

PLANNING BOARD & ZONING COMMISSION January 9, 2012 Meeting

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

Town Staff Present: Town Planning Coordinator and Assistant Zoning and Wetlands Officer
Jennifer Rodriguez, Town Planning Consultant Michael O'Leary and
Town Engineer Dana Steele

Chairman Zimnoch called the meeting to order at 7:00 pm.

Commission roll call was taken.

Chairman Zimnoch moved to move Items VIII.c and VIII.e on the agenda to right after Item III that evening. Ms. Ramsay seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

MINUTES:

Chairman Zimnoch referred to the November 14, 2011 meeting minutes and noted that he, Mr. Gannuscio and Mr. Szepanski were present at that meeting. He then asked the Commission members and staff for any comments or corrections. There were none. Mr. Zimnoch moved to approve the November 14, 2011 meeting minutes, as published. Mr. Szepanski seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

Chairman Zimnoch referred to the December 12, 2011 meeting minutes and asked the Commission members and staff for any comments or corrections. There were none. Mr. Zimnoch moved to approve the December 12, 2011 meeting minutes, as published. Mr. Gannuscio seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

NEW BUSINESS:

c. Informal discussion regarding 24 King Spring Road.

Attorney Thomas Fahey addressed the Commission and stated that John Barberino, the new owner of 24 King Spring Road, was also present that evening. He noted that the property in question was formerly Gate Gourmet, Inc. and that it had sat vacant for many years. He then submitted photographs of the existing building to the Commission.

Attorney Fahey stated that Mr. Barberino had been in the car business for many, many years. He explained that the Mr. Barberino wanted to obtain a Repairers License with Used Car Dealers License for the site. He went on to say that there were already six or seven such licenses on King Spring Road. Attorney Fahey noted that in the past applicants had gone before the Zoning Board of Appeals for a location approval and then to the Planning and Zoning Commission for their site plan approval.

Attorney Fahey stated that the used car use was not specifically recognized in the list of Industrial 1 uses, although in the past few years they had been routinely granted. He went on to say that they were really before the Commission that evening in order to make sure that they were following the correct procedure. Attorney Fahey then submitted a small drawing of what Mr. Barberino was proposing for the site.

Attorney Fahey commented that he believed that they needed to go before the Zoning Board of Appeals for the location approval first, which they were going to do in February, and then back to the Commission for site plan approval.

Chairman Zimnoch asked if the property was located in an Industrial 1 Zone. Attorney Fahey replied that it was located in an Industrial 1 Zone and that all of King Spring Road was Industrial 1. He then referred to the List of Uses for Industrial 1 and pointed out that it clearly listed Repairers License. Attorney Fahey pointed out that it seemed as though most of the recent Repairers Licenses also had a Used Car Dealers License as well. He then suggested that the Commission might want to consider amending the regulations in the future with regard to used car sales.

Mr. O'Leary asked what the size of the building was and the size of the lot. Mr. Barberino stated that the building was 25,000 square feet and that the parcel was 3 acres. Mr. O'Leary then asked if the primary use was going to be auto sales or auto repairs. Mr. Barberino stated that they would do both, but that auto repairs would be number one; most of the building would be used for the repairs.

Mr. O'Leary asked if the parking lot would be like a car lot. Mr. Barberino replied that it would be; there would be unregistered cars parked on the lot for sale. He then noted that it would look more like a new car franchise. He went on to say that they were going to change the looks of the building and the landscaping.

Mr. Barberino stated that he wanted to put up a six to eight foot fence, but that he did not want the Commission to think that he was jumping the gun. He pointed out that it was legal to put the fence up, but again reiterated that he did not want it to appear as though he was moving forward without asking permission.

Mr. O'Leary stated that, in terms of the process, they should go to the Zoning Board of Appeals for the location approval first. He went on to say that repair garages and shops were allowed in the Industrial 1 Zone as a special use, but that new car sales were not permitted. He then referred to the provision at the beginning of the regulations that allowed the Commission to grant permission for any use as long as they determined that it was in harmony with the permitted uses in the zone. Mr. O'Leary stated that if they came back to the Commission for used car sales it would require that they follow the special use permit public hearing process. Mr. Gannuscio asked if Adaptive Reuse could also be an alternative. Mr. O'Leary replied that it could.

A brief discussion took place regarding the proper process to follow. None of the Commission members had any objection to proceeding with the proposal. The applicant was instructed to go before the Zoning Board of Appeals for a location approval and then back before the Planning and Zoning Commission for a Special Use Permit.

