

& ZONING COMMISSION May 9, 2011 Meeting

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

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

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

Commission roll call was taken.

MINUTES:

Chairman Gannuscio referred to the April 11, 2011 meeting minutes and asked the Commission members and staff for any comments or corrections. There were none. Mr. Gannuscio moved to approve the April 11, 2011 meeting minutes, as published. Mr. Szepanski seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.

Mr. Zimnoch moved to move Items VI.a and VI.b on the agenda ahead of the Public Hearings that evening. Ms. Ramsay seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.

ACTION ON CLOSED PUBLIC HEARING ITEMS:

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

Mr. O'Leary stated that, since the Commission's previous meeting, staff had received a set of revised plans dated April 25, 2011. He went on to say that he and Town Engineer Steele had reviewed their previous comments and the revised plans and that they had prepared a list of items/issues from their original comments that were still outstanding.

Chairman Gannuscio asked the Commission members for any questions. Mr. Szepanski asked what the buffer looked like on the revised plans. Mr. Steele replied that the buffer consisted of white pines which would grow quite fast and tall. Mr. O'Leary pointed out that the number of plant materials had increased to 14 white pines, six to eight feet high and planted in a staggered row (20 feet on center). Mr. Zimnoch asked if those white pines would be located on the berms. Mr. O'Leary replied that there were no proposed berms or



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fence. Mr. Gannuscio asked if there was anything in place, in terms of a bond, should those trees not take. Mr. Steele replied that there was not, but that the Commission could require a landscape bond.

Chairman Gannuscio asked the Commission members for any other questions. Mr. Szepanski asked if they could ensure that the outside speakers on the patio be turned off at 9:00 pm. Mr. Zimnoch pointed out that the front door speakers faced the condominiums, but that the patio speakers faced Route 75. He went on to say that, if the music was kept at a reasonable level, it should be okay.

Chairman Gannuscio asked the Commission members for any final comments. Mr. Szepanski stated that he thought that the public input was very important to the process. He went on to say that he would like to see more people attend the Commission's meetings. He then noted that the applicant had been very cooperative. Mr. Szepanski commented that the proposed land use was permitted (it just so happened that the restaurant was called "Margueritas"). He referred to the public safety and traffic issues and stated that he had gathered information from the Police in February and had reviewed that information with the Police Chief. He then distributed a hand-out containing that data to the Commission members and staff and pointed out that the accident numbers were not staggering. Mr. Szepanski stated that he was comfortable with the situation. He noted that the Fire Department had had no concerns. He went on to say that he had visited the site numerous times to observe traffic and the site in general. He then commented that with the added buffer he felt that they would have something that would really work. Mr. Szepanski stated that the restaurant would add to the Town's tax base and that it would encourage patronage in Windsor Locks by pulling people in from other area towns. He noted that it would offer diners another unique dining option. Mr. Szepanski then pointed out that competition was a good thing and that Margueritas was committed to the community. He then noted that Margueritas was not a banquet facility where patrons would be leaving the establishment at the same time; people would be coming and going at all different times. Mr. Szepanski mentioned that some people from Concorde Landing Condominiums had expressed their concern regarding people leaving Margueritas, getting lost and entering their complex. He then pointed out that there was an existing "No Outlet" sign in place and suggested that it might need to be changed to read "No Outlet - Residents, Guests, Patrons & Visitors Only".

Ms. Ramsay had no further comments other than to say that she appreciated Mr. O'Leary and Mr. Steele's input.

Mr. Zimnoch commented that it had been a very productive public hearing and that the Commission had learned quite a bit. He then stated that he was a bit concerned about the restaurant's operation beyond when the kitchen was open. He pointed out that being open until 2:00 am was not in line with being a restaurant. Mr. Zimnoch stated that he would like



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to see the hours of operation limited to 12:00 midnight. He went on to say that he believed that they had the noise shielding addressed with the additional plantings. He then noted that he had visited the site a number of times and that there was already quite a bit of buffer in place. In addition, he felt that the existing businesses and Route 75 traffic were probably the biggest noise factor for the residents of Concorde Landing. Mr. Zimnoch then stated that the speakers on the patio would be fine, if the Commission limited the use of them to 9:00 or 10:00 pm.

