

## PLANNING & ZONING COMMISSION March 12, 2012 Meeting

Commission Members Present: Alan Gannuscio, Anthony Scarfo, Jim Szepanski and Alternate Peter Juszczynski

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

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Mr. Gannuscio called the meeting to order at 7:06 pm.

Commission roll call was taken.

Mr. Gannuscio seated Mr. Juszczynski for Chairman Zimnoch for all of the evening's proceedings.

### MINUTES:

Mr. Gannuscio referred to the February 13, 2012 meeting minutes and suggested that, since both Ms. Ramsay and Mr. Zimnoch were not present that evening, they postpone approval of the minutes until the following month's meeting. The Commission members agreed.

**Mr. Gannuscio stated that the Commission had received a request to move Item IV.b on the evening's agenda ahead of Item IV.a due to another meeting at another municipality that the individual needed to attend. Mr. Gannuscio moved to move Item IV.b on the agenda ahead of Item IV.a. Mr. Szepanski seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.**

### PUBLIC HEARINGS:

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

Mr. Gannuscio noted that the Recording Secretary was not present that evening and, therefore, could not read the legal notice. He then asked Attorney Fahey if he had seen the legal notice in the newspaper. Attorney Fahey replied that he had and that the notice was correct and done in the timeframe required.

**b. Public hearing on the Special Use Permit application of The Hartford Springfield Auction Coop, LLC for the property located at 24 King Spring Road.**

Attorney Thomas Fahey addressed the Commission and stated that John Barberino, the principal for The Hartford Springfield Auction Coop and the property owner, was also present that evening. He explained that Mr. Barberino had acquired title to the property located at 24 King Spring Road on December 30, 2011. Attorney Fahey noted that the property had formerly been known as the Gate Gourmet, which prepared meals for airplanes. He went on to say that the property had been vacant for four or five years.

Attorney Fahey stated that the applicant had obtained location approval for a Used Car License from the Town's Zoning Board of Appeals. He then read the following statement of use:

öThe property will be used for sales of used motor vehicles. The vehicles will be detailed, cleaned and repaired on-site. There will be no assembly on-site. There will be internet sales or digital auctions on Ebay or similar websites. There will not be assembly auctions at the Windsor Locks site.ö

Mr. Barberino explained that there would also be vehicles that had been hit or cars that did not run, but that that was not his business; they would not have that on his site. He went on to say that, if there was a vehicle that did not run on his site, it would not be seen. Mr. Barberino noted that he had already installed a fence on the property which totally shielded everything from view. He then explained that he had several very high-end, expensive vehicles available for sale that he did not want seen from the road; they did not need that kind of exposure to sell those types of vehicles. The fence would keep the vehicles safe and secure.

Attorney Fahey referred to Mr. Steele's report and addressed the items contained in that report as follows:

1. The plans would be stamped by a licensed engineer.
2. They would confirm the vertical datum and provide the benchmark.
3. Attorney Fahey stated that he would skip Item 3, because the applicant's drainage expert was present and would address any specific questions that Mr. Steele might have.
4. Attorney Fahey pointed out that Item 4 was just a comment.
5. Mr. Barberino explained that the Fire Department had a master key to their gates and that the Fire Department had also provided him with a box that would contain the keys to the gate that they could access at any time. He went on to say that the gate had also been designed so that the Fire Department's trucks could go right through it, if necessary.
7. Attorney Fahey pointed out that Item 7 was just a comment to the Commission.
8. The utilities had already been connected and the applicant would simply be using the existing connections.
9. No new lights had been proposed, but the fixtures were being changed to full cut-off fixtures.

Mr. Barberino explained that two of the lights on the site were leased from CL&P and that CL&P would not allow him to change the fixtures. Joe Ashmore, electrical contractor, stated that CL&P would not allow them to change the fixtures until they received a signed letter from the Town official giving them permission to change the light fixtures. Attorney Fahey noted that the fixtures would be changed to full cut-off as soon as the Town wrote the required letter to CL&P.

10. The location of trash disposal and pick-up would be shown on the plan.

11. The numbering would be corrected.

12. Attorney Fahey stated that they were objecting to the suggested E&S bond in the amount of \$3,500, because if the Town Engineer were to inspect the site he would see that there was not very much that needed to be done. He then suggested that the E&S bond be left up to the discretion of staff.

Mr. O'Leary pointed out that Mr. Steele's comment had referred to the two areas of proposed new pavement and that that would require an E&S bond. Attorney Fahey then stated that they would post the bond.

