

## & ZONING COMMISSION January 13, 2012 Meeting

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

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

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Chairman Zimnoch called the meeting to order at 7:07 pm.

Commission roll call was taken.

### MINUTES:

**Chairman Zimnoch referred to the January 9, 2012 meeting minutes and asked the Commission members and staff for any comments or corrections. There were none. Mr. Gannuscio moved to approve the January 9, 2012 meeting minutes, as published. Mr. Szepanski seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.**

### PUBLIC HEARINGS:

- a. Public hearing on the Special Use Permit / Liquor Permit application of Neal Kwort / Mike's Blue Collar Bar, LLC for the property located at 5 National Drive, #6.**

Chairman Zimnoch asked Mr. Szepanski to read the rules for conducting a public hearing. Mr. Szepanski then did so.

Chairman Zimnoch asked the Recording Secretary to read the legal notice. The Recording Secretary read the legal notice that was published in the Journal Inquirer on February 1 and 9, 2012.

Neal Kwort addressed the Commission and gave a computer presentation explaining his background, business concept and business plan. As part of that presentation he identified his target group as hard-working, middle-class, middle-aged men. His presentation also identified the following key components of his business concept/plan:

- No happy hour
- free soft drinks for designated drivers
- free shuttle bus service
- ChrisøPizza would be his kitchen providing the food
- would have bands, DJs, Karaoke and dancing



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Mr. Gannuscio referred to Item 2 from Mr. O'Leary's February 12, 2012 memorandum and asked what type of liquor permit was being requested. Mr. Kwort replied that he was applying for a Café Permit. Mr. Zimnoch asked if the Café Permit would allow him to serve beer. Mr. Kwort replied that the Café Permit would allow him to serve beer, wine and liquor in addition to allowing him to have bands and DJ's; it would allow him to do everything that he was proposing.

Mr. Gannuscio asked Mr. Kwort if there were lights in the parking lot. Mr. Kwort replied that there were existing lights, but that he felt that they came on kind of late.

Mr. Gannuscio referred to the free shuttle bus that Mr. Kwort had mentioned and commented that he saw it as a benefit to the people staying in the hotels on Route 75 because of the lack of sidewalks on that road.

Mr. Gannuscio asked Mr. Steele if Corporate and National Drives were town or private roads. Mr. Steele replied that they were both private roads.

Chairman Zimnoch asked Mr. Steele for any questions or comments. Mr. Steele stated that no formal site plan had been submitted, because no site improvements were being proposed, therefore there really was not a lot for him to comment on. He then asked if Chris's Pizza had a grease trap. Mr. Kwort replied that he had been told that they had a grease trap. Mr. Steele commented that the Water Pollution Control Authority (WPCA) would address any grease trap issues. A brief discussion then followed.

Mr. Gannuscio referred to the last item on Mr. O'Leary's memorandum - the parking space lines in this parking lot are no longer visible and should be repainted - and a brief discussion followed. Mr. Kwort agreed to speak with the property owner about repainting the lines in the parking lot.

Mr. Szepanski stated that he had pulled a copy of the State regulation for a Café Liquor License and had also called the State Liquor Commission. He then distributed a copy of the regulations to the Commission members, staff and applicant. Mr. Szepanski stated that he had spoken with Phil Colla, Liquor Agent with the State Liquor Commission, and had discussed the application with him. He went on to say that Mr. Colla had made it clear to him that the Liquor Commission would not allow a pass thru window between the proposed establishment and Chris's for the purpose of passing food from Chris's to Mike's Blue Collar Bar. Mr. Kwort stated that when he had called the Liquor Commission they had made it clear to him that they would allow the pass thru window.



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Mr. Szepanski stated that according to the regulations Mr. Kwort would not need a pass thru window; the only requirement was to have food available. He went on to say that if Mr. Kwort were to supply menus and telephone numbers to local establishments, his patrons could call and have food delivered. Mr. Kwort stated that he had been told just the opposite. The discussion continued briefly and Mr. Szepanski then gave Mr. Kwort Mr. Colla's telephone number at the Liquor Commission.

Mr. Kwort asked, if he were to build a small kitchen and was not going to prepare any greasy food items (i.e. French fries, etc.), would he need to install a grease trap and exhaust system. He went on to say that he could prepare and provide grinders to his patrons. He then asked if he would need to install a grease trap and exhaust system if he were only going to prepare and serve cold grinders. Mr. Steele stated that he thought that there were some limitations and exceptions, but that Mr. Kwort would have to check with WPCA.

Mr. Gannuscio asked what kind of permit Pool Table Magic had obtained. Ms. Rodriguez replied that it may have been a Café Permit, but that she was not sure.

Mr. Gannuscio then noted that the Café Permit did not require the preparation of food just that food be made available. Mr. Kwort stated that he would rather prepare the food on-site rather than having his customers call out for food.

Mr. Zimnoch asked for any public comments in favor of the application. There were none.

Mr. Zimnoch asked for any public comments in opposition to the application. There were none.

Joe Calsetta addressed the Commission and noted that the WPCA was going to be meeting the following evening. He went on to say that they allowed for public input, therefore if Mr. Kwort wanted to attend he could ask them about the need for a grease trap. Mr. Kwort stated that he would be in California the following day and could not attend the meeting. Both Ms. Rodriguez and Mr. Steele stated that they could inquire with WPCA about the grease trap issue.

Mr. Zimnoch asked the Commission members and staff for any further questions or comments. Mr. Szepanski asked Mr. Kwort what the occupancy rate would be. Mr. Kwort replied that he did not know. Mr. Szepanski then asked what the occupancy limit would be. Mr. Kwort replied that it would be whatever the Fire Department said it should be.