Chairman Gannuscio stated that it was a use that was permitted in the zone and that the Commission's action was pretty much limited as to what they could do under the State Zoning Laws. He went on to say that the applicant had been willing to make concessions and accommodations to make it fit in to what was a unique site in terms of abutters and the area in general. Mr. Gannuscio commented that he had pushed to make as many items, like the Margueritas proposal, the subject of a public hearing even when it might not be required. He concluded by noting that the public hearing had facilitated a good exchange.

Chairman Gannuscio asked Mr. O'Leary if there was anything that he wanted to bring to the Commission's attention. Mr. O'Leary stated that he and Mr. Steele had put together a list of six potential conditions of approval. He then reminded the Commission to be as specific as possible when making any motion.

Mr. Szepanski asked, with regard to limiting the hours of operation, if they had restrictions on the other restaurants in town. He went on to say that limiting hours of operation could restrict fair competition with the other restaurants. He then questioned whether it was fair to do so. Chairman Gannuscio noted that the Commission had limited Walgreens's hours of operation to what CVS had. He went on to say that Mr. Zimnoch had suggested limiting the hours in order to eliminate any bar hopping. Mr. Szepanski pointed out that there were other agencies in place to police that. The discussion continued regarding whether or not to restrict the hours of operation and it was agreed to leave any conditioning of the hours of operation to the special permit portion of the application.

Chairman Gannuscio moved to approve the site plan review of Jin Hospitality, LLC for the property located at 4 Loten Drive with the following conditions:

- 1. Sheets C-1, C-2 and C-3 shall be stamped by a Connecticut licensed land surveyor. These sheets shall contain or reference a plan which contains the surveyor's declaration of accuracy to A-2 & T-2 standards and reference to applicable survey datum.**
- 2. The applicant shall provide documentation demonstrating the right to connect to existing on-site utilities acceptable to the Town Engineer.**
- 3. The applicant shall execute and file the proposed 30 foot drainage easement in favor of the Town of Windsor Locks in a form acceptable to the Town Attorney.**

4. **The applicant shall provide the Town Treasurer with 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. The applicant shall also provide a landscape bond in an amount acceptable to the Town Engineer prior to the issuance of a Certificate of Occupancy and to be maintained for a period of two years to ensure the growth of the plantings.**
5. **The restaurant is limited to a maximum of 141 seats (including inside and outside seats) and the number of seats shall be verified by the Zoning Enforcement Officer prior to the issuance of a Certificate of Occupancy.**
6. **The outside sound or speaker system shall be permitted for the immediate area of the outside seating as shown on the approved plan and the sound or speaker system on the patio area shall be shut-off at 9:00 pm.**

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

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

Mr. Szepanski commented that he thought that a restaurant needed a liquor permit in order to be competitive and that policing would be done by the restaurant owner, bartenders, Police and Liquor Control.

Chairman Gannuscoi stated that there was one item in the Regulations that was an issue; the 1,500 foot distance required from other businesses selling alcoholic beverages. He went on to say that it was something that the Commission could waive on an application by application basis. He then commented that a waiver here seemed to go hand-in-hand with the success of the proposed use.

Chairman Gannuscio stated that the Police Chief had provided him with a set of accident statistics and that since 2005 there had been an equal number of accidents involving the two existing businesses. He then noted that they did not appear to be alarming numbers. He went on to say that he did not see it as something that was a threat to public safety and welfare.

Chairman Gannuscio asked the Commission members and staff for any further comments. Mr. Zimnoch stated that he had no problem granting the 1,500 foot waiver. He went on to say that in order to eliminate bar hopping he did not think that Margueritas should be staying open until 2:00 am as a bar.

Ms. Ramsay stated that she agreed with Mr. Zimnoch; Margueritas had been proposed as a restaurant and should not be opened later than any of the other restaurants in the area. Mr.



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Szepanski then asked what would happen if the other area restaurants decided to stay open later. Chairman Gannuscio replied that Margueritas could come back to the Commission for a modification of their special use permit.