Mr. Gannuscio asked Mr. Steele for any further comments. Mr. Steele referred to the drainage calculations and questioned how the applicant had come up with their flow rates. A brief discussion then took place and Mr. Steele stated that he had placed a call to Brian Denow regarding his question, but that he had not yet received a response. Attorney Fahey suggested that Mr. Steele's Item 3 could stay as a condition of any approval to ensure that Mr. Steele's question was addressed and that he was satisfied.

Mr. Steele asked if the gates would be closed or if they would remain open during business hours. Mr. Barberino replied that the gates would remain open during business hours.

Mr. Steele referred to the site lighting and asked if the applicant was going to replace the building mounted lights or just the flood lights on the utility pole. Mr. Barberino replied that the wall packs would be replaced with full cut-off lights as well as the utility pole lights. The discussion then continued briefly.

Mr. Steele asked about the trash disposal site and Mr. Barberino then pointed out where the existing trash disposal site was on the plan and explained that they were going to continue to use it.

Attorney Fahey referred to Mr. O'Leary's report and addressed the items contained in that report as follows:

1. Attorney Fahey had previously explained the use.
2. The applicant had received location approval from the Zoning Board of Appeals in February, 2012.



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3. Attorney Fahey commented that they had discussed the issue of a permitted use at their previous informal discussion with the Commission.
4. Attorney Fahey pointed out that this item was simply a comment.
5. There might be vehicles awaiting repair, but they would be shielded from view from the road as explained by Mr. Barberino earlier in the evening.
6. Customer parking would be designated on the site.
7. Regarding the lighting, Attorney Fahey commented that they had addressed it.
8. A brief discussion regarding landscaping and street trees took place and the applicant agreed to provide the required landscaping and street trees according to the regulations.

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

Mr. Gannuscio asked Mr. O'Leary for any comments. He had none.

Mr. Gannuscio asked Ms. Rodriguez for any comments or questions. Ms. Rodriguez commented that if the Commission was okay with the full cut-off lighting being at a slight slant that they note that as part of any approval. The discussion continued and it was explained that they would be 15 degrees below a horizontal plain and would not be slanted.

Mr. Steele clarified that, if the drainage calculations showed that additional drainage improvements were necessary, any condition would have to address that; it might not just be drainage calculations, it might involve drainage improvements. Attorney Fahey stated that they understood that and Mr. Barberino then stated that they would do whatever was necessary.

Mr. Gannuscio asked for any public comments in support of the application.

Joe Calsetta of 121 Oak Hill Drive addressed the Commission and stated that he was in support of the application.

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

Mr. Gannuscio asked the Commission members if they were comfortable voting on the application that evening. They all agreed that they were ready to vote.

**Mr. Gannuscio moved to close the public hearing on the Special Use Permit application of The Hartford Springfield Auction Coop, LLC for the property located at 24 King Spring Road. Mr. Szepanski seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.**



Mr. Gannuscio commented that while the use in question was not specifically listed as a use for the parcel it was a use that was compatible with the existing uses on the street and in the district. He went on to say that he did not feel that it posed any negative impact on the area, in fact the rehab of the existing building would be an improvement to the area.

Mr. Szepanski commented that he felt that it would be a beautiful site and that the fencing looked terrific.

**Mr. Gannuscio moved to approve the Special Use Permit application of The Hartford Springfield Auction Coop, LLC for the property located at 24 King Spring Road with the following conditions:**

- 1. Items 1, 2, 3 (including any potential drainage improvements should they become necessary), 6 (as it pertains to the lock box for the Fire Department), 8, 9, 10, 11, 12 and 13 from Mr. Steele's letter dated March 10, 2012.**
- 2. Items 9 (showing some street tree plantings as well as the Arbor vitae mentioned) and 7 (the designation of customer parking) from Mr. O'Leary's memorandum dated March 11, 2012.**

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

- a. Continued 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.**

Neal Kwort addressed the Commission and distributed some updated information to the Commission and staff which included a new floor plan and a proposed menu. He explained that he had met with the Health Department and the Water Pollution Control Authority regarding his proposed menu and that it had been determined that he would not have to put in a grease trap. Mr. Kwort went on to say that he had decided not to do business with the restaurant next door to his proposed site.

Mr. Kwort referred to his new floor plan and explained that he was going to knock down a wall in order to have a larger space.

