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**WETHERSFIELD PLANNING AND ZONING COMMISSION
PUBLIC MEETING
October 3, 2006**

The Wethersfield Planning and Zoning Commission held a public meeting on Tuesday, October 3, 2006 at 7:00 p.m. in the Wethersfield Police Department Meeting Room, 250 Silas Deane Highway, Wethersfield, Connecticut.

CALL TO ORDER

Chairman Hammer called the meeting to order.

ROLL CALL & SEATING OF ALTERNATES

Chairman Hammer asked Clerk Knecht to call roll as follows.

Member Name	Present	Absent	Excused
Joseph Hammer, Chairman	X		
Philip Knecht, Clerk	X		
Richard Roberts	X		
Thomas Harley	X		
Robert Jurasin			X
Earle Munroe	X		
Dorcas McHugh	X		
Margaret Wagner	X		
Anthony Homicki			X
James Hughes	X		
Frederick Petrelli	X		
George Oickle	X		

Also present:

Peter Gillespie, Director of Planning and Economic Development
Denise Bradley, Assistant Planner

Chairman Hammer noted that there were only eight members present at the time of roll call and requested the services of alternate member George Oickle to serve as full member.

OLD BUSINESS

P.H. 2.1 APPLICATION NO. 1532-06-Z. Guaranteed Maintenance & Development LLC Resubdivision and creation of a new lot in accordance with Section 143-1 of the Wethersfield Subdivision Regulations at 478 Nott Street.---**This application was tabled until the next meeting.**

P.H. 2.2 APPLICATION NO. 1535-06-Z. Michael Liska Seeking a Special Permit for renovations, building additions, site improvements and the construction of an additional drive-thru bay at 25 Wells Road.---**TABLED FROM 9/19/06.**

Chairman Hammer asked noted that this application was a continuation from the September 19, 2006, meeting and that he would not be participating. He asked Vice-Chairman Wagner to assume the responsibilities of Chairman.

Chairman Wagner requested alternate Jim Hughes to serve as a full member for this application.

Chairman Wagner asked Clerk Knecht to read the correspondence into the record as follows:

APPLICATION NO. 1535-06-Z. Michael Liska Seeking a Special Permit for renovations, building additions, site improvements and the construction of an additional drive-thru bay at 25 Wells Road.

Chairman Wagner asked Clerk Knecht to read new correspondence, since the last meeting of September 19, 2006, into the record as follows:

- A memo dated October 3, 2006, from Michael Turner to Peter Gillespie.
- A letter dated October 3, 2006, from Peter Gillespie to Michael Liska.
- A letter dated October 3, 2006, from John Ireland to Peter Gillespie.

Chairman Wagner asked the applicant if he was prepared to address the outstanding issues outlined in the above referenced correspondence. John Ireland, Architect with Fletcher-Thompson, Inc. responded that he was.

Mr. Ireland started by addressing the October 3rd letter from Mr. Gillespie and noted the applicant is prepared to design and install an oil/water separator. The only item of concern that was brought to the attention of the applicant on September 29th, is that an environmental cap exists on the site in the proximity of the proposed site work. In the past history of the site there was both a gas station and an oil service with above/underground storage tanks. The applicant received a portion of the environmental report and are currently seeking additional information and the exact extent of the cap from the Department of Environmental Protection. Ms. Wagner asked Mr. Gillespie why the Commission did not receive any information from the Planning Office on this matter. Mr. Gillespie responded that it had only been brought to their attention the day before and that the Department didn't have anything on file indicating there were any environmental restrictions on the property.

Mr. Ireland noted that a request for a waiver has been submitted because the existing building is non-conforming with respect to the front building line and the proposed columns and roofline will increase this non-conformity. The applicant is seeking to improve an approximate 10 by 10 foot corner of the building that is set within the 25 foot front yard setback. Mr. Ireland indicated that a note would be added to the plans indicating the height of the drive thru bays. Mr. Ireland stated that the details of the phasing would be worked out with town staff.

Chairman Wagner asked Peter Gillespie for his advice to the Commission with regards to how to proceed with the application. Mr. Gillespie noted that his recollection is that the environmental remediation took place in the middle of the Ocean State Job Lot parking lot and not in the corner of the site where the proposed oil/water separator is going to be placed. He stated that there could be a condition that the details and the location are worked out with the Town Engineer.

