CHAIRPERSON DOLORES LONGO called the public hearing of the Southington Planning & Zoning Commission to order at 7:01 pm with the following members in attendance:

John Carmody, Michael DelSanto, John DeMello, Sr., Francis Kenefick, & Zaya Oshana

Alternates: John Moise
Robert Borkowski

Others: Mary Hughes, Town Planner, Anthony Tranquillo, Town Engineer, Mark Sciota, Town Attorney, Erick Knapp, Special Town Attorney and John Weichsel, Town Manager

Absent: James LaRosa, Commissioner
Christopher Petrone, Alternate Commissioner

The Chair seated Robert Borkowski for Mr. LaRosa for this evening’s meeting.

DOLORES LONGO, Chair, presiding:

Items for the Public Hearings this evening:

Continued the Public Hearing to July 20, 2004 for Earth Excavation & Grading Application of John Mackiewicz proposing the removal of approximately 15,000 cubic yards of material in preparation for a future residential subdivision (Wet Pines, Section 2) property located off cul de sac of West Pines Drive, EE #113.

The Town Planner advised this item has been withdrawn. (Read letter, which is on file in the Town Planer's Office.)
Continued the Public Hearing to July 20, 2004, for Special Permit Use Application of The Primus Family Trust/Nathan E. Primus, Trustee, proposing modifications to the special permit use application which was denied on April 20, 2004 to permit construction of 91 multifamily dwelling units with 28 units to designated as "affordable" units in accordance with Connecticut General Statutes Section 8-30g(h) property known as Assessor's Map #110, Parcel #136 located off Hightower Road SPU #371.1.

The Town Planner advised the Commission that this public hearing was continued from your last regularly scheduled meeting in order for the applicant to have an opportunity to address the outstanding issues that were brought forward.

The Chair called for those speaking in favor of the application.

ATTORNEY DENORFIA: Anthony Denorfia, representing the applicant. Since our last meeting -- we hadn’t received comments from the Engineering Department concerning the amendments to the plan. Since the last meeting we have met with the Engineering Department on several occasions and made the following revisions to the plans:

Tony wanted the pond cross sections were given. They’re on the plans. The swale design is on the plans. Spot grades at outfall are also on the plan. Footing drains on Building 1 to tie in with catch basins --- again, these are just technical considerations.

He wanted the floodplain compensation calcs and also verify the property line revision map. All of those were done and Tony is here to verify if the engineering was done, or not.

Tony also looked at whether or not an additional access way could be made from Farmstead Road into the development. He and Sev confirmed that it could be done even though it requires filling an area of approximately 20 feet. I think he drew it up and we also put it on a map, which I will submit that it is possible for an access way, another access way to be made out to Farmstead. I guess there has to be a planning consideration given by this Board because if we end up going out to Farmstead, then we will have to extend the development out to Farmstead. I don’t know if you wanted to use those lots as a buffer to the Farmstead Road area, or not.

Those are the only comments I have this evening. If you have questions, the Engineers are here.
The Town Planner noted that the plan will incorporate additional lots. And, expand the land area. Attorney Denorfia commented they are presented that as a possible alternative. Again, if you state to us in a stipulation that you want that alternative access, we will have to reapply because we will have to expand the development out towards Farmstead. We're talking a significant increase in cost to put that access way in.

The Chair called for questions of the Commission.

(No response)

Hearing none, is there anyone else speaking in favor of this application?

(No response)

Is there anyone here speaking against this application? And, I am only accepting new material.

(No response)

Does the Commission have anything to say? If not, I am going to move that this portion of the public hearing be closed.

Attorney Knapp advised some sort of decision had to be made on this this evening because the 65 days is going to end if you do not render a decision, it is considered automatically denied. I have prepared motions both to approve and to deny for the Commission. Some action should be taken this evening.

(Distributed motions)

Attorney Knapp said the motions are based on what he had prior to tonight not having seen the plans submitted this evening.

Attorney Sciota said if you want to close the public hearing, you should do that.

The Chair said she would close the public hearing at this time and reopen if necessary.

Attorney Sciota said there would be no need to reopen the public
hearing as your Staff Attorney is Staff and you don’t have to worry about that.

Mr. Kenefick asked: Did I hear him say that if we don’t make a decision on this tonight, it is automatically denied? Attorney Knapp said that was correct. The Statute says you are given 65 days to reconsider a decision. Basically, what happens is it will be considered the original motion for denial unchanged.

I would respectfully suggest that you make some determination one-way or the other. Plans have changed somewhat since the original denial, there if your motion in the original denial is carried forward, it doesn’t accurately reflect what was seen in the last 65 days.

Attorney Sciota asked: Did I understand that the Board is at recess right now? If you are at recess, you are free to leave the room. Or you can stay here. You don’t have to read the motions in front of them, you can read it anywhere you want. You don’t have to read it right here. But you don’t discuss the matter. You can read it not in front of them, if you wish. But no discussion of the matter is to be taking place until you come back out here. You can read it in privacy. It’s up to you.

(Whereupon, the meeting was recessed at 7:10 o’clock, p.m.)
(Whereupon, the meeting resumed at 7:20 o’clock, p.m.)

(Whereupon, the Public Hearing portion of the meeting was adjourned at 7:20 o’clock, p.m.)
John Carmody, Michael DelSanto, John DeMello, Sr., Francis Kenefick, & Zaya Oshana

Alternates: John Moise
Robert Borkowski

Others: Mary Hughes, Town Planner, Anthony Tranquillo, Town Engineer, Mark Sciota, Town Attorney, Erick Knapp, Special Town Attorney and John Weichsel, Town Manager

Absent: James LaRosa, Commissioner
Christopher Petrone, Alternate Commissioner

The Chair seated Robert Borkowski for Mr. LaRosa for this evening’s meeting.

DOLORES LONGO, Chair, presiding:

THE CHAIR: Approval of Minutes for June 15, 2004?

MR. KENEFICK: Move to approve.

MR. DEMELLO: Second.

(Motion passed unanimously on a voice vote.)

UNFINISHED BUSINESS:

Earth Excavation & Grading Application of John Mackiewicz proposing the removal of approximately 15,000 cubic yards of material in preparation for a future residential subdivision (Wet Pines, Section 2) property located off cul de sac of West Pines Drive, EE #113.

(Withdrawn during the public hearing.)

Special Permit Use Application of The Primus Family Trust/Nathan E. Primus, Trustee, proposing modifications to the special permit use application which was denied on April 20, 2004 to permit construction of 91 multifamily dwelling units with 28 units to designated as "affordable" units in accordance with Connecticut General Statutes Section 8-30g(h) property known as Assessor's Map #110, Parcel #136 located off Hightower Road SPU #371.1.
THE CHAIR: We have just gone through this at the public hearing. What is your pleasure on this?

MR. OSHANA: Madam Chair, I’d like to make a motion for denial and I’d like to read the following into the record.

THE CHAIR: Would you, please.

MR. OSHANA: The Planning and Zoning Commission (PZC) of the Town of Southington makes the following finding based on the record before it.

(1) The Commission has received a permit application from the Primus Family Trust, Nathan Primus, Trustee, the applicant, which it has stated it owns 25.47 acres in the R-20/25 residential zone.

(2) The applicant alleges that this application be filed pursuant to Connecticut General Statute 8-30(g) as amended.

(3) The Town of Southington has a demonstrated need for affordable housing. Such need for affordable housing must be weighed against the health, safety and welfare concerns of the Town of Southington.

