

PLANNING & ZONING COMMISSION
May 13, 2013 Meeting Minutes

These minutes are not official until approved at a subsequent meeting.

Commission Members Present: Vincent Zimnoch, Alan Gannuscio, Jim Szepanski, Peter Juszczynski, and Alexa Brengi (Alternate)

Commission Members Absent: Anthony Scarfo, and Paul Harrington (Alternate)

Town Staff Present: Patrice Carson (Interim Town Planner), and Dana Steele (Town Engineer)

I. Call to Order

Chairman Zimnoch called the meeting to order at 7:03 pm.

II. Roll Call

Commission roll call was taken. Ms. Brengi was seated for Mr. Scarfo by Chairman Zimnoch.

III. Approval of Minutes from the April 8, 2013 Regular Meeting and April 22, 2013 Special Meeting

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission approve the April 8, 2013 minutes.

It was **MOVED** (Zimnoch) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission approve the April 22, 2013 minutes.

IV. Public Hearings

A. Public hearing on the site plan modification and special use permit application for Mike's Blue Collar Bar for the property located at 482 Spring Street

Mr. Szepanski read the rules for conducting a public hearing.

The Recording Secretary read the legal notice that was published in the *Journal Inquirer* on May 1, 2013 and May 8, 2013.

Neal Kwort, 86 Sunnyreach Drive, East Hartford, and Anthony Taricani, 47 Day Street, New Britain, addressed the commission. Mr. Kwort gave a lengthy power point presentation with the following objectives: To identify who Mike/Neal Kwort is; to give a brief history of the business; to familiarize the commission with his concept/business plan; to relate past experience to present and future business; to

identify who Tony Taricani is; to give a fair representation of the facility as it is to be; to display the parking is adequate and explain why; to address the surrounding area; to present how and why Mike's Blue Collar Bar would benefit the town of Windsor Locks; and to leave no question unanswered.

Dana Steele, Town Engineer, discussed his report dated May 13, 2013.

Chairman Zimnoch asked what the actual parking requirement was for this application. Mr. Steele responded that there are 34 seats in the restaurant and 20 in the bar, for a total of 54 seats, so 27 parking spaces are required. There was some discussion regarding parking spaces. Mr. Steele mentioned that if you add together the number of parking spaces needed for both the Gathering Ground restaurant and Mike's Blue Collar Bar, there is not enough parking for the site, but because the hours of the two restaurants would not overlap, it would not be an issue. Mr. Szepanski brought up a concern: What if the Gathering Ground restaurant gets sold in the future and the hours of operation change, and the business is open for lunch and dinner? Now the parking would be an issue, and how would the commission handle that down the road?

Patrice Carson, Interim Town Planner, discussed her report dated May 13, 2013.

She noted that the new alcohol regulations that were passed in February were very specific about the percentage of bar versus restaurant and that the commission needs to determine whether this particular project meets those requirements of the 20% bar and everything else restaurant. Mr. Steele stated that based on the scaling of the plan, it appears that the bar area, which includes the bar itself, the display area in front, and the one table in the corner, is about 27%, and the stage area, which is the entertainment portion, appears to be 27% also. Mr. Kwort explained that the architect told him what the square footage of each area was (422 square feet in the bar/cocktail area, and 26-something for the total square footage). He said he would send the email from the architect to commission members. Mr. Szepanski stated that the commission needs to know the exact square footage of all the areas and how the architect is determining that. Mr. Steele suggested that the architect take the existing plan and shade in the areas with the percentages.

Ms. Carson commented that if this special use permit is approved, the commission should make it specific as to what other types of activities are part of the approval.

Chairman Zimnoch said this is a major renovation of the building and there seems to be many non-conforming things. He asked Ms. Carson if some of the non-conformities (as with the sign) should be reduced. She said in the file was a comment by Ms. Rodriguez that the sign was approved as a legal non-conforming sign to the size of 67.5, and to her that means if they're just replacing the fronts of those signs then they can maintain that size.