John Ireland mentioned that they would be seeking a waiver for the sprinkler and fire suppression system. He stated that if any of the existing poles exceeded 25 ft. that they would reduce the height to meet the regulations. He then discussed the issue with the building setback and noted that the state Department of Transportation took an edge of the property which ultimately created the non-conformity. The applicant is seeking a waiver to make façade improvements that will increase this non-conformity.

George Oickle asked Mr. Ireland what type of light poles the applicant is proposing. Mr. Ireland noted that the

applicant is only proposing to change one light pole and that is only if it exceeds the maximum permitted 25 ft. He said that the entire site is currently lit with box-type cut-off fixtures with recessed lamps.

Commissioner Wagner then asked if there were any questions from the public. There being none, she asked for a motion to close the public hearing. Dorcas McHugh made a motion to close the public hearing. Rich Roberts seconded that motion.

The members voted as follows (9-0-1)

Aye: Knecht, Roberts, Harley, Munroe, McHugh, Wagner, Hughes, Petrelli and Oickle.

Nay: None.

Abst: Hammer.

Ms. Wagner asked the Commission if there was a motion to move on this application. Mr. Munroe made a motion to approve the special permit application with a waiver in accordance with Section 5.6.D. (Exceptions for Business Redevelopment) of the Zoning Regulations, with respect to the front building line to allow for the proposed columns and roofline improvements, and subject to the stipulations as follows:

1. As no sprinklers are proposed, applicant must seek a waiver from the Sprinkler Appeals Committee.
2. Provide details of the oil/water separator to the satisfaction of the Town Engineer.
3. In accordance with Section 6.7.C. (Outdoor Lighting) of the Zoning Regulations, poles and standards used for outdoor lighting shall not exceed 25 feet in all non-residential zones. Please confirm that the height of the existing poles comply with this regulation. Provide details on parking lot lights and bollards.
4. Add a note to the plans indicating the height of the drive thru bays.
5. Continue to work with the town staff on the details and phasing of the proposed temporary trailer facility.

Rich Roberts seconded the motion.

The members voted as follows (9-0-1)

Aye: Knecht, Roberts, Harley, Munroe, McHugh, Wagner, Hughes, Petrelli and Oickle.

Nay: None.

Abst: Hammer.

Dorcas McHugh made an additional comment that she feels like this project is a lovely renovation and she feels it will be an asset to the Silas Deane Highway.

Ms. Wagner turned the post of Commission chairman over to Mr. Hammer.

NEW BUSINESS

P.H. 3.1 APPLICATION NO. 1537-06-Z. Xiu Jin Lin Seeking a Special Permit in accordance with Section 5.8 of the Wethersfield Zoning Regulations for the sale and dispensing of alcoholic beverages at 1105 Silas Deane Highway.

Xiu Jin Lin, of 137-29 Kalmia Avenue, Flushing NY, opened his presentation by outlining his business proposal for the space. He noted that he will be opening a Japanese hibachi-style restaurant called Sake Café.

Commissioner Hammer asked the applicant if he has had experience with this type of business venture. Mr. Lin responded that he has another restaurant location in Pennsylvania. George Oickle requested that the Town Planner

explain to the Commission how this application does or does not comply with the regulations set forth in Section 5.8 (Alcoholic Beverages). Mr. Gillespie noted that the site has had liquor permits in the past although previously the site was approved for a limited beer and wine license and the applicant is now seeking an upgrade to a full liquor permit. Mr. Gillespie stated that in terms of the Zoning Regulations, there are not specific distance requirements but they speak to the fact that you consider the neighborhood and that there is not a concentration of similar types of establishments. Whenever a business changes from one type of a liquor permit to another, there is a process requiring a public hearing. Mr. Gillespie noted that in this particular case, the Commission shall look at proximity to schools, churches, synagogues and residential neighborhoods in that the proposed activities would not disrupt the quiet pursuit of education and religion. Mr. Gillespie added that the location in question is located in the Wethersfield Shopping Center and that there is a residential neighborhood behind the center. He noted that there is one other space within the shopping center that holds a full liquor permit and then the closest establishment would be the Firehouse Bar & Grill located at 1151 Silas Deane Highway, the Puket Café across the street and Vito's to the north. Rich Roberts noted that there is a package store within proximity to the site.

