

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
7:00 PM TUESDAY, MARCH 16, 2021
ROOM 224 CROMWELL TOWN HALL, 41 WEST STREET
MINUTES AND RECORD OF VOTES**

Present: Chairman Alice Kelly, Vice Chairman Michael Cannata, Chris Cambareri, Nick Demetriades, Paul Cordone, and Robert Donohue (alternate)

Absent: Ken Rozich, Brian Dufresne, John Keithan, Jeremy Floryan and Ann Grasso (alternate)

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

1. Call to Order:

The meeting was called to order by Chairman Alice Kelly at 7:03 p.m.

2. Roll Call:

The presence of the above members was noted.

3. Seating of Alternates:

A motion was made by Vice Chairman Michael Cannata to seat Robert Donohue as alternate. Seconded by Nick Demetriades. *All in favor, Motion passed.*

4. Approval of Agenda:

Director of Planning and Development Stuart Popper asked the Commission to add to the agenda the following under New Business as item B: Discussion on Application #19-29 for Gallitto Construction LLC, 150 Sebethe Drive.

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

5. Public Comments:

None

6. Development Compliance Officer Report:

Development Compliance Officer Bruce Driska offered the following updates:

The Department of Public Works water control pollution facility is getting closer to receiving its final CO. There remains some outstanding work that needs to be corrected according to the Town Engineer such as some minor items with respect to some snow and ice damage to the roof. Chairman Alice Kelly reported that there will be a small grand opening on March 17th with limited attendance due to COVID.

New permits continue to be issued for the Arbor Meadows project. Work continues at Cromwell Village despite the type of winter we have experienced. The generator building was installed last week on the approved slab.

Mr. Driska has issued several cease-and-desist orders and several citation fines for some minor zoning violations and expects them to be resolved in the short period of time. One of them is a bank-owned property with an unregistered inoperable vehicle left on the property when it was vacated.

Chairman Alice Kelly asked Mr. Driska to take a look at the Plummer Landscaping permit for their location on Shunpike Road. Chairman Kelly believes that they have not done any of the landscaping that was part of the Commission's approval.

Mr. Nick Demetriades had a question regarding the property on the corner of Route 372 and Hicksville Road. Mr. Demetriades was concerned about runoff protection. Mr. Driska replied that there is a silt fence.

Mr. Driska asked the Commission if there were any other questions. There were none and the Commission thanked Mr. Driska for his report.

7. Town Planner Report:

Director of Planning and Development Stuart Popper pointed out several projects moving along. Covenant Living is moving on quite well and they will be having a ribbon cutting for the new facility towards the end of April.

Mr. Popper is hoping to make some announcements later this spring. The town plans to continue to have outside dining once again when the weather improves. Restaurants will be inspected by the town officials, the fire marshal, and the health department. Chairman Alice Kelly hopes that the outdoor dining has helped the restaurants in Cromwell during the pandemic.

Mr. Popper reported that a wholesale baker and custom cake company will be moving into the former Tea Roses location on Main Street.

Mr. Popper asked the Commission if there were any other questions. There were none and the Commission thanked Mr. Popper for his report.

8. New Business: Accept and Schedule New Applications:

None

9. New Business:

- a. Application #21-10: Request for Site Plan Approval for a material storage yard at 80R Geer Street. Paramount Construction is the Applicant and Paramount Property LLC is the Owner.

Mr. Steven C. Reilly, Paramount Construction, 80R Geer Street, addressed the Commission.

Mr. Reilly has submitted Application #21-10 for site plan approval, site development plan, and the other activities.

Mr. Reilly explained that Paramount Construction is a heavy highway/utility contractor. The business hours vary, but typical hours are Monday through Friday, 7:00 AM to 5:00 PM. On rare occasions, Saturday work occurs. Mr. Reilly requests the permit to read 7:00 AM to 7:00 PM. Paramount Construction tries not to work weekends or at night, however, they are a State of CT on-call contractor, therefore, may be called into service during state or local emergencies. These special circumstances would require 24-hour, 7 day a week access to the property. Mr. Reilly made it clear that although this not typical and has not happened in 5 years, in a state emergency it may be required.

Paramount Construction currently uses the property for the purpose of storing materials and equipment. They store, process and re-use numerous aggregate products including topsoil, gravel, millings, concrete, asphalt, stone, sand, etc. related to Paramount's construction activities, as well as screening and crushing aggregate as needed. Paramount stores various other materials including pipe, pre-cast concrete, light poles, trench boxes, storage containers, steel road plates, etc. They have equipment on site for loading, sorting, screening, and crushing activities and own six tri-axle dump trucks and rent others as needed.

Although Paramount Construction is 2500' off Geer Street, there have been issues with noise from the trucks entering and exiting the property as well as dust concerns. The property is a gated area behind a tree line and is not visible from Geer Street.

