

PLANNING & ZONING COMMISSION
October 12, 2010 Meeting

Commission Members Present: Alan Gannuscio, Vincent Zimnoch, Janet Ramsay,
Anthony Scarfo and Alternate Jim Szepanski

Town Staff Present: Town Planning Coordinator and Assistant Zoning and Wetlands
Officer Jennifer Rodriguez, and Town Engineer Dana Steele

Chairman Gannuscio called the meeting to order at 7:10 pm.

Commission roll call was taken.

Chairman Gannuscio seated Mr. Szepanski for Commissioner Brown for all of the evening's proceedings.

MINUTES:

Chairman Gannuscio referred to the September 13, 2010 meeting and asked the Commission members and staff for any comments or corrections. They had none. Mr. Gannuscio moved to approve the September 13, 2010 meeting minutes, as published. Mr. Szepanski seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

PUBLIC HEARINGS:

Chairman Gannuscio read the rules for conducting a public hearing. He then asked the Recording Secretary to read the legal notice. The Recording Secretary read the legal notice that had been published in the Journal Inquirer on September 30 and October 8, 2010.

a. Public hearing on the site plan review application of Jin Hospitality, LLC for the property located at 4 Loten Drive.

George Johannesen of Allied Engineering Associates, LLC addressed the Commission on behalf of the applicant. He explained that the site was the vacant, undeveloped lot on the north side of the cul-de-sac at the end of Loten Drive opposite the newly remodeled Fairfield Inn. He went on to say that there were existing utilities on the lot with various easements associated with them and that the property was zoned Business 1. Mr. Johannesen noted that the site was mostly covered in gravel and that there were two catch basins on the site. He then pointed out that most of the site drained to the lower of the two catch basins located closer to the easterly property line.

Mr. Johannesen stated that the proposal consisted of the following:

- to construct an approximately 6,400 square foot restaurant (Margueritas);
- 74 parking spaces;
- 171 seats;
- they had shown that they met the landscaping requirements for the parking areas;
- the site would be serviced by public sewer and water;
- there was going to be underground electric, telephone, cable and gas utilities;
- a restaurant is a permitted use in the zone;
- there was going to be an entrance off the end of Loten Drive;
- a series of catch basins were proposed in the parking area which would drain into underground detention systems, through underground water quality units and ultimately drain into the existing drainage system; and
- kitchen water that might contain waste would tie into two 1,000 gallon grease traps.

Mr. Johannesen stated that he had received a call from the Police Chief and that they had discussed the Chief's concerns. He went on to say that the plans that he was presenting that evening were slightly different from the plans that had been sent to the Commission members. Mr. Johannesen explained that one of the differences between the two sets of plans was the one-way exit with a "No Left Turn" sign that had been suggested by the Police Chief. He went on to say that, other than that concern, the Chief had been happy with the plan.

Mr. Johannesen stated that he had received comments from Mr. Steele, Town Engineer, and Mr. O'Leary, Town Planning Consultant, and that he had prepared letters of response to both of them. He then submitted those letters to the Commission.

Mr. Johannesen referred to Mr. Steele's September 24, 2010 letter and read Mr. Steele's comments as follows, along with his response to those comments:

1. Sheets C-1, C-2 and C-3 require a land surveyor stamp. Surveyor's notes are required indicating A-2 & T-2 accuracy. Horizontal datum shall be NAD83 per section 1102.A.2.b. Vertical datum is not NAVD88 per section 2201.A.2.c.

Mr. Johannesen stated that they were in the process of getting a new survey done to meet the requirements of the Regulations. He pointed out that the Regulations required that the survey stamp be on each of the first three survey sheets. He then requested that they be allowed to just have the final set of plans submitted stamped by the surveyor.

2. An Area Map is missing per section 1102.A.3.

Mr. Johannesen stated that they would be adding the area map onto the plan.

3. The Drainage Report should be revised to include:
 - a. Drainage area map delineating area and land coverage to each structure
 - b. Pipe sizing calculations for new and relocated drainage pipes
 - c. Detention storage volume calculations
 - d. Separate routing calculations for each detention structure
 - e. Water quality flow calculations for each treatment structure
 - f. Permeability tests and soil investigation results to justify exfiltration rates
 - g. Justification for using higher than typical runoff coefficient for pre-development conditions.

Mr. Johannesen stated that they would be revising the Drainage Report and would get it to Mr. Steele for his review.

4. The plan calls for replacing the top only of the existing town catch basin along the western property line. The entire structure may require replacement.

Mr. Johannesen stated that they were not going to be using that catch basin, but that there was a 24" RCP line that went thru that structure, thru the site, thru a second catch basin into a manhole and out. He explained that they would be taking the grate off of the top of the catch basin along the western property line and replacing it with a manhole cover. He then noted that if the entire structure needed to be replaced they would do so. Mr. Johannesen pointed out that the existing pipe would go underneath the proposed building, therefore they were going to be relocating that pipe to go around the building.