Mr. Gannuscio asked Mr. Kwort if he had seen Mr. O'Leary's latest set of comments. Mr. Kwort replied that he had received them that morning. Mr. Gannuscio then asked Mr. Kwort to address the comments from Mr. O'Leary's memorandum dated March 11, 2012. Mr. Kwort addressed them as follows:

- ö1. As the floor plan now shows a kitchen area, this use could be classified as a restaurant which is a permitted use in this district.ö

Mr. Kwort agreed with the comment.

õ3. Section 501A requires a 200 foot separation from educational and certain public uses; and Section 502B requires a 1,500 separation from any other liquor permit location for consumption on the premises. The applicant should provide a list or provide a map showing the locations of any of the uses listed in Sections 501A and 502B within the distances specified.ö

Mr. Kwort stated that there was nothing within 200 feet, except the Muslim place where they gathered to worship from 12:00 to 1:00 pm on Fridays only. He then noted that that information had been provided to him by the landlord of the property.

õ4. Chapter V, Section 503, also contains a provision for the Commission to permit a reduction of the distance limitation set forth in Section 502B.ö

Mr. Kwort explained that his business would be an amusement enterprise and that he would not adversely affect anyone.

õ6. The applicant should provide sign information.ö

Mr. Kwort explained that once he received approval he wanted to address signage. He went on to say that the landlord had informed him that the building had been approved to have a large sign on top of it. Mr. Kwort stated that he wanted to find out for sure whether that was true or not and that he would also like to look into putting a large sign by the street on Route 75 with Mike's Blue Collar Bar on top and the other businesses in the plaza below it. He also noted that he had asked the landlord to dress up the building a little bit and that he had been receptive to that. Mr. Kwort also mentioned that the landlord had agreed to stripe the parking lot, if it were a condition of approval.

õ7. Are any new outside dumpster enclosures planned? If so, where?ö

Mr. Kwort stated that, if he was required to fence in the dumpster, he would do so. He then explained that there were existing dumpsters behind the building that he would be using. He also noted that he would not have a lot of trash, because the distributors would be taking the empty bottles back.

Mr. Gannuscio asked Mr. Kwort if he was still seeking the same class of liquor permit. Mr. Kwort replied that he was still seeking a Café permit, because he wanted to have entertainment at his establishment.

Mr. Gannuscio asked Mr. O'Leary for any further comments. Mr. O'Leary noted that his most recent memorandum had been based upon the revised floor plan. He went on to say that in order for the Commission to approve the application they would need to look at Section 503 where it enabled them to waive the distance requirement. He then noted that Item A was one of the key issues and that now that there was a kitchen on the premises it better met Item A. Mr. O'Leary mentioned that there now seemed to be more tables and chairs than on the previous floor plan. He then noted that the bar area was the minority of the site. Mr. O'Leary mentioned that signage would be handled as a separate issue with staff. A brief discussion regarding signage then took place.



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Mr. Gannuscio asked Mr. Steele for any comments or questions. Mr. Steele asked Mr. Kwort if he was going to be using a new dumpster or one that was already in place. Mr. Kwort replied that there were already dumpsters behind the building and that he would be contracting with a Windsor Locks company to provide a new dumpster for his establishment which would also be behind the building. Mr. Steele commented that the menu did not warrant a grease trap, but that the Water Pollution Control Authority (WPCA) would have the final say. He then suggested to the Commission that, as a condition of any approval, it be subject to approval of the WPCA.

Mr. Gannuscio mentioned that he had spoken with Acting Police Chief Chet DeGray regarding the application and that he had had some of the same concerns as some of the items that they had already discussed that evening (i.e. parking lot striping). In addition, he had had some concerns regarding the lighting with regard to safety. Mr. Kwort noted that the lights seemed to go on pretty late, but that when they went on the lighting was adequate. He went on to say that he felt that it was a timing issue that could be addressed. Mr. Gannuscio stated that Acting Chief DeGray had a major concern with regard to the doors in the back of the building and whether they would be kept open during the summer months; he was concerned about the noise that might escape out those doors should they be left open. Mr. Kwort stated that he would not want those doors open during business hours; the only time that they would be open would be to take out the trash.

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

Mr. Gannuscio asked Mr. Szepanski for any comments or questions. Mr. Szepansky asked Mr. Kwort if he was going to be running his business or if he was going to have someone else manage the business. Mr. Kwort replied that he was going to keep his existing job, but that he would be giving his new Mike's Blue Collar Bar 100% of his time in order to get it up and running. He then explained that once it was up and running he would leave it to be run by someone that he could trust; it would probably be 50/50.