(4) On April 20, 2004, the Commission denied the applicant’s initial application for a wide variety of concerns. While the technical engineering concerns have been addressed, not all of the remaining issues have been addressed. Instead the applicant has made representations to the Commission regarding in some cases, lack of feasibility of potential solutions.

(5) The Commission finds that the applicant depicts residential dwellings at high densities in close proximity to the flood zone of the Quinnipiac River. Evidence before the Commission indicates that this river is prone to flooding and such floods are unpredictable. Much of the application sits within a few feet of the flood zone and the entire site is pressed within a narrow floodplain with only one access way in and out. The flood concerns of the Town are not adequately addressed by the modifications proposed by the applicant and the unique location of the site makes remedy of the flooding issues problematic, at best.

(6) This, as indicated in the report from the Commission’s engineering police and fire departments, the plan for Fox Valley will involve substantial adverse impacts to the public health, safety and other matters which the Commission may legally consider. These impacts include but are not limited to dangerous pedestrian and vehicular circulation patterns,
funneling of all drainage to a single discharge point along the Quinnipiac River, an excessively lengthy cul de sac and other issues raised in the reports received by the Commission and testimony heard at the public hearing.

(7) The testimony of the Police Chief indicates that the Rails to Trails project will be opening shortly and the pedestrian impact of this project have not been considered as they relate to this project. There are no sidewalks shown and Mill Street, with its curvature of the road, especially in the winter, can be difficult. Sight lines and alignment issues related to the intersection of Farmstead Road and Hightower Road have not been addressed.

(8) Although the Commission recognizes that the resubmitted proposal has made some changes to the application, they are mostly cosmetic and technical in nature and do not address the basic hazards associated with the project. The applicant has shown little flexibility or willingness to alter the plan to address the issues. Its revised plans were sketchier and less compelling than the earlier submittals. While the Commission is mindful of the need for affordable housing, it is simply unable to perform the complex engineering and designing tasks required for a proposal of this magnitude. For this reason, the Commission concludes that the public interest cannot be protected by reasonable changes to the development.

For the proceeding reasons and in addition to the evidence on the record, the Commission hereby requests denial of this application.

MR. DEMELLO: I’d like to second that motion just based on the motion to deny.

MS. HUGHES: Excuse me, before you start your deliberations, Mr. Oshana, you omitted to read Paragraph 6?

MR. OSHANA: Yes.

(Pause)

THE CHAIR: Motion and a second. I’d like to have a roll call. Anything anybody would like to say?

MR. CARMODY: I would just say that, you know, more simply that the reasons for denial or the reason I supported a denial on the 20th, the revisions didn’t do anything to alleviate the concerns I had from April 20th.
So, I support the denial.

THE CHAIR: Anyone else? Dialogue or anything?

MR. KENEFICK: I’d like to just ask Mark his professional opinion about this Number 6.

ATTORNEY SCIOTA: You have special counsel for this project. I suggest you ask Erick about that.

MR. KENEFICK: Would it be wise or unwise to read this Number 6 into the motion?

ATTORNEY KNAPP: You’re the ones that have to be happy. I proposed it because I felt it was relevant concern. It’s not whether I think it’s a relevant concern or not, it’s whether you feel it’s a relevant concern. Do I think it is show or not shown? I think it was not shown and that’s why I put it in your motion. That is not for me to decide. You need to be happy with the motion yourself. I don’t have to be happy with it.

MR. KENEFICK: But they have come back tonight and offered.

ATTORNEY KNAPP: Actually, I believe what they have indicated is that they would need to reapply if you gave them an approval with the condition that there be a second access.

MR. CARMODY: I think the reasons that Zaya enumerated are sufficient. There’s a lot in there.

MR. KENEFICK: Good. If you all feel the same.

THE CHAIR: Mary, please call the roll.

(Motion passed 7 to 0 on a roll cal vote)

Motion for denial passes 7 to 0.

(Applause, applause)

THE CHAIR: Subdivision Application of John Mackiewicz proposing to subdivide property for purposes of creating 13 lots (West Pines of Southington, Section 2) property located off West Pines Drive, S #1213.

MS. HUGHES: This application needs to be tabled pending ---
MR. DELSANTO: Move to table.

MR. OSHANA: Second.

(Motion passed unanimously on a voice vote.)

THE CHAIR: Modification to Address the April 20, 2004 Denial of the Site Plan Application of The Primus Family Trust/Nathan E. Primus, Trustee, Affordable Housing Application for the construction of 91 multifamily dwelling units to be designated as "affordable" units in accordance with Connecticut General Statutes Section 8-30g(h), property known as Assessor's Map #110, Parcel #136 located off Hightower Road (SPR #1364.1).

MS. HUGHES: This application needs to be denied because it's a companion application ----

MR. DELSANTO: Motion to deny.

MR. BORKOWSKI: Second.

(Motion passed 7 to 0 on a roll call vote.)

(Erick Knapp left the meeting at this point.)

THE CHAIR: Site Plan Application of Gary P. Karwowski proposing to construct a 4000 sf building for the establishment of Sav-Mor Cooling & Hearing, Inc. business within an I-1 zone, property located off Captain Lewis Drive known as Assessor's Map #192, Parcel #10 (SPR #1375).

MS. HUGHES: This application needs to be tabled.

MR. DELSANTO: Move to table.

MR. DEMELLO: Second.

(Motion passed unanimously on a voice vote.)

THE CHAIR: Subdivision application of Ed Casner proposing to subdivide
property for purposes of creating one lot, property located at 496 Mulberry Street, SPR #1216.

MS. HUGHES: This application is ready for action this evening, however, the applicant requested it be tabled.

MR. DEMELLO: Move to table.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

THE CHAIR: Subdivision Application of Orchard Estates, LLC proposing to subdivide property for purposes of creating 8 single family lots (Orchard Estates) property located off Flanders Road known as Assessor's Maps 188 & 201, Parcels 19 & 22 (S #1216.)

MS. HUGHES: This application is ready for action this evening. I believe Mr. Bovino is here on behalf of the applicant.

MR. BOVINO: Sev Bovino, Planner with Kratzert & Jones representing the applicant. This property is on Flanders Road. You're familiar with it. It's the old Novick's Orchard. It will be served by public water and septic systems. We have received approval from the health department. Approval from the Wetlands Commission and we are here tonight to get your approval.

If you have any questions? All of the lots meet and exceed the zoning regulations. We have worked with Staff on all the comments that they had and the plans incorporate all of their comments.

THE CHAIR: And, you are all out of the wetlands and ----

MR. BOVINO: We are out of the wetlands. We are in the buffer a little bit and we received approval for that.

THE CHAIR: Tony, do you have any problems with this up there?

MR. TRANQUILLO: Just a few minor editorial comments on the driveway drainage, but the application is ready.

MR. CARMODY: Motion to approve.

MR. OSHANA: Second.
THE CHAIR: Any dialogue? Call the roll.

(Motion passed 7 to 0 on a roll call vote.)

THE CHAIR: Site Plan Application of American Hawk, LLC proposing to construct a 5,109 sf restaurant facility (Applebee’s) property located at 1886 Meriden Waterbury Road SPR #1377.

MS. HUGHES: This is a request for an Applebee’s Restaurant to be located adjacent to the proposed Comfort Suites on Knotter Drive. Mr. Bovino is here on behalf of the applicant. The applicant addressed all the comments.