Chairman Gannuscio asked Mr. O'Leary for any comments. Mr. O'Leary referred to Section 1103 which contained some of the special permit criteria that the Commission needed to look at on a case-by-case basis. He then noted that the Commission needed to base any waiver granted on the criteria contained in Section 1103.

Mr. Zimnoch commented that he did see a need to grant the 1,500 foot waiver in order to allow the business to survive, but that the Commission should hold them to being a restaurant.

Chairman Gannuscio asked for a motion. Mr. Zimnoch moved to waive the 1,500 foot distance requirement and to approve the special use permit/liquor permit application of Jin Hospitality, LLC for the property located at 4 Loten Drive with the condition that liquor sales shall be limited to 12:00 midnight at this time and that should the applicant feel the need to change that in the future they can come back to the Commission for a modification. Mr. Szepanski seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.

Chairman Gannuscio commented that the public hearings were a part of Planning and Zoning applications and that forum was for gathering information and testimony on the application; it was not a forum for anti-competitive behavior which seemed to have been part of this particular process. He went on to say that he was seriously starting to wonder about the value of holding public hearings when they were almost hijacked and used for anti-competitive behavior and diatribes. He then noted that he would give serious thought to how he handled similar applications and how they were conducted in the future.

Chairman Gannuscio stated that the special permit and waiver of the 1,500 foot distance restriction were granted in light of the need for it in the case of a restaurant/bar. He went on to say that sufficient care was proven to be given to maintain public safety and maintain the peace with the residences and other uses in the area. Mr. Gannuscio noted that it was a case where they had two existing facilities in the area that had shown that they could operate respectively and respectfully in the area.

Chairman Gannuscio called a five minute break at 8:00 pm.

FIVE MINUTE BREAK:

Chairman Gannuscio called the meeting back to order at 8:05 pm.



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Chairman Gannuscio moved that the Commission take up Item IV.b on the evening's 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:

b. Public hearing on the special use permit and site plan review of Clean Energy for the property located at 80 Ella Grasso Turnpike.

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

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 April 27 and May 5, 2011.

The following individuals were present:

- Brian Perone, Business Development Manager for Clean Energy; and
- Brian Young, Engineer for Clean Energy.

Mr. Perone addressed the Commission and stated that they were proposing to design, build and maintain a compressed natural gas station. He went on to say that the project fell under Federal Department of Energy grant done by the local Clean Cities Coalition. He then pointed out that they were planning on building the station for airport shuttles, taxi cabs, and ground transportation.

Mr. Perone stated that there were tremendous benefits to having the station; one of which was that the retail price of compressed natural gas was \$2.00 less than current fuel prices in the region. He went on to say that it produced 30% less greenhouse gases than conventional fuel and 90% less particulate matter. Mr. Perone noted that they were doing the project jointly with the current Shell station owner and that they were planning on being a co-tenant of the property.

Mr. Perone stated that they had received the staff's latest comments and that they had no issues with the staff's requests. He went on to say that they would like to move forward with a conditional approval from the Commission.

Chairman Gannuscio asked the Commission members for any questions. Mr. Zimnoch clarified that their proposed customers would be vehicles that were already in the area. Mr. Perone stated that that was correct; the majority of customers would be airport vehicles. He went on to say that it would also be available to any consumers who wanted to purchase



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these types of vehicles. Mr. Zimnoch asked if there were currently existing vehicles that were being fueled elsewhere. Mr. Perone replied that there were not any existing vehicles, but that several of the parking companies had received grants to move forward with this and purchase these types of vehicles. He then stressed that it was very important for the station to be built in order for those parking companies to move forward and fulfill their grants. The discussion then continued briefly.

Chairman Gannuscio asked Mr. O'Leary for any comments. Mr. O'Leary referred to his memorandum dated May 3, 2011 and noted that when the current gas station had been built a series of variances had been granted. He went on to say that it was not clear on the drawings if the canopy was going to intrude further into the setback or if it would be remaining the same. Mr. Young stated that they could add it to the drawing. He went on to say that it was fairly close to where the existing car wash was, but that they did have a little wiggle room. Mr. O'Leary noted that the variance for the existing construction stated rear yard to car wash of six feet. He went on to say that the car wash was of a certain height and bulk and that the canopy was a completely different type of structure. He then pointed out that the canopy was at the same setback, but that it was a higher structure. Mr. O'Leary stated that it was up to the interpretation of the Commission as to how to judge intrusions into a yard area. Mr. Gannuscio commented that although the canopy was a higher structure it was of a lesser volume than the car wash because it was not an enclosed structure.

