

PLANNING BOARD & ZONING COMMISSION January 14, 2011 Meeting

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

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

Chairman Gannuscio called the meeting to order at 7:14 pm.

Commission roll call was taken.

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

MINUTES:

Chairman Gannuscio referred to the January 10, 2011 meeting minutes and asked the Commission members and staff for any comments or corrections. They had none. Mr. Gannuscio moved to approve the January 10, 2011 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. **Continued public hearing on the application to amend Section 605 and add new Sections 607 and 602d to the Zoning Regulations.**

Chairman Gannuscio moved to continue the public hearing on the application to amend Section 605 and add new Sections 607 and 602d to the Zoning Regulations to March 14, 2011. Mr. Scarfo seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.

Chairman Gannuscio suggested that they flip the order of the items on the agenda that evening by taking up Item IV.d before Item IV.c. He commented that he felt that the Commission should hold the public hearing on the site plan review application prior to the special use permit hearing.

Chairman Gannuscio moved to flip the order of Items IV.c and IV.d on the evening's agenda. Mr. Szepanski seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.

b. Public hearing on the motor vehicle license location approval application of Unlimited Auto Sales and Detailing, LLC for the property located at 59 King Spring Road, Unit D & E.

Chairman Gannuscio read the rules for conducting a public hearing. He then asked the Recording Secretary to read the legal notice for the public hearing. The Recording Secretary then read the legal notice that had been published in the Journal Inquirer on February 2 and 10, 2011.

Attorney Paul Smith address the Commission on behalf of the applicant and stated that Jerry Lucci, the owner/operator of Unlimited Auto Sales and Detailing, LLC, was also present that evening. He went on to say that NQGQ Realty, LLC was the property owner and that NQGQ Realty was owned by the Quagliaroli family.

Attorney Smith summarized the site as follows:

- zoned Industrial 1;
- the site was approximately 2 acres in size;
- two fairly substantial industrial buildings were on the site;
- the applicant occupied two units, D and E, in the front of the building;
- on one side of the property in question was the Sales property (an auction house that held a Motor Vehicle Dealers License);
- to the east of the property in question was another Quagliaroli property and the JSL Asphalt plant;
- across the street from the property in question was the tobacco warehouse and an autobody shop; and
- the parcel itself had a number of mixed uses on it.

Attorney Smith stated that Mr. Lucci had operated his business at the site since 1993. He went on to say that it was an automobile detailing business. He then explained that Mr. Lucci took in cars from a number of different customers, such as fleet operators, who bought and sold vehicles through the various auctions. Attorney Smith stated that Mr. Lucci cleaned those vehicles so that they would be ready to be sold at the auction and that he brought them to the auction. He pointed out that no body work or vehicle repairs were done. Attorney Smith commented that Mr. Lucci typically took in six to eight vehicles per day.

Attorney Smith stated that Mr. Lucci believed that one way in which he could better operate his business would be to acquire his own Dealer's License so that he could participate in the automobile auctions. He then noted that the auctions were exclusively for Dealers. Attorney Smith stated that Mr. Lucci was not interested in selling vehicles to the public or in purchasing vehicles from the public. He wanted to acquire a Dealer's License so that he could buy and sell vehicles at the auction. He then explained that that would allow Mr. Lucci



to not only clean his clients' vehicles, but also take those vehicles to the auction and sell them for his clients rather than his clients having to sell them through a third party. Attorney Smith noted that acquiring the Dealer's License would not increase Mr. Lucci's volume.

Attorney Smith stated that they had gone to the Zoning Board of Appeals and had received approval from that Board with the following condition:

•No sales to public or repairs are to be done on the premises.

He then noted that that condition had mirrored the letter that they had sent to both the Zoning Board of Appeals and the Planning and Zoning Commission. He went on to say that they would have no problem having a similar condition attached to any Planning and Zoning Commission approval.

Attorney Smith stated that Mr. Lucci had room inside the facility to park six to eight cars. He then explained that they would queue the vehicles up outside and move them in and out as fast as possible. Once detailed, the vehicles were brought to the auction. Attorney Smith pointed out that Mr. Lucci did not anticipate that his business would change in anyway.

Attorney Smith commented that in Town over the years they had had people who had applied for Dealer's Licenses that were not for public auto sales.

Attorney Smith stated that Mr. Lucci was not proposing any new signage. He went on to say that they had no problem with clear wording to limit the approval so that no repairs or sales would take place on the site. He then pointed out that they had tried to delineate the area of use on the plan, as was required.

Attorney Smith commented that they felt that it was a use that would have zero impact on the area. He then noted that if Mr. Lucci were to start selling vehicles on the site, it would be a violation of his approval.

Chairman Gannuscio asked Mr. O'Leary if he had any questions. Mr. O'Leary replied that he did not; his comments had been answered really well. He went on to say that it did not sound like it was going to change anything on the site. Attorney Smith confirmed that it would not.

Mr. O'Leary stated that what the Zoning Board of Appeals (ZBA) had done in terms of the condition was also applicable for any action that the Commission might make so that it was limited to not include body work, auto repair or sales. Chairman Gannuscio asked if the ZBA condition was noted on the plans. Mr. O'Leary replied that it was not. Attorney Smith then stated that they could add it to plans, if needed. Mr. O'Leary stated that it should also



be limited to the designated area on the plan. He went on to say that it should also be noted that any parking or storage of vehicles would not interfere with the circulation or fire lane around the building.

Chairman Gannuscio asked Mr. Steele for any comments or questions. Mr. Steele asked if the applicant could delineate on the plan the area where vehicles would be parked and where they would not be parked in order to demonstrate that the fire lane would be maintained. Attorney Smith replied that they would do so.

Chairman Gannuscio asked Ms. Rodriguez for any questions or comments. Ms. Rodriguez had none.

Chairman Gannuscio asked Attorney Smith if he had anything further to add. Attorney Smith replied that he did not.

Chairman Gannuscio asked the Commission members for any questions or comments. 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. There were none.

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

Chairman Gannuscio read the memorandum dated January 19, 2011 from the Police Chief which stated that he had no concerns with plans as submitted provided all Zoning Regulations were met.

Chairman Gannuscio read the memorandum from Gary Kuzarski, Water Pollution Control (WPCA) stating that a 1,000 gallon oil/water interceptor was installed back in 2009. Mr. Gannuscio asked Mr. Steele if he was aware of that interceptor. Mr. Steele replied that he was and that it was shown on the plan.

Chairman Gannuscio read the memorandum from Scott Lappen, Public Works Director, which stated that he had forwarded the plan for review to Water Pollution Control.

Chairman Gannuscio asked Ms. Rodriguez if she had received a letter from the Fire Marshal. Ms. Rodriguez replied that she had, but that she did not have an extra copy of the letter.



Attorney Smith stated that he had an extra copy and then proceeded to submit that copy to the Chairman. Mr. Gannuscio then read the January 19, 2011 letter from the Fire Marshal which stated that the revised site plan did not indicate storage areas for vehicles waiting detailing and sale. Please indicate how many vehicles are anticipated being staged on the site and in what location they will be staged. Mr. Gannuscio pointed out that that had already been addressed as part of the presentation that evening.

Chairman Gannuscio moved to close the public hearing on the motor vehicle license location application of Unlimited Auto Sales and Detailing, LLC for the property located at 59 King Spring Road, Unit D & E. Mr. Zimnoch seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.

Chairman Gannuscio asked for a motion regarding the motor vehicle license location application. Mr. Szepanski moved to approve the motor vehicle license location application of Unlimited Auto Sales and Detailing, LLC for the property located at 59 King Spring Road, Unit D & E with the following conditions:

- the outdoor parking be delineated on the plans where the vehicles will be staged for detailing;
- continuation of the Zoning Board of Appeals condition (no sales to public or repairs are to be done on the premises) on the plans; and
- the Motor Vehicle Dealer's License be limited to the license area as shown on the site plan.

