

Michael Cannata made the motion to adjourn at 9:30 PM. *All in favor, motion passed.*

Respectfully submitted,

A handwritten signature in black ink that reads "April Armetta". The signature is written in a cursive, flowing style.

April Armetta
Recording Clerk