

**TOWN OF CROMWELL
PLANNING AND ZONING COMMISSION
REGULAR MEETING
7:00 PM TUESDAY JUNE 19, 2018
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, Ken Slade, Nicholas Demetriades, John Keithan (alternate)

Absent: Ken Rozich, Brian Dufresne, Paul Cordone, David Fitzgerald (alternate)

Also Present: Director of Planning and Development Stuart Popper, Town Engineer Jon Harriman, Development Compliance Officer Bruce Driska, Town Attorney Kari Olson

1. Call To Order

The meeting was called to order by Chairman Kelly at 7:02 p.m.

2. Roll Call

The presence of the above members was noted.

3. Seating of Alternates

Michael Cannata made a motion to seat John Keithan; Seconded by Chris Cambareri. *All in favor; motion passed.*

4. Approval of Agenda

Mr. Popper added the following item under New Business Accept and Schedule New Applications: Application #18-38: Site Plan Modification to remodel signs at 161 Berlin Road (Wal-Mart), Alicia Martinez, Applicant, to be considered on July 17, 2018, as a business item.

It was agreed that the Executive Session would be moved to after New Business.

Michael Cannata made a motion to accept the amended agenda; Seconded by Jeremy Floryan. *All in favor; motion passed.*

Mr. Popper mentioned that Application #18-33 had been withdrawn.

5. Public Comments

Robin Levanti, 20 Fawn Run, Cromwell, read a letter to the Commission regarding her objections to the possible two-lot development of the parcel in Rocky Hill, north of Fawn Run, and the creation of a potential accessway through Lot 20 of the Northwoods subdivision. She said that the residents of Fawn Run were vigorously opposed and submitted a partial petition to that effect.

Mr. Popper told her that the application submitted to Rocky Hill had been withdrawn and nothing was pending. She asked if one house could be developed, thus creating access to the property. Mr. Popper said that it was normal for towns to negotiate the terms of access, but nothing was being considered at the time.

Danielle Libera Tencza, Company N Tempo, 211 Shunpike Road, Unit 8, and Ed Long, Middlesex Glass, 211 Shunpike Road, Unit 3, spoke regarding their concerns over the process for issuing zoning infractions. He said that they had recently been told to remove their lawn and sandwich board signs, and this had taken place in front of customers, which was upsetting to them. Mr. Long said that the process should be a written notice with a point of contact, and a 30 day cure period before action is taken. He said that their businesses are hidden and they have no frontage. The simple lawn signs attract customers as they can be seen while traveling quickly on Shunpike Road.

Mr. Popper offered to meet with Mr. Long and Ms. Tencza, along with Mr. Driska, to discuss their concerns. He said that they could leave their A frame signs in place until that meeting. Mr. Cambareri said that the Zoning Regulations allow some signage exceptions the two weeks before and after the golf tournament, but to check with Mr. Driska. Michael Cannata said that the Commission is business friendly and thanked them for stating their concerns. He said that if they don't get a resolution after talking with Mr. Popper and Mr. Driska to come back to the Commission.

6. Development Compliance Officer

There was no report.

7. Town Planner Report:

There was no report.

8. New Business: Accept and Schedule New Applications:

- a. Application #18-36: Request for Site Plan Modification to add more parking at Adelbrook at 60 Hicksville Road. Linden Landscape Architects LLC is the Applicant and Adelbrook, Inc. is the Owner.

Nick Demetriades made a motion to accept the application and to schedule it to be heard at tonight's meeting; Seconded by Michael Cannata. *All in favor; motion passed.*

- b. Application #18-37: Request to Operate a Top Soil Processing Facility under Section 3.5.C.3 of the Zoning Regulations at 150 Sebethe Drive. Robert Gallitto is the Applicant and Alvin Ravizza is the Owner.

Michael Cannata made a motion to accept the application and schedule it to be heard at tonight's meeting; Seconded by Nick Demetriades. *All in favor; motion passed.*

- c. Application #18-38, Site Plan Modification to remodel signs at 161 Berlin Road (Walmart), Alicia Martinez, Applicant, to be considered on July 17, 2018, as a business item.