George Oickle asked if there were any religious or educational facilities exist within a 1/2 mile radius. Mr. Gillespie answered that there is not. Joe Hammer made a point of clarification that if the applicant is here only on the liquor permit request and otherwise he would be substituting a restaurant for a restaurant and wouldn't need an approval from the Planning and Zoning Commission. Peter Gillespie noted that staff had administrating reviewed the detail floor plan on file. Joe Hammer asked the applicant if the alcohol would only be served when the full restaurant was open. The applicant responded yes. Mr. Hammer then asked the applicant what the proposed hours of operation will be. Mr. Lin responded from 10:30 a.m. - 10 p.m. on weekdays and 10:30 a.m. - 11 p.m. on weekends.

George Oickle made a motion to close the public hearing. Mr. Harley seconded the motion.

The members voted as follows (9-0-0)

Aye: Hammer, Knecht, Roberts, Harley, Munroe, McHugh, Wagner, Petrelli and Oickle.

Nay: None.

Abst: None

Mr. Oickle made a motion to approve the application as submitted. Mr. Knecht seconded the motion.

The members voted as follows (9-0-0)

Aye: Hammer, Knecht, Roberts, Harley, Munroe, McHugh, Wagner, Petrelli and Oickle.

Nay: None.

Abst: None

P.H. 3.2 APPLICATION NO. 1539-06-Z. Bosnian American Islamic Cultural Center Seeking a Special Permit in accordance with Section 10.1.E of the Wethersfield Zoning Regulations for a change of use and a shared parking agreement in accordance with Section 6.2.D.4. of the Wethersfield Zoning Regulations at 312 Silas Deane Highway.

Before the hearing got underway, Chairman Hammer made note that revised plans showing the new ramp and parking configuration were only submitted on Friday right before the packets were delivered and therefore, staff has not reviewed the revisions for compliance. The Design Review Advisory Committee (DRAC) is scheduled to hear this application at their October 4th meeting.

Nermin "Miki" Duric, a member of the Bosnian-American Islamic Cultural Center currently located at 497 Franklin Avenue in Hartford, began his proposal by noting that they had gone before the Design Review Committee and had been asked to add an accessible ramp and to eliminate a parking stall that was substandard. Mr. Duric noted that the plans had been revised to reflect these requested changes.

Mr. Duric noted that the facility would mainly be used for members to come and pray but also as a place where people from the Bosnian community could come to ask questions and/or get assistance. He discussed the staff's concern regarding the lack of what they see as adequate parking and discussed their attempts to enter into shared parking agreements with their abutting property owners. Mr. Duric pointed out that the facility would not draw in a large number of people at any one time. He stated that if the community felt that the property did not suit their needs they would not be pursuing the purchase. Mr. Duric said that the property would see its peak usage on Fridays at noon and that there are as many as 20-30 members present.

George Oickle asked if anyone would be living in the building. Miki Duric responded that there would not. Joe Hammer asked the applicant to explain what the plans for the interior of the building are. Mr. Duric described the 1st floor as being an open space and a 2nd floor office space for the director of the organization. Mr. Hammer asked about the hours of operation. Mr. Duric responded that the building would be operational 7 days a week only for certain periods of the day for prayer at 7 a.m., noon and 6 - 7 p.m. in the summer and 4 - 5 p.m. in the winter. Chairman Hammer asked where the current cultural center was located. Mr. Duric noted that the facility is located at 497 Franklin Avenue in Hartford. Mr. Hammer then asked the applicant why they were seeking out a new space. Mr. Duric responded that the space they currently occupy is too large, that the rent is very high and because they are leasing the space, they are restrained in what they can do in terms of interior renovations.