5. Plans shall note invert elevations of all drainage structures including treatment units and connections to existing structures.

Mr. Johannesen stated that the inverts would be added to the plans.

6. The Existing Conditions plan shall include procedures for abandoning, bulk-heading and repairing existing drainage facilities. All work to existing drainage structures in town easements will require inspection by DPW or the Town Engineer prior to backfilling.

Mr. Johannesen stated that they had added a note on the plans to that affect. He went on to say that those issues would be taken care of. He then noted that the new pipe would be installed prior to removing the existing pipe.

7. The architectural plans and site plan do not contain dimensions of the proposed building, walkways or trash enclosure. Details of the trash enclosure and outdoor patio enclosure should be provided. Details of treatment units, building lights and freestanding sign are not legible.

Mr. Johannesen stated that the plans would be modified to clarify all of those items. He went on to say that the details had been modified so that they were legible.

8. Lighting does not appear to meet minimum 0.5 footcandle levels per Section 705.F.4.b.ii. Additional pole or building lights may be required. Specifications for pole mounted fixtures are not provided.

Mr. Johannesen stated that he had the detail for the pole mounted fixtures and that he had provided the specifications for the wall mount. He went on to say that he would provide specifications for the pole mounted fixtures. Mr. Johannesen referred to the lighting levels and noted that Mr. O'Leary had reviewed the levels and that he had felt that they were adequate. He then stated that he would print out the plans with the 0.5 footcandles shown; he had turned them off when he had originally printed the plan.

9. Grading Plan and erosion notes should specify location for topsoil stockpile and schedule for removal and/or stockpiling of existing processed aggregate materials. Schedule should include provisions for removal of gravel and temporary stabilization with topsoil and seeding in the event that construction of the site is delayed.

Mr. Johannesen stated that there was very little topsoil currently on the site. He went on to say that, in the areas proposed to receive plantings, the gravel would be removed. He then noted that the gravel would remain in the areas that were proposed to be paved. Mr. Johannesen pointed out that, if construction were delayed, the gravel would have to be removed and replaced with topsoil. He then noted that, as soon as approval was obtained, construction would start almost immediately.

10. Grading along the west side of the north exit-only drive appears to reduce the capacity of a low point along the property line with the Exxon station. The drainage narrative should comment on this potential impact to the abutting property.

Mr. Johannesen pointed out that the grade from the Exxon station sloped down and that there was a little bit of a low spot. He went on to say that they were going to install another 12" pipe so that, if water were to pool in that area, it would get out through the catch basin.

11. Provide detail of subsurface infiltration system, concrete walks conforming to town standards, and curbing. Provide detail for hooded outlets at catch basins for additional pre-treatment prior to ground infiltration.

Mr. Johannesen stated that these details would be added to the plan.

12. Rotate last two parking spaces to the north to maintain a turnaround area for this dead end parking.

Mr. Johannesen stated that it had been done.

13. Provide stop signs and stop bars at exits to town streets.

Mr. Johannesen stated that they had been added to the plan.

14. I spoke with Gary Kuczarski from WPCA and he indicated the existing sewer line through the property is not 24" RCP but is either 6" or 8" diameter. Provide a detail for the grease trap and sewer connection per town standards. Grease trap shall be two 1,000 gallon tanks in series.

Mr. Johannesen stated that he had eliminated the "24", because they were not sure of the size. He went on to say that he would provide the detail for the grease trap and sewer connections. He then noted that the two 1,000 gallon tanks had already been shown on the plan.

15. I recommend a cash erosion bond in the amount of \$5,700 and a site restoration surety bond in the amount of \$45,000 prior to the start of construction.

Mr. Johannesen stated that he felt that the suggested bond amounts seemed reasonable.

Mr. Johannesen referred to Mr. O’Leary’s October 3, 2010 memorandum and proceeded to read through Mr. O’Leary’s comments and provide his response to those comments as follows:

1. The Business – 1 zone is the predominate business district zone along Ella Grasso Turnpike (CT RT 75) extending from the Bradley Connector north to Spring Street. Section 402 of the WL Zoning Regulations permits restaurants in the B-1 zone by right, requiring only a Site Plan Application.

Mr. Johannesen stated that he agreed with Mr. O’Leary’s comment.

2. The plan contains a Zoning Data Table providing the requirements of the B-1 District as contained in Section 403 of the Zoning Regulations and what is proposed by this plan.
 - a. The Table shows a 25 foot “buffer” requirement but none is proposed; Section 403, footnote “d” states that a buffer is required in non-residential districts where they abut a residentially zoned parcel or developed with a residential use; as noted previously, Concorde Landing Condominiums abuts a portion of the east side of the parcel. In addition to the required 25 foot setback, and although there is a significant distance to any residential units, the Commission may wish to see some year-round screening materials in this area of the site.

Mr. Johannesen requested that they be allowed to provide landscaping screening or a fence in that area otherwise they would lose approximately 16 parking spaces.