Michael Cannata made a motion to accept the application and schedule it to be heard as a business item on July 17, 2018; Seconded by Nick Demetriades. *All in favor; motion passed.*

9. New Business:

- a. Application #18-36: Request for Site Plan Modification to add more parking at Adelbrook at 60 Hicksville Road. Linden Landscape Architects LLC is the Applicant and Adelbrook, Inc. is the Owner.

Mr. Popper said that the Commission had previously approved Application #18-27 to add more parking. This request was for an additional ten (10) spaces. Mr. Harriman had two comments per his June 12, 2018 memo, requesting to review the maintenance plan and that the applicant submit a maintenance report annually, by January 31 of each year. Per Mr. Driska, one additional tree was to be planted.

Tom Linden of Linden Landscape Architects presented the application. He said that they were asking to construct 10 more parking spaces, 4 on one side and 6 on the other. The total space count would then be 187. He said that the net increase in paving and storm runoff would be 547 square feet, which would have minimal impact. He said that they have 11 trees already planted and were requesting a waiver of the additional one tree.

Mr. Driska said that the one tree should be planted as this is the parking lot in front of the main building. The applicant agreed to the one tree as well as to the annual maintenance plan and reporting requirement.

Michael Cannata made a motion to approve Application #18-36: Request for Site Plan Modification to add more parking at Adelbrook at 60 Hicksville Road. with the following conditions: that the requirements in Jon Harriman's memo June 12, 2018 be adhered to, that the requirements in Bruce Driska's memo June 5, 2018 be adhered to, and that the applicant submit the missing maintenance plan by July 31, 2018; Seconded by Chris Cambareri. *All in favor; motion passed.*

- b. Application #18-37: Request to Operate a Top Soil Processing Facility under Section 3.5.C.3 of the Zoning Regulations at 150 Sebethe Drive. Robert Gallitto is the Applicant and Alvin Ravizza is the Owner.

Mr. Popper said that the property was located in the Industrial Zone and the processing of materials was allowed in that zone. He said that because there were residential properties located nearby, they had reviewed the town's noise ordinances.

Robert Gallitto presented the application. He wanted to store extra materials and screen topsoil. He said that the screening was done on an as needed basis, seasonally. He said that the noise levels, per his tests, were 57 decibels, under the 70 decibel threshold when there is a residence 500 feet away. He showed his site location and that of adjacent properties. He said that his hours were 7 a.m. to 6:30 p.m. on

weekdays, and 8 am to 6 p.m. on Saturdays and 10 a.m. to 5 p.m. on Sundays.

Mr. Driska read his June 15, 2018, memo saying that Class C noise emitters can operate during daytime hours and that hours proposed by the applicant were less than those allowed. He said that a silt fence should be installed by the entranceway to the property.

Mr. Popper read three letters of support from nearby businesses, Joseph's Autobody, Roy's Landscaping, and the Tap House, saying that Mr. Gallitto was a respectable businessman and his proposal would not cause any disturbance to their businesses.

Mr. Popper said that the closest proposed use in the Regulations is #3, Other Uses: Assembly, Manufacturing, Processing or Wholesale Distribution of Goods. He said that there have been noise issues in the past because of the adjacent residences and the topography of the area. He wanted leeway to adjust the applicant's hours in the event of problems. Chairman Kelly asked that the applicant forego screening on Sundays, to which he agreed. Michael Cannata said he may have to cut his hours back to more middle of the day. The applicant said that the screening operation separates the dirt from rock. He also stores topsoil, stone and millings, as well as his heavy equipment.

Michael Cannata made a motion to approve Application #18-37: Request to Operate a Top Soil Processing Facility under Section 3.5.C3 of the Zoning Regulations at 150 Sebethe Drive under two conditions: that no screening be conducted on Sundays and that the applicant work with the Town Zoning Enforcement Officer and Town Planner in the event of any noise concerns; Seconded by Chris Cambareri. *All in favor; motion passed.*

10. Old Business:

- a. Application #18-21: Request for Site Plan Approval to construct a new retail building at 539 Main Street. Garrett Homes, LLC is the Applicant and P&D LLC is the Owner.