Chairman Alice Kelly has concerns regarding trucks on Geer Street when school buses are traveling that route. Mr. Reilly replied that in 8 years, there have been no problems in that regard. Mr. Chris Cambareri commented that although he travels that route frequently, he never sees any trucks.

Mr. Popper commented that Mr. Reilly has been very cooperative and was not aware of the dust situation. Mr. Reilly has not been contacted by any of the neighbors.

Mr. Driska commented that based on the letters received by Geer Street residents (on file), he recommends the Commission consider the following items as conditions of approval:

- Hours of Operation: 7:00 a.m. to 7:00 p.m.
- Noise: No Jake-Brake
- Limited road direction access of trucks: Enter/Exit on Geer Street to Court and right turn only to Route 3.
- Dust and mud control measure: Monitor and address as needed.
- No crushing without special permit.

Vice Chairman Mike Cannata commented that Paramount Construction is a good corporate citizen and made a motion to approve Application #21-10 with the recommendations from Mr. Driska. Motion seconded by Bob Donohue. *All in favor; motion passed.*

- b. Application #19-29: Discussion on approved Site Plan for Construction Material and Equipment Storage at 150 Sebethe Drive. Mr. Robert Gallitto is the owner of Gallitto Construction LLC.

Mr. Gallitto addressed the Commission. On March 9, 2021, Mr. Gallitto had a telephone conversation with Mr. Stuart Popper and Mr. Bruce Driska concerning the amount of materials on site and a special permit requirement for over 500 yards brought onto the property located at Sebethe Drive.

It was Mr. Gallitto's understanding at the previous meetings he attended, the following needed permits were granted to continue the use of the property at 150 Sebethe Drive:

- Screening topsoil yard permit
- Holding construction yard permit: for other construction related material(s) except for debris from demolition projects.
- Permitted to bring large amounts of materials and process them to make into a more reusable material to sell back to our customers or use on construction projects. These materials are not permanent fixtures and will eventually be sold or used.

Mr. Gallitto believes he has kept all his commitments to the town in keeping the materials in the locations that were provided on a blueprint presented to the Commission in 2019. The amounts of material will vary day to day due the availability of each material or the supply and demand to be sold or used. However, Mr. Gallitto can provide the Commission with what materials are currently on the premise, if required. Mr. Gallitto is willing to commit to not exceeding the size or the amount of material to the designated locations shown on the approved print.

Mr. Popper asked the Commission if there are any issues with the current permits or does anything need to be amended? Vice Chairman Mike Cannata commented that this is not a "mining" operation, therefore, is in compliance with the current permits. The Commission agreed and had no issues. Mr. Driska commented that Mr. Gallitto has been very cooperative and is not near the wetlands.

The Commission thanked Mr. Gallitto for attending the meeting.

10. Public Hearings:

- a. Application #20-63: Request for a Special Permit under Section 4.2.P of the Zoning Regulations to allow for the installation of a digital billboard within the

Floodplain at 241 and 251 Main Street. Rodney Bitgood is the Applicant and Rodnella Realty is the Owner.

- b. Application #20-47: Request for a Special Permit under Section 3.6.C of the Zoning Regulations to allow for the installation of digital billboards at 241 and 251 Main Street. Rodney Bitgood is the Applicant and Rodnella Realty is the Owner.

Attorney Richard D. Carella, from the law firm of Updike, Kelly and Spellacy, PC in Middletown addressed the Commission. Attorney Carella is representing the Owner, Rodnella Realty, regarding the installation of a digital billboard at 241 and 251 Main Street. Attorney Carella began his presentation by showing the site plan on screen. At the February 2, 2021 Planning and Zoning Commission meeting, the Commission was not pleased with the relocation of the billboard for several reasons. Chairman Alice Kelly pointed out that she had gotten accident history from the State Police and the proposed area has had many accidents between 2018 and 2020 and this distraction could worsen the situation. Other members of the Commission were not pleased with the location for aesthetic reasons. A lengthy discussion continued about the location and the appearance of the billboard. The Commission suggested that the Applicant, Rodney Bitgood, modify the location and present it to the Inland Wetlands Agency. The Inland Wetlands Agency approved Application #21-02 at their regular meeting on March 3, 2021. A single-sided billboard is proposed on the site. The only permanent disturbance will be the area of the physical pylon.

The new billboard design features a one-sided billboard as requested by the Commission. Attorney Carella showed the Commission a side view of the billboard as seen from Route 9 North and a full front view of the billboard as seen from Route 9 South. The billboard cannot be seen from Main Street. The proposal meets the requirements set forth by the Commercial Billboard District. Attorney Carella concluded his presentation asked if the Commission had any questions or comments. Mr. Popper received several letters from the Public. Commission member Ann Grass could not be present at this meeting but asked that Mr. Popper read her letter in support of the billboards as it supports local businesses.