- b. The Table contains the parking requirement ratios for restaurants and indicates that 74 spaces are provided; provide the calculation used including number of seats and employees on each shift; also, the Commission should provide some direction, however, it appears reasonable that the calculations should include both inside and outside seating (the plans show 15 tables and 46 seats outside); it does not appear that the calculations include these seats.

Mr. Johannesen stated that the table would be adjusted to clarify the information. He then explained that the exterior seats had not been included in the calculations because, based upon discussions with the owner, he was under the impression that when the weather was nice and the outdoor seating was being utilized, the interior seating would be adjusted so that they did not exceed the seating requirements.

3. There are two dead-end parking areas proposed. After discussions with the applicant's engineer he has eliminated a third one that had existed on the plan in front of the building by adding an exit only second curb cut onto Loten Drive. While dead-end parking is not prohibited in the regulations, the language of Section 705 D requires access to each parking space in a "safe and efficient" manner. Dead end parking can require backing up if all spaces are full in that area. Could the north most parking area add an exit onto the one way exit drive to Halfway House Road? At a minimum, this parking bay needs a turnaround area at the end for cars parked in the final spaces.

Mr. Johannesen stated that a turn-around area had been added to the dead-end area to the south and that the parking spaces in the dead-end area to the north had had the parking spaces rotated. He went on to say that, based upon the recommendations of the Police Chief and the addition of a "No Left Turn" sign at the drive exiting onto Halfway House Road, adding a one-way exit there could cause problems if someone were to exit there and had wanted to go south.

4. A lighting plan is provided as required in Section 705.F.4 (Sheet C-4), and details of light fixtures and poles are provided (Sheet C-5). All fixtures appear to be full cut-off fixtures, and generally light illumination levels appear to be sufficient and limit impact on abutting properties.

Mr. Johannesen stated that he agreed with Mr. O'Leary's comment.

5. Section 705.F.6 requires sidewalks along all street frontages. The applicant has shown an extension of the existing sidewalk on Loten Drive into the site and connecting into the sidewalk along the building entrance. This is provided in lieu of a sidewalk along the entire frontage of Loten Drive, but appears to be a more useful placement of walks. The Commission should provide some direction. No walks are shown along the frontage of Halfway House Road; however, there are no walks to connect to along this frontage and all lots are presently developed.

Mr. Johannesen stated that he agreed with Mr. O'Leary's comment.

6. Landscaping requirements are generally found in Section 705.F.6, 7 and 8. Street trees are provided along the frontage as required (5 red oaks). Calculations are provided showing that the 15% landscaping area is provided in the parking lot as required. Foundation plantings are provided. A combination of canopy trees, flowering trees and ornamental trees are shown within the parking lot. As long as this combination of landscape elements is acceptable to the Commission, the number of trees is in compliance.

Mr. Johannesen stated that he agreed with Mr. O'Leary's comment.

7. Building elevations, for two building sides, and a floor plan is provided as required. However there is no information on details of building materials. This should be provided for Commission review. Providing material and color samples to the Commission at the meeting might be useful. And, building elevations should be provided for all building sides. Also, provide details for screening and fencing of trash enclosure area as well as whatever enclosure is proposed for the outside seating area (as may be required by the Liquor Control Commission).

Mr. Johannesen stated that they would add the requested dimensions. He noted that they had built an identical building to the one being proposed in Lexington, Massachusetts. He then submitted photographs of that building along with a list of additional Margueritas' locations in New England. He went on to say that they had also added two sheets of elevation drawings.

8. The plan shows a free standing sign and two building mounted signs. Full calculations should be provided of building frontage and proposed sign area. See Chapter VI for allowable signs and calculations of maximum area, size and height of signs.

Mr. Johannesen stated that they would clarify the calculations.

9. Chapter V provides the Liquor Regulation requirements and specifies that a Special Permit application is required. A distance of 200 feet is required from churches and educational uses which appears to be in compliance. Also a 1500 foot distance is required from other restaurants that serve alcoholic beverages, although the Commission can decrease this distance based on the standards found in Section 503. The applicant is requesting such a reduction, and a written statement from the applicant addressing the aspects of Section 503 would be useful for the Commission.

Mr. Johannesen stated that the requested written statement was contained in the letters that he had submitted to the Commission.

Mr. Johannesen stated that they had provided erosion control measures on the plans, in addition to two sheets of notes and details to make sure that those measures were installed properly, maintained properly and removed properly once the site had been stabilized.

Mr. Johannesen concluded by commenting that he believed that they had put together a plan that met the requirements of the applicant as well as the requirements of the Town.

Chairman Gannuscio asked the Commission members for any questions. They had none.

Chairman Gannuscio asked if Margueritas was committed to building the restaurant. Mr. Johannesen stated that a preliminary agreement was in place and that, if approval was granted, construction would begin almost immediately.

Chairman Gannuscio pointed out that there was a residential house on Halfway House Road that seemed to be right next to the site in question. Mr. Steele stated that a pump station was located right next to the property. Mr. Gannuscio commented that the house was right next to the pump station. Mr. Johannesen stated that the house did not abut the property in question.