I would like the Commission to consider stipulating that a crosswalk be added between here and here (indicating) and that decorative stop signs and stop bars be put at those locations just to make sure that drivers know there is a major ---

MR. BOVINO: We have no problem with that stipulation.

THE CHAIR: Okay. And, it will be put on the map?

MR. BOVINO: It will be placed on the map.

MR. DEMELLO: I’d like to move for approval of this with the stipulation as stated.

MR. KENEFICK: I’ll second that.

THE CHAIR: Any other discussion?

MR. OSHANA: I think it will fit in well in that area with the hotel going there. It’s perfect for it.

MR. BOVINO: Fits the needs of the two uses together.

(Motion passed 7 to 0 on a roll call vote.)

THE CHAIR: Site Plan Application of RWMEX, LLC proposing to construct
two (2) warehouses totaling a 4,233 sf in an I-1 zone, property located at 245 Summer Street, SPR #657.1.

MS. HUGHES: Mr. Giudice is here on behalf of the applicant. Sort of a revisit to an application that was withdrawn about a year and a half ago.

MR. GIUDICE: For the record, Stephen Giudice with Harry Cole & Son. Offices at 28 Werking Street.

You’re familiar with this site. We were before you a couple of years ago. We withdrew the application. We’re back. We’re not ready for a motion tonight. We’re still working with Staff to address their comments.

I did want to, however, discuss sidewalks on this site. I know this is always an issue. If you are familiar with this property, we have a large area of pavement in front of the building and putting in sidewalks would be detrimental to the applicant. There are sidewalks across the street and the property is developed within 2000 feet in either direction. We believe that a waiver is warranted on this property. And, we are requesting or asking for your opinion on that tonight.

MR. KENEFICK: I would make a motion to waive the sidewalks because of exactly what Steve said. There are sidewalks on the west side of the whole length of Summer Street.

MR. GIUDICE: For the most part, I believe it goes.

MR. KENEFICK: There isn’t any sidewalks that I know of that is on the east side of Summer Street. So, I would definitely move for a waiver.

MR. DELSANTO: I would second that.

MR. CARMODY: Yes. I live in that area and there are sidewalks, I know, for sure, all up and down Summer and there’s a Rails to Trails behind it.

THE CHAIR: Motion and a second and now discussion if there is any more?

MR. CARMODY: I think it makes sense.

(Motion passed 7 to 0 on a roll call vote.)

MR. DELSANTO: Move to table.
MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

THE CHAIR: Site Plan Application of Connecticut Insurance Exchange of Southington, LLC proposing to construct a 1,711 sf addition to an exiting building and construction of a parking lot for use as office space, property located at 1133 Meriden Waterbury Turnpike SPR #1071.2.

MS. HUGHES: This application is ready for action this evening. I would like to point out two things. The Cheshire town line bisects the property in this location (indicating) so that there are two compact car spaces and no sidewalks, but that is under the jurisdiction of the Cheshire PZC.

MR. KENEFICK: That’s easy.

THE CHAIR: We wash our hands.

MS. HUGHES: Big cars and teeny-weeny parking spaces.

MR. OSHANA: I’d like to make a motion for approval.

MR. DELSANTO: Second.

(Motion passed 7 to 0 on a roll call vote.)

NEW BUSINESS ITEMS

THE CHAIR: Site Plan Application of St. Aloysius Roman Catholic Corporation of Southington proposing to construct a 13,107 sf accessory building for establishment of a religious education & CCD Center in conjunction with the existing church facility, property located at 254 Burritt Street SPR #1325.2.

MS. HUGHES: Mr. Bovino is here on behalf of the applicant. St. Aloysius is here requesting three modifications to it’s previously approved plan. They are requesting the Commission reconsider the sidewalks, there’s a slight modification to the building, and there will be actually a reduction in size as it’s laid out and a garage that was located 15 feet off the property line needed to be shifted to be 20 feet.

So, if Mr. Bovino has anything else to add?
MR. BOVINO: Just so the Commission knows what the difference is, the building that was approved the last time was like a C-shaped building and now it’s basically straight. It’s the same square footage. And, the basement was meant to be used the last time and now the basement is not planned to be renovated for anything.

We have improved the parking, actually. We have moved the garage that Mary picked up on it that was within the setback. I believe we meet all the regulations and we request a waiver of the sidewalks because the area has been developed in either direction. As a matter of fact, this Commission waived many sidewalks on a very dense development that took place to the east of us, all those condominiums. I don’t see the need for this. The children don’t walk to this facility, they will be taken to this facility.

MR. DEMELLO: Sev, is there any reason for sidewalks there? I mean, there is no sidewalks in that area?

MR. BOVINO: No.

MR. DEMELLO: And, if they were to put sidewalks in, is there any purpose for them?

MR. BOVINO: They’re not used because they come to church with their cars and they take the kids to the school and that’s it. There is no walkers there.

MR. DEMELLO: Madam Chair, I’d like to make a motion to waive the sidewalks.

MR. KENEFICK: I’ll second that.

MR. CARMODY: I supported the waiver last time and I’ll support it again for the same reasons.

MR. KENEFICK: I’d just like to go on record as saying that there has been three or four different condominiums developed there and one the IW Commission requested that we waive the sidewalks. The other ones we waived the sidewalks. There’s been a couple new houses, three or four new houses put in, sidewalks were waived. I think the whole area is like 100 percent built up, so I don’t think there is any need for any sidewalks there.

MR. DELSANTO: I’m going to go with my stock --- I’m sorry. Go ahead, Zaya.
THE CHAIR: You go ahead, Mike.

MR. DELSANTO: My stock response is I think it is absolutely senseless to put sidewalks that go nowhere.

MR. OSHANA: I like sidewalks. I think they are very important. I voted against the sidewalk waiver last time, however I plan on changing my vote this time based on the action, the way the area has been built up and I would support the sidewalk waiver this time.

THE CHAIR: I have a motion and a second and now we’ve had some discussion. Mary, would you please call the roll on that?

MS. HUGHES: On the sidewalk waiver?

THE CHAIR: Yes.

(Motion passed 7 to 0 on a roll call vote.)

MR. KENEFICK: I’d like to make a motion to approve the plan as drawn here.

MR. OSHANA: Second that.

(Motion passed 7 to 0 on a roll call vote.)

THE CHAIR: Site Plan Application of Andy Magliocco proposing to construct a 4,550 sf retail facility (Ted’s Cleaners) property located at 1257-1259 Queen Street, SPR #1378.

MS. HUGHES: The applicant’s agent is here and he can briefly go over the site plan. It is not ready for action this evening, but you can familiarize yourselves.

MR. MULCAHEY: Tim Mulcahey and I represent the applicant, Andy Magliocco.

We have IW approval and we have water approval from Plainville and also from Tom West of Southington.

Currently what is existing on this facility is a single-family house. The intent is to remove the single-family house and put up a single story freestanding facility of approximately 4500 sf. At this point, I did receive planning and
zoning questions yesterday, 24 hour before my meeting today, Staff comments. I was able to address most of them. One of them I would like to address is a waiver for sidewalks.

There currently are no sidewalks in the area. It’s about 600 feet from Plainville. It’s all retail. There is nothing, there is --- I don’t see the need for sidewalks. There is a vacant parcel next door and the current properties are very, very close to the road. So, that is what I am asking for tonight. One of them.

I do have Staff comments. Everything else has been addressed. I did bring 15 copies for the Board review.