Mr. Zimnoch seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.

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

Chairman Gannuscio asked the Recording Secretary to read the legal notice. The Recording Secretary then read the legal notice that was published in the Journal Inquirer on February 2 and 10, 2011.

George Johannesen from Allied Engineering Associates, LLC addressed the Commission on behalf of the applicant and asked that all of the previous comments and documents that had been provided during the previous hearing be forwarded to the current hearing file.

Chairman Gannuscio commented that since they had a new application with a new public hearing he felt that they should start anew with the application that was currently before the Commission.



Mr. Johannesen then requested that if any of the residents of the condominium complex commented during the hearing that they be asked to state what unit they resided in.

Mr. Johannesen summarized the proposal as follows:

- the site was located on the north side of the cul-de-sac at the end of Loten Drive, opposite the newly remodeled Fairfield Inn;
- the site was a vacant, undeveloped lot;
- there were existing utilities on the site with various easements associated with them;
- the site was zoned Business 1;
- the site was presently mostly covered in gravel;
- there were two catch basins on the property;
- most of the site drained to the lower of the two catch basins;
- the basins then outlet into an open drainage swale;
- the proposal was to construct a 6,400 square foot Margueritas Restaurant;
- 63 parking spaces were proposed for the 159 seat restaurant; and
- they had shown that they had met the landscaping requirements in the parking area (15%).

Mr. Johannesen pointed out that the 15% parking area landscaping was missing from the plans that the Commission members and staff had received. He explained that he had made some slight modifications to the plans based upon comments that he had received from Mr. O'Leary and Mr. Steele earlier that afternoon.

Mr. Johannesen stated that they had met with staff several times and that he believed that they had met all of the staff's requirements. He went on to say that the site would be serviced by public sewer and water and that they would have underground electric, telephone, cable and gas utilities.

Mr. Johannesen stated that the proposed stormwater would be collected in a series of catch basins and then run the water into water quality units which were designed to remove pollutants and increase the water quality prior to draining into underground detention systems. He went on to say that the detention systems had been designed to not allow any increase in the rate of runoff. He then noted that they had looked at the existing site as if it were grass instead of gravel in order to be a little bit more conservative. Mr. Johannesen commented that there were existing sewer lines along the west side of the property and that they would be tying into those lines. He then stated that the kitchen water that might contain grease would run through two 1,000 gallon grease traps before entering the existing line at a new manhole.

Mr. Johannesen stated that he had talked with the Police Chief and had discussed his concerns regarding the exit onto Halfway House Road. At the Chief's recommendation the applicant had added the "No Left Turn" sign and changed the radii at the intersection with the road to try to steer people away from turning to the left.

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Mr. Johannesen read the comments from Mr. O'Leary's February 11, 2011 memorandum and responded 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 the applicant agreed with Mr. O'Leary's comment.

2. The plans, Sheet C-1, 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. This Table indicates that the basic zoning requirements of lots size, building setbacks, building coverage, impervious coverage are in compliance with the Regulations.

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

3. The Table also shows a 25 ft buffer requirement has been provided, and the revised plans now show this buffer area along the boundaries of the site where it abuts parcels developed with residential uses. This buffer is shown along the common property line of a single family house lot on Halfway House Road and along the common boundary of the Concorde Landing Condominiums.

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

4. The buffer area along the Concorde Landing Condominiums is shown planted with three clusters of three pine trees each. Although there is a significant distance to any residential units, and this area is generally wooded, the vegetation is mainly deciduous trees and the Commission should determine if additional year-round screening materials in this area of the site are needed.

Mr. Johannesen stated that the applicant agreed with Mr. O'Leary's comment, but that the applicant believed that by adding the buffer as was requested and the additional screening trees, which were not required, there was more than enough buffer between the condominium buildings and the site in question. He then noted that the nearest building was over 210 feet from the property line.

5. The Zoning Data Table also contains the parking requirement ratios (1 space for each 3 seats and 1 space for each employee on the largest shift) for restaurants and indicates that 63 spaces are provided. The plan indicates that 159 seats and 10 employees are proposed. It appears that the calculations include both inside and outside seats in these calculations.

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

6. The current plan has reduced the number of dead-end parking areas that were previously proposed. One such area is shown at the south-most end of the parking area. This area could be connected to the adjoining parking lot owned by the same owner as 4 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.

Mr. Johannesen stated that the applicant agreed with Mr. O'Leary's comment, but noted that the applicant had provided a backing up area as had been previously requested in that area. He then stated that they had also eliminated another dead-end area from the plan.

7. 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 are full cut-off fixtures, and generally light illumination levels appear to be sufficient and limit impact on abutting properties.

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

8. 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 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 the applicant agreed with Mr. O'Leary's comment.

9. 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 should be 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 are in compliance.

Mr. Johannesen stated that it was now included on the plans that he had brought with him that evening. He explained that there had been a drafting error when the set of plans that the Commission and staff had received were plotted. He went on to say that the applicant agreed with Mr. O'Leary's comment and that they had shown the 15% landscaping area.

10. Building elevations and a floor plan is provided as required. These now provide information on details of building materials. Providing material and color samples to the Commission at the meeting might be useful. Also, provide details for screening and fencing for the outside seating area (as may be required by the Liquor Control Commission).

Mr. Johannesen stated that he had photographs of the Margueritas that they had built the previous year in Lexington, Massachusetts. He went on to say that he had been unable to get actual samples of the building materials for the meeting that evening. He then submitted the photographs to the Commission. Mr. Johannesen referred to the outside seating area and stated that they had added a note to the plan stating that the outdoor patio area would be surrounded by a 6 foot high wrought iron fence with ballast.

11. 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 the calculation was on the plan. He then explained the calculation as follows:

- the building was 80 feet 2 inches wide which converted to 80.17 feet times 2 square feet per linear foot for 160 square feet allowed.

He went on to say that 160 square feet of signage was what they were proposing.

12. A Separate Special Use Permit application has been submitted for a liquor permit as required in Chapter V. This Chapter sets up a number of distance requirements. A distance of 200 feet is required from churches and educational uses which appears to be in compliance with this site. Also a 1500 foot distance is required from other restaurants that serve alcoholic beverages for on-premise consumption. This suite does not comply with this separation requirement; however, the Commission can decrease this distance based on the standards found in Section 503. The applicant is requesting such a reduction. This is a policy determination and decision for the Commission to make as to the proper locations for such uses. However, a written statement from the applicant addressing the aspects of Section 503, and providing reasons that support such a waiver as is being requested would be useful for the Commission.

Mr. Johannesen stated that they had submitted additional materials for the liquor permit. Chairman Gannuscio noted that they would save those materials for the special use/liquor permit application public hearing.

Mr. Johannesen stated that he had received Mr. Steele's letter dated February 14, 2011 after 1:00 pm that afternoon and that that was why he did not have a full set of plans; he had not had enough time to print everything for that evening's meeting. He then read Mr. Steele's comments and gave his response as follows:

1. Sheets C-1, C-2 and C-3 require a land surveyor stamp and declaration of accuracy to A-2 & T-2 standards. Surveyor's notes shall also indicate that the horizontal datum is NAD83 per section 1102.A.2.b.

Mr. Johannesen stated that they had gotten a new A-2 survey done. He went on to say that he had been trying to get the surveyor to make some changes to the plan based on typographical errors, but that the surveyor had not yet made those changes. He then noted that then would be providing a full signed and sealed copy of the survey and that the surveyor would be signing the first three sheets of the application package.

2. The existing utility easements along the western property boundary are in favor of a private third party. The applicant shall provide documentation demonstrating they have the right to tie into these services.