Chairman Gannuscio asked Mr. Steele if he had any comments. Mr. Steele stated that the applicant's engineer had gone through his letter dated September 24, 2010. He then recommended that they give the applicant an opportunity to revise the plans and address all of his comments and that then he would review those revised plans.

Mr. Steele referred to Item 1 from his letter regarding the survey and recommended that the Commission require a survey. He then noted that he would have no problem with it being a condition of approval. Mr. Steele noted that Mr. O'Leary had commented on the lighting and that he had felt that it was adequate. He went on to say that, if Mr. O'Leary found the lighting acceptable, he would not object to it.

Chairman Gannuscio asked the Commission members for any comments or questions. Mr. Scarfo commented that the exit onto Halfway House Road could really increase the amount of traffic on that road. He then asked if that exit was really necessary. Mr. Johannesen replied that the main reason for the exit onto Halfway House Road was for when tractor trailers entered the site; they could enter, go through the site and straight out (the site was not big enough for a tractor trailer to turn around). He went on to say that the Police Chief had felt that the best solution would be to make that exit a "No Left Turn" exit.

Chairman Gannuscio asked the Commission members for any further questions. They had none.

Chairman Gannuscio asked for any public comments in favor of the application. There were none.

Chairman Gannuscio asked for any public comments in opposition to the application.

Frank D'Amata, owner of the Skyline Restaurant, addressed the Commission and asked if the 25 foot buffer required for the house that had been referred to earlier in the evening would interfere with the proposed parking for the site.

Chairman Gannuscio pointed out that there might be an interceding property between the site in question and the house. He went on to say that when they received an area map they would take a look at it again. Mr. D'Amata commented that they needed to make sure that the proper distance was provided and that the required number of parking spaces were provided.

Chairman Gannuscio asked for any other public comments in opposition to the application.

Gina Pastula, of the Skyline Restaurant, addressed the Commission and stated that she felt that the outdoor seating should be included in the total restaurant capacity. She went on to say that she did not understand how the applicant was going to change their indoor seating to accommodate the various times of the year. She then questioned who would be policing that.

Chairman Gannuscio asked for any other public comments in opposition to the application. There were none.

Chairman Gannuscio stated that he had received to letters (the same letter had been submitted twice) dated September 9, 2010 from the Boutwell Family. He then read the letter as follows:

“Hi I live on 570 Halfway House Road and have heard rumors that there is an application for a Restaurant/Bar to be built on 4 Loten Drive. I live pretty close to this location. I have lived here now for approximately 10 years and I am raising a young family. I strongly oppose to this application. Ella Grasso Turnpike is loaded with restaurants and bars and now they are trying to encroach upon a very nice residential area. Not only will the additional traffic up and down Halfway House Road be a hazard to my children, but I also believe this will have a negative impact on the residents located on this road. There are plenty available lots

located on the Ella Grasso Turnpike. Please help me to keep Halfway House Road the quaint neighborhood that my family and I have lived in all these years.”

Chairman Gannuscio asked for any final comments in opposition.

Carl Barnes of 19 Greenwood addressed the Commission and stated that he worked at Bradley Bowl. He went on to say that he was concerned with the traffic. He then proceeded to tell how he had been hit head-on while turning left at the light across from the Skyline Restaurant. Mr. Barnes stated that with the increased traffic from the proposed site they may end up with a traffic problem in that area.

Chairman Gannuscio asked Ms. Rodriguez if she had a copy of the Police Chief’s letter. Ms. Rodriguez replied that she did not think that they had received a letter from the Chief, because he had discussed the plans with the applicant. She went on to say that she had spoken with the Chief, but that there had been no formal letter from the Chief.

Chairman Gannuscio asked Ms. Rodriguez if she had received any comments from the Fire Department. Ms. Rodriguez replied that she had received comments dated September 14, 2010 from the Fire Marshal stating that there were no issues affecting Fire Department access to the site.

Chairman Gannuscio provided one final opportunity for comments in opposition to the application. There were none.

Chairman Gannuscio asked Mr. Johannesen for any comments in response to the public comments that had been made. Mr. Johannesen referred to the traffic issues and stated that the Police Chief was comfortable with the plans as they now were. He then referred to the buffer issue and asked if they could use a solid fence or landscaping in lieu of the 25 foot buffer. Mr. Johannesen pointed out that they did have the required 25 feet with the house. He went on to say, with regard to the outdoor seating, that it would be up to the Commission to decide; was the Commission comfortable with the applicant having a maximum seating capacity for the property or did they want the outdoor seating to be included in the total. He stated that they would meet whatever stipulations the Commission had with regard to the seating.

Chairman Gannuscio asked the Commission members for any further questions or comments. They had none.

Chairman Gannuscio commented that there were a lot of additional changes that needed to be added to the plans. He then suggested that they keep the public hearing open and continue it to the November 8, 2010 meeting. The other Commission members agreed.