MS. HUGHES: You can give them to me.

MR. KENEFICK: I’ve really got to look at this place. Can you tell me exactly where this area is?

MR. MULCAHEY: Yes, it is at the very end of Queen Street.

MR. TRANQUILLO: Across from Saint’s.

MR. MULCAHEY: it’s a single-family house right now.

MR. KENEFICK: Next to the lube or whatever?

MR. MULCAHEY: it’s across the street.

ATTORNEY SCIOTA: No.

MR. KENEFICK: It’s on the west side?

MR. MULCAHEY: Yes.

MR. CARMODY: East side.

MR. MULCAHEY: East side. Righthandside.

ATTORNEY SCIOTA: Right next to the Play It Again Sports?

Just south of Play It Again Sports. Isn’t that just to the north of it?

MR. MULCAHEY: There is an accountant right next door. It’s about one door down.
MR. CARMODY: So, you know what the issue is here, Fran.

MR. KENEFICK: I know.

MR. CARMODY: I voted for the waiver that didn’t happen on the lady next to him. But we made her put in sidewalks. Now, he’s asking for a waiver, which I support, but this Commission didn’t. And, there’s the rub.

MR. KENEFICK: The only thing, I’ve got to explain my way about the sidewalks is that Queen Street is a very, very busy road and that this is a pretty sizeable building that’s going up there. I mean, this girl was trying to put in a little addition to hers. This is a tough one, I think.

THE CHAIR: This building’s already there, right?

MR. MULCAHEY: No. This is a single-family house currently existing. Vacant.

MR. KENEFICK: This is where we are going to earn our money.

ATTORNEY SCIOTA: You can think about it. There’s no reason to act on it tonight if you don’t want to.

MS. HUGHES: You can go out and take a look at it.

THE CHAIR: Is there any other sidewalks in that area?

ATTORNEY SCIOTA: Yes. You required sidewalks to the north, Jitter’s, Play it Again Sports.

MR. MULCAHEY: They are scattered. There’s nothing really continuous.

MR. KENEFICK: What’ve we got for frontage, Tony?

MR. TRANQUILLO: About 123 feet.

MR. DEMELLO: You know, the only thing I’d like to add is that Queen Street being busy, we’re, you know, sidewalks are being put along Queen Street, you know? I think this is the only opportunity we’re going to have to have that section done.

Once again, the Commission acted on that coffee shop – a place called Jitter’s, I think it is and I mean, we acted on that and our hands were tied, so I think ---

MR. CARMODY: That would be consistent.
THE CHAIR: Well, I think that really Queen Street needs it and I can’t think of any other place being built down there that doesn’t have them now. I think really, if you are going to have sidewalks, I think they should be consistent in places that we can do it.

MR. CARMODY: If you want to go out and take a look, you’re not ready, that’s fine.

MR. DELSANTO: I have a comment. According to what Mr. DeMello was saying, I disagree. I don’t think our hands were tied. I think that was the beginning. That was the beginning where we threw sidewalks in where I --- I know I voted against it and that was the first time it was brought to my attention, a couple of years ago. Sidewalks were, no sidewalks anywhere in sight.

So, I mean, you are right we have to stay consistent. But I think I favor a waiver.

MR. DEMELLO: Well, the only thing I was getting at when I addressed that was the fact that I made the motion on that last one to waive the sidewalk in front of there but we couldn’t waive them. You know? So, I think this is consistent with what we have to do and I think it should be mandated on Queen Street. If there is none, let’s start dong them and make sure that they are all connected. For the safety of people.

THE CHAIR: I’d like to see this tabled and I’d like to see each and every Commission drive down Queen Street and come back and tell me how many pieces of land don’t have sidewalks that’s being utilized for a business. As well as seeing the vacant one.

MR. CARMODY: I’ll move to table it.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

THE CHAIR: Site Plan Application of Farmington Savings Bank proposing to demolish an existing building and construct a new 861 sf drive-thru bank facility with associated parking, property located at 7 Center Place, SPR #1379.
MS. HUGHES: Mr. Giudice is here on behalf of the Farmington Savings Bank. What they are proposing to do is have a drive thru.

MR. GIUDICE: Stephen Giudice with Harry Cole & Son, 28 Werking Street.

As we all know, Farmington Savings Bank moved in downtown, but they need a drive thru. Every bank needs a drive thru. So, they’ve acquired this piece of property on Center Place, the corner of Center and Center. We are proposing a small drive thru facility.

The parcel itself is 11,948 sf. There is an existing building, 2500 sf building on the property that will be removed. It’s located in the CB zone. We are proposing an 861 sf drive thru bank facility. Basically just be for employees to use the facility to service the cars coming thru the drive thru.

The plan has two drive thru lanes. One next to the building and an island. One by pass lane that travels across the north side of the property.

We are proposing extensive landscaping around the perimeter of the property and the islands. We have a handicapped space and three additional parking spaces.

The site is relatively flat. There’s not a lot of issues. I believe there are sidewalks out front, so sidewalks are not a problem here.

It’s a good plan. It’s good for the bank and it’s good for downtown.

THE CHAIR: You are taking down house, evidently?

MR. GIUDICE: Yes.

MR. DELSANTO: How many buildings are coming down, total? Two?

MR. GIUDICE: Just one. I believe it’s just the one building that’s coming down. Just one building.

MR. DELSANTO: I’m having a hard time envisioning it.

THE CHAIR: Yes, me, too. I would like to see this tabled, anyway. I think we are going to have to table it. I’d like for us all to go out and take a look at it. I think it’s really a squeeze not knock down a building and that street is narrow to begin with.

MR. GIUDICE: It is.
THE CHAIR: And, now you are asking us to take and make a drive thru bank on a little, narrow street?

MR. GIUDICE: Well, I think that there isn’t a lot of business on that street. I think that this is a good site. It’s close proximity to the bank and that’s important to them. And, you know, consider the building that is there is 2500 sf and we’re proposing a building that’s 800 sf. It’s much smaller than the existing building. The majority of the site is really the travel lane, drive in, and then the exiting property with some parking spaces.

And, we are proposing to improve the property, you know? Right now it’s mostly gravel and process and things like that. We are proposing landscaping and grass.

THE CHAIR: The house is still standing that you want to take down, though, right?

MR. GIUDICE: Yes. Yes. It is No. 7.

(End of Tape #1, Side A)
(Beginning of Tape #1, Side B)

MR. GIUDICE: (Continuing) --- but it is a good site for this use.

MR. KENEFICK: I’d just like to go on record, I think it’s a good spot for something like this. I give these people a lot of credit to get off the beaten path and to invest in the Town of Southington. I think the biggest thing that --- the best thing that ever happened to that neighborhood is about 4 or 5 houses already being torn down in that neighborhood. They were all run down, anyways.

The Y has been interested in some of the property there. I’ll give these people a lot of credit for going to this location. I think I’m in favor of it.

MR. GIUDICE: I think, again, Farmington Savings Bank is a good addition to downtown and they need this to survive. I think this is a good fit.

MR. CARMODY: It’s not ready for action, is it?

MS. HUGHES: No.

MR. CARMODY: Move to table.
MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

THE CHAIR: Site Plan Application of Mildale Diner proposing to construct a 2,106 sf deck and entryway to the exiting restaurant facility, property located at 1763 Meriden Waterbury Road, SPR #1380.

MS. HUGHES: This is a request for a relatively minor site plan addition to the former PORO’s Restaurant. It is for a 12 by 15-deck and vestibule addition.