Mr. James Demetriades, Town Council Liaison had no comments.

Vice Chairman Michael Cannata commented that the billboards are required to have the LED shield baffles and be non-operational during the hours of 12:00 a.m. and 5:00 a.m. The requests from Compliance Officer Bruce Driska in a memo dated 1/27/21 and Town Engineer Jon Harriman in a memo dated 3/15/21 would also need to be met. Mr. Cannata also requested that non-profits and law enforcement be allowed to use the billboards for announcements. Reminded the Commission that according to the Town Attorney, content cannot be controlled by the Commission.

Chairman Alice Kelly voiced her concerns regarding safety. Also commented that a sign that is only seen on Route 9 South would not help business as it would be seen leaving Cromwell. She does not think the billboard enhances businesses in Cromwell.

Vice Chairman Mike Cannata disagreed with Chairman Kelly's comment about billboards not enhancing businesses in Cromwell. Feels that the billboard advertisement plants a seed in the mind of the viewer to be acted upon later. Mr. Cannata thanked the Applicant and his attorney for choosing this location as it is an improvement over the previously proposed location. Mr. Cannata also feels that the Applicant has the right to use his property as he sees fit.

Mr. Bob Donohue visited the site and obstruction does not seem to be a problem.

Mr. Paul Cordone still has issues with the number of accidents in that area and does not see this as visually appealing.

No further comments from the Commission. Vice Chairman Mike Cannata made a motion to close the Public Hearing. Seconded by Bob Donohue. *All in favor, motion passed.*

Vice Chairman Michael Cannata made a motion to approve Application 20-63 with the conditions set forth in the January 27, 2021 memo from Compliance Officer Bruce Driska, and in the March 15, 2021 memo from Town Engineer Jon Harriman. Seconded by Chris Cambareri. *In Favor: Vice Chair Michael Cannata, Chris Cambareri, and Robert Donohue. Opposed: Chairman Alice Kelly, Nick Demetriades and Paul Cordone. Motion failed.*

Vice Chairman Michael Cannata made a motion to approve Application 20-47 with the conditions set forth in the January 27, 2021 memo from Compliance Officer Bruce Driska, and in the March 15, 2021 memo from Town Engineer Jon Harriman and the condition that the LED shield be used and the condition that billboard is not used between the hours of 12:00 a.m. and 5:00 a.m. Seconded by Chris Cambareri. *In Favor: Vice Chair Michael Cannata, Chris Cambareri, and Robert Donohue. Opposed: Chairman Alice Kelly, Nick Demetriades and Paul Cordone. Motion failed.*

Attorney Richard Carella asked each Commission member to state their reasons for denial.

Chairman Alice Kelly commented that she had gotten a 28-page report of accidents around Route 9 North and South from the last three years. There have been about 40 accidents a year. Due to safety concerns, Chairman Kelly would not be in favor of the billboards. She also does not think that the billboards are in the best interest of Cromwell and cannot see how it will improve area businesses. Chairman Kelly said she needed to be consistent with her vote regarding billboards.

Mr. Paul Cordone commented that he agrees with Chairman Kelly about the safety issue and thinks a location is not aesthetically pleasing. Mr. Cordone wanted to remain consistent with his vote on the billboards.

Mr. Nick Demetriades commented that he wanted to remain consistent with his voting on the billboards. He feels that this is not an appropriate use of the land and generally is not in favor of billboards in Cromwell.

Attorney Carella thanked the Commission and requested the traffic reports that Chairman Kelly referred to. Chairman Kelly gave Attorney Carella the requested documents. Chairman Kelly also asked the Applicant, Rodney Bitgood, about his plans for the former Citgo station. Mr. Bitgood responded that he has no plans at this time and without the income generated by the proposed billboards, he does not know how he would fund a renovation at this time, however, he will comply with whatever the town asks of him.

11. Commissioner's Comments:

Mr. Nick Demetriades reports that he sent out two or three emails to Commission members regarding the Plan of Conservation Development. He asked that the Commission members take a moment to review and comment.

The Commission thanked Mr. Demetriades.

Mr. Popper suggested that when going through the regulations, the Commission will need to talk more about material storage sites, regarding quantity and duration of storage. Mr. Driska also added total area of storage.

Mr. Popper also added that the situation with Paramount Construction was a misunderstanding that a permit was needed.

The Commission thanked Mr. Popper.

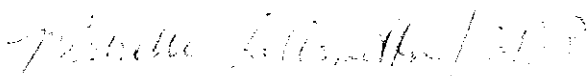
12. Approval of Minutes:

a. March 2, 2021 – tabled.

13. Adjourn:

Vice Chairman Michael Cannata made the motion to adjourn at 8:32 PM. Seconded by Paul Cordone. *All in favor, motion passed.*

Respectfully submitted,



Michelle L. Armetta
Recording Clerk