Phil Knecht asked about the Bosnian population in Wethersfield. Mr. Duric explained that when the Bosnian families began settling in the area a few years ago they were concentrated in the south end of Hartford and as they have become more upwardly mobile, they began buying homes in the suburbs of Wethersfield. George Oickle asked the special permit application was due to the lack of adequate parking and if the applicant was proposing any changes to the building; if so, had the Design Review Advisory Commission approved the plans. Peter Gillespie noted that the DRAC had in fact reviewed the application, requested changes are would be reviewing the revision on October 4th. He noted that because the DRAC had not approved the plans, he did not expect the Commission to be acting on it. Mr. Gillespie noted that the DRAC limits itself almost exclusively to exterior improvements and in this case the only exterior work proposed is the parking and the handicap accessible ramp. There are no building exterior changes proposed. Mr. Oickle then commented that the condition of the building could use some minor improvements. Mr. Gillespie agreed. Mr. Oickle then commented that it was difficult when an applicant comes before the Commission and they are proposing minor site improvements and no exterior improvements because it would be nice to be able to encourage a beautification of the property which is located at such a visual point on the Silas Deane Highway. Mr. Gillespie then noted that the special permit nature of this application was due to the proposed change of use and the request for the reduction in parking. Mr. Gillespie noted that the applicant has asked the Commission to consider the parking issue in two ways. The first being that the nature of what is being proposed doesn't warrant the conventional parking calculation and secondly that they have had conversations with their neighbors about using their parking at certain times. That scenario requires a full parking agreement which restricts the future uses of both properties. Mr. Gillespie noted that one of the issues the applicants came before the Commission for some guidance on is whether there is a strong feeling from the Commission as to which way they should be proceeding. He added that the use classification of religious institution, requires a special permit. Joe Hammer asked what the normal way of calculating a use like this would be. Mr. Gillespie noted that typically it is based on the number of seats that would be found in a pew which is not how these applicants are planning to use this space. The regulations require 1 space per 4 seats or permitted occupancy or 1 space per each 50 s. f. of gross floor area available to patrons where capacity is not determined by the number of seats, whichever is greater. Based on his conversations with the Building Official there may be as many as 20 spaces required. In this case, the applicants are proposing 9 spaces. Mr. Hammer asked Mr. Gillespie which use category that calculation was for. Mr. Gillespie responded that it is used for churches, theatres, auditoriums and places of assembly and recreation. Mr. Hammer asked if that was the only category that the proposed use would fall under. Mr. Gillespie responded that was correct. Mr. Hammer asked if both the 1st and 2nd floor gross floor area would be used for the calculation. Mr. Gillespie noted that the Building Official would only calculate the assembly space that way. Mr. Duric noted that although the 1st floor is about 700 s. f., the Building Official would also subtract the areas used for the two bathrooms, halls and closet space. Mr. Hammer asked if there was a definition of gross in the regulations that would tell the Building Official not to consider. Mr. Gillespie noted that there is.

Mr. Hammer then asked the applicant to identify which neighbor they had been speaking with about the possibility of shared parking. Nermin Duric responded that the property to the north is not willing to enter into a shared parking

agreement. The neighbor to the south uses their parking primarily from 9 a.m. - 5 p.m. and said that if the applicant wanted to draw up a proposed agreement they would at least be willing to take a look at it. Mr. Duric added that the members could possibly park in the Price Rite shopping plaza and walk. Mr. Hammer asked Mr. Gillespie if he was set on how to interpret the parking needs. Mr. Gillespie responded that he was not. He continued by saying that in anticipation of no action being taken on this application, staff had asked the Building Official to do a formal review of the application and parking needs which he has not yet been able to complete. Mr. Gillespie noted that the Building Official calculates the occupancy different than the Zoning Regulations and that is why he had come up with a higher number of required parking spaces. Mr. Gillespie said his calculation was based on the Building Code maximum.

Mr. Hammer noted that he would give the public an opportunity to speak. Mr. Munroe asked if the Fire Marshall would set a limit for occupancy because it would be a place of assembly. He noted that there wasn't anything in the correspondence to or from the Fire Marshall. Mr. Hammer asked if there was anyone in the audience who would like to speak for or against this application or ask a question.

Ann Marie Amatore, of 318 Silas Deane Highway, noted that she is an abutting property owner and that she had no problem with the use being proposed for the location. She expressed concern over the possibility that members would try to use her parking. Ms. Amatore said that she runs a beauty salon out of her home and that when she is operational, her parking lot is full to capacity.

Diane Prescod, of 54 Wright Road, noted that she had been prepared to speak on a whole host of issues but that many had been addressed during the presentation. She discussed a recent article written by Linda Case for the Place Section of the Hartford Courant recently regarding visual impairments and traffic congestion on the Silas Deane Highway. She noted that she was happy to see that the article was on the agenda as part of the Commission's correspondence. Ms. Prescod touched on the concern of increased noise and traffic in the Wright Road neighborhood. She also noted that a concern of hers was that she doesn't understand why the proposed use is being classified as a cultural center if it will only be used as for religious purposes. She's concerned about hours of operation and any additional activities that might be taking place.

Gabriel Amatore, of 318 Silas Deane Highway, expressed his concern over members using his property for parking and also the possibility that the proposed use could reduce the value of the homes in the neighborhood.

Mr. Hammer asked the applicant to describe any other activities, other than prayer, that would take place on the premises. Mr. Duric noted that some members might come in for advice and guidance. Ms. McHugh asked where the dissemination of information would take place. Mr. Duric responded that the 2nd floor office space would be used on a limited basis.