We asked for clarification of a breakdown of the parking. This was provided to us this afternoon. So, Staff has no concerns and it’s ready for action.

Again, Mr. Bovino is here if you have any questions.

MR. DEMELLO: I’d like to make a motion for approval.

MR. DELSANTO: Second.

(Motion passed 7 to 0 on a roll call vote.)

THE CHAIR: Site Plan Application of Helmar Wolf proposing to construct a 1,100 sf patio addition to permit full food and liquor service for the existing TGI Friday's restaurant facility, property located at 410 Queen Street, SPR #1201.1.

MS. HUGHES: This application, the applicant has requested that it be tabled. He is in the process of addressing Staff comment.

What they are proposing to do is they’re independent restaurateurs and one of the restaurants that they own is in South Windsor. It’s in South Windsor where Bridezilla got married? Old Mill on the River?

MR. DELSANTO: Yes, Mill on the River.

MS. HUGHES: The bride that threw the ring and spit and stuff. She got arrested at her own wedding.

MR. CARMODY: Move to table.
MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

THE CHAIR: Site Plan Application of Nextel Communications of the Mid-Atlantic proposing the installation and construction of a telecommunications facility consisting of 12 panel antennas and associated base station equipment on property owned by First Congregational Church, property located at 37 Main Street, SPR #1381.

MS. HUGHES: The applicant’s representative indicated that he would have to be in two places at once and he asked that if he wasn’t present that it be passed over this evening until later.

I mean, it is ready for action this evening, but we can give him some time to get from Avon to here.

MR. CARMODY: Do we even need him?

ATTORNEY SCIOTA: You don’t have to. It’s a co-existing area.

MS. HUGHES: I can explain to you basically what the application is.

ATTORNEY SCIOTA: I’m sure he won’t be upset if you act on it when he’s not here.

MS. HUGHES: It’s for additional antennas in the spire, reconstruct the spire, and then the antennas will be on top of the spire and it’ll look essentially what it looks like now.

Then there is going to be a small conversion of a furnace room to store their equipment in the basement near where the kitchen area is down in the Congregational Church.

MR. DEMELLO: Mary, they were just here not too long ago, anyways, for some stuff they did, right?

MS. HUGHES: I don’t think it was Nextell.

MR. OSHANA: I’d like to make a motion for approval.

MR. CARMODY: I’ll second that.
MR. KENEFICK: As to the plans, right?

MR. OSHANA: Yes.

(Motion passed 7 to 0 on a roll call vote.)

THE CHAIR: Site Plan Application of Southwestern Bell Mobile Systems, LLC (d/b/a Cingular Wireless) proposing the installation of a wireless telecommunications facility on the existing F & F Concrete Corporation concrete plant facility property located at 110 West Main Street, SPR #1382.

MS. HUGHES: The agent is here on behalf of Cingular. As you recall, you recently amended your regulations to address their equipment changes and now they are coming in under the amendment and requesting site plan approval for the antennas and the storage.

MR. SHADLER: My name is Steve Shadler and I’m a consultant with Southwestern Bell Mobile Systems aka Cingular Wireless.

And, tonight we’re proposing a wireless telecommunications facility at the F & F Concrete Batch Plant located at 110 West Main Street. F & F has agreed to enter into a lease allowing Cingular to place 9 antennas on the railing and also put a low profile 10 x 12 foot equipment shelter on the lower batch plant roof.

The shelter will house the base station equipment from the shelter. They will be co-ax antennas going up to the antennas. Access to the shelter will be on the south side of the building on the stairway.

Basically, we are looking to improve coverage in the general F & F Concrete area, on I-84, Route 10 and local streets off these two routes.

THE CHAIR: What’s your pleasure, guys?

MR. KENEFICK: Move for approval.

MR. DELSANTO: Second.

(Motion passed 7 to 0 on a roll call vote.)
THE CHAIR: Site Plan Application of Jack Rugova proposing to establish an outdoor patio area in front of the Giovanni’s Restaurant, property located at 181 Main Street, SPR #1383.

MS. HUGHES: I don’t think anyone is here on behalf of the applicant. The applicant constructed a patio sometime last year and began to use it without any site plan approvals. He was issued a cease and desist order, he was told to stop using it. He applied to the ZBA for a parking variance and for a permit to serve outdoor liquor at that location. Those permits were granted. He began to use the facility without having obtained site plan approval through the PZC.

Mark had as part of the enforcement action we had taken against them had worked with them maybe six months ago, or so, Mark?

ATTORNEY SCIOTA: About four months ago. With the engineer.

MS. HUGHES: Yes. To get the site plan together and then I happened to be walking by and they were serving alcohol on the patio.

So, we sent them another letter advising them that they are not to use that. And, they’re here before you to try and legitimize the use of the patio.

It needs to be tabled. They need to address Staff comments. So, that is the status of the application.

MR. CARMODY: Could I just ask a quick question? When was the second letter sent? I’m just curious.

MS. HUGHES: I think it was in your packet.

ATTORNEY SCIOTA: I think Frank sent it June 30th.

MR. CARMODY: Okay, so it’s not that long.

ATTORNEY SCIOTA: No. They are cooperating, but the thing about cooperation is the fact that you don’t use the use while they’re trying to get permission to use the use. So, I think that is the issue right now. There were people out there. Whether it be employees, whatever, there were some people using the patio. So, they understand that and hopefully they can get this thru by your next meeting and hopefully it will ---
THE CHAIR: Are they cooperating at all with you?

MS. HUGHES: Yes, I think ---

ATTORNEY SCIOTA: They are cooperating quite a bit.

MS. HUGHES: I think that they thought they had the approvals they needed to use the patio.

THE CHAIR: That is what, I was under that impression.

MS. HUGHES: I don’t think it was done ---

MR. DELSANTO: I think another issue is where are they this evening?

ATTORNEY SCIOTA: They knew it was going to be tabled because they got the Staff comments.

MR. DELSANTO: Okay.

MR. OSHANA: Move to table.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

THE CHAIR: Site Plan Application of Center Street Pub proposing to construct a 49.6 sf stairway addition to the front of the building to provide access to the second floor for the existing café facility, property located at 148 Center Street, SPR #1341.2.

MS. HUGHES: This application has a companion application for variances. The Commission is unable to act on it. Just to explain to you, in order to utilize the second floor, from residential to restaurant bar use, they have to widen the stairs. Therefore they have to expand the cover for the stairs and closure for the stairs. It is a very small addition to the property. Subject to them obtaining a variance, this should be ready for action at your next meeting. But at this time it needs to be tabled. The building is on a zero property line and the stairs would be located about 3.5 feet away from the property line.

MR. KENEFICK: move to table.

MR. CARMODY: Second.
(Motion passed unanimously on a voice vote.)

THE CHAIR: Site Plan Application of Briarwood college, Inc. proposing to construct a 7,500 sf addition for classroom and bookstore area to Founders Hall in conjunction with the exiting college facility, property located at 2279 Mt. Vernon Road, SPR #1384.

SPEAKER: This application was part of an application ---

ATTORNEY SCIOTA: Your name and address, please.

MR. BROOKS: Excuse me. Lynn Allen Brooks. I am the President of Briarwood College.

We submitted an application to you about a little over a year ago for a residence hall and for these additions. And, late in the process we discovered that we were impinging upon the zone from the wetlands, and so we withdrew part of it. We continued with the residence hall and I am pleased to say that it is operating and has been full.