Mr. O'Leary stated that there was a landscape requirement with a minim of 10 feet and that the current existing condition of the landscape setback would at the very least need to be maintained. He went on to say that even if the intrusion stayed the same it was going to run further along the rear yard. Mr. O'Leary stated that that was also something that would be up for interpretation by the Commission.

Mr. O'Leary referred to the impervious area and stated that Mr. Steele would talk about that issue further.

Mr. O'Leary referred to the elevation drawings and asked if there were going to be two canopies. Mr. Young stated that the existing canopy would remain and that they were going to also add a new canopy. He went on to say that the two canopies would be next to each other, but that they would not be attached. Mr. O'Leary asked if they had a drawing of the two canopies. Mr. Young replied that they did not, but that he could get one. He then explained that the two canopies would be the same width and height. Mr. Perone noted that the two canopies would look like one canopy from Ella Grasso Turnpike.

Mr. O'Leary stated that signage dimensions needed to be submitted to and approved by the Commission. Mr. Young asked if the Regulations contained a certain percentage of signage for the property. Mr. O'Leary replied that it was based upon the frontage of the structure



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facing Route 75. Mr. Steele pointed out that the width of the canopy was 48 feet. Mr. O'Leary asked if there was signage being proposed other than the one on the canopy. Mr. Young replied that the only signage would be the one on the canopy and the Clean Energy logos on the dispensers themselves. Mr. Szczesny asked if the existing Shell pylon sign was going to remain. Mr. Young replied that it would remain.

Mr. O'Leary stated that full cut-off fixtures were required. He went on to say that details for any new lighting (either under the canopy or around the site) should be submitted to the Commission.

Mr. O'Leary referred to sidewalks and stated that any time the Commission had had new construction or substantial modifications to a site on Route 75 they had required that sidewalks be installed. He then pointed out that there were existing sidewalks to the north of the site in the question. Mr. Young asked if they would need to extend their sidewalks all the way out to connect to the existing sidewalks. Mr. O'Leary replied that they would just have to install sidewalks along the frontage of their property. Mr. Steele noted that the sidewalks should not go across the driveways; they should be ramped and stopped at each driveway.

Mr. O'Leary stated that the proposed use was allowed by special permit and that his memorandum just summarized the details that were needed.

Chairman Gannuscio asked the applicant if they had any response to Mr. O'Leary's comments. Mr. Perone stated that they had no problem with any of Mr. O'Leary's comments.

Chairman Gannuscio asked Mr. Steele for his comments. Mr. Steele referred to his letter dated April 7, 2011 and noted that the applicant was proposing to take down an existing storage building in the back as well as the existing drive-thru car wash in order to make room for their project. He went on to say that part of their reason for doing so was because they did not want to increase the impervious coverage on the site since it was already nonconforming.

Mr. Steele stated that the existing site appeared to be using a drywell system which was not something that he generally liked to see for that type of use. However, he went on to say that the type of station being proposed was much cleaner than the typical gas station. Mr. Perone commented that it was almost virtually impossible for their fuel to contaminate the ground; it was a gaseous fuel. Mr. Steele stated that he had no objections to what the applicant was proposing.



Mr. Steele stated that the survey did not conform to the Commission's datum requirements for topography, but that the revisions that were being proposed were very minor in terms of topography. He went on to say that he had no objection to waiving that requirement, if the Commission chose to do so.

Mr. Steele stated that the plans did not show the building setbacks. He then requested that the front, side and rear setback lines be included on the final plan.

Mr. Steele referred to the trench drain and asked if it was new. Mr. Young replied that it was new. Mr. Steele commented that he did not see it as a problem, but that it needed to be connected to the drainage system. He then noted that there were some missing details that would need to be included on the plan. Mr. Steele stated that he could review it as a condition of approval.

Mr. Steele referred to sidewalks and stated that the Regulations required a six foot wide concrete walk with ramps at each driveway.