Chairman Gannuscio moved to continue the public hearing on the site plan review of Jin Hospitality, LLC for the property located at 4 Loten Drive to the November 8, 2010 meeting. Mr. Scarfo seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

Mr. Johannesen asked if he could get some clarification regarding the buffer and seating before the November 8, 2010 meeting. Chairman Gannuscio asked the Commission members how they felt about the buffer issue. All of the Commission members agreed that the buffer was required and should be maintained, but that it was only necessary along the property line shared with the Concorde Landing Condominiums. Mr. Gannuscio then asked how the Commission members felt about the outdoor seating; should it be included in the calculation. All of the Commission members agreed that the outdoor seating should be included in the calculations for the parking.

b. Public hearing on the special use permit/liquor permit application of Jin Hospitality, LLC for the property located at 4 Loten Drive.

George Johannesen of Allied Engineering addressed the Commission and stated that he had submitted a plan showing the properties that had liquor permits located within 1,500 feet of the site in question. He then pointed out that there was a Ruby Tuesdays Restaurant located next to the site and that the corner of the Ruby Tuesdays Restaurant property was 65 feet from the corner of the property in question. Mr. Johannesen stated that the applicant was requesting that the 1,500 foot requirement be reduced to 65 feet.

Chairman Gannuscio asked what the distance was to the Skyline Restaurant. Mr. Johannesen replied that it appeared to be about 400 or 500 feet. Mr. Gannuscio asked if the bowling alley fell outside the 1,500 feet. Mr. Johannesen replied that it actually fell just inside the 1,500 feet (about 1,400 feet).

Mr. Johannesen stated that two brothers own the company. He explained that they had taken several trips to Mexico in order to try to make their restaurant as authentic as possible; in fact they continue to take new managers to Mexico so that they can experience the culture as well. He went on to say that they were trying to create a family restaurant with authentic Mexican meals and ambience. Mr. Johannesen noted

that they prepared high quality meals using only the highest quality foods. In addition, the interior of the restaurants were decorated with hand-made crafts that had been purchased in Mexico. He went on to say that it was designed to be a family restaurant and not a bar hang-out.

Chairman Gannuscio asked if there would be any kind of bar outside. Mr. Johannesen replied that there would not. Mr. Gannuscio then asked if there was going to be any kind of sound system or speakers out on the patio. Mr. Johannesen stated that they did pipe-in Mexican music inside and that he assumed that they would probably have it outside as well, unless the Commission required that they not have the music outside. Mr. Johannesen commented that, if the Commission were to say that there could be no outside seating at all, they would still build the Margueritas.

Chairman Gannuscio asked if there was going to be any kind of outdoor paging going on. Mr. Johannesen replied that there was going to be one central entrance and lobby area where people would wait to be seated, therefore there would be no need for any outdoor paging. He went on to say that there would also be no live music, except for possibly, occasionally having a mariachi guy inside the restaurant; there would be no live bands.

Chairman Gannuscio asked the Commission members for any further questions. They had none.

Chairman Gannuscio asked for any public comments in favor of the application. There was none.

Chairman Gannuscio asked for any public comments in opposition to the application.

Frank D'Amato, owner of the Skyline Restaurant, addressed the Commission and submitted a copy of the Hartford Courant article from that morning's paper. He explained that the article was about the problem that New Haven was having with bars and restaurants in a particular area of that city. He went on to say that Ruby Tuesdays was adjacent to the site in question; there was zero distance between the two sites. In addition, the proposed restaurant would only be about 250 feet from the Skyline Restaurant (from property line to property line); not 500 feet as stated by Mr. Johannesen.

Mr. D'Amato stated that, if the Commission were to approve the Margueritas Restaurant, it would put three bars within a distance of 250 feet. He went on to say that the Commission would establish a new precedent in Windsor Locks where they

would not be able to deny other liquor permits from being adjacent to one another. Mr. D'Amato reiterated that it would be a far cry from the required 1,500 foot separating distance.

Mr. D'Amato pointed out that Route 75 was a very dangerous road with no sidewalks, poor lighting and very bad visibility. He then commented that there had been many, many accidents on that road, some with fatalities.

Mr. D'Amato stated that a 175 pound person who drank 3 ounces of liquor or one large martini, or one large margarita, or three beers would be over the .08 (inebriated in Connecticut). He went on to say that with three bars so close together someone could go into the first bar have three beers and get shut-off by the bartender and then he could simply walk over to the second bar, do the same thing and then continue on to the third bar. Mr. D'Amato stated that the Commission had the power to say "no, we don't need three bars in a row". He then asked the Commission members to think about it carefully before they gave their okay to the proposed plan.

Mr. D'Amato stated that the Skyline Restaurant had been serving food that was prepared on the premises with great care and quality for 45 years. He went on to say that the chain restaurants would never be able to give the quality of service that the Skyline gave. He then pointed out that they cooperated with the local organizations through fundraisers, scholarships, etc. He then asked if the CEO of Margueritas was going to do the same; he did not think so.