So, we are now submitting the same drawings back to you for these additions to Founders Hall which consists of doubling of the size of Founders Hall and a 2500 sf addition to the back. These are the same drawings, same site plan that we submitted to you a little over a year ago.

We have received from the Conservation Commission the waiver to build the building the way it is on the design. Staff only received this last week.

THE CHAIR: So, this application, is it ready to go now?

MS. HUGHES: No, we haven’t completed our review. I think that the subject this evening is sidewalks. Obviously, you are going to have to address the sidewalk waiver ---

THE CHAIR: Again? I said no more sidewalks. We don’t want to hear it up there.

MS. HUGHES: So, I just --- that’ll be one of the comments.

MR. BROOKS: Yes. And, we will come to the next meeting and request a waiver for sidewalks.
MR. DELSANTO: Move to table.

MR. CARMODY: Second.

MR. KENEFICK: You don’t want to do it tonight, huh?

THE CHAIR: Why don’t you.

MR. KENEFICK: He doesn’t want to do it tonight.


ATTORNEY SCIOTA: You have a motion and a second for a table. There’s no discussion.

THE CHAIR: No discussion. I tried, anyway.

(Motion passed unanimously on a voice vote.)

THE CHAIR: Earth Filling & Grading Renewal Application of Town of Southington proposing to remove approximately 60,000 (+/-) yards of material within a 2-year period for a future industrial lot development, property located off Captain Lewis Drive, EE #1-09.1.

MS. HUGHES: I’ll let Tony handle this one.

MR. TRANQUILLO: This plan was approved about 2.5 years ago by the Commission. It involves the filling of 4 lots upon Captain Lewis Drive to make them more marketable.

We started filling at the end of the cul de sac, but a lot of this depends on the availability of material. We have Laning Street that is just getting started. There is going to be a great deal of material available for that project. We’d like to reapprove this.

THE CHAIR: What we’re going to be doing is taking the fill from somewhere else and putting it in these places.

MR. TRANQUILLO: Yes.

MR. WEICHSEL: From Laning Street right over to that site.

MR. KENEFICK: Is this the lot right next to Compu-Mail?
MR. TRANQUILLO: There's three lots actually next to Compu-Mail. The plan actually shows the Compu-Mail building.

MR. CARMODY: I'll make a motion to approve this application.

MR. DELSANTO: I'll second that motion.

MR. TRANQUILLO: I have no problem with this plan.

(Motion passed 7 to 0 on a roll call vote.)

Scheduling of Items for Public Hearing for August 3, 2004

THE CHAIR: Special Permit Use Application of the Town of Southington proposing to establish a leaf composting site on a portion of a 30.28 acre vacant parcel located off Dunham and River Streets known as Assessor's Map #205, Parcel #86, to be located on 7b acres on the easterly side of the property, SPU #381.

MS. HUGHES: The Commission needs to reschedule the hearing on this matter because we omitted the time from the notice that was sent to the abutting property owners. It was a deficient, a fatal error in the process.

THE CHAIR: Okay. And, Item B:

Subdivision of Laurel Ridge Developers, LLC proposing a subdivision of property for purposes of elimination of the sidewalks within the previously approved Cascade Ridge Estates Subdivision, property located on Cascade Ridge & Mount Vernon Road, S #1092.3.

MS. HUGHES: This is self-explanatory.

THE CHAIR: Subdivision Application of Westridge Development Corporation proposing to resubdivide property for purposes of creating two lots (Westridge Development Subdivision), property located at 287 Flanders Street, S #559.1.

Would you please book all three of those for public hearing for us at the next meeting.

Miscellaneous
Request of Harry E. Cole & Son for a rear lot determination for property owned by James & Christina Tufts, property located at 1430 Meriden Avenue.

ATTORNEY SCIOTA: For the record, Madam Chair, I am related to the applicant in this particular case, through my wife.

THE CHAIR: Okay.

MR. GIUDICE: Hello, again. For the record, Stephen Giudice on behalf of the applicant. We have property located at 1430 Meriden Avenue. It’s a large piece of property and they’re proposing to do a simple cut. Divide a property off in the back. We would service this through means of a right of way and a utility easement along the driveway along the southerly portion of the property.

It was the original intent to service this property by onsite septic and public water. The water department indicates that they cannot service it, so we are proposing a well on the site. Onsite septic and onsite water.

We’re here to determine that this is the best and highest use of the property. We’ve looked at it from --- we could look at it in a subdivision and try to get more lots out of it, but they’d like to keep it for horses and things like that. We think this is the best use for the property.

We like the horses. We want to keep the horses.

THE CHAIR: Yes, I do, too.

MR. DEMELLO: I’d like to move for approval of this, noting that the rear lot would be in the highest and best use.

MS. HUGHES: Wait a minute. Tony?

MR. TRANQUILLO: There are still some issues regarding sight lines on the new driveway and grading on the new driveway. You should hold off.

MR. DEMELLO: I’ll withdraw my motion at this time.

MR. GIUDICE: Can we stipulate that we’ll address them?

THE CHAIR: Can’t that be stipulated at this point, Tony?
MR. GIUDICE: We still have to submit for ---

MR. TRANQUILLO: The sights lines are very poor there. They have 150 feet of sight line looking left. And, Meriden Avenue is a high-speed roadway, so I want to take care of that problem.

MR. DEMELLO: I’d like to move for a table on this.

MR. DELSANTO: Second.

MR. KENEFICK: I just had a question. It doesn’t mean anything. Why can’t the water department service it?

ATTORNEY SCIOTA: Remove the table.

MR. DELSANTO: I’ll take my second.

ATTORNEY SCIOTA: Now you can answer the question.

MR. GIUDICE: The water department has indicated that they cannot service the property through an easement. Because this property doesn’t have property that actually touches Meriden Avenue, it has an easement. Through your regulations, you are allowed a rear lot cut with clear access through a 15-foot right of way. Access.

And, because they don’t technically own that property, the water department is saying that they won’t, they can’t service it. We’d have to put in a well. So, it’s a technicality.

(Pause)

It doesn’t make any sense to me, but that’s it.

THE CHAIR: It doesn’t make any sense at all. You’re putting a road ---

MR. KENEFICK: I can’t believe that they won’t service the property. Why? Because, I mean ---

MR. GIUDICE: I don’t understand. I don’t know.

MR. KENEFICK: They have to run their own line there, anyways, doesn’t it? The cut is in the road. It’s not, they’re not bringing it in off the road.

MR. TRANQUILLO: That’s their rules and regulations. We have no control
over there.

MR. BORKOWSKI: I have a rear lot on Meriden Avenue.

MR. KENEFICK: You have water, right, Bob?

MR. TRANQUILLO: Do you own frontage on Meriden Avenue?

MR. BORKOWSKI: No.

MR. TRANQUILLO: It’s an easement?

MR. BORKOWSKI: Um-hum.

MR. GIUIDICE: I wouldn’t be surprised ---

MR. TRANQUILLO: Consider yourself lucky.

MR. GIUIDICE: I wouldn’t be surprised if there were some instances in Town where it’s happened, but in this situation, it can’t.

MR. KENEFICK: I think we ought to ask them again. Might change their mind.

MR. GIUIDICE: Okay. At the next meeting I will have a more specific answer for you.

THE CHAIR : I think you should, too.

MR. GIUIDICE: Again, with a subdivision you have typically a fee simple access that the property owns all the way out to the road. In this situation, we do not.

