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**Town of Cromwell
Planning and Zoning Commission**

John A. Pellegrini
TOWN CLERK

**REGULAR MEETING
7:00 P.M. TUESDAY SEPTEMBER 20, 2016
ROOM 224 CROMWELL TOWN HALL 41 WEST STREET**

Minutes and Record of Votes

Present: Chairman Alice Kelly, Michael Cannata, Chris Cambareri, Rich Waters, David Fitzgerald, Jeremy Floryan, Ken Slade

Also Present: Director of Planning and Development Stuart Popper, Zoning Enforcement Officer Fred Curtin, Town Engineer Jon Harriman

1.Call to Order

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

2.Roll Call

The presence of the above members was noted.

3.Seating of Alternates

A motion was made by Michael Cannata and seconded by Ken Slade to seat David Fitzgerald as an alternate. *All were in favor; the motion passed.*

4.Approval of Agenda

A motion was made by Michael Cannata and seconded by Rich Waters to approve the agenda with the addition of items 8g. section 8-24 mandatory referral for a paved walkway and 8h. Application 16-35. *All were in favor; the motion passed.*

5.Public Comments

Mr. Popper said that the appeal for 192 Shunpike was lost and Mr. Snow called to ask us what uses would be good there. He said the Commissioners comments here would be non-binding legally.

Christopher Giuliano an Engineer in Wallingford said that in 2014 they asked for a re-subdivision of the lot with 40 apartments. He said they wanted to ask Commissioners what ideas they had since this wasn't approved. He said the main technical reason for the denial was the

location of the commercial site and the location of the driveway near the existing residence. He said they have eliminated those issues. Chairman Kelly asked if everything else previously presented was the same and Mr. Giuliano said yes. Mr. Cannata asked if they were still considering buildings that were 3 stories and Mr. Giuliano said yes. Chairman Kelly said she won't comment tonight and Mr. Waters said he agreed. Mr. Cannata said he appreciated the moving of the driveway but beyond that we need a formal application. He said that all previous comments remain.

Thomas Iacobucci of 1100 Corporate Row said he has a landscaping business there and would like to try to open a second division for repairs of equipment such as mowers and backpacks. He said he would also like to do sales of landscaping equipment and parts. Mr. Popper said on page 60 of the regulations it says that the Industrial Zone doesn't allow retail so they couldn't get a variance. Mr. Popper said he told Mr. Iacobucci to ask this Commission if they would consider a regulation amendment. He said that wholesale is allowed. Mr. Waters asked how many square feet this space was and Mr. Iacobucci said it is 10,000 square feet and he is looking for 2800 square feet for sales. He said he has an office with 2 garages and he would convert one to a showroom. Mr. Popper said that if you don't want to do it then he will have to come at it from a different angle. Mr. Cannata asked if we allow cars and trucks to be repaired in that zone but not small equipment. Mr. Popper said he is asking for two areas; retail sales and repair equipment. He said you could amend regulations to say to allow for retail sales related to existing business so new retail could come in. Mr. Cannata asked about changing the regulations to read small engine along with motor vehicle. Mr. Popper said we can also come back in two weeks and look at all industrial zones and businesses.

Chairman Kelly said we should look at how to help all business owners not just one person.

A **motion** was made by Michael Cannata and **seconded** by Rich Waters to look at the Industrial Zone and make possible changes to make it more user friendly for current business occupants. *All were in favor; the motion passed.*

6. Development Compliance Officer Report:

Mr. Curtin reviewed his report dated September 13, 2016. Mr. Curtin said that there is a temporary event permit for the Sebethe Drive bar that should come before the Commission due to excessive use. He said the hours would be 10:00pm to 2:00am for a Halloween party that they want to have outside. Mr. Popper said one question we wanted to ask you was to let us authorize the more traditional events like Halloween on Main Street, the car show and flower sales but this one was different so we want to let the Commission judge. Mr. Cambareri said this is a good business and the owner does things top notch but 2:00am in this area might be too much. Mr. Popper said we can ask Mr. Torza to come to the October 4th meeting so we can give feedback. Mr. Cannata said that the TPC comes in for their events. Mr. Popper said the bar has a good track record but this is out of the norm.

Chairman Kelly asked about signs popping up around town. Mr. Cambareri said they will start

the sign committee again.

Mr. Waters asked about the camper in the front yard of 51 River Road for 5 years. There was also a discussion on 8 South Street.

7. Town Planner Report:

Mr. Popper said that on September 6th there was a residential safety audit done by the DOT to look at streets around town that need improvement. He said the first phase is sidewalks.

8. New Business: Accept and Schedule New Applications:

a. Section 8-24 Mandatory Referral for the sale of a .22 acre parcel of land located on the north side of Bucks Crossing and the west side of North Road.

Mr. Popper said that the town obtained this parcel and now they want to sell to an abutting owner to allow them to hook up to utilities. He said this will allow them not to have to grant them easements and put the property on the tax roll.

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to accept and grant a positive 8-24 mandatory referral for the sale of a .22 acre parcel. *Rich Waters opposed; rest of Commission approved; motion passed.*

b. Section 8-24 Mandatory Referral for the replacement of the North Road Extension Bridge over Coles Brook.

Jon Harriman, Town Engineer said the DOT has been inspecting this bridge every two years but will increase the inspections to every 6 months due to the issues they found. He said the State granted \$1.3 million to replace the bridge. He said the bridge needs to be replaced and the plan may change a bit. Mr. Popper said that he complimented Jon and Staff for getting a grant. Mr. Harriman said that they are getting the grant for 80% up to \$1.3 million and 20% is our share.