Mr. Szepanski asked Mr. Kwort if he planned to have music every day or just on Friday, Saturday and Sunday. Mr. Kwort explained that Thursday and Saturday would be Karaoke nights, Friday would be live bands and that any other day would be just background music or possibly a DJ.

Mr. Szepanski asked if there would be a cover charge. Mr. Kwort commented that he would like to reserve the right to have a cover charge when he had a band, because it was expensive to have a band, but that it was not in his plan to have a cover charge on a regular basis.



Mr. Szepanski asked what percentage of gross sales he thought would be from the sale of alcohol as opposed to the sale of food. Mr. Kwort replied that it was in his business plan and that it was somewhere around 60/40 liquor to food. He then noted that until the business was open he really did not know for sure.

Mr. Szepanski asked if Mr. Kwort would have opened his establishment without having food if he were allowed to do so. Mr. Kwort replied that he would have.

Mr. Szepanski stated that when he Googled Mike's Blue Collar Bar, LLC he came up with two addresses; one being in Rocky Hill. Mr. Kwort explained that that was where his establishment was going to be. Mr. Szepanski noted that he had called the Rocky Hill Town Assessor and that they had no record of the business in their town. Mr. Szepanski stated that the other address that had come up was in East Hartford. Mr. Kwort stated that that was his home address.

Mr. Szepanski asked Mr. Kwort why he picked Windsor Locks for his establishment. Mr. Kwort stated that in Windsor Locks he could have some real meaning; he could resurrect a plaza and/or area of town that needed a boost. He went on to say that he felt that he could be good for the Town of Windsor Locks.

Mr. Gannuscio asked Mr. Scarfo for any comments or questions. He had none.

Mr. Gannuscio asked Mr. Juszczynski for any comments or questions. Mr. Juszczynski asked if the menu satisfied the requirements. Mr. O'Leary noted that Mr. Kwort had said that his establishment was more of an entertainment enterprise and that it would be up to the Commission to come to a conclusion as to whether the proposed menu satisfied the requirements.

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

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

**Mr. Gannuscio asked for a motion. Mr. Szepanski moved to close 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. Mr. Juszczynski seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.**

Mr. Gannuscio asked Mr. Scarfo and Mr. Juszczynski if they had read the minutes from the previous meeting regarding the public hearing. They both stated that they had read those

meeting minutes. He then asked the Commission members if they were comfortable voting on the application that evening. The Commissioners all agreed that they were ready to vote that evening.

Mr. Gannuscio stated that the Commission would need to consider a waiver of the 1,500 foot distance requirement. He then referred to Section 503 of the Regulations, Item A; liquor will be subordinate and incidental to the principal use as a restaurant where hot meals are served by employees to patrons at tables. He went on to say that it also mentioned amusement enterprises as well. Mr. Gannuscio stated that the 1,500 waivers could be considered under Item A.

Mr. Gannuscio then referred to Item B under Section 503, shall not conflict with the general purpose of the regulations as they relate to the general area. He noted that the Commission had approved a number of permits within the 1,500 foot distance (i.e. Ruby Tuesdays, Margueritas, and Pool Table Magic) and he did not think that any upheaval had been caused by the approval of those distance waivers. He went on to say that he felt that it would not pose any problem to the area in question. The existing food/liquor establishments seemed to co-exist with no problems. Mr. Gannuscio noted that the proposed establishment would not adversely affect colleges, schools, places of worship, hospitals, libraries, parks or playgrounds, because there were none nearby. He then mentioned with regard to adverse effects to any residential zones, that no local residents had appeared before the Commission in opposition to the application. Mr. Gannuscio then commented that he was confident that the applicant was sensitive to the Town and residents and would keep control of his establishment and what went on there.

Mr. Gannuscio referred to Item D under Section 503 and stated that Mr. Kwort was attempting to revitalize the area. He went on to say that there were several different means of entering and exiting the property as well as a signaled exit.

Mr. Gannuscio asked the Commission members if they disagreed with any of his comments. Mr. Scarfo stated that he agreed with all of Mr. Gannuscio's comments. He went on to say that Item A under Section 503 was really based upon speculation at that point. He then reiterated that there was no one present to contest the application.

Mr. Szepanski stated that he was on the same page as Mr. Gannuscio, although he would be happier if it were a full service restaurant.

Mr. Juszczynski noted that the Acting Police Chief had not had any issues with the application, therefore if he felt the liquor permit would not be an issue than he would agree.