Mr. D'Amato stated that the Skyline Restaurant had been serving Windsor Locks for 71 years, but that he did not know if they could continue to survive the chain restaurants. He went on to say that the local people were not enough to support the Skyline anymore, because of the poor economy; they needed to depend on the travelers as well. Mr. D'Amato asked how they could compete with the chain restaurants who could afford to pay lots of money for commercial advertising. He commented that they needed to support the businesses of Windsor Locks, not the chains. Mr. D'Amato concluded by saying that competition was good when the economy was good, but when the economy was bad, like it currently was, competition was not good. He went on to say that they earned their money in Windsor Locks and spent it in Windsor Locks.

Chairman Gannuscio asked for any further public comments in opposition to the application.

Gina Pastula, of the Skyline Restaurant, addressed the Commission and stated that she did not believe that the permit should be approved. She then referred to Section

502 of the Regulations which stated that “no license shall be approved within 1,500 feet of an establishment that already had a liquor license”. She pointed out that the Ramada, Shades, Turnpike Package Store, Pool Table Magic, Ruby Tuesdays, Skyline Restaurant, Bradley Bowl, Papa Ginos, Chinese King Buffet and the Collins Package Store were all located within 1,500 feet of the proposed Margueritas’ site.

Ms. Pastula referred to Section 503 of the Regulations and stated that it gave the Commission the situations where they could maybe stretch the 1,500 foot requirement. She commented that they needed to consider how many establishments were located within the 1,500 feet; it wasn’t one, it was ten establishments. Ms. Pastula questioned whether Section 503 was really saying that having two or three establishments with liquor permits located right next door to one another was okay; she did not think so.

Ms. Pastula referred to the following rules listed in Section 503 of the Regulations regarding the sale of alcoholic beverages:

- a. Shall be subordinate and incidental to the principal use of the premises as a restaurant where hot meals are served by employees to patrons at tables or as a hotel or as a motel.

Ms. Pastula commented that the first thing that someone would think of when they heard the name Margueritas was liquor (a marguerita); not food. She went on to say that she had done some research on-line and found that Margueritas was known for their humongous margueritas; not their food.

- c. Shall not adversely affect the health, safety, or morals of persons attending any nearby college, school, place of worship, hospital, library, park or playground or residing in any nearby residential zone.

Ms. Pastula pointed out that there was a neighborhood right up the road on Halfway House Road. She went on to say that the Fire Marshal had had his own concerns and had said that there should be no left-hand turns. Ms. Pastula noted that that meant that they were sending everyone to Halfway House Road, not Route 75.

- d. Shall not hinder the appropriate development and use of adjacent land and buildings or cause traffic hazards.

Ms. Pastula commented that she believed that the proposed restaurant could cause a traffic hazard, since Route 75 already had a traffic problem.

Ms. Pastula commented that she was on the Planning Commission in Suffield, therefore she knew that people generally did not attend Commission meetings. She went on to say that the Commission members needed to think for the townspeople. Ms. Pastula concluded by saying that the Regulations told the Commission to say “no” to the proposed restaurant, not “yes”.

Chairman Gannuscio asked for any additional public comments in opposition to the application. There were none.

Mr. Johannesen referred to the first gentleman who spoke during the public comment period regarding the situation in New Haven and stated that he did not feel that that situation had anything to do with the proposal before the Commission that evening. He went on to say that New Haven had a string of bars, not restaurants. He then reiterated that Margueritas was trying to promote a family restaurant. Mr. Johannesen then referred to that same gentleman's comments regarding someone going from establishment to establishment to drink alcohol and stated that bartenders were supposed to be looking for that sort of behavior and not serving anyone who was drunk. He went on to say that he did not know why the owners named the restaurant Margueritas. He then reiterated that it was a high class restaurant and that they were trying to provide variety for the people in the area. Mr. Johannesen also pointed out that they would be employing people from Windsor Locks.

Mr. Johannesen stated that he did not work for Margueritas and that his employer did not work for Margueritas. He then explained that his employer owned the property and simply wanted to bring a restaurant to Windsor Locks. He went on to say that Margueritas was not microwaving their food; they were serving quality, authentic Mexican food.

Mr. Johannesen referred to the second person who spoke during the public comment portion of the meeting regarding the residential area and stated that Margueritas was not going to affect the morals of anyone in a residential area more than any of the existing restaurants did.

Chairman Gannuscio asked the Commission members for any further questions. They had none.

Chairman Gannuscio stated that he would prefer to keep the public hearing open until they resolved the site plan issue and then asked the other Commission members how they felt about it. All of the Commission members agreed with Mr. Gannuscio.

Chairman Gannuscio moved to continue the public hearing on the special use permit/liquor permit application of Jin Hospitality, LLC for the property located at 4 Loten Drive to November 8, 2010. Ms. Ramsay seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

Chairman Gannuscio called a five minute recess at 8:40 pm.

RECESS:

Chairman Gannuscio called the meeting back to order at 8:45 pm.