Mr. Szepanski asked to have a copy of Mr. Kwort's slide presentation. Mr. Szepanski commented that the applicant is applying for a restaurant permit, but he sees an emphasis on entertainment; a commitment to service for beer, wine, and liquor; and advertisement for the coldest beer in town. Also, the word "restaurant" is not on the sign, just "bar." The Liquor Control Act 30.22 defines "restaurant" as "space in a suitable, permanent building kept, used, maintained, and advertised to the public as a place where hot meals are regularly served." Mr. Szepanski does not get that feeling when he looks at Mr. Kwort's concept or sign; rather, he feels it's more entertainment and bar than restaurant. In addition, he feels the proposed menu is more of a bar menu than a restaurant menu. There was some discussion regarding this issue. Chairman Zimnoch noted that a menu will have to be submitted with this application.

Mr. Szepanski voiced another concern about the noise from the bands filtering outside, as there is a residential home only 192 feet away.

Mr. Szepanski also commented that he is very interested to see what the actual square footage of the building will be. There was more discussion about this. Mr. Kwort said he will email the commission tomorrow the actual figures, but according to his architect, the bar area is 422 square feet and the total square feet is 2,635. Ms. Carson said that our regulations state, "no more than 20% of the floor area of the restaurant is devoted to a bar or cocktail lounge area." There was some discussion about what exactly falls within the restaurant area (e.g., stage, kitchen, rest rooms).

At this time Chairman Zimnoch opened up the public hearing for comments from the public in favor of this application.

Kyle Bates, 25 Whiton Street, spoke in favor of this application.

At this time the floor was opened up for comments in opposition. Curtis Ruckey, 11 Smalley Road, spoke in opposition to this application. His house is within 300 feet of the proposed building, and he feels the noise level will be disturbing to his family. He also does not like the idea that people coming out of a bar may be walking close to his house. He brought up a concern that he never received any notification whatsoever that this public hearing would be held. None of his neighbors were aware of this application either. He does not feel this bar fits well in this particular neighborhood. Chairman Zimnoch said this public hearing could possibly be continued, and he encouraged Mr. Ruckey to stay around to see if it does get continued to next month, at which time he and his neighbors would have another opportunity for comments.

At this time Tom Fahey, owner of 487 Spring Street, LLC, spoke in opposition to this application. He commented that while the Zoning Board of Appeals requires notice to abutters, the Planning & Zoning Commission does not. He did not know anything about this public hearing either and just happened to be at tonight's meeting for another matter, and suggested that the P&Z amend their regulations to require

notification to abutting properties. He feels there should be a written record of Mr. Kwort's power point presentation and suggested that the presentation be admitted for the record as an exhibit. Mr. Fahey stated that the commission has to address what the regulations state. A new zoning regulation took effect on February 1, 2013 which does not allow bars as a primary use of property. The commission has to make a determination if this is a bar or a restaurant. He feels the stage is part of the entertainment area and that this is clearly a bar. In his opinion, the calculation in terms of the 20% is only one component. There is special permit criteria that deal with compatibility in the area not only in terms of the social issues but with the mix of the businesses that are there, the traffic situation, and the sight lines. Mr. Fahey has never seen where every single spot in an existing facility is used for the other applicant to share. He stated, "You're allowing a multi-tenant building to share not half his space, but every single space to be used to satisfy one business and that's an awful precedent to set down the road." Also, he felt that the application is not complete, as the drawings on the plan were not complete enough to allow the fire marshal to comment on the access issues. Finally, Mr. Fahey said, "If this is not a bar then this new regulation has absolutely no place in the ordinance at all because you'll never be able to enforce it in the future once you set this in motion."

Mr. Steele pointed out that the required parking for Mike's Blue Collar Bar is 27, and the total number of spaces on the site is 63, so less than half of the spaces on the site are dedicated for Mike's Blue Collar Bar. If it was close to 100%, that would be a straining of that concept of overlapping, but it's not quite as bad as that, although the concern of parking on other properties is certainly a legitimate one. Parking calculations are based on employees and seats, but if you have a band and you have standing room only, maybe another way of looking at it should be what the total occupancy of the building is. (Ms. Carson stated it was 128, according to the fire marshal.)

