

**CITY OF TORRINGTON
PLANNING AND ZONING COMMISSION
MINUTES
December 14, 2011**

Present: Richard Calkins, Chairman
Greg Mele, Vice Chairman
Paul Summers, Member
Doris Murphy, Member and Inland Wetlands Liaison
Greg Perosino, Member
Donna Greco, Alternate
Christine Mele, Alternate

Also Present: Martin Connor, AICP, City Planner

Not Present: Jim Bobinski, Alternate

1. Call to Order:

Chairman Richard Calkins called the meeting to order at 7:00 p.m., Torrington City Hall Council Chambers, Room 218, 140 Main Street, Torrington, CT

2. Attendance/Announcement by Chairman:

Chairman Calkins announced present and serving on the Commission this evening will be Commissioners Greg Mele, Paul Summers, Doris Murphy, Greg Perosino, Donna Greco, Christine Mele and Richard Calkins. Also present is City Planner Martin Connor.

3. Minutes for Approval:

a. 11/9/11

MOTION by Ms. Murphy to approve the 11/9/11 minutes, seconded by Mr. Mele, motion carried with Mr. Perosino abstaining from voting.

4. Old Business:

a. Enforcement Update

Commissioner Summers informed the Commission the owners of the boat facility on Route 4/Goshen Road are representing themselves in this case, and they have until the end of the month to file, and hopefully by the next Commission meeting, Mr. Summers will have more information.

5. New Business:

a. Special Exception 07-191 and Site Plan 843, Time Extension
Applicant: Namlet, LLC
Location: 462 and 476 Rear Main Street
Proposal: Request for time extension to approval of three bedroom apartment and warehouse addition (approved on August 15, 2007)

Mr. Connor provided a brief explanation of the time extensions allowable by the new State Statutes.

MOTION by Mr. Perosino to extend the approval date to August 15, 2016, motion seconded by Mr. Summers, unanimously carried.

- b. Site Plan 1026
Applicant: Ursula Seiser
Location: 150 North Elm Street
Proposal: Contractor's storage and office use, expand parking

MOTION by Mr. Summers to table this application, seconded by Ms. Murphy, unanimously carried.

- c. Special Exception 11-268
Applicant: Brian Butler
Location: 478 Norfolk Road
Proposal: Addition within front yard setback (set public hearing date)

MOTION by Mr. Mele to set a public hearing date of January 11, 2012, seconded by Mr. Summers, unanimously carried.

MOTION by Mr. Summers to add an agenda item by 2/3rds vote to set a public hearing date for an amendment to the Zoning Regulations, Applicant: Greg Mele, Bed and Breakfast, 410 New Harwinton Road, seconded by Ms. Murphy, motion carried with Mr. Mele abstaining from voting.

MOTION by Mr. Summers to set a public hearing date of February 8, 2012, seconded by Ms. Greco, motion carried with Mr. Mele abstaining from voting.

At 7:06 p.m. the Commission went into recess prior to public hearings.

6. Public Hearings scheduled for 7:30 p.m., December 14, 2011, City Hall Council Chambers, Room 218, 140 Main Street, Torrington, CT:

- a. Special Exception 11-267
Applicant: Wingstang Realty LLC
Location: 95 Turner Avenue
Proposal: Office use in the R6 zone

At 7:30 p.m. Chairman Calkins opened the public hearing and stated serving on the Commission this evening will be Commissioners Paul Summers, Doris Murphy, Greg Perosino, Greg Mele, Christine Mele, Donna Greco and Richard Calkins. Also in attendance is City Planner Martin Connor.

Mr. Mele read the legal notice which was published in the Republican American.

Scott Sugerak of 355 Upper Valley Road, Torrington and Richard Alves of 102 Ramstein Road, New Hartford, CT appeared representing the applicant. The neighborhood notification receipts were turned over to the Chairman and Mr. Alves confirmed the public hearing sign was properly posted.

Mr. Alves gave a presentation of their proposal, the building is currently a warehouse, they have purchased the building and they want to put a small office in the left hand front corner of the building. This was previously storage for Sugerak Appliance. The remainder of the building will continue to be storage space for their business.

Mr. Connor read his memo dated December 8, 2011 to the Commission.

There were no comments from the public.

At 7:42 p.m. Chairman Calkins declared the public hearing closed.

MOTION by Mr. Mele to APPROVE Special Exception 11-267

Applicant: Wingstang Realty LLC
Location: 95 Turner Avenue
Proposal: Office use in the R6 zone

with the following conditions:

1. The applicant shall post a bond for the proposed landscaping. A detailed cost estimate for the proposed landscape plantings shall be submitted to the City Planner's Office. A bond in an amount acceptable to the City Planner and in a form acceptable to the Corporation Counsel shall be submitted for the approved landscape plantings.
2. Painted pavement markings including handicap, shall meet the requirements as set forth in the most current edition of the MUTCD, and a handicap sign meeting the MUTCD requirements and mounting heights shall be installed.
3. The owner shall submit a Sewer Discharge Permit application, submit a Capacity Reserve fee of \$3, 325.00 and the sewer lateral shall be pressure tested according to WPCA Rules and Regulations.
4. It is recommended that the owner follow the recommendations of Fire Chief, John B. Field, Jr., contained in a memo to the City Planner dated 11/14/11.

MOTION seconded by Mr. Perosino, unanimously carried.

Mr. Summers made a correction to his Violation Update, the homeowners are self-representing and they have until the end of the month to file an answer. Hopefully there will be more information by the next Commission meeting.

b. Special Exception 11-266

Applicant: A.J.K., LLC
Location: Winsted Road, Assessor Map 236 Block 1 Lots 9, 10 and 11
Proposal: Site excavation and processing of soil and rock, quarry renewal

Chairman Calkins opened the public hearing at 7:45 p.m. and stated serving on the public hearing this evening will be Commissioners Paul Summers, Doris Murphy, Greg Perosino, Greg Mele, Christine Mele, Donna Greco and Rich Calkins. Also in attendance is City Planner Martin Connor.

Mr. Mele read the legal notice which was published in the Republican American.

Attorney Jerry Sanchy appeared representing the applicant, also present was Dennis McMorrow of Berkshire Engineering and Surveying. Mr. Sanchy submitted