REVIEWS:

a. Continued review of the site plan modification application of Dairy Cream International, Inc. for the property located at 359 Ella T. Grasso Turnpike.

Attorney Paul Smith addressed the Commission on behalf of the applicant and distributed revised plans and a drawing packet to the Commission members and staff. He noted that they had tried to address the few minor points that Mr. Steele and Mr. O'Leary had raised in their previous comments.

Attorney Smith summarized the changes that had been made to the plans as follows:

- added four street trees along Route 75;
- eliminated the striping in rear of the lot where they had encroached on the adjacent property;
- they were going to move the dumpster onto the property;
- they were going to remove the ingress/egress note, because there was no encroachment easement at that point;
- provided a copy of the menu;
- a modification of the architectural plans were provided with any notations to fryers or griddles removed from the interior plans, the elevation information had been provided and a color scheme of white and green had been provided;
- the plan showed a sign, but they would ask that the Commission defer an approval of a sign and the applicant would come back with a separate sign application; and
- moved the curbing so that vehicles would not butt up to the concrete apron.

Attorney Smith stated that they felt that it was a well maintained and well run property. He then reiterated that the proposal was being done in order to upgrade, enhance and make it safer for patrons.

Attorney Smith referred to Mr. O'Leary's updated comments dated October 10, 2010 and addressed some of those comments as follows:

4. Elevation and Signage: Attorney Smith stated that he had already talked about those issues.
5. Trees: Attorney Smith stated that the applicant had proposed trees along Route 75, but that with regard to variety they would work with the staff and plant whatever was required.

7. Note on the plan regarding parking encroaching on the neighboring property:

Attorney Smith stated that they would remove that note from the plan.

Attorney Smith stated that they did show the sidewalk on the plan, but that they would request that the sidewalk be deferred until sidewalks were installed in the area.

Chairman Gannuscio commented that Mr. O'Leary had seemed satisfied with the changes that the applicant had made. Attorney Smith pointed out that Item 4 was the only thing that Mr. O'Leary had had a question on regarding the elevation and sign. He went on to say that the applicant would rather defer on the sign until Attorney Smith could speak with the applicant's engineer/architect to make sure that the sign met the requirements. Attorney Smith stated that he had no problem with Items 1, 5 and 7 from Mr. O'Leary's October 10, 2010 memorandum being conditions of approval.

Chairman Gannuscio asked the Commission members for any further questions. They had none.

Chairman Gannuscio asked Mr. Steele if he had any comments. Mr. Steele stated that all of his previous comments had been addressed. He then referred to the encroaching pavement and the note that the applicant was going to remove from the plan and suggested that they also remove "bit. parking area" from the plan as well as the striping. Attorney Smith stated that they would be happy to do so. A brief discussion regarding the dumpsters took place.

Mr. Steele recommended that there be a condition of approval regarding Item 8 from his August 3, 2010 letter. He then suggested the WPCA have the final say on what was required for grease separation. Attorney Smith stated that they had no problem with such a condition.

Mr. Steele commented that the decision regarding the sidewalk was up to the Commission. Mr. Zimnoch asked how they would legally record the deferred sidewalks. Mr. Steele commented that he believed that the last time it had occurred the attorney for the applicant had prepared a document which was then reviewed by the Town Attorney and filed on the land records giving their commitment to install the sidewalks at such time as the Commission determined that they were necessary to connect to other sidewalks. He went on to say that the leverage that the Town would have would be to lien the property. Attorney Smith stated that the applicant would be happy to duplicate that process. Mr. Steele suggested that, if the Commission wanted to defer the sidewalks, they could add a condition of approval that stated that the conditions of deferral be subject to approval by the Town Attorney.

Chairman Gannuscio asked the Commission members for any further comments. They had none.

Mr. Steele stated that based on the plan that had been submitted that evening the applicant had provided some additional elevations and gave a better idea of what the finished project would look like. He went on to say that the plan indicated an elevation of 18” for the concrete apron, but that it was actually 18” on the right, but 36” on the left. He also noted that they had eliminated some pavement and added some trees. Attorney Smith stated that they had also moved the handicap parking space.

Chairman Gannuscio asked Ms. Rodriguez for any comments. She had none.

Chairman Gannuscio asked Mr. Steele if the sidewalk location was okay. Mr. Steele replied that there were some utility pole issues, but that with a 6 foot wide sidewalk it wasn’t worth relocating a utility pole. He went on to say that the sidewalk met the Town standards. Mr. Gannuscio stated that he felt that they should defer the sidewalk. All of the Commission members agreed with Mr. Gannuscio.

Chairman Gannuscio asked the Commission members for any final questions or comments. They had none.