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Ms. Rodriguez read the following from the Fire Marshall's memorandum dated January 26, 2012:

öPlease be advised that review of the revised site plan, indicating the addition of a center island, for the above noted project disclosed no issues affecting fire apparatus access or fire suppression.ö

Mr. Szepanski asked if there was any response from the Acting Police Chief. Ms. Rodriguez stated that she had not received anything from the Police. Mr. Szepanski then asked if it was something that they should have. Mr. Gannuscio stated that in the past they only received something if there was a problem. He then asked if a set of the plans had gone to the Police Department. Mr. Kwort replied that he had sent a set of plans to both Police and Fire.

Mr. Gannuscio noted that at the public hearing for the last liquor permit that had come before the Commission there had been some public concerns regarding Halfway House Road. He went on to say that the proposed site was different in that there was more than one way in and out of the site. He also pointed out that there was a signaled exit/entrance onto Route 75 via National Drive resulting in the lessening of safety concerns.

Chairman Zimnoch asked the Commission members if they wanted to close the public hearing or keep it open. A brief discussion followed regarding the pass thru window to Chris's Pizza versus the preparation of food on-site and Mr. Gannuscio pointed out that the applicant was entitled to have something in writing from the Liquor Commission stating what was allowed. He then recommended that they keep the hearing open so that the applicant could obtain something from the Liquor Commission and present it to the Commission before any decision was made. All of the Commission members agreed.

**Mr. Zimnoch moved to continue the public hearing on the Special Use Permit / Liquor Permit application of Neal Kwort / Mike's Blue Collar Bar, LLC for the property located at 5 National Drive, #6 to March 12, 2012. Ms. Ramsay seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.**

Mr. Kwort stated that he was going to be working in Atlanta on March 12<sup>th</sup>. He then asked if he could simply submit the information in writing to the Commission for that meeting. Mr. Gannuscio replied that he could.

Chairman Zimnoch called a five minute break at 8:15 pm.

**FIVE MINUTE BREAK:**

Chairman Zimnoch called the meeting back to order at 8:20 pm.



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## REVIEWS:

There were none.

## ACTION ON CLOSED PUBLIC HEARING ITEMS:

There were none.

## OLD BUSINESS:

### a. Discussion with Commission and Staff

No discussion took place.

## NEW BUSINESS:

### a. Public Input

There was none.


### b. Receive New Applications

#### i. Special use permit application of The Hartford Springfield Auction Coop, LLC for the property located at 24 King Spring Road.

**Mr. Gannuscio moved to accept the special use permit application of The Hartford Springfield Auction Coop, LLC for the property located at 24 King Spring Road and schedule a public hearing on March 12, 2012. Chairman Zimnoch seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.**

Mr. Steele noted that he had not seen any drainage calculations submitted with the application and although it was an existing site the applicant was going to be expanding an impervious area. He went on to say that typically in such a situation he would look for some type of capacity analysis. He then asked if someone could pass his request for a capacity analysis on to the applicant.

Mr. Calsetta stated that he could pass the information along to the applicant. He then asked where the impervious area being expanded was located on the plan. Mr. Steele replied that there was a portion in the back that looked like it was pitching off the property to the back and another portion in the front parking lot to the right side of the



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building. He went on to say that that expansion would be going into the existing system. Mr. Calsetta asked if that was a future expansion or if it was going to be done right away. Mr. Steele stated that it was unclear as to when it was going to be done. Mr. Calsetta stated that he would pass the information along to the applicant and also have the applicant's engineer contact Mr. Steele directly to discuss it.

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

Mr. Steele stated that he had contacted Ed Lally about the needed as-built. He went on to say that he had told Mr. Lally that the Commission wanted to wrap up the request for the acceptance of the roads by the March meeting, therefore Mr. Steele had also told Mr. Lally that he needed the as-built by the end of the current week or the following week at the latest. Mr. Steele noted that Mr. Lally had said that that would not be a problem.

**COMMUNICATIONS AND BILLS:**

Mr. Zimnoch stated that he had received a bill for the West's Mr. Gannuscio explained that it was a three or four volume set of hardbound zoning case law and interpretations which was updated on a yearly basis with a set of pocket parts. He went on to say that the bill was for the update to the reporting service.

**Mr. Zimnoch moved to approve the bill for \$106.89. Ms. Ramsay seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.**

Mr. Gannuscio referred to the information packet that had been distributed at the beginning of the meeting to all of the Commission members and asked Ms. Rodriguez if she had been the one to put the work in on it. Ms. Rodriguez replied that she had put it out on the List Serve and had added the responses to the table that Mr. O'Leary had previously put together. She referred to the "Town Actions With Regards To Alcoholic Beverage Regulations" sheet and explained that what she had updated was shown in blue. Ms. Rodriguez then proposed that the Commission consider amending the regulations.

Ms. Rodriguez stated that she had received a telephone call from someone with a shop at the airport. She went on to say that in the past she had always been advised that the Town's regulations did not have jurisdiction over anything located at the airport, because it was State property. Ms. Rodriguez stated that earlier that day she had been advised just the opposite. She then explained that someone at the airport wanted to sell gift baskets which contained wine in them and that the State had told her to put them thru the Town's permitting process.



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Mr. Zimnoch commented that it would be a good idea to look at the alcoholic beverage regulations and a brief discussion followed. Mr. Zimnoch then asked the Recording Secretary to add Alcoholic Beverage Regulations to the March agenda under Old Business.

**Chairman Zimnoch moved to adjourn the meeting. Mr. Gannuscio seconded the motion. All were in favor. The vote was 4 – 0, the meeting was adjourned at 8:40 pm.**

Respectfully submitted,

Diane Ferrari  
Recording Secretary

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**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.**