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

Chairman Gannuscio referred to the Police Chief's memorandum dated April 11, 2011 and read the following:

“The only concerns I have with the above-referenced application are listed below, as follows:

- any proposed shrubs/trees do not interfere with the line of sight for any vehicles entering or exiting the locations;
- any proposed lighting should be placed so that it does not reflect onto adjacent properties;
- any signage is required to be within the parameters of Town zoning regulations; and
- sidewalks are required to be laid in front of the property along Route 75.”

Chairman Gannuscio asked if there was any need for a revised set of plans. Mr. O'Leary stated that it would be possible to assemble a list of conditions, but that there would be a lot of them; although they were pretty straight forward. He went on to say that they could handle it either way, via a new revised set of plans or via conditions; whatever the Commission wanted to do.

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. There were none.

Chairman Gannuscio commented that there were still a lot of items that needed to be cleared-up (previous variances, Items 2, 3, and 4 from Mr. Steele's letter, structure dimensions, pavement dimensions, etc). He noted that there were a lot of conditional items, more than he would be comfortable going forward with. The other Commission members all agreed with Mr. Gannuscio. The discussion then continued briefly.

Chairman Gannuscio moved to continue the public hearing on the special use permit and site plan review of Clean Energy for the property located at 80 Ella Grasso Turnpike to June 13, 2011. Ms. Ramsay seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.

Chairman Gannuscio moved to conduct the review of the 6 National Drive application next. Ms. Ramsay seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.

REVIEWS:

a. Review of the site plan application of Khoa Nguyen for the property located at 6 National Drive.

Khoa Nguyen addressed the Commission and stated that his application was for a Vietnamese restaurant. Chairman Gannuscio asked Mr. Nguyen how many employees he was going to have. Mr. Nguyen replied that he would probably have five employees. He went on to say that they were proposing 52 seats. Mr. Gannuscio asked if they had resolved the grease trap issue. Mr. Nguyen replied that it had been worked out. He explained that he had met Gary Kuzarski, Water Pollution Control Authority (WPCA), and a contractor who had been recommended by Mr. Kuzarski. He went on to say that the grease trap and connection to the Town's sewer system had been worked out. Mr. Gannuscio asked Mr. Steele if he had seen the details of that grease trap. Mr. Steele replied that he had not seen anything. He then suggested that a condition of any approval be that the plans for the grease trap be reviewed and approved by the WPCA.

Chairman Gannuscio referred to the signage and verified that Mr. Nguyen was just proposing one sign to be mounted on the existing panel. Mr. Nguyen stated that that was correct.

Mr. Nguyen stated that his landlord had agreed to stripe the parking lot.

Mr. O'Leary noted that it was a permitted use in the zoning district and that there was plenty of parking available on the site. He went on to say that with the parking lot and handicap spaces marked he would have no further issues. He then noted that the proposed sign complied with the Regulations.



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

Chairman Gannuscio asked for a motion. Mr. Zimnoch moved to approve the site plan application of Khoa Nguyen for the property located at 6 National Drive with the following conditions:

- grease trap design be approved by the Water Pollution Control Authority (WPCA);**
- and**
- the striping of the parking lot be redone, as promised by the property owner.**

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

b. Review of the extension of use request of Robert Tenerowicz, Polish American Club, located at 9 First Street.

The following individuals were present on behalf of the applicant:

- Nicole Kulesa, President of the Polish American Club; and
- Mike Kulesa, member of the Board of Directors and Sergeant at Arms.

It was also noted that Mr. Kulesa ran the horseshoe league at the Club.

Ms. Kulesa stated that it was the same extension of use that they had received the previous year which allowed them to sell beer and drinks outside as long as they were in plastic cups.

Chairman Gannuscio asked if the new extension of use would replace the year-by-year permit. Ms. Kulesa explained that in the past they were allowed to file for three outside permits per year. She went on to say that the extension of use would eliminate the need for them to obtain individual permits for their various events. She then noted that the area had to be enclosed and that the Liquor Commission would actually come out to the site to survey the area in order to ensure that it was completely enclosed. Mr. Kulesa then pointed out that their area was enclosed by trees and a fence. She also noted that the extension of use did not allow for a bar to be set-up outside, only for drinks to be brought outside.