Mr. Kwort responded to Mr. Fahey's concerns. He said if it is licensed as a restaurant, then it is a restaurant. The reason he gave such a complete presentation and addressed the liquor issue is because this is a special use permit that deals with liquor, and that's the focus of this commission, to determine whether this place is appropriate for that sort of thing. Regarding parking across the street, if that becomes an issue, he will ask his neighbors if they can work something out where he buses people in. In addition, he stated, he can take that entire parking lot because the landlord says he can because there's nobody open when he will be--the hours do not overlap. There was more discussion regarding parking. Mr. Szepanski was concerned that there may be as many as 128 people looking for parking. Mr. Kwort said he would talk to his neighbors to find additional parking to bus people in. Mr. Kwort believes he meets the requirements and will have the proper documentation to do business. There was more discussion about what is speculation and what are valid concerns.

Chairman Zimnoch stated that the presentation should be included as part of the record and asked Mr. Kwort to submit it as part of the application.

Mr. Gannuscio stated that input from the Police Chief is missing from the record, which is of major concern to him. Ms. Carson confirmed that she has not received anything from the Police Department at this point. Chairman Zimnoch stated that there is missing input and unresolved issues at this point and the public hearing should be continued. Commission members agreed.

It was **MOVED** (Gannuscio) and **SECONDED** (Szepanski) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission continue the public hearing on the site plan modification and special use permit application for Mike's Blue Collar Bar for the property located at 482 Spring Street to the meeting scheduled for June 10, 2013.

Ms. Carson asked if the commission should make a clear and concise list for the applicant of the kinds of information he needs to present to the commission. Chairman Zimnoch stated that a full menu should be submitted to the WPCA and the commission, and the exact square footage calculations with a shaded floor plan that addresses the fire department concerns needs to be submitted. More information is needed regarding the existing and proposed lighting, and the police chief's input is also needed regarding lighting.

Mr. Szepanski asked if the commission or Town Planner need to do anything to notify the abutting property owners, as there seems to be a lack of communication, or will the legal notices and the placard in the door be considered sufficient. Ms. Carson noted that there is nothing in the regulations that requires notification. Mr. Gannuscio replied that this is the same discussion the commission had with Attorney Flynn about St. Roberts. Mr. Szepanski concluded, "So we will follow the reg." Chairman Zimnoch said the best approach is to continue this public hearing and hopefully the word will spread and there will be a more diverse input from the neighborhood. Unless the regs have changed and there is a different protocol or requirement in place, the commission cannot do anything else. As Mr. Szepanski put it, "We've met the reg."

Chairman Zimnoch called a five minute break at 9:43 pm.

FIVE MINUTE BREAK

Chairman Zimnoch called the meeting back to order at 9:48 pm.

V. **Reviews** (none)

VI. **Action on Closed Public Hearing Items** (none)

VII. Old Business

A. Status of the special use permit application for new liquor permit required by the change of use for Pool Table Magic, 75 Ella Grasso Turnpike

Ms. Carson summarized: in the last few meetings the commission asked the applicant to provide a special use permit application for a liquor permit at 75 Ella Grasso Turnpike to go along with the site plan modification and special use permit for the change in entertainment on the property. On May 9 the special use permit application for a new liquor permit was submitted to the office. The general statutes require that the receipt date would be the commission's next regularly scheduled meeting after the day the applicant submits the application, and that date is tonight. Ms. Carson suggested that the commission amend its agenda under New Business, Item B, Receive New Applications, and add an agenda item to receive this application, special use permit for a new liquor permit at 75 Ella Grasso Turnpike. She clarified that there is a separate pending application for the site plan modification and special use permit already that started a while ago which the commission granted an extension on last time, so this application has a different time clock, and although they do run together for a while, this 65-day time clock starts tonight. The other one is already running. Although they could be on the same night, there will be two public hearings—one for the liquor permit and one for the site plan modification/special use permit.