A **motion** was made by Michael Cannata and **seconded** by Chris Cambareri to grant a positive 8-24 mandatory referral for the replacement of the North Road Extension Bridge. *All were in favor; the motion passed.*

c. Application #16-35: Request for a Site Plan Modification to allow for Outside Storage at 30 New Lane. Fibredust Realty LLC is the Applicant and the Owner.

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to accept application 16-35 and to schedule for the October 4, 2016. *All were in favor; the motion passed.*

d. Application #16-32: Request to Modify the Special Permit at 161 Berlin Road by adding seasonal storage of trailers in the parking lot. Wal-Mart Real Estate Business Trust is the Applicant and Infinity Cromwell Properties Limited Partnership is the Owner.

A **motion** was made by Michael Cannata and **seconded** by Jeremy Floryan to accept application 16-35 and schedule for a public hearing on October 18, 2016. *All were in favor; the motion passed.*

e. Application #16-33: Request for Temporary Even Permit for Outside Halloween Party at Night at 180 Sebethe Drive. Victor Torza is the Applicant and Ronald and Alvin Ravizza are the Owners.

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to accept application 16-33 and schedule to be heard at the October 4, 2016 meeting. *All were in favor; the motion passed.*

f. Application #16-36: Request to Amend the Zoning Map for 241 and 251 Main Street from Riparian Protection District to Local Business Zone. Rodnella Realty LLC is the Applicant and Owner.

Mr. Popper said we created this district in 2011 and made it unusable. He said it is the old Citgo station.

A **motion** was made by Michael Cannata and **seconded** by Chris Cambareri to accept application 16-36 and schedule to be heard October 18, 2016. *All were in favor; the motion passed.*

g. Section 8-24 Mandatory Referral for the installation of a paved walkway across the ball fields from Community Field Road to the Pierson Park lot at Pierson Park.

Mr. Harriman said they are trying to get this done by Halloween for the Main Street event. He said hopefully the lighting will also be done by then. Mr. Popper asked if the Commission can allow the staff to handle the approvals when the project gets done.

A **motion** was made by Michael Cannata and **seconded** by Rich Waters to let the staff handle the walkway project at Pierson Park. *All were in favor; the motion passed.*

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to issue a positive 8-24 mandatory referral for the installation of a paved walkway across the ball fields from Community Field Road to the Pierson Park lot at Pierson Park. *All were in favor; the motion passed.*

h. Application #16-35: Request for a Site Plan Modification to allow for outside Storage and sale of propane tanks at 207 West Street. Blue Rhino of New England is the Applicant and TA Cromwell LLC and TA New Milford LLC are the owners. Staff requests that the Commission accept and schedule it for the next meeting.

A **motion** was made by Michael Cannata and **seconded** by Jeremy Floryan to accept application 16-35 and schedule it to be heard on October 4, 2016. *All were in favor; the motion passed.*

9. Old Business:

a. Application #16-31: Request for a Site Plan Modification to convert the existing gas station to a convenience store at 164 West Street. Mukesh A. Patel is the Applicant and Sunoco LLC is the Owner.

Rob Shook, Engineer said this is a .68 acre parcel with an old service station on it. He said they would like to open a retail portion with an addition of a 10 foot cooler and an exterior overhang. He said this building would be serviced by municipal sewer. He said the oil separators will be removed and the heating oil tank will be relocated. He discussed parking including handicap. He said the sign will remain the same which is 336 square feet. He said the applicant would purchase the property from Sunoco. Mr. Popper said one of the requirements of the sale is that they sell Sunoco gas. Mr. Cannata asked about relocating the air pressure machine. Mr. Popper said the use is non-conforming but not the building. He also said the age of the gas tanks is regulated by the DEP.

Chairman Kelly called a break at 8:22pm and the meeting was called to order at 8:26pm.

Mr. Shook found out during the break that there are 10 years left on the tanks. He said there are 4 pumps with 8 nozzles.

Mr. Popper said he commends the applicant for improving the property.

A **motion** was made by Michael Cannata and **seconded** by Chris Cambareri to approve application 16-31 with the following conditions: 1. Air compressor service area is relocated to a more appropriate area outside of the parking area as determined by staff. 2. Tractor trailer be removed from the parking lot. 3. Wes Bell looks at 75 feet circle on the well and determine if it complies with Department of Health. *All were in favor; the motion passed.*

b. Application #09-61: Request for Release of Bond at 72 Berlin Road. Cobblestone Associates LLC, is the Applicant and the Owner.

Mr. Popper said that he and Mr. Curtin are OK with this.

A **motion** was made by Michael Cannata and **seconded** by Jeremy Floryan to approve application 09-61 and release \$27,538.65 which includes bond and interest for Cobblestone Associates LLC. *All were in favor; the motion passed.*

10. Approval of Minutes:

a. July 19, 2016

A **motion** was made by Michael Cannata and **seconded** by David Fitzgerald to approve the minutes of July 19, 2016. *All were in favor; the motion passed.*

11. Commissioner's Comments:


Mr. Cannata said that when Walmart was here last year with a temporary storage request I asked them not to come back with the same request. Mr. Popper said it is as different request as they relocated the area. Mr. Cannata said they need to operate like a regular business. He said we need to generate an outside storage regulation since there are many big box stores in Cromwell.

A **motion** was made by Michael Cannata and **seconded** by Rich Waters to request Mr. Popper to look at creating outside storage regulations to add to the Zoning Regulations. *All were in favor; the motion passed.*

12. Adjourn

A **motion** was made by Michael Cannata and **seconded** by Ken Slade to adjourn at 8:47pm. *All were in favor; the motion passed.*

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read 'Linda Imme', written over a horizontal line.

Linda Imme
Recording Clerk