Mr. Gannuscio referred to the earlier question regarding the installation of a fence on the property and asked if the applicant had title to the property. Attorney Fahey replied that he did. Mr. Gannuscio then commented that he did not think that there would be a problem with the applicant installing a fence, but that it would ultimately be up to the Town Building Official. Ms. Rodriguez pointed out that the Building Office did not require a permit for the installation of a fence; they just needed to comply with the requirements.

Mr. Barberino stated that there was a Gate Gourmet sign still on the property and that he wanted to remove the plastic sign face and replace it. He then noted that it would be the same size and be in the same location. Mr. O'Leary stated that that would not require a permit. Ms. Rodriguez noted that her Office would pull a building permit for the sign refacing. She went on to say that she would be happy to review it.

Attorney Fahey asked when they would need to submit their application. Chairman Zimnoch stated that they would need to receive the application at least by the Friday before the February meeting. He went on to say that the Commission could accept the application at the February meeting and schedule the public hearing for March.

e. Informal discussion regarding the Donut Kettle unit on Spring Street.

Angelo D'Aleo of 6 Stepping Stone Drive in Broad Brook addressed the Commission and stated that he was at the meeting that evening to discuss some changes being proposed at 482 Spring Street, the old Donut Kettle. He explained that they were looking to extend the existing 6.8 x 8.3 foot front foyer out to 21.8 feet (right to the corner of the existing overhang and existing foundation). Mr. D'Aleo then stated that they also wanted to put a freezer and a cooler in the rear of the building. He then explained that they were both 6 x 10 foot self-

supporting, self-containing and fully removable and had a vinyl coated, finished exterior. He went on to say that they would paint the exterior of the building to match the coolers and that they would not disrupt any of the existing landscaping or parking.

Mr. Gannuscio asked Mr. D'Aleo if he had anything that provided the noise levels of the cooler and freezer. Mr. D'Aleo replied that he did not, but that he could get that information. He then explained that the two units just had a fan on top of them. Mr. Gannuscio asked if they had a condenser. Mr. D'Aleo replied that they did not have condensers. Mr. Szepanski asked where the compressor was located for each unit. Mr. D'Aleo stated that the compressors were located inside of each unit, with the fan mounted on top.

Mr. O'Leary asked if the question before them that evening was whether or not the proposed changes required a site plan application. Ms. Rodriguez replied that that was what they were asking. A brief discussion followed and Mr. D'Aleo reiterated that they were not going beyond the existing roof line; they were just planning on closing in the existing overhand.

Mr. Gannuscio asked if there was any kind of drive isle that the freezer and cooler would infringe on. Mr. D'Aleo replied that there was plenty of room behind the building to accommodate the coolers and the drive isle.

Ms. Ramsay asked if it was something that staff could handle. A brief discussion took place and both Mr. O'Leary and Mr. Steele stated that they wanted to take a drive by the site to take a look at it. Chairman Zimnoch stated that once Mr. O'Leary and Mr. Steele took a look at the site they could let the Commission know whether they felt it would require something more than just a staff review.

Chairman Zimnoch stated that they would have staff review the proposal. Mr. Gannuscio noted that they would also need a building permit. Mr. Steele commented that, when the applicant went to the Building Office to obtain their building permit, the Building Official would ask him to take a look at the site and the proposed changes.

Chairman Zimnoch moved to defer to staff review the changes proposed to 482 Spring Street that would allow the enclosure of the existing area under the roof and placement of two coolers in the back. Mr. Gannuscio seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

b. Receive New Applications

i. Special Use Permit/Liquor Permit application for 5 National Drive.

Neal Kwort of 86 Sunny Reach Drive in East Hartford addressed the Commission and stated that Mike's Blue Collar Bar would be a gathering place for Windsor Locks residents and hotel patrons. He stated that he did not know what the procedures were to move forward with his proposal.

Chairman Zimnoch asked about the location of the proposed business. Mr. Kwort replied that the address of his proposed business was 5 National Drive, Unit #6. He went on to say that he had spoken with the State of Connecticut with regard to a Liquor License and that he had been informed that he needed to provide food. He then noted that the State had said that he could use Chris's Pizza as his kitchen to provide the food for his establishment. Mr. Kwort explained that he was going to install a window between the two businesses so that Chris's could prepare the food and pass it through to be served in his business.