Chairman Gannuscio asked for a motion regarding the application. Mr. Zimnoch moved to approve the site plan modification of Dairy Cream International, Inc. for the property located at 359 Ella T. Grasso Turnpike with the following conditions:

- **Items 1, 5 and 7 from Mr. O’Leary’s October 10, 2010 memorandum with Item 7 being modified to include the removal of “ingress/egress” and “bit. parking area” notes from the plan.**
- **The sidewalk deferral document be recorded on the land records, subject to approval by the Town Attorney.**
- **Any final approval of signage and lighting be left for staff review and approval.**
- **Item 8 from Mr. Steele’s August 3, 2010 letter, the plans do not indicate an exterior grease trap WPCA may require the installation of an exterior tank. If so, it should be added to the plan with a detail conforming to Windsor Locks Standard Detail 3-15.**

Ms. Ramsay seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

b. Review of the site plan approval extension application of Mohmoud Hussein for the property located at 492 Spring Street.

Attorney Christopher Kervick addressed the Commission and noted that there were some issues that had come up during construction that might require a site plan modification or possibly just be shown on the as-built. He explained that the approved plans showed the cement steps on the left and the ramp on the right, but that they had actually been installed opposite that (the stairs were on the right and the ramp was on the left). He went on to say that they were going to have surface water drainage with catch basins and an infiltrator system rather than cutting the road and tying into the system under the road. Mr. Steele commented that the floor of the building was higher. Attorney Kervick stated that that was correct. He then asked if those issues would require a site plan modification or if they could be handled on the as-built.

Chairman Gannuscio asked if the chimney area extended out farther than had been indicated on the approved plan. Attorney Kervick replied that the chimney area was exactly as it appeared on the plans. A brief discussion followed and Attorney Kervick noted that the chimney area was shown on the site plan modification which had been approved on April 8, 2002.

Chairman Gannuscio commented that at that point the only thing that needed resolution was the drainage and the stairs/ramp. He went on to say that it seemed as though they could be taken care of on an as-built. Mr. Steele stated that he would have to review the drainage with the applicant's engineer. He went on to say that the applicant wanted to put in additional infiltration and that he did not object to that; it was simply a matter of the size/calculations. Mr. Steele stated that he would contact the applicant's engineer and discuss it with him.

Attorney Kervick stated that the original plan had been approved on December 11, 2000 and that the revision had been approved on April 8, 2002. He explained that Section 1102.E provided that all work be concluded within five years of approval. He went on to say that any approval would run retroactive to those approvals. Attorney Kervick asked if they should calculate the five years from the original approval on 12-11-00 or from the revision approved on 4-8-02. He then noted that the applicant would prefer that the five year extension run from the revision approved on 4-8-02 which expired on 4-8-07, therefore the extension would run from 4-8-07 to 4-8-12.

Attorney Kervick pointed out that there had been a lot of recent activity on the site. He went on to say that all of the underground electrical work had been completed, the

cement work was in, and a coating of sub-base was in. He then noted that the paving and landscaping remained to be done. Mr. Steele pointed out that whatever had been on the original approved plan was still in affect. Attorney Kervick agreed.

Attorney Kervick stated that the reason for the delay was that Mr. Hussein had had a fairly significant health setback in 2005 which had set the plans back significantly. He commented that Mr. Hussein had gotten the message that it was time to finish the site and he was now physically capable of doing so.

Chairman Gannuscio asked if Mr. Hussein was still waiting for the hoods to be installed. Attorney Kervick replied that Mr. Hussein had a contractor lined up to work with and would get them in shortly.

Chairman Gannuscio commented that since there had been a fairly significant modification of the plans perhaps the most sensible thing to do would be to run the extension from the April 8, 2002 modification approval.

Chairman Gannuscio moved to extend the site plan approval of Mohmoud Hussein for the property located at 492 Spring Street to April 8, 2012. Mr. Scarfo seconded the motion. All were in favor. The vote was 5- 0, the motion was approved.

Chairman Gannuscio stated that anything left could be resolved with an as-built pending Mr. Steele's approval. Mr. Steele stated that they would need an as-built prior to issuance of a Certificate of Occupancy and that he would speak with the applicant's engineer to work out the drainage issue.

ACTION ON CLOSED PUBLIC HEARING ITEMS:

There were none.

OLD BUSINESS:

a. Discussion with Commission and Staff

Chairman Gannuscio moved to schedule a special workshop to discuss zoning regulations, subdivision regulations, by-laws, sign regulations, and Main Street zoning on October 25, 2010 at 7:00 pm. Ms. Ramsay seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

NEW BUSINESS:

a. Public Input

There was none.

b. Receive New Applications

There were none

c. Informal discussion regarding a home occupation at 60 Spring Street.

There was no one present for this discussion.

Chairman Gannuscio stated that there was litigation going on regarding 60 Spring Street. He then asked the Recording Secretary to leave the informal discussion on the agenda for the November meeting.

COMMUNICATIONS AND BILLS:

There were none.

Chairman Gannuscio moved to adjourn the meeting. Mr. Zimnoch seconded the motion. All were in favor. The vote was 5 – 0, the meeting was adjourned at 9:45 pm.

Respectfully submitted,

Diane Ferrari
Recording Secretary

THIS IS A DRAFT

Please check the following month's meeting minutes for official approval of these minutes and any amendments or corrections that were made.