Chairman Kelly stated that she had listened to the tapes for the meetings she had missed.

Matthew Bruton, Engineer with BL Companies, presented the application. He began by reviewing the 1 acre site at 539 Main Street, saying it currently has a single family home. The applicant was proposing a 9,100 square foot retail building. He was proposing an access drive onto Main Street and said that an encroachment permit from the state would be required, but local approval was needed first. He reviewed the abutters and zones surrounding the site. He said that all setbacks and parking requirements were met, and all utilities were available.

Mr. Bruton reviewed the grading and drainage plan next, saying the site was shaped like a bowl. He proposed both a detention basin and subsurface infiltration system to reduce peak runoff and reduce total suspended solids. There would be no outlet to the road

drainage, but all water would be retained on site. He also reviewed the erosion and sedimentation plan. He said that he had submitted a stormwater management report to staff for review. Mr. Bruton next reviewed the landscaping plan and lighting plan.

He presented the revised architectural plans. He said that that windows were 6 feet by 6 feet and 16' 9" apart on the front façade and 18' 10" along the side. The HVAC unit was lowered to just above the finished floor and hidden by a chain link fence with privacy slats. There was also a privacy wall proposed for around the detention basin. Those two elements, along with the landscaping, would provide noise mitigation. The applicant said that no lighting, doors or windows were proposed for the side of the building facing the Subway.

Mr. Bruton said that the arborvitae would be planted at 135 elevation, providing screening to 141. They were cover half the building from view at first and then grow to the shingled roofline. He said adding a berm was not practical as it would cause flooding to the neighbors.

Nick Demetriades said that he went through the meeting documents and minutes. He asked about anti-tracking measures. Mr. Bruton said that he proposed an Erosion and Sedimentation Plan, to include a riprap track pad, sweeping, silt fence, dust control via watering, silt sacks and seeding/planting any stockpiles that are not to be immediately used. He said that snow storage would be onsite unless removal was needed. Mr. Driska said that he, as ZEO, had the power to add more erosion and sedimentation controls as necessary.

Michael Cannata said that all of his previous questions had been addressed.

Mr. Popper asked about the height of the fencing proposed, as well as their locations.

Doug Grunert, BKA Architects, reviewed the colors proposed, which were a light yellow beige as the main color, a tanner beige accent for the gable, a light brown asphalt shingle and brown fencing around the HVAC unit. Chairman Kelly was concerned about the vinyl fencing being white. Mr. Grunert said he could modify the colors to make it match.

Mr. Bruton said that there was not a contracted tenant at the moment, that the DOT encroachment permit review probably would take at least 4 to 6 weeks, for a fall start to construction and finishing in spring 2019.

Chris Cambareri asked about adding windows to the side facing the Subway to make it more pleasing aesthetically for Main Street. Mr. Bruton said that side would be landscaped and screened from viewing from Main Street by street trees as well.

11. Public Hearings:

- a. Application #18-20: Request for a Special Permit under Section 6.1D of the Zoning Regulations to permit the importing of fill at 539 Main Street. Garrett Homes, LLC is the Applicant and P&D LLC is the Owner (continued).

Michael Cannata made a motion to open the Public Hearing for Application #18-20; Seconded by Jeremy Floryan. *All in favor; motion passed.*

Mr. Bruton said that the site was shaped like a bowl. In order to raise it up, they were asking for a Special Permit for 1,400 cubic yards of fill to bring the finished elevation to match the neighbors and for stormwater management purposes. The water would be captured and retained onsite and recharge the groundwater. Mr. Bruton said this would take about 10 days of trucking in the materials, about 70 truckloads, during normal business hours. He agreed to limit the trucking hours during school bus route hours when children are using the sidewalks. Chairman Kelly asked the applicant to work with Mr. Driska regarding that condition. Mr. Bruton said he would and asked to incorporate his previous testimony into tonight's hearing.