Chairman Gannuscio asked the Commission members for any questions. Mr. Zimnoch commented that they had not had any problems or issues with the neighbors the previous year. Mr. Kulesa stated that their horseshoe league started at 6:00 pm and was done by 8:00 pm, since they had no outside lighting.

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



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Chairman Gannuscio asked for a motion. Mr. Zimnoch moved to approve the extension of use request of Robert Tenerowicz and Nicole Kulesa, Polish American Club, located at 9 First Street with regard to the outside liquor use. Ms. Ramsay seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.

Mr. Perone from Clean Energy addressed the Commission and stated that, if there were any additional items that were needed, they be made aware of them as soon as possible so that they could make sure that they had everything in place for the June 13, 2011 meeting. He explained that if they did not break ground by the end of the summer, then the grant vehicles would not be purchased by December 31st which would result in the station not being built. Mr. Young asked, if they got the revised plans to staff by the end of the week, could they move forward at risk and apply for some of their permits. Mr. Szczesny asked if they were planning on taking down the existing car wash first. Mr. Young replied that they were planning on taking the car wash down first. Mr. Szczesny asked the Commission if they were okay allowing the applicant to come forward for their demolition permit prior to the June 13th meeting. The Commission members all agreed that that would okay.

PUBLIC HEARINGS:

- a. Continued public hearing on the application to amend Section 605 and add new Sections 607 and 602d to the Zoning Regulations.**

A brief discussion took place and it was agreed that the Commission would continue the hearing to the June 13, 2011 meeting.

OLD BUSINESS:

- a. Discussion with Commission and Staff**

Chairman Gannuscio stated that he had previously asked Mr. O'Leary to come up with a change to the Permitted Use Table, specifically pertaining to taxis, liveries and limousines, which Mr. O'Leary had then done. Mr. Gannuscio then distributed the proposed changes to the Permitted Use Table to the Commission members and staff. A brief discussion took place regarding the proposed changes and Mr. O'Leary suggested adding "involving two or more vehicles" to the language. The Commission members agreed.

Chairman Gannuscio asked Mr. O'Leary how much time they needed in order to notify CRCOG. Mr. O'Leary replied that they needed to give CRCOG a 30 notice via Certified Mail.



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Chairman Gannuscio moved to schedule a public hearing on the proposed addition to Section 402 of the Regulations regarding permitted zones for the operation of taxis, limousines and livery operations involving two or more vehicles for June 13, 2011. Mr. Zimnoch seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.

NEW BUSINESS:

a. Public Input

There was none.

b. Receive New Applications

There were none.

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

The discussion was continued to June 13, 2011.

d. Informal discussion regarding 229 Ella Grasso Turnpike.

No one was present for the discussion.

Chairman Gannuscio asked the Recording Secretary to remove the item from future agendas.

COMMUNICATIONS AND BILLS:

Chairman Gannuscio stated that he had received an invoice from Mr. O’Leary for his March/April, 2011 retainer in the amount of \$3,333. He then moved to approve Mr. O’Leary’s invoice in the amount of \$3,333. Ms. Ramsay seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.

Chairman Gannuscio stated that he had received an invoice from Halloren & Sage, the special counsel for the Babylon issue. He explained that the Board of Finance had made a special allocation of \$5,000 in order to hire the special counsel. Mr. Gannuscio moved to approve the Halloren & Sage invoice in the amount of \$3,900. Mr. Zimnoch seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.



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Ms. Ramsay asked what was happening with Babylon. Chairman Gannuscio stated that the Department of Environmental Protection (DEP) had strongly suggested that the Town hold a meeting with Frank Antonacci from USA, which they had done. He went on to say that the meeting had gone pretty well. He then noted that the application was currently in its technical review phase. Chairman Gannuscio stated that the DEP's perspective was that the Town's concerns were not technical concerns, but rather quality of life concerns that should be taken up at another public hearing, not during the technical phase. The discussion then continued briefly.

Chairman Gannuscio moved to adjourn the meeting. Mr. Zimnoch seconded the motion. All were in favor. The vote was 4 ó 0, the meeting was adjourned at 9:40 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.