Mr. Johannesen stated that they would provide the documentation demonstrating the right to tie into the utilities.

3. As a condition of this approval, the applicant should agree to execute and file the proposed 30' drainage easement in favor of the Town of Windsor Locks in a form acceptable to the Town Attorney.

Mr. Johannesen stated that they were relocating the utility easement and that they would make sure that it was filed properly.

4. An area map is provided on sheet C-6, but does not indicate the existing uses of each parcel.

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

5. Water quality flow calculations are required to demonstrate adequate sizing of water quality units. I have also asked the engineer to evaluate the feasibility of reconfiguring the drainage system to improve treatment prior to groundwater recharge.

Mr. Johannesen stated that the units had been sized by the manufacturer; for HW1 it was .31 cfs and for HW2 it was .58 cfs. He went on to say that each unit could treat 1.1 cfs. He referred to the configuration of the drainage and stated that on the original plan they had showed drainage going through the catch basins, into the detention system and then into the water quality units, but that that had been changed by putting the water quality units before the detention system as had been recommended by Mr. Steele. Mr. Johannesen noted that they were also putting hoods and deep sumps in all of the catch basins.

A member of the public asked if Mr. Johannesen could be a little more specific with regard to the drainage situation by showing exactly where it was located and where it was abutting Halfway House Road. Chairman Gannuscio asked Mr. Steele if he saw any need for more details. Mr. Steele replied that the applicant should be allowed to complete his presentation and that they could then address any questions.

6. The engineer has agreed to provide revised drainage calculations using a more conservative hydrologic analysis, which may result in additional changes to the drainage system.

Mr. Johannesen stated that he had two copies of the revised drainage calculations with him that evening.

8. 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 a timetable for removal of the recently installed gravel surface and temporary stabilization with topsoil and seeding in the event that construction of the site is delayed.

Mr. Johannesen stated that they had added a note to the plans and that they were going to create a landscape berm in order to add to the screening. He went on to say that they would be putting the stockpile for the topsoil where that berm was going to be created. He then noted that the following note had been added on Sheet C-1: "If construction is not started within six months of final approval of site plan, gravel shall be removed from site and replaced with four inch minimum topsoil."

9. Provide detail of subsurface infiltration system and typical sewer trench section. I have also asked the engineer to confirm that the storm trench section conforms to the pipe manufacturer's specifications.

Mr. Johannesen stated that the requested detail had been added to the plans and the storm trench had been modified based upon what Mr. Steele had suggested. He went on to say that they had also added the detail of the infiltration system.

10. Grease traps should be labeled on sheet C-3. WPCA is requesting a sewer manhole be installed where the grease trap outlet connects to the existing sewer main. The sewer manhole and detail should be added to the plans.

Mr. Johannesen stated that they had done what had been being requested and had labeled it on the plan as well as showed the proposed manhole.

11. Ramps are required where curbing meets sidewalks flush with the pavement. The applicant may want to consider reconfiguring the handicap parking to eliminate the need for additional ramps.

Mr. Johannesen explained that they had one handicap parking space on one side of the front of the building and the other two on the other side, because the grading did not work very well if they had the flat spot right in front of the door and the three handicap parking spaces all together in that area.

12. The proposed contour labels at the landscape berm should be corrected.

Mr. Johannesen stated that they had corrected the contours labels.



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13. 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 commented that the suggested bond amount seemed reasonable.

Mr. Johannesen stated that the proposed building was a standard design for Margueritas, but that the interior of each Margueritas site was customized. He went on to say that Margueritas tried to serve high-quality, authentic Mexican food as close as possible to the food served in Mexico. He then noted that the decorations used inside the restaurant were mostly authentic crafts from Mexico. Mr. Johannesen pointed out that there were currently 21 Margueritas restaurants in New England. He stated that they had included erosion control measures on the plan as well as two pages of notes and details. Mr. Johannesen concluded by stating that he believed that they had put together a plan that met the requirements of the Town as well as the owners and that would provide an additional entertainment benefit to the visitors and residents of Windsor Locks. He then submitted the plans and drainage report to Ms. Rodriguez and copies of his letter to Mr. O'Leary and Mr. Steele.

Mr. Steele referred to Comment 5 from his February 14, 2011 letter and stated that he needed to see written water quality flow calculations. He then asked if there was a report from the manufacturer. Mr. Johannesen replied that there wasn't, but that he could get one. Mr. Steele stated that the manufacturer's report should be included with the plans.

Mr. Steele referred to Comment 8 from his letter and noted that he had not heard any discussion regarding the actual timetable. Mr. Johannesen stated that it would occur within six months of final approval.

Mr. Steele referred to Comment 11 from his letter and asked if they would be installing ramps. Mr. Johannesen replied that they would be installing ramps.

Mr. Steele stated that he had no further questions, but then noted that he had not yet reviewed the revised plans and calculations. He went on to say that the applicant had indicated that he had made every effort to address all of the comments from the February 14, 2011 letter. He then commented that once he had had a chance to review the revised plans and calculations he could confirm whether or not all of his comments had been addressed.

Chairman Gannuscio asked Mr. O'Leary for any comments or questions regarding the applicant's response to his memorandum. Mr. O'Leary highlighted the following items from his memorandum that he felt were important for the Commission to think about:



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Mr. O'Leary referred to Item 1 from his memorandum and stated that the Commission had decided to have a public hearing on the site plan application, but that it should be clear that the application was still a site plan application; therefore the timeframes for site plan application as set forth under the Federal Statutes was what applied. He then noted that the Commission needed to make a decision on the site plan application 65 days from the day of receipt of the application, but that the applicant could provide an extension of up to another 65 days.

Mr. O'Leary referred to the discussion regarding the buffer area along the residential land use and pointed out that the actual zoning district was not Residential. He then referred to Section 705.F.3 of the Regulations and stated that that was something that would require an interpretation and decision by the Commission.

Mr. O'Leary referred to sidewalks and noted that the Regulations required sidewalks along the frontage of all business parcels but that the applicant had proposed something a little different by bringing the sidewalk down partially through the bulb of the cul-de-sac and then into the site to the restaurant front door entry. He went on to say that it was for interpretation by the Commission. Mr. O'Leary then commented that he felt that what the applicant had proposed was a better lay-out than what the Regulations actually stipulated.

Mr. O'Leary commented that the applicant had indicated that some additional information had been provided. He went on to say that staff would look at that information and provide a follow-up to the Commission.

Mr. O'Leary stated that the building architectural information had been provided within the set of plans and also in the set of photographs that had been submitted that evening.

Mr. Johannesen referred to the timeframe and stated that they were fine with the timeframe Mr. O'Leary had mentioned. He then introduced Attorney Michael Milazzo who was also present that evening and stated that if they needed to provide the Commission with the 65 day extension that they would do so.

Mr. Johannesen referred to the buffer area and then presented an aerial photograph of the Concorde Landing lay-out along with three sets of photographs. Each set of photographs was taken from various buildings within Concorde Landing looking out toward the hotel and the proposed Margueritas site. Mr. Johannesen stated that they had gone over and above what was required and that the buildings were over 200 feet away, but that they would do additional plantings, if the Commission were to require them.



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Mr. Steele referred to the egress onto Halfway House Road and its radius and stated that it appeared as though a tractor trailer would not be able to make a right-hand turn from there. He went on to say that they could make a left-hand turn toward Route 75. Mr. Johannesen stated that they could change it however Mr. Steele and the Commission wanted, but that what had been shown on the plan was what the Police Chief had wanted.

Mr. Scarfo commented that he felt that an exit onto Halfway House Road was a hazard. He then asked Mr. Johannesen how often he expected tractor trailers at the site. Mr. Johannesen replied that he did not know, but that he could find out. Mr. Scarfo reiterated that he did not agree with having an exit onto Halfway House Road, but that if it was required for tractor trailers maybe they could install a gate that would remain closed to vehicles other than tractor trailers. Mr. Johannesen commented that most vehicles would be leaving through Loten Drive, because of the traffic signal. Mr. Steele stated that there was no signal at Loten Drive.

Mr. Szepanski stated that he had previously gone to the site and observed the signal on Halfway House Road. He went on to say that the signal changed every seven or eight seconds and that it allowed four or five vehicles through the intersection at a time. He then commented that he had not seen any back-up of vehicles at that intersection. Mr. Szepanski stated that he saw no problem with tractor trailers turning left onto Route 75 and that he would actually prefer that, although that was in opposition to the Police Chief's recommendation.

Mr. Scarfo referred to the 25 foot buffer and commented that in parts of the plan the buffer seemed narrower than 25 feet. Mr. Johannesen explained that those narrower areas did not abut residential uses or zones.

Chairman Gannuscio asked Ms. Rodriguez for any questions or comments. Ms. Rodriguez stated that she had spoken with the Police Chief and that he had not written a new report nor did he have any concerns with the plans.

Ms. Rodriguez read the Fire Marshal's memorandum dated January 19, 2011 as follows:

öPlease be advised that the review of the site plan did not disclose any issues affecting the Fire Department's access to the site or its ability to suppress a fire within the site.ö

Chairman Gannuscio stated that the site had been disturbed; trees had been cut down and that there had been different concerns with the site prior to the application. He went on to say that a lot of gravel had been put down on the site and that there had been some abandoned cars on the site. Ms. Rodriguez stated that there had been one vehicle on the site, that it had been removed and that she had not seen any more on the site since. Mr. Gannuscio commented that if construction did not start within the six month period then they had a site



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that had already been just about clear-cut and a gravel surface put down. Ms. Rodriguez stated that that was correct. Mr. Gannuscio then noted that it was not the applicant's doing, but rather the owner of the property who had clear-cut the site and laid down the gravel. Ms. Rodriguez stated that the schedule that Mr. Steele had recommended was helpful. Mr. Steele referred to the six months and stated that if the application were approved within the next couple of months it would work for getting the site seeded before the fall, but that if it dragged on longer that that his concern was that it might push them beyond seeding season. He then suggested that it would be better to be more specific and tie it to the planting season.

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

Chairman Gannuscio stated that there had been some concerns by the members of the public regarding being able to view the plans, therefore he called a five minute break at 8:25 pm to allow members of the public to view the plans.

FIVE MINUTE BREAK:

Chairman Gannuscio called the meeting back to order at 8:35 pm.

Chairman Gannuscio stated that he had received a petition in support of Margueritas in Windsor Locks from a group of people familiar with the Margueritas concept. He noted that the petition contained 24 signatures and that of those signatures 13 were from Windsor Locks residents.

Chairman Gannuscio pointed out that anyone residing at Concorde Landing Condominiums and giving comments before the Commission that evening should not only state their name and address, but also their unit number.

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

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

Gina Pastullo of 106 Ella Grasso Turnpike addressed the Commission and noted that the applicant had stated that there would 159 seats, 10 employees and 63 parking spaces. She went on to say that she wanted to make sure that that was correct, because at the previous application hearing the applicant had not wanted their outdoor seating included in the parking calculation. Ms. Pastullo referred to the 10 employees for the restaurant and pointed out that there would probably be one manager, one bartender, one host and one dishwasher which



would only allow them to have three cooks and three waitresses. She then commented that that would mean that each waitress would have to wait on 50 people which would be impossible. Ms. Pastullo went on to say that there was no way that they could run the establishment with ten people; ten was not a true number. She then suggested that the Commission take a look at whether the proposed parking spaces were based upon seats and employees or square footage.

Ms. Pastullo referred to the right and left turns onto Halfway House Road and stated that either way would be a problem. She went on to say that Route 75 was a bad spot as well; the light on Route 75 and Halfway House Road was a bad spot. She commented that there was always a long back-up at that light. Ms. Pastullo then pointed out that there must have been a reason why the Police Chief wanted vehicles exiting Margueritas to take a right turn, but that in her opinion that right turn would be even worse.

Michael Johnson of 2 B4 Concorde Way addressed the Commission and asked if the previously noted rule of one parking space for every three seats in the restaurant was a rule just for this particular situation or if it was a general Windsor Locks rule. Chairman Gannuscio replied that it was a Windsor Locks Zoning requirement. Mr. Johnson commented that having worked for years in restaurants he was having some trouble with that rule and the fact that Margueritas would only be required to have 63 parking spaces. He then explained that the average vehicle driving to a restaurant for a sit-down meal contained two people and for happy hour contained only one person. He then noted that Margueritas Restaurants drew a large happy hour crowd.

Mr. Johnson then referred to the stated number of employees and stated that there would be a lot of overlap of employees; they would not have ten employees showing up for work at the same time and leaving at the same time. He then asked if there was going to be live music or amplified music on the patio. Mr. Johannesen replied that as far as he knew there would not. Mr. Johnson then asked if any consideration had been given to use the old Albert's pad for Margueritas, if the proposed site did not work out.

Chris Boyd of 10 B4 Concorde Way addressed the Commission and stated that he was the President of the Concorde Landing Condominium Association and represented 132 taxpaying owners. He referred to the vehicles pulling out of the site onto Halfway House Road, noted that he was a CDL driver and then stated that that intersection combined with a truck trying to turn, even to the right, would be a complete blindside issue. He explained that any straight truck would have to straddle the entire street to make that turn and that it would be hazardous and dangerous.



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Mr. Boyd commented that vehicles leaving the restaurant and travelling down a residential area, especially after happy hour, was not a good idea. He then noted the recent situation in Town where a youth was struck and killed. He went on to say that that evening before the meeting there were four kids walking down the side of Halfway House Road and that one of them had almost gotten hit.

Mr. Boyd stated that there were a large number of residents at Concorde Landing Condominiums who were concerned with noise. He then noted that the applicant had failed to mention, while showing the photographs of Buildings 8 and 9, that they were not directly affected by the proposed restaurant at all; Building 10 was the one directly affected. He then commented that it was a lot closer than 250 feet from the property line. Mr. Boyd stated that he could tell anyone when the Skyline and Ruby Tuesdays restaurants had their dumpsters emptied, because he heard them every time. He then commented that the noise would not work for him; especially the noise from a restaurant that was going to have outdoor music (he could already hear the music from the Skyline). Mr. Boyd pointed out that at the November meeting it had been stated that there would be outdoor music at the restaurant. He explained that the residents of Concorde landing would want a 40 foot highway barrier installed to buffer the noise; a few trees would not do anything.

Mr. Boyd noted that there was another Condominium Association where National Rental Car and Papa Ginos were located that also had concerns, although they were not present that evening. He went on to say that traffic would cut through that area as well and that the roads were already unsafe there. He then commented that there were always tractor trailers and cars parking along National Drive with not enough room to pass by them.

Mr. Boyd concluded by saying that he did not think that the whole exiting system was good; it was not a good location.

Chairman Gannuscio clarified that Mr. Boyd's concerns with regard to noise were the music (if any) and dumpster noise. Mr. Boyd stated that that was correct as well as the noise simply from people getting in and out of their vehicles and hollering in the parking lot. He went on to say that they were a residential property and that they were there first. Mr. Boyd referred to the safety issue and stated that if they had people leaving the restaurant on foot and walking down Halfway House Road there were no sidewalks there for them. He reiterated that there had recently been a bad accident in town where a drunk driver hit a young kid in a residential area and that they were now proposing to send more cars down into a residential area where it could happen again. Mr. Boyd stated that that was a big concern with the residents in Concorde Landing.



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Mr. Szepanski asked Mr. Boyd how long he had lived at 10 B4 Concorde Landing. Mr. Boyd replied that he had lived there since 2002. Mr. Szepanski asked if that was before or after Ruby Tuesday went in. Mr. Boyd replied that it was before.

Carl Barnes of 19 Greenwood addressed the Commission and stated that he worked at Bradley Bowl. He went on to say that he travelled that road at least six times a day and that if they were going to put more traffic there it would be trouble. He commented that about one year prior he had gotten hit head on in that area. Mr. Barnes stated that the safety issue was the biggest issue that they had to take a look at.

Chairman Gannuscio asked Mr. Barnes if he was concerned with the safety on Halfway House Road itself or the whole area. Mr. Barnes replied that he was concerned about the whole area.

John DeAmato of 106 Ella Grasso Turnpike addressed the Commission and stated that he was concerned about having more buzz drivers in Windsor Locks; they did not need anymore. He then pointed out that Margueritas had a dispenser that chilled and dispensed tequila right out of the bar. He went on to say that there would not be one 18-wheeler per day; there would be three or four per day at the restaurant.

Joe Morrison of Building 8 in Concorde Landing and stated that he felt the same way as the others who had spoken that evening. He went on to say that a lot of his neighbors felt the same as well. He then reiterated that safety was their number one concern as well as the noise.

Chairman Gannuscio asked Mr. Morrison about the noise that currently existed; what exactly was the noise from the existing restaurants in the area. Mr. Morrison replied that the concern was really to not increase the amount that they already experienced.

Mike Hargrove of 4 B3 Concorde Landing addressed the Commission and commented that the proposed project might be too large for the space available on the site in question. He went on to say that the parking lot sort of snaked around the building and that the traffic flow through the parking lot was going to be a problem. He then noted that exiting out onto Halfway House Road and/or Route 75 would both be problems. Mr. Hargrove stated that he agreed that sound reduction was in order.

Chris Boyd addressed the Commission a second time and suggested that maybe a traffic survey should be done for the entire area, because of the safety issues. He noted that the survey should also include Loten Drive. He then pointed out that there was no traffic light on Loten Drive.



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Gina Pastullo addressed the Commission again and pointed out that three months prior the applicant had proposed a 6,400 square foot restaurant with 170 seats plus 24 employees. She went on to say that it did not say that that plan did not have the outdoor patio on it. She pointed out that without changing the size of the building the applicant had decreased the number of seats and employees. Ms. Pastullo commented that she did not know how they had done that and that the Commission should not let that fly (it was just the applicant's way to get away with doing less parking than what the Town actually required). She then suggested that the Commission ask the applicant to explain how they came up with the difference; it did not seem reasonable.

Chairman Gannuscio reiterated that the Commission was considering the set of plans and application dated January 5, 2011 that evening; not anything submitted previously. Ms. Pastullo stated that she understood that, but that the applicant could not just change a number and make it seem like it was okay. Mr. Gannuscio again pointed out that the application and plans before the Commission that evening were dated January 5, 2011.

Chairman Gannuscio asked for any further public comments in opposition. There were none.

Chairman Gannuscio then asked Mr. Johannesen for any response to the issues raised by the general public. Mr. Johannesen referred to the number of employees and stated that that was the information that he had been given, but that he would investigate it to find out whether it was accurate or not. At that point there was a small outburst from a member of the public. Mr. Johannesen then referred to the vehicles turning out onto Halfway House Road and stated that they had received reports from both Police and Fire stating that there were no problems with it. He went on to say that they would take a look at the alternative that one of the Commissioners had suggested earlier that evening such as installing a gate at that exit. Mr. Johannesen referred to the music and reiterated that he had stated that as far as he knew there would be no outdoor music from bands or piped, ambient music, but that he would check into it further. He then commented that he did not have an answer as to how many trucks would be on site each day, but that he would try to find out the answer to that question.

Mr. Johannesen stated that they were proposing a use that was permitted by right and that they had met all of the Zoning Regulation requirements in their application. He went on to say that there were other restaurants all up and down that area of Town and that adding another restaurant was not really going to change the noise levels. He then pointed out that there was nothing in the regulations that stipulated a minimum or maximum noise level. Mr. Johannesen stated that the dumpster noise issue at Ruby Tuesdays really did not apply to the proposed Margueritas and that the dumpster was part of their permitted use.



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Mr. Johannesen stated that they had not changed the size of the building; they had removed some seating inside the building based upon direction that they had received. He went on to say that the outside seating was included in the parking calculations.

Chairman Gannuscio referred to the driveway out of the Mobile Station that exited onto Halfway Hosue Road and asked Mr. Johannesen if he could give him the approximate distance between that driveway and the proposed driveway to Margueritas. Mr. Johannesen replied that it was 70 to 75 feet from center to center. Mr. Szepanski asked what the distance would be from the proposed driveway to the traffic light on Route 75. Mr. Johannesen replied that that would be about 250 feet. A member of the public stated that there were four driveways there right in a row. Mr. Szepanaki acknowledge that the other two were further east.

Chairman Gannuscio stated that the following two letters had been submitted to the Commission:

- from Frank DøAmato; and
- from the Boutwell Family.

Mr. Gannuscio asked if all of the Commission members had received copies of both letters. All except Mr. Szepanski had received them. Mr. Gannuscio then gave Mr. Szepanski and the Recording Secretary copies of the letters.

Chairman Gannuscio asked Mr. OøLeary for any further comments. Mr. OøLeary stated that additional information would be coming from the applicant; therefore the public hearing should be continued so that staff could review that information and provide additional comments on it.

Mr. Steele referred to the gate to restrict access to Halfway House Road that had been suggested and stated that it was something that they would want to think about carefully, because there was no signalized intersection on Loten Drive. He then pointed out that having another egress from the site would have benefits.

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

Chairman Gannuscio moved to continue the public hearing on the site plan review application of Jin Hospitality, LLC for the property located at 4 Loten Drive to March 14, 2011. Mr. Zimnoch seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.

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

Chairman Gannuscio asked the Recording Secretary to read the legal notice. The Recording Secretary then read the legal notice that was published in the Journal Inquirer on February 2 and 10, 2011.

Attorney Michael Milazzo addressed the Commission and stated that he was from 41 Trumbull Street, New Haven, Connecticut and that he represented the applicant. He went on to say that he had previously sent a hand-out to Commission members and staff which described what Margueritas did. He then stated that he had also submitted a letter dated February 14, 2011. Chairman Gannuscio verified that they had been received.

Attorney Milazzo referred to the hand-out and stated that Margueritas was primarily a restaurant, not a bar. He then pointed out that out of a six page menu; only one quarter of one page had to do with drinks. He also pointed out that there was a childø menu as well. He commented that a restaurant that was primarily a bar did not have a childø menu. Attorney Milazzo referred to the seating in the restaurant and stated that 19 out of 159 seats were dedicated to the bar and that there was no separate entryway or exit to and from the bar. He then noted that only about 10% of the seating was dedicated to the bar area. He explained that the bar would primarily be for people waiting for a seat and for people who wanted to have a drink with their dinner. Attorney Milazzo reiterated that Margueritas intended to bring authentic Mexican cuisine, most of which would be prepared fresh daily at the site.

Attorney Milazzo referred to Section 502 of the Regulations and pointed out that the Commission had the right to decrease the required 1,500 foot distance between facilities with a liquor license if the license was primarily for a restaurant. He then stated that the applicant was applying for a restaurant permit on their liquor application. Attorney Milazzo stated that the Regulation set forth the following conditions that must be met in order for the Commission to decrease the separating distance:

öShall 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.ö

- Attorney Milazzo reiterated that Margueritasø menu was six pages long and full of authentic Mexican food indicating that it was primarily a restaurant and not primarily a bar.

öShall not conflict with the general purpose of these Regulations as they relate to the area.ö

- Attorney Milazzo stated that they were located in a Business 1 Zone and that a restaurant was permitted by right in that zone. He went on to say that they would not conflict with the general Zoning Regulations.



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öShall 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.ö

- Attorney Milazzo referred to the hand-out and stated that Margueritas really looked to improve the community and would take an active part in educational activities at universities and local schools. He went on to say that Margueritas brought visiting artists in to make presentations at the restaurant and brought local schools to the restaurant for those presentations and/or actually brought the artists to the local schools. Attorney Milazzo stated that every full moon Margueritas had a business that sponsored an activity in the lounge and that 5% of those proceeds went to local charities. He went on to say that any local charity could make an application for those proceeds. Attorney Milazzo stated that Margueritas would be a good neighbor and would be an asset to the community. He went on to say that managers were all highly trained. He then noted that he had been involved with several Margueritas Restaurants and that they had never had a problem in the community. Attorney Milazzo then stated that they had actually won many community awards.

öShall not hinder the appropriate development and use of adjacent land and buildings or cause traffic hazards.ö

- Attorney Milazzo stated that the area in question was pretty much developed with a gas station, hotel and another restaurant. He then pointed out that they would be in a Business Zone and that the restaurant would be consistent with that zone.

Attorney Milazzo commented that based on all of those criterion the Commission did have the power to decrease the 1,500 separating distance to accommodate the applicant's needs.

Chairman Gannuscio asked the Commission members for any questions. Mr. Szepanski asked Attorney Milazzo, based upon gross revenue, what percentage split was there between alcohol and food. Attorney Milazzo replied that he did not know, but that he could get that information for the Commission.

Chairman Gannuscio asked Mr. O'Leary for his comments. Mr. O'Leary stated that in the report that he had referenced at the prior public hearing that evening he had an item that had talked about this portion of the application. He went on to say that procedurally the special use permit/liquor permit application was on a different statutory timeframe than the site plan. Mr. O'Leary noted that the special use hearing could stay open for the 35 days and could be extended by the applicant with permission to the Commission. He went on to say that once the hearing was closed the Commission had 65 days to make a decision on it.

Attorney Milazzo stated that the applicant was more than willing to grant an extension to the Commission.



Mr. O'Leary stated that for any special permit application there were four different sections of the Regulations that the Commission should look at in order to grant the waiver that was being requested. He went on to say that Section 1103.A contained standards and findings that should be reviewed for each individual special permit application. He then pointed out that it was a policy decision that the Commission needed to make

Attorney Milazzo noted that the Commission had already made exceptions in the area and that the applicant was asking that they be given the same consideration in return for what the restaurant could give back to the community.

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

Chairman Gannuscio asked Mr. Steele and Ms. Rodriguez 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.

Gina Pastullo of 106 Ella Grasso Turnpike addressed the Commission and stated that the special use permit/liquor permit should not be approved. She reiterated that Section 502B stated that no liquor license shall be issued within 1,500 feet from an establishment that already had a liquor license. She went on to say that there were two liquor licenses within 1,500 feet; Ruby Tuesdays which abutted the property in question (0 foot distance) and Skyline which was 250 feet away. Ms. Pastullo then noted that Section 503 stated that the distance limitation set forth in subsection 502B may be decreased by the Commission; not shall be decreased or waived, etc. She went on to say that the applicant was proposing to eliminate the distance, because it would be zero between the proposed restaurant and Ruby Tuesdays. Ms. Pastullo commented that the Commission would be setting precedent by allowing three liquor licenses within the 1,500 feet. She continued on by noting that Section 503 went on to say that the Commission, after a public hearing and having taken into consideration the provision of these Regulations and the proximity, Ms. Pastullo commented that Section 503 was telling the Commission to think "how close is it?"; think about the actual distances. She then read the following four conditions from Section 503 that needed to be met before the distance could be decreased:

ö 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.ö

Ms. Pastullo stated that subordinate and incidental meant that it should be minor, secondary to the sale of food. She went on to say that on Margueritas own website, under Franchising Overviews, it stated that the beverage percentage of gross sales was 49.5%. She then commented that that was nearly half and that she did not consider that incidental or subordinate. Ms. Pastullo stated that they also advertised a daily happy hour from 4:00 to 6:00 pm and moonlight specials from 9:00 pm to 1:00 am (drink specials). She then commented that she knew of no restaurant that ran moonlight specials, but that bars all had them. Ms. Pastullo stated that Margueritas was really a bar that sold food, a pub. She then stated that the Commission really needed to think about what they were doing, because it wasn't really a restaurant (their primary focus was liquor). She noted that the name of the establishment alone should alert the Commission of what was truly being proposed, "Margueritas"; they were named after an alcoholic beverage (drink first, then food). She then referred to some customer reviews in which one customer bragged about their humongous margueritas and another stated that "their food is generally good, but really their signature dish is the margueritas". Ms. Pastullo then submitted copies of the information that she had gathered and requested that it be made part of the public record. She then commented that she had been to the Margueritas Restaurant that was located in East Hartford and that she had always considered it a bar, not a restaurant.

öShall 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.ö

Ms. Pastullo stated that Halfway House Road was a nearby residential zone and that Concorde Landing was an abutting residential zone. She then asked if the Commission could truly say that Margueritas would not affect the residents' health, safety and morals. She went on to say that it was really gray and that the Commission needed to really think about what the Regulations were trying to get them to think about; there was a reason why it was written and the Commission needed to figure it out. Ms. Pastullo then commented that she believed that it was telling them that if it was one of those types of areas that was right near the proposed bar then they should not be allowing the distance to be decreased. She went on to say that the Commission should be thinking the same thing for the residential areas that they would for a school, playground or church.

öShall not hinder the appropriate development and use of adjacent land and building or cause traffic hazards.ö

Ms. Pastullo pointed out that they had been discussing traffic hazards all evening long. She went on to say that alcohol and residential zones did not go hand-in-hand.



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Ms. Pastullo stated that three of the four provisions that needed to be followed were not being met. She went on to say that that they were the Commission's Regulations, they had approved them and that they were supposed to standby them. She then noted that she was a member of the Planning and Zoning Commission in Suffield and that to allow the application to proceed forward would be gross negligence of the Commission. Chairman Gannuscio clarified that Ms. Pastullo was accusing the Commission of gross negligence for allowing the application to go forward. Ms. Pastullo replied that it would be gross negligence if the Commission were to approve the application. She apologized and said that she had mis-spoke. Mr. Scarfo stated that he had been to some of Suffield's Planning and Zoning meetings and for Ms. Pastullo to say such a thing was totally inappropriate and out of hand. He then commented that he was surprised that the Chairman didn't stop her from commenting further. Ms. Pastullo apologized again and stated that after reading the Regulations she was surprised that it was even on the Commission's agenda.

Michael Johnson of 2 B4 Concorde Way addressed the Commission and reiterated his previous suggestion of why the old Albert's pad was not being considered.

Chris Boyd of 10 B4 Concorde Way addressed the Commission and stated that the main thing was the safety issue of having three bars all in one area where someone could go from place to place to drink. He reiterated that the safety issue was huge. He went on to say that it really shouldn't be on a residential border. Mr. Boyd commented that he had been to several Margueritas, because he had done a lot of graphics for their restaurants in Massachusetts and that the percentages that Ms. Pastullo presented were pretty correct. He then noted that he had printed more drink menus for them than any food menus. He concluded by saying that it was a dangerous location and that if they were to move it down the street it would be a better fit.

John D'Amato of 106 Ella Grasso Turnpike addressed the Commission and stated that he had been a bartender for 28 years and that he could spot a drunk person a mile away. He then pointed out that there were a lot of people that were working as bartenders who had not been doing it for very long and might not be able to spot a drunk person right away. Mr. D'Amato stated that the first thing that a bartender was supposed to do when someone came into a bar was to size that person up, but that it was a very difficult thing to do. He went on to say that if the Commission were to put three bars close together individuals could go from bar to bar and, if the bartender could not size them up right away, they would get served at least once at each bar; then that individual would become a buzzed driver and turn onto Halfway House Road. Mr. D'Amato commented that he would hate to see something happen like what had already happened in Town, with another child's death. He then reiterated that three liquor licenses that close together were not going to be good for Windsor Locks; something bad was going to happen.

Michael Hargrove of 4 B3 Concorde Landing addressed the Commission and stated that he was opposed to the application, because of the safety issues (the parking lot, driving through the parking area and the proximity to the other bars in the area).

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

Chairman Gannuscio asked Attorney Milazzo for any response to the public comments. Attorney Milazzo pointed out that Ms. Pastullo had stated that she was on the Planning and Zoning Commission in Suffield; therefore he would assume that she was not a resident of Windsor Locks. He then asked Ms. Pastullo if that were correct. Ms. Pastullo replied that it was correct; she was not a resident of Windsor Locks. Attorney Milazzo then pointed out that Mr. D'Amato had also used the address of the Skyline Restaurant. He then asked Mr. D'Amato if he were a resident of Windsor Locks. Mr. D'Amato replied that he was a resident of Suffield. Attorney Milazzo stated that Ms. Pastullo and Mr. D'Amato were not members of the community; they were really members of an opposing restaurant. Mr. D'Amato stated that that was not true and Ms. Pastullo stated that they were taxpayers. Attorney Milazzo commented that they were trying to make it sound as though this was the only time the decrease in the 1,500 distance had been granted, but in fact there were seven liquor licenses within 1,500 feet. He then submitted a map showing those seven liquor licenses to the Commission. He reiterated that it was not the first time that a decrease in the distance had been granted and that he would like the map to be made part of the record. Mr. D'Amato spoke out and said that it was the first time for a zero distance.

Attorney Milazzo referred to the percentage of sales and pointed out that there was a high margin in drinks; a drink could be \$14 and a meal could be \$8, therefore you could have one drink and still have 50% of your sales. He went on to say that it should not be based upon the percent of sales, because liquor was more expensive. Mr. D'Amato then spoke out again and asked what kind of liquor was \$12 a piece. He then apologized. Chairman Gannuscio then told Mr. D'Amato *once more and there's the door*.

Attorney Milazzo concluded by stating that Margueritas was a restaurant, not a bar, and that most of the people in the restaurant were families. He went on to say that the Police Department had felt that the plan that they had submitted was safe and that the Fire Department had had no issues with the plan either. He then pointed out that every use that someone could propose could have a safety hazard, therefore every single use could be denied because there might be an accident or someone might have too much to drink. He went on to say that that wasn't really what the Planning Commission was for. Attorney Milazzo reiterated that they felt that they met all of the standards and that the Commission consider that in making their decision.



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Chairman Gannuscio noted that the two applications went hand-in-hand and that one of the applications had been continued for further information. He went on to say that the logical thing to do would be to continue the special use permit hearing as well.

Chairman Gannuscio asked for a motion regarding the public hearing on the special use permit/liquor permit. Mr. Scarfo moved to continue the special use permit/liquor permit application of Jin Hospitality, LLC for the property located at 4 Loten Drive to March 14, 2011. Mr. Szepanski seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.

Chairman Gannuscio called a five minute break at 9:45 pm.

FIVE MINUTE BREAK:

Chairman Gannuscio called the meeting back to order at 9:50 pm.

REVIEWS:

a. Continued review of the site plan application of Rollies Garage, LLC for the property located at 4 Lawnacre Road.

Steve Rolocut addressed the Commission and stated that he owned Rolocut Construction. He explained that he ran his business out of Rollies Garage and that he wanted to build a new building; part of which he would use for his business and the rest he would rent out. He noted that Mr. Steele had had some questions regarding the plan and that he had then had the plans changed based upon those questions. Mr. Rolocut explained that one part of the parking lot had been pitched toward the building, but that that had been changed on the new plans and that there was now a catch basin to collect that water. He went on to say that originally he did not have the elevations, but that he now did. He then distributed them to the Commission members and staff. Mr. Rolocut stated that the building colors would match the existing building colors (beige walls and a green roof).

Chairman Gannuscio clarified that they still needed Wetlands approval. Ms. Rodriguez stated that that was correct. Mr. Gannuscio stated that Mr. Rolocut could go forward with his presentation that evening, but that he would probably have to provide the Commission with a letter granting them an extension while they awaited the Wetlands approval. Mr. Rolocut explained that the Wetlands Commission had cancelled their meeting and that he had then requested a special meeting. Ms. Rodriguez stated that she had just received Mr. Rolocut's special meeting request earlier that day. Mr. Gannuscio then stated for the record that they had received a letter dated January 20, 2011 from Mr. Rolocut requesting an extension of the 65 day period for consideration and decision on the application.



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Mr. Rolocut stated that he had a new set of plans and then proceeded to distribute them to the Commission members and staff. Chairman Gannuscio then asked Mr. Rolocut to mail the elevations and a set of plans to Commissioner Janet Ramsay who was not present that evening.

Mr. Rolocut reiterated that he wanted to use the large part of the proposed building for his business and then rent out four bays.

Mr. Scarfo asked if there was currently one building on the property. Mr. Rolocut replied that there were two buildings. He explained that he used part of one of the existing buildings for his business and rented out eight bays and that there was also a small building that he used to repair his equipment. Mr. Scarfo asked what type of businesses he rented the bays out to. Mr. Rolocut replied that there was a carpenter, a company that checked the meters on gas pumps, a machine shop, a trucking business which stored one truck on the site, and IGA who stored their promotional vehicles at the site.

Chairman Gannuscio pointed out that Mr. O'Leary and Mr. Steele were seeing the revised plans for the first time that evening. He went on to say that they had written their reports on the previous set of plans. He then asked them if there was anything that they wanted to highlight after looking at the revised plans briefly that evening. Mr. Steele commented that it looked like Mr. Rolocut was going to have floor drains in the new building. Mr. Rolocut stated that he would like to. Mr. Steele asked if he wanted to tie into the existing separator. Mr. Rolocut replied that that was correct. Mr. Steele stated that he would have to talk with WPCA about it. Mr. Rolocut stated that, if he had to install another separator, he would. Mr. Steele commented that he had never seen two inlet pipes into a separator before. Mr. Rolocut explained that it was like a septic tank; there were actually four. They discussed the separator briefly and Mr. Rolocut noted that he installed them for a living.

Mr. Scarfo asked Ms. Rodriguez if Windsor had to be notified. Ms. Rodriguez stated that Windsor had been notified and that they had also been applied to by Mr. Rolocut, because part of the proposal was taking place in Windsor. Mr. Rolocut stated that Windsor was okay with the proposed project, but that they wanted the Windsor Locks Building Inspector to inspect everything. He then explained that his parking lot and one catch basin were located in Windsor.