It was **MOVED** (Zimnoch) and **SECONDED** (Gannuscio) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission amend the agenda to add under VIII B, Receive New Applications, Item iii, Special Use Permit for Liquor Permit for Pool Table Magic, 75 Ella Grasso Turnpike.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission move Item VII B, Discussion with Commission and Staff regarding items i, ii, and iii, T&M and North Group, zoning regs, and subdivision regs, to come after Item VIII C, Informal Discussions.

VIII. New Business

A. Public Input

Mr. Gannuscio commented that someone wrote to the commission and said that at the last meeting the commission had waived the entire special use permit process for the home business at 25 Whiton Street. Mr. Gannuscio feels that if someone is going to report the actions taken by this board they should be reported accurately so that a public stir and outcry is not created. The commission had an informal discussion, and part of that was regarding what had been done previously for the home business on Meg Way, and to say that the commission is waiving entire items of its regulations to do some of these things is ludicrous.

B. Receive New Applications

i. Site plan review for the Internet/Home Based Fire Arms Retail Business of Kyle Bates at 25 Whiton Street

Mr. Bates addressed the commission. He stated he was not exactly sure what was required of him because when this was discussed at the previous meeting, he was told to just submit an application, but when he went to the Planning Office they weren't sure what application he needed to submit for a home based business. He said, "We discussed that we were going to be waiving the site plan requirement, but then I was asked to submit a site plan application, so I was very confused." Ms. Carson admitted there was confusion in the office because her representation was that the commission had waived the requirement of the site plan map but still wanted the information of what he wanted to do, and the confusion was because of the way the last application like this was treated. The commission had waived pretty much everything—it was basically notification of a proposed use that staff signed off on with police department input.

Chairman Zimnoch asked for an exact description of Mr. Bates's business. Ms. Carson stated that he has already done that—he submitted an application and a written proposal at the previous meeting. He also paid a fee of \$260 this time for the site plan and modification fee. She wasn't sure whether to charge that either because of what the commission waived. In other words, she wasn't sure if that was part of the waiver or not because the last person did not pay this fee. Mr. Bates said there is a zoning permit fee of \$20, and he wasn't sure if that's what the fee was supposed to be because the site plan requirement was waived, and the \$260 is for the site plan and modification fee. Chairman Zimnoch stated that with the last application for Meg Way, the neighbors were not aware that this was happening, so going forward he would like to have a public hearing for this application so Mr. Bates's neighbors will have an opportunity to hear what is being proposed and comment. Commission members agreed with this process. Mr. Bates asked if he still had to pay the \$260 site plan fee even though there is no site plan and no changes to the property. There was some discussion about charging a site plan fee. Ms. Carson stated, "basically you're saying you want to do this under 221E which is 'the commission may, in its discretion, either waive requirements for a site plan or it may require a public hearing as a special use if it is determined that the proposed use may have an effect on abutters.'" Commission members answered yes. Ms. Carson replied, "So then if you're having a hearing then it falls under special use. If you're waiving the site plan requirements, which makes sense, all you're doing is really creating a public hearing to be able to hear the abutters." Mr. Gannuscio commented that this is something relatively new to the commission and if it's going to be a continuing process that comes along, it should be defined now. Chairman Zimnoch said the commission needs to possibly come up with different regulations so the neighbors

could at least be aware, and it needs to find the right process and fees. He said there will be a cost to the commission for advertising for the public hearing. Ms. Carson asked if the commission wanted to charge Mr. Bates the special use permit fee of \$200 instead of the site plan fee. Chairman Zimnoch agreed to that.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission treat the application regarding the internet/home based fire arms retail business of Kyle Bates at 25 Whiton Street as a special use application and schedule it for a hearing on June 10, 2013.

Mr. Bates asked if he had to submit a special use application or if he could just modify the application already submitted. (The application can be modified.) He also asked when he had to pay the \$200 special use fee. (It can be paid whenever it is convenient for him.) Mr. Steele pointed out that with the state fee included, the cost would be the same as a site plan fee, \$260.