Ms. Rodriguez asked Mr. Kwort if Chris's currently held a Liquor License. Mr. Kwort replied that he did not know. He went on to say that Chris's would stay open as late as his business was open and as long as people wanted food. Ms. Rodriguez commented that if Chris's did not currently have a Liquor License, they might have to be included in the space listed on Mr. Kwort's Liquor License application. Mr. Kwort explained that the food would pass through the window from Chris's to his establishment, but that the liquor would not pass from his business to Chris's. Mr. Kwort stated that he was looking to attract hard-working, middle-aged men and women.

A brief discussion regarding possible anti-competition opposition took place.

Chairman Zimnoch questioned, since the liquor license was contingent upon serving food, what would happen if Chris's shut down. Mr. Kwort stated that he would then have to take the next step and install a kitchen in his own business.

Mr. Gannuscio pointed out that in the past the Commission had asked for a map showing all of the existing Liquor Permits within a 1,500 foot radius around the proposed business. A brief discussion followed and Ms. Rodriguez stated that it would be a good idea if Mr. Kwort came in to her Office as soon as possible to discuss proper procedures and the necessary documentation. Mr. Steele noted that a site plan might not be required since the parking was already there. Mr. Gannuscio then noted that the 8 ½ x 11 plans that had been submitted with the application were good enough for the Commission, but that a full size set of plans would be required by staff and the Fire Marshall.



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Mr. Scarfo asked Mr. Kwort if he owned the unit in question. Mr. Kwort replied that he did not; he was going to lease it. Mr. Scarfo then asked if he had a contract for the unit. Mr. Kwort replied that he did not currently have a contract. He explained that he and the owner of the property were working well together. Mr. Scarfo asked Mr. Kwort if he was planning on opening his business right away. Mr. Kwort stated that it could be open as soon as early spring.

Mr. O'Leary commented that the Regulations stated that businesses holding a Liquor License needed to be 1,500 feet apart from each other. He went on to say that the Regulations also stated that the Commission could decrease that separating distance if then four specific items were listed. Mr. O'Leary then noted the first item as follows:

1. The Liquor Permit 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.

A discussion then followed regarding the surrounding uses.

Mr. Gannuscio moved to accept the application of Neal Kwort / Mike's Blue Collar Bar, LLC for the property located at 5 National Drive, #6 and schedule it for a Special Use Permit/Liquor Permit public hearing on February 13, 2012. Ms. Ramsay seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.

Mr. O'Leary commented that it was always better to lay something out in writing regarding the reasons to waive the 1,500 foot requirement. Ms. Rodriguez stated that she was willing to work with the applicant on that.

PUBLIC HEARINGS:

There were none.

REVIEWS:

There were none.

ACTION ON CLOSED PUBLIC HEARING ITEMS:

There were none.



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OLD BUSINESS:

a. Discussion with Commission and Staff

Mr. O'Leary commented that many towns had removed those archaic liquor license separating distances from their regulations. He then suggested that the Commission might want to take a look at doing the same. A brief discussion followed and Mr. O'Leary noted that those separating distances were counterproductive to trying to create energy and synergy in the downtown area.

Mr. Szepanski asked if it bothered any of the other Commissioners that the Liquor Permit was tied to the property, because it bothered him. The discussion then continued briefly and Mr. O'Leary stated that it might be a good idea for staff to contact the State regarding the window and passing thru of food from business to business.

NEW BUSINESS:

a. Public Input

There was none.

d. Informal discussion regarding the T&M and North Group, LLC request for acceptance of roads.

Mr. Steele stated that he was still waiting for a revised as-built for the first phase of the development. He then commented that at some point the Commission might have to apply a little pressure to ensure that the revised as-built got done. Mr. Gannuscio noted that there might be something in the regulations that stated that the Town could charge for plowing services on roads that were not accepted Town roads. Chairman Zimnoch then asked Mr. Steele to contact Ed Lally directly to find out what the hold up was. Mr. Steele stated that he would do so before the Commission's next meeting.

COMMUNICATIONS AND BILLS:

Mr. Zimnoch stated that he had received Mr. O'Leary's bill for his retainer for November and December, 2011 in the amount of \$3,333. He then moved to approve Mr. O'Leary's bill in the amount of \$3,333. Mr. Gannuscio seconded the motion. All were in favor. The vote was 5 – 0, the motion was approved.



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Mr. Szepanski asked if anything was happening on North Street with Ayotte. Ms. Rodriguez stated that she was working on it and that it would take a little more time.

Mr. Szepanski asked about the guy who was living in the trailer. Ms. Rodrigue replied that nothing had happened with him yet.

Chairman Zimnoch moved to adjourn the meeting. Mr. Szepanski seconded the motion. All were in favor. The vote was 5 – 0, the meeting was adjourned at 8:35 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.