Phil Knecht asked the applicant if he knew what the Bosnian population in the Greater Hartford area is now. Mr. Duric responded that there are no official numbers but estimated that there are approximately 50 families. He added that there are not really any new families coming into the area either. There was a period a few years where the area's Bosnian population increased but that influx has ceased. Ms. Wagner discussed that she feels that the neighbors may have a concern with the term "cultural center" because some of the "cultural centers" located in the area have become essentially bars where people hang out and drink, play cards etc. She wanted the applicant to clarify to the Commission that those activities are not included in the intent of the proposal. Mr. Duric responded that it was not their intent. The proposed use will be focused on prayer.

Fred Petrelli asked what the applicant planned to do with regards to signage. Mr. Duric responded that there may or may not be a sign. He noted that they currently do not have a sign but if it is necessary they will go before the DRAC for approval. Mr. Hammer asked the applicant how many years the cultural center has been operating out of their current location. Mr. Duric said 2 years. Mr. Hammer noted that the applicant had mentioned that the new space would be slightly larger than the space they occupy in Hartford and then asked the applicant whether there was off-street parking at that location. Mr. Duric noted that there are 5-6 parking spaces in front of the building that are used. Mr. Hammer asked if there had been any problems in terms of lack of parking. Mr. Duric responded that they had not.

Mr. Hammer suggested leaving the hearing open until the Commission got staff comments from the Building Official and the Town Engineer regarding the occupancy load and how many parking spaces the proposed use would require.

Mr. Oickle noted that he didn't feel that the application was in order and he was surprised to see it on the agenda with so many open issues.

Richard Roberts made a motion to continue the public hearing. Phil Knecht seconded the motion.

The members voted as follows (9-0-0)

Aye: Hammer, Knecht, Roberts, Harley, Munroe, McHugh, Wagner, Petrelli and Oickle.

Nay: None.

Abst: None

OTHER BUSINESS

4.1 Executive Session to Discuss Legal Action.

George Oickle made a motion to go into executive session. Phil Knecht seconded the motion.

The members voted as follows (9-0-0)

Aye: Hammer, Knecht, Roberts, Harley, Munroe, McHugh, Wagner, Petrelli and Oickle.

Nay: None.

Abst: None

During the executive session, no votes were taken.

MINUTES

5.1 Minutes of the September 5, 2006 Meeting

The minutes were distributed the Commission and a vote was deferred until the next meeting.

STAFF REPORTS

There were no staff reports presented.

PUBLIC COMMENTS ON GENERAL MATTERS OF PLANNING AND ZONING

CORRESPONDENCE

8.1 Highlights of the Connecticut Freedom of Information Act.

8.2 A letter dated September 21, 2006, from John Bradley, Town Attorney to Bonnie Therrien regarding on oral argument on October 21, 2006 at 10:00 a.m. in New Britain Meskiewicz v. Town of Wethersfield.

8.3 A Legal Notice from the Rocky Hill Planning and Zoning Commission regarding a public hearing on September 27th for the proposed relocation of the Porter and Chester Institute at 30 Waterchase Drive.

8.4 A copy of the presentation done by John Bradley, Town Attorney to the Wethersfield Boards & Commissions on

September 12, 2006, entitled "How to be an Effective Chair and Keep Your Board Out of Trouble".

8.5 A copy of Article XXI, Code of Ethics and Board of Ethics.

8.6 Basic Parliamentary Information Handout.

8.7 Requirements for Meetings under the FOIA.

8.8 An article by Linda Case entitled "Cutting Through the Heart of Wethersfield" published in the Hartford Courant on September 24, 2006.

8.9 An invitation to the opening of the Dog Walk Park on Saturday, October 7, 2006 at 1:00 p.m.

UPCOMING BUSINESS

APPLICATION NO. 1540-06-Z. Main Street Creamery & Café Seeking a Special Permit in accordance with Section 10.1.C.13 of the Wethersfield Zoning Regulations to amend Application No. 1504-06-Z, to allow for special events at 271 Main Street.

ADJOURNMENT

Fred Petrelli made a motion to adjourn the meeting.

Commissioner Roberts seconded the motion.

The members voted as follows (9-0-0)

Aye: Hammer, Knecht, Roberts, Harley, Munroe, McHugh, Wagner, Petrelli and Oickle.

Nay: None.

Abst: None

Philip Knecht, Clerk