We did have a situation on Laning Street where you approved a rear lot with a well where the water department determined that they could service it through an easement. So, I am not sure why.

MR. DELSANTO: Does this have sewers?

MR. GIUIDICE: Septic.

MR. DELSANTO: Move to table.

MR. DEMELLO: Second.
(Motion passed unanimously on a voice vote.)

THE CHAIR: Request of Attorney Richard Krezel for an extension of the time limit for completion of subdivision improvements within the Cascade Ridge Estates Subdivision, due to expire 9/21/04 (S#1092.2.)

MS. HUGHES: Staff would recommend that the Commission granting an extension until 10/31/2004 and that should enable the applicant to have ample opportunity to finish what needs to be finished out there.

As you’ll recall, and this is the concern that we have, the Commission granted a six-month extension to Howard Asal and the residents of Lovely and Cobblestone Drive went for six years without servicing. Because of inclement weather and a few other things, he requested an addition extension, which the Commission was willing to grant.

When the full one year extension expired, he came back and wanted an additional six months which would have meant that the residents of Lovely and Cobblestone Drive would have gone a seventh year. I don’t think the Commission was pleased with the initial one-year extension and our concern is that the batch plant closes when the weather turns bad.

We have iffy Novembers now. It could snow in November or not snow. This way it gives them a 2,3,4 week window of opportunity to, if need be, to make arrangements.

MR. GIUDICE: Madam Chair, I am not Attorney Krezel but I was asked to request a one-year extension. I think that there were problems with Lovely Drive, but I think Mr. Passanante who is responsible for Spring Lake Village is a very reputable person in Town and he does or completes what he is going to complete. I don’t think we would run into the same problems we had with Lovely Drive. That’s my commentary on the issue.

THE CHAIR: I might’ve agreed with you a little over a year ago. But, you know, you are talking 5 years and 5 years to get something done in, it should really have been done. He shouldn’t be falling behind like this.

MR. GIUDICE: Well, 90 percent of the --- I think his intent was to wait until the lots were completed so the road wasn’t damaged and about 90 percent of the lots have been completed.

THE CHAIR: When we give somebody five years, that’s so they can get this
done and when people move in, if they have a halfway decent place to move into, they don’t have all these problems. So, I’m really, I mean, for me I would only give a ---

MR. KENEFICK: Where is this?

MR. GIUDICE: It’s off of Mt. Vernon.

MS. HUGHES: It’s off of Ciccio Road.

MR. GIUDICE: Between Ciccio and Brentwood.

MR. CARMODY: Ciccio and Brentwood?

MR. GIUDICE: Right.

MR. CARMODY: I’m going to make a motion that we extend the time limit for the completion to 10/31/2004 and if we have to, we’ll visit it again. But I think we should go with Staff’s recommendation.

MR. OSHANA: I’ll second that.

(Motion passed 7 to 0 on a roll call vote.)

MR. GIUDICE: Madam Chair, one other thing, Center Place, it’s not No. 7. It’s no 17. So, if anyone was going to drive past it, I don’t want you to think we’re tearing down the wrong property.

MR. DELSANTO: Just make sure the guy tearing down the property knows it’s 17 and not 7.

MR. KENEFICK: Make sure you mark that building good.

THE CHAIR: Request of ESPN for a waiver of the Bonding Requirements calculated for two previously approved ESPN site plans, Wets Street, SPR #1259.2 & SPR #1259.3.

ATTORNEY DEVANE: Good evening, I am Eleanor DeVane and I’m Ass’t General Counsel for ESPN. We’ve submitted a letter to the Board, which I hope, was fairly self-explanatory, but I wanted to be here tonight in case anyone had any questions.

THE CHAIR: Evidently she has the letter because I didn’t see anything.
MR. CARMODY: I saw a letter. It was in our packet.

I have a question, I guess, for Staff. Mark? Or Mary?

Don’t we bond for the purpose of in case an applicant doesn’t complete a job, we have sufficient funds?

ATTORNEY SCIOTA: That’s the purpose of a bond.

MR. CARMODY: So, whether or not, and I read your letter. We all know ESPN has got all kinds of money, but if we didn’t hold a bond and they said, you know, what, we’re not going to complete the work we said we would, we’d have no recourse if we didn’t have a bond.

ATTORNEY SCIOTA: We’d have to sue them.

MR. CARMODY: Which would cost us even more money.

So, why would we waive a bond?

MS. HUGHES: On a Staff level, we met earlier today, Tony and myself and Mark to discuss this. Number one, your regulations don’t have a provision for you to waive bonds. And, number two, Yankee gas, CL&P; they’re all required to post bonds.

MR. DELSANTO: How about Mom and Pop builders who don’t have billions of dollars who have to post bonds.

MR. CARMODY: I understand what she means, but there is not even a provision for us to do it, so it doesn’t matter. Sorry.

ATTORNEY DEVANE: Well, I guess that’s that.

Well, thank you for entertaining the issue.

MR. KENEFICK: Move to deny.

MS. HUGHES: Well, I don’t think you have to. Just no action taken.

THE CHAIR: Request for Release of the $81,000 Earth Excavation Bond and the $45,400 Maintenance Bond being held for the Michael Keegan Subdivision, Pamela Court & Old Turnpike Road, EE 32.5 & S 1106.
ATTORNEY SCIOTA: I guess I can comment on this. This property is now owned by the Town of Southington so there is no sense in holding these bonds any more.

MR. OSHANA: Move to release.

MR. DELSANTO: Second.

(Motion passed 7 to 0 on a roll call vote.)

THE CHAIR: item E. Request for Release of the $5,300 E & S bond being held for Michael Keegan Subdivision, Pamela Court, S #1006.

MS. HUGHES: We have a recommendation from the Ass’t Planner that the area is stabilized, recommending release.

MR. OSHANA: Move to release.

MR. DEMELLO: Second.

(Motion passed 7 to 0 on a roll call vote.)

THE CHAIR: Recommendation of Assistant Town Engineer to correct sidewalks location with cul de sac of the Riverside Subdivision prior to Acceptance of Riverside court S #1127.

MS. HUGHES: This is irrelevant. What happened was, I was out ill when Jane was setting up the Agenda and she didn’t want to disturb me. She put it on here, but it has absolutely no relevance.

THE CHAIR: No merits.

Request for Reduction of the Remaining E & S Bond for Mountaineaire Estates Subdivision from $3,210.00 to $1,485.00 to cover remaining work, property located off Hamlin Brook Pass S #1186.

MS. HUGHES: Staff recommends the reduction.

MR. CARMODY: Move to reduce the bond from $3,210 to $1,485.

MR. DELSANTO: Second.
(Motion passed unanimously on a voice vote.)

THE CHAIR: Request for Release of the $950,000 E & S Bond being held for F. K. Bearings Site Plan, property located at 865 Wet Queen Street S #1197.1.

MS. HUGHES: We have a recommendation for release.

MR. CARMODY: Move to release.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

THE CHAIR: Request for Rod Acceptance for Windermere Ridge Subdivision, Phase I including release of the $35,000 Public Improvements Bond, contingent upon receipt of a $235,600 Maintenance bond and deeds and easements to cover acceptance of new roadways: Windermere Ridge, 1900 ft; portion of Chesterwood Terrace, 1005 ft and portion of Sheffield Place 733 ft S #1126.1.

Two separate votes to be taken.

ATTORNEY SCIOTA: Monetary vote first and the road second.