Ms. Carson suggested that at the next meeting the commission hear the application of Kyle Bates first.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission take up Kyle Bates's application prior to the continued hearing of Mike's Blue Collar Bar.

ii. Site plan review/site plan modification for change of use to retail furniture sales for the property located at 2 North Main Street

Attorney Thomas Fahey addressed the commission. The applicant is Location, Location, Location, LLC, which is a company owned by John Barberino at 2 North Main Street. He introduced Ron Manzuri, principal of Premier Rental and Purchase, a retail store that deals with furniture, electronics, computers, and appliances and hoping to lease this site. The initial plan was submitted, and Mr. Steele, Ms. Rodriguez, and Ms. Carson reviewed it. Modifications were then incorporated into the revised plan dated May 1, 2013. The May 1 revised plan has everything that staff asked them to put into it, and they would like the commission's approval so they can get the site paved and get the new tenant in.

Mr. Steele stated the site originally had a house and garage on it. Although he does not have a pre-existing condition plan to compare it to he does have aerial photos from GIS, and it appears that they are not increasing the impervious area, and they're putting parking where the house was. One of the biggest improvements is a significant reduction of the curb cuts on Suffield Street. The site is non-conforming to the regulations in many ways. There is a residence to the north. Regulations require a 25-foot buffer but currently there is about 7 feet at the narrowest and 15 feet at the west end. There is encroachment within that 25

feet further to the west where there are additional parking spaces, and they have been asked to cut that back, which they have, so now they fully comply with the buffer, but if they were to put in a 25-foot buffer in the front, they would have to eliminate all the parking that's on that side. This seemed like a reasonable compromise, but it's not technically conforming. The commission can either act on this application tonight as a site plan approval, or it can allow staff to do an administrative approval, but staff would like some direction from the commission regarding some of these issues. Mr. Steele stated that he and staff are pretty comfortable with the plan that has been submitted. He pointed out some of the deficiencies. They are proposing some improvements to the buffer along that strip, but it's too tight an area to plant a double row, so it will be a single row of arborvitaes. The front of the building that faces North Main Street has a large concrete sidewalk, and Mr. Steele reminded the commission about the Main Street regulations regarding outdoor display areas. Lighting and drainage issues were briefly discussed. Mr. Steele asked if the commission was comfortable assigning this to staff for administrative review. Chairman Zimnoch and Mr. Gannuscio affirmed this. Mr. Szepanski had some questions regarding entrances/exits and delivery trucks. Chairman Zimnoch asked staff to work with the applicant to work out the details.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission allow staff to review and give final approval of the site changes and requirements for the property at 2 North Main Street.

iii. Special use permit application for new liquor permit for Pool Table Magic, 75 Ella Grasso Turnpike

Mr. Steele stated that he feels the applicant has provided everything he needs to. One item he brought up in their discussions was that the commission could require a traffic study, but the applicant felt he did not want to submit a traffic study with this application. Mr. Steele suggested to the applicant that it may help to satisfy some current concerns, as there are always concerns with traffic on Route 75. Ms. Carson also pointed out that there is also a large parking lot. Mr. Steele stated he was not sure if the applicant was going to submit a traffic study or not. Mr. Gannuscio pointed out that the commission is at a point where it will not be able to continue at least a portion of this application any further. Ms. Carson said, using the original application, not the liquor one, this was received at a regular meeting on March 11, 65 days would have been May 14, and they granted an additional 65 days which goes to July 18. The next meeting is July 8, so if the commission did open the hearing on June 10 and needed to continue it, there would still be time to do that. Or the commission could continue it to a special meeting if four weeks were not needed between meetings. Therefore, the commission needs to open the public hearing by the July 8 meeting. If the commission opened on June 10 and then decided a traffic report

was necessary, the applicant would have to come up with one in 30 days. Mr. Gannuscio felt that, given this is Route 75, some kind of traffic volume data in terms of patrons and deliveries should be collected so that concrete numbers could be provided to different reviewing entities like the DOT or Police Department. He asked if there was an alternative to a full blown traffic study. Mr. Steele said there probably would be some count data already available through the DOT. Chairman Zimnoch stated he thought the commission should have some data to get an idea of level of service and accident history.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission schedule a public hearing on the application of “Q”-Lungian Enterprises, d/b/a Pool Table Magic, for the property at 75 Ella Grasso Turnpike for the currently pending application for the change of use of the property as well as to alter the site plan of the building and to add the new use of live entertainment scheduled for July 8, 2013.