Mr. Popper said that the Town Engineer, via a memo dated June 19, 2018, had asked that the stormwater management be included on the site plan for compliance purposes and that an annual management report be provided by January 31 of each year.

Mr. Popper asked about the HVAC equipment enclosure and was told that it reduced noise and rattling so that it was 72 decibels at 10 feet away. He also asked about the fence color and windows, to ensure that if they were added, they would be spaced out.

There were no public comments.

The applicant said that they were agreeable to the Town Engineer's requests. Mr. Bruton offered to add two windows to the front of the north side of the building, to move the rest of the planned landscaping down to the rear of the north side of the building, and to change the fence color to a wood grain finish.

Michael Cannata made a motion to close the public hearing; Seconded by Jeremy Floryan. *All in favor; motion passed.*

Michael Cannata made a motion to approve Application #18-21: Request for Site Plan Approval to construct a new retail building at 539 Main Street; with the following conditions: that Jon Harriman's memo dated June 19, 2018 be adhered to, that the North facing blank wall have two window treatments added to it at the front and the landscape screening be moved to the rear of the building, and that the fence around the detention basin be tan, with a wood grain finish; Seconded by Chris Cambareri. *All in favor; motion passed.* (Nick Demetriades and John Keithan abstained).

Michael Cannata made a motion to approve Application #18-20: Request for a Special Permit under Section 6.1.D of the Zoning Regulations to permit the importing of fill at 539 Main Street; with the following condition: that the applicant work with Town Staff regarding the hours of truck access to the site; Seconded by Chris Cambareri. *All in favor; motion passed.* (Nick Demetriades and John Keithan abstained).

- b. Application #18-32: Request to amend Section 3.3.B of the Zoning Regulations to increase the Maximum Building Height from 40 feet to 55 feet in the Highway Business Zone District. The Town of Cromwell is the Applicant.

Mr. Popper asked that the public hearing be continued as he had not yet received a final response from the Capital Region Council of Governments or the Lower River Valley Council of Governments.

Michael Cannata made a motion to continue the public hearing; Seconded by Jeremy Floryan.

12. Executive Session:

- a. Discuss Pending Litigation for Application #17-22: Request for Site Plan Approval for Center Point Apartments (an Affordable Housing Application) at 186 Shunpike Road. JPG Partners, Inc. is the Applicant and the Estate of Helen M. Ewald c/o Sybil C. Martin Executrix is the Owner.

Michael Cannata made a motion to go into Executive Session at 8:30 p.m. and invited Mr. Driska and Attorney Kari Olsen into Executive Session; Seconded by Nick Demetriades.

Michael Cannata made a motion to come out of Executive Session at 9:12 p.m. with no action taken; Seconded by Jeremy Floryan. *All in favor; motion passed.*

13. Approval of Minutes:

- a. April 3, 2018: No action taken.
- b. June 5, 2018: No action taken.

- 13. Commissioner's Comments:** Nick Demetriades said that the Commission should give some consideration to the permit request for next year's TPC tournament. He said that he would prefer extending the permit for a few days rather than allowing construction to begin at 5 a.m. He also said that the larger trucks are supposed to be using the back access roads and are not supposed to be traveling through the development but they are doing so.

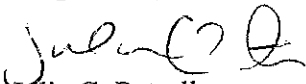
He said that the Commission approved the Field Road development, as well as the TPC construction, and that trucks are going to be using the same roadways (Field Road and Golf Club Road) during the same timeframes. He asked about the pesticides report for the Field Road project and Mr. Popper said he would get him the final remediation report.

He also asked about the moving of contaminated soils, and Mr. Popper said that the proposal was in line with DEEP standards.

Nick Demetriades also said that the Commission should do more planning, especially in light of the expiration of the POCD in 2012. Mr. Popper said that the expiration was not until 2022. There was a brief discussion regarding the reasons the prior 2012 planning grant was not used.

14. Adjourn: A motion to adjourn was made by Michael Cannata. Meeting adjourned at 9:19 p.m.

Respectfully submitted,


Julie C. Petrella
Recording Clerk