MS. HUGHES: Just to clarify what we are going to do is we are going to have a motion to establish a maintenance bond in the amount of $235,600 and then a motion to release the public improvement bond in the amount of $35,000 and then a motion regarding the acceptance of the following roads: Windermere Ridge for a length of 1900 feet, Chesterwood Terrace, a portion of it for a length of 1005 feet and Sheffield Place, a portion of it for a length of 733 ft.

MR. CARMODY: Okay, I'll make a motion to establish a maintenance bond in the amount of $235,600.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)
MR. CARMODY: Make a motion to release the $35,000 public improvement bond.

MR. KENEFICK: Second.

(Motion passed unanimously on a voice vote.)

MR. CARMODY: Now I make a motion for road acceptance on Windermere Ridge of 1900 feet, on Chesterwood Terrance of 1005 feet and on Sheffield Place, 733 feet.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

THE CHAIR: Request for a reduction of the Subdivision Bond for Forest Glen Subdivision from $375,000 to a new amount of $306,750 to cover remaining work covering Richmond Court, Devonshire Dive and Budding Ridge Road (Extension) S #1191.

MS. HUGHES: This is a subdivision that’s ongoing off of Johnson Avenue.

MR. CARMODY: It’s all set for a reduction?

Move for reduction in the bond from $375,000 to $306,750.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

THE CHAIR: Request for reductions of the subdivision bonds for Cider Mill Estates Subdivision for Phases I & II from $405,000 to a new amount of $175,800 to cover remaining work and for Phase III from $450,000 to a new amount of $265,000 to cover remaining work, property located off Macintosh Way and Baldwin Circle S #1192.

MS. HUGHES: We have a memorandum from the engineering department recommending the reduction as specified.

MR. CARMODY: I’ll make a motion to reduce the bond for Phase I and II from $405,000 to $175,800 and also reduce the bond for Phase III from
$450,000 to $265,000.

MR. DELSANTO: Second.

(Motion passed unanimously on a voice vote.)

THE CHAIR: Request for release of the $26,250 site improvements bond for Briarwood College Site Plan, 2279 Mount Vernon Road, SPR #1335.

MS. HUGHES: We have a recommendation from the engineering department to release the bond.

MR. DELSANTO: Move to release.

MR. CARMODY: Second.

(Motion passed unanimously on a voice vote.)

THE CHAIR: Request of Whitetail Custom Homes, Inc. for an extension until September 7, 2004 in order to complete remaining work for Riverside Subdivision, Curtiss Street, S #1127.

MS. HUGHES: This is a one-month extension for some outstanding work with the engineering department. Staff has no objection.

MR. DELSANTO: Move to grant the extension.

MR. KENEFICK: I'd like to --- Tony, I think I would like to say job well done for the engineering department. Seems like they've got a lot of problems up there.

MR. TRANQUILLO: On Riverside? Yes.

MR. KENEFICK: That roads' been closed for a month.

MR. TRANQUILLO: We've been struggling with that subdivision for five years.

MR. KENEFICK: What're they doing? Just revamping everything they did, or
MR. TRANQUILLO: They were supposed to do that as part of their project and they didn’t do a thorough job of it. They kept delaying and delaying and now we are not going to recommend approval. Now they are trying to rush to finish things up.

MR. KENEFICK: But I’m hearing that people going up and down that road are getting pretty frustrated.

MS. HUGHES: Well, hopefully it will all be resolved in a couple of week’s time.

MR. KENEFICK: Well, good job!

ATTORNEY SCIOTA: I think you had a motion and a second on that, already.

MR. CARMODY: The motion I seconded.

(Motion passed unanimously on a voice vote.)

THE CHAIR: Before anybody calls adjournment, going back up off Autran drive and Summitt Street, Tomczak’s property and so forth. I want to know what is happening up there.

MR. TRANQUILLO: Nothing has happened in the last three weeks. I’ve made calls. I’ve tried to encourage people to get together and I have not heard anything from any of them.

MR. DELSANTO: Not even the complaining parties?

MR. TRANQUILLO: I spoke with Mrs. Tomczak and I briefed her on what was going on. I told her that I was waiting for the Whitetail Group and the property owner, I forget the name, Jones, I believe? There was a corner house. Waiting for them to get together.

MR. DELSANTO: Would you consider that lack of cooperation?

MS. HUGHES: No, not at all.

MR. TRANQUILLO: No. Sometimes it takes time to get together.

MS. HUGHES: And, you know, I have spoken to Pat Verderame and there’s
issues regarding where the Tomczak’s think their property line and where her property line is. She had indicated to me that the pipe they were in fact complaining about is 20 feet from their property line. So, there’s a lot of issues going on there.

But she is trying to resolve the problem.

MR. KENEFICK: The pipe is probably 20 feet now, but before it wasn’t. But it’s still pumping, pushing water on to their property. That had never happened before.

THE CHAIR: Yes, it is. I was out there this afternoon. I was up there today and it’s still pumping.

MR. KENEFICK: They just, what they did is they just covered that pipe up. That’s all they did. And, threw the rocks back on that wall. They didn’t fix anything.

MR. DELSANTO: Motion to adjourn.

MR. KENEFICK: Is that going to be --- there’s no C O issued until this problem is ---

MR. TRANQUILLO: I have left a message there is no C O to be issued there.

MR. KENEFICK: It’s the only way you can do it, I guess.

THE CHAIR: I would have thought that surely somebody would have tried to get that straightened out. Just wanting to sell the property, they’d want to get it straightened out.

MR. TRANQUILLO: We have to be guided by Mark.

ATTORNEY SCIOTA: Like I said, we hold the leverage of not giving a zoning permit, therefore no C O. I think that is where we are on it.

MR. DELSANTO: We can’t do anything until that point comes.

MR. CARMODY: Is that it?

ATTORNEY SCIOTA: I do have one thing, actually. Mark and I have talked about this. I was at a meeting, which had nothing to do with the Town, where a lot of things were brought up about the Plan of Development and I told them it was coming later on this Fall.
One of the issues in the downtown area was --- I talked to Mary about this --- the setbacks and all that in your CB zone. What I recommend is that when you do do that, look at those setbacks because you have setbacks in a CB zone which a lot of Towns don't even have any setbacks.

When you do do that in the Fall, I told them, that group, it was the merchant group, that you would take a look at your setbacks and all that.

MS. HUGHES: If you want to get an idea of what it looks like, go down to Whiting Street in Plainville. That’s a zero lot line.

MR. DELSANTO: What is our’s now?

ATTORNEY SCIOTA: It depends where it is.

MS. HUGHES: It is 40 feet off the rear line if you abut a residential zone or 20 feet if you abut CB zone.

ATTORNEY SCIOTA: You have a lot of buildings in downtown Southington which were all on one big lot at one time, so you have three buildings on one lot, so it’s really screwy and it’s almost impossible to sell one building.

Obviously, what the merchants want to do is they want to be able to market the buildings down there. So, when it comes time, I know it’s not going to be until the Fall, that’s something to keep in your head, obviously you want to keep the downtown moving and to have one owner sit on three buildings where they can sell one to someone who can rehabilitate it, that might be the way to go with this.

THE CHAIR: Oh, definitely.

ATTORNEY SCIOTA: I just said I would mention it, so I did.

MR. DELSANTO: Motion to adjourn.

MR. CARMODY: Second.

(Whereupon, the meeting was adjourned at 8:30 o’clock, p.m.)