It was **MOVED** (Gannuscio) and **SECONDED** (Zimnoch) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission accept the special use permit application for the new liquor permit at 75 Ella Grasso Turnpike, “Q”-Lungian Enterprises, d/b/a Pool Table Magic, and schedule it for a public hearing on July 8, 2013.

Chairman Zimnoch stated the commission would like to have a traffic analysis level of service and accident history. The accident history would be available from the Police Department and the level of service from the DOT. Mr. Kulungian asked why the commission is requesting this study. Mr. Gannuscio responded that there were concerns raised by other businesses on Route 75 about the traffic increase and the use of the road at that point. Mr. Kulungian asked if it was also because the customer base was increasing. Chairman Zimnoch responded yes. Mr. Kulungian said, “Just for the record, I just wanted to state the reason for the expansion of the parking spaces is strictly due to the employee and not due to the customer base increasing. Just for the record, so we understand.”

C. Informal Discussions

i. 594 North Street (formerly Passport Café)

Attorney Fahey distributed a colored map of the area of 594 North Street and then addressed the commission. The building that is there now is in a Business 1 Zone and Mr. Barberino would like to use part of it for an office for a car leasing business. These cars would be longer term rentals, not daily rentals. Eventually they would work on a plan for the remaining two parcels. Mr. Gannuscio asked if the cars would be coming in on a carrier or be driven in individually. Mr. Barberino replied they would be dropped off by carrier at his other property

at 24 King Spring Road and then be driven to Passport. Mr. Gannuscio said in the past there has been a lot of concern about truck traffic on North Street. Attorney Fahey said they could use Route 75 and go in that way if necessary. He also said it is a permitted use because leasing would be considered retail use. This will be an existing retail use and office where all the transactions take place and the inventory will be parked on the land. Attorney Fahey said this would be a lot line reconfiguration and site plan with landscaping and fencing if needed. It would be a right of way, and they would keep the access and make sure it's included with the rights that go with the Passport property. To address Mr. Gannuscio's concern, deliveries would be coming from Route 75, not North Street. Ms. Carson confirmed with Attorney Fahey that this would fall under retail in the Business 1 zone because they are leasing cars. She stated this would be a site plan as opposed to a special use permit.

IX. Communications and Bills

Chairman Zimnoch stated he received two letters dated April 11, 2013 from 28 and 30 Meg Way, neighbors of the gentleman on Meg Way who was approved for a home based firearms business in December. They were not aware this was happening and were not happy that they were not allowed to have any say in it. Chairman Zimnoch feels the commission needs to take a look at its process for home business approvals.

VII. Old Business

B. Discussion with Commission and Staff regarding:

i. T&M and North Group, LLC request for acceptance of roads

Nothing new to report.

ii. Zoning regulations (none)

iii. Subdivision regulations (none)

Mr. Gannuscio said the clock is ticking on the moratorium for sexually oriented businesses and asked if there had been any progress. Ms. Carson said there has been a draft of an ordinance but no regs yet. Mr. Gannuscio is attempting to get a copy of a pretty comprehensive new ordinance that Bridgeport has either adopted or is in the process of adopting for dealing with adult businesses.

X. **Adjournment**

It was **MOVED** (Zimnoch) and **SECONDED** (Gannuscio) and **PASSED** (Unanimous, 5-0) that the Planning & Zoning Commission adjourn the May 13, 2013 meeting at 11:12 pm.

Respectfully submitted,

*Debbie Seymour
Recording Secretary*