Mr. Steele asked if the two buildings were under the same ownership. Mr. Rolocut replied that he owned it all. Mr. Steele then asked what type of activities were going on; was Mr. Rolocut washing vehicles. Mr. Rolocut replied that he was not washing vehicles; it would just be snow melt from the vehicles. Mr. Steele clarified that the volume of water would be small. Mr. Rolocut stated that that was correct. He then noted that he put radiant heat in the buildings and, therefore, they could not sweep the floors they had to wash the floors into the



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drains. He went on to say that he did wash his equipment in the small building. Mr. Steele asked how much washing he did. Mr. Rolocut replied that he washed his equipment about once a month. Mr. Steele then asked how long a washing took. Mr. Rolocut replied that he usually wiped all the grease off first. Mr. Steele commented the size was dependent on the amount of flow going through it. He then suggested that another separator might be needed, but that to really address the issue they would need an estimate of the gallons of water used. Mr. Rolocut asked if he needed that estimate for application. Mr. Steele stated that he wanted to talk with WCPA to see what they thought about it.

Chairman Gannuscio stated that he had received a letter dated November 29, 2010 from Scott Lappen, Public Works Director, which stated that WPCA approval was needed. He went on to say that he had also received a memorandum dated November 29, 2010 from Gary Kuczarski, WPCA, stating that "compliant with Item 9 from J. R. Russo and Associates memo dated January 10, 2011 submitted to P&Zö. Mr. Steele explained that he had asked for details of the sanitary sewer transections and the sewer clean-outs. He went on to say that the plan had been revised somewhat, but that the details were still required, therefore he believed that WPCA was just saying that they still wanted to look at the construction specifications to make sure that they met their standards.

Chairman Gannuscio stated that he had received a letter dated January 4, 2011 from the Police Chief stating that he had no concerns.

Chairman Gannuscio asked Mr. Steele if there was anything further that he wanted to go through that evening. Mr. Steele replied that he did not have anything else for that evening, because some of the items may already have been addressed on the revised plans.

Mr. Rolocut stated that he paid all of the water bills for the site and asked if he could just show Mr. Steele the water bills to illustrate how much water he used. A brief discussion followed and Mr. Steele stated that it might be sufficient, but that it would be conservative. Mr. Rolocut noted that he did not use much water at all.

Chairman Gannuscio asked Mr. Steele if he had anything further. Mr. Steele had nothing further.

Chairman Gannuscio asked Mr. O'Leary for any comments. Mr. O'Leary stated that he had prepared a report in January, but that he had had very little comments. He went on to say that from a zoning standpoint it was a very clear plan. He commented that he had noted some procedural items, but that it appeared as though they had been taken care of. Mr. O'Leary stated that his report had listed the following two items:

- architectural elevations should be provided; and



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- the plan showed existing vegetation, but no new vegetation.

Mr. O'Leary stated that the architectural elevations had been provided that evening. Mr. Rolocut stated that he was not going to add any new vegetation. Mr. O'Leary commented that it was a building behind an industrial building and that it was a nice, attractive looking building and site, therefore he was not sure new vegetation was really needed, but that it would be up to the Commission.

Mr. Steele stated that he had received a revised drainage report and had looked at it briefly. He explained that when the site had originally been developed it had two ponds on it, but that it was not designed for stormwater detention, but rather for water quality treatment. He went on to say that based upon the calculations that had been submitted it appeared as though they were going to be used for stormwater detention which he did not have a problem with. He did, however, note that it did not look like water quality had been addressed. Mr. Steele then asked Mr. Rolocut to have his engineer contact him to discuss it further.

Chairman Gannuscio asked Mr. O'Leary if they had asked for an inventory of the businesses for the Fire Marshal for similar multiple tenant buildings. Mr. O'Leary stated that they had done so because those were in a Business District, but that Mr. Rolocut's property was in an Industrial Zone.

Ms. Rodriguez stated that she had received a memorandum from the Fire Marshal dated January 19, 2011 stating that he had no issues. She went on to say that from an enforcement perspective it was always nice to drive by Mr. Rolocut's property; it was kept very nicely. She then pointed out she had never had any complaints about his property.

Chairman Gannuscio asked the Recording Secretary to put Reviews on the March agenda before the Public Hearings and to list Mr. Rolocut's application first under Reviews.

Chairman Gannuscio moved to continue the site plan review application of Rollies Garage, LLC for the property located at 4 Lawnacre Road to March 14, 2011. Mr. Scarfo seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.

ACTION ON CLOSED PUBLIC HEARING ITEMS:

There were none.

OLD BUSINESS:

a. Discussion with Commission and Staff



There was no discussion that evening.

NEW BUSINESS:

a. Public Input

There was none.

b. Receive New Applications

- i. Site plan modification application of McDonald's c/o Bohler Engineering for the property located at 195 Ella Grasso Turnpike.**

Chairman Gannuscio verified that all of the Commission members and staff had received the application. Everyone except Mr. Szepanski had received a copy.

Chairman Gannuscio moved to schedule a review of the site plan modification for McDonald's c/o Bohler Engineering for the property located at 195 Ella Grasso Turnpike for March 14, 2011. Mr. Szepanski seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.

Ms. Rodriguez introduced John and stated that he would be filling in for her while she was out on maternity leave.

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

A brief discussion took place.

Chairman Gannuscio asked the Recording Secretary to continue the informal discussion of the T&M and North Group, LLC request for acceptance of roads on the March agenda.

d. Informal discussion regarding National Car Rental Agency retail use at 209 Ella Grasso Turnpike.

Ms. Rodriguez explained that there was a tenant that wanted to use the space and that the parking spaces would be used for the storage of the rental vehicles rather than for customers. She went on to say that she and Mr. O'Leary had talked about it a little bit and that Mr. O'Leary had asked for a little more information. She then noted that she had not received that information yet.



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Chairman Gannuscio commented that National was only looking at the old Quiznos store front and that it would really hinder the rest of the site. Mr. O'Leary pointed out that it was a retrofitted site that did not really meet the current standards. The discussion continued briefly and Ms. Rodriguez noted that it was not something that was expressly permitted/listed in the Regulations. She went on to say that if it were permitted they could come forward with a plan; but that if it was not permitted she did not want them to waste anyone's time. Mr. Gannuscio stated that they needed to come forward to have a discussion with the Commission.

e. Election of Officers

Chairman Gannuscio asked the Recording Secretary to continue the election of officers to the March meeting agenda.

COMMUNICATIONS AND BILLS:

Chairman Gannuscio stated that he had received two bills. The first was a bill for Mr. O'Leary's retainer for November/December, 2010 in the amount of \$3,333. He then moved to approve Mr. O'Leary's retainer in the amount of \$3,333. Mr. Zimnoch seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.

Chairman Gannuscio stated that the Commission had the three volume set of the West Land Use and that the bill for the pocket parts for that set came in at \$96.99. He then requested that the Commission approve the bill in the amount of \$96.99 for payment. Mr. Szepanski seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.

Chairman Gannuscio asked Ms. Rodriguez if she had received any correspondence. Ms. Rodriguez replied that she had. She then clarified, with regard to National Car Rental, that she should tell them that their proposal could be entertained. Mr. Gannuscio stated that they should come forward with an informal presentation so that the Commission could get a feel for just what they were proposing. Ms. Rodriguez clarified that there had been no agreement that it was a permitted use. Mr. Gannuscio stated that that was correct.

Ms. Rodriguez stated that the Skyline Restaurant had submitted an electrical and building permit in her Office for all new fixtures on the property; no new locations or light poles. She went on to say that when she had asked if they were all full cut-off they had told her that they were, but that when she had received the detail sheets they were not full cut-off. Ms. Rodriguez asked Chairman Gannuscio if it should be considered a whole new lighting plan or should she handle it in-house and just not sign off until they were all full cut-off. Mr. O'Leary pointed out that they



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must meet all current lighting standards. A brief discussion followed and it was agreed that a full plan would be required and that it would be handled in-house, but that if it could not be resolved it should come before the Commission.

Chairman Gannuscio moved to adjourn the meeting. Mr. Scarfo seconded the motion. All were in favor. The vote was 4 – 0, the meeting was adjourned at 10:30 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.