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Mr. Scarfo stated that, if the application were approved, the noise levels would definitely need to be controlled because there were residences nearby.

**Mr. Gannuscio moved to approve 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 for a Café Liquor Permit with the conditions that the applicant provide Town staff with sign information and that the parking lot be striped. In addition, a waiver of the 1,500 distance requirement from existing liquor permits be granted based upon the reasons previously noted. Mr. Scarfo seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.**

#### **REVIEWS:**

There were none.

#### **ACTION ON CLOSED PUBLIC HEARING ITEMS:**

There were none.

#### **OLD BUSINESS:**

##### **a. Discussion with Commission and Staff**

There was no discussion at that time.

#### **NEW BUSINESS:**

##### **a. Public Input**

Alexa Brengi of 32 South Center Street and Mark Brengi of 32 South Center Street addressed the Commission. Ms. Rodriguez stated that they had spoken with her regarding opening a business for dog grooming and day care. She went on to say that there was a location on Main Street that currently did dog grooming, but that the difference between that business and the one being considered was that they would also provide a dog day care. Ms. Rodriguez noted that there was a Residential use next door to the proposed site, although it was not a Residential Zone.

Ms. Rodriguez stated that the Brengi's were proposing their business to be located at 592 Elm Street. She went on to say that the previous two businesses at that location had been retail.



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Mr. O'Leary stated that it was a Business Zone and service and retail uses were permitted in the zone. He went on to say that it seemed like a less intense use than the previous hardware store at the site. He then asked if there were any proposed changes to the site. Ms. Rodriguez replied that they would just be cleaning it up.

Mr. Brengi stated that Alexa had been a dog groomer for two years and had worked in the Vet field for fifteen years and that they both had a passion for the animals. He went on to say that the owner of the property was very excited about their business. Mr. Brengi noted that they were sensitive to the fact that they would have a residential neighbor and that they would be installing an interior wall along the day care side of the building and that he did not think that their neighbor would be able to hear anything from their business.

Mr. Brengi stated that both he and his wife grew up and currently still lived in Town and that they loved the town, therefore they wanted to open their business in town as well.

Mr. Gannuscio clarified that it would be just a day care and not an overnight kennel. Mr. Brengi stated that that was correct. He then noted that there were two entrances to the building, both on the north side, which was the opposite side of the residential neighbor.

The discussion continued briefly and it was agreed that the proposed business would be a much softer use of the property.

Mr. Gannuscio asked what their hours of operation might be. Mr. Brengi replied that both the dog grooming and the day care would be open from 7:00 am to 7:00 pm.

Mr. Gannuscio stated that he did not see anything objectionable to what they were considering.

The discussion continued further and the Commissioners agreed that it would be a good use of the building and wished the Brengis good luck in their endeavor.

**d. Informal discussion with Chris Ferrero from Fuss & O'Neil regarding the Transit Oriented Development Grant.**

Chris Ferraro from Fuss & O'Neil addressed the Commission and gave a presentation regarding the Transit Oriented Development Grant as well as an update of what had been transpiring with the Connecticut Department of Transportation with regard to moving the train station downtown. A discussion then followed.



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Mr. O'Leary brought up the topic of the Alcoholic Beverage Regulations and a discussion then followed.

**b. Receive New Applications**

There were none.

**COMMUNICATIONS AND BILLS:**

Mr. Gannuscio stated that he had received Mr. O'Leary's bill for his January/February, 2012 retainer in the amount of \$3,333. He then moved to approve Mr. O'Leary's January/February, 2012 retainer bill in the amount of \$3,333. Mr. Szepanski seconded the motion. All were in favor. The vote was 4 ó 0, the motion was approved.

**NEW BUSINESS:**

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

Mr. Steele stated that he had previously spoken with Ed Lally who had said that he would have something to him before the meeting, but that that had not happened. He went on to say that he had contacted Mr. Lally again the previous week and that he still had not received the information. Mr. Steele commented that he felt that the Commission should wait and that Mr. Lally would produce the required as-built rather than proceeding to call-in the bond. He went on to say that he felt that that would be very time consuming and that the Town's resources could be better spent. The discussion continued briefly and it was agreed that the informal discussion should remain on the following month's meeting agenda

**Mr. Gannuscio moved to adjourn the meeting. Mr. Szepanski seconded the motion. All were in favor. The vote was 4 – 0, the meeting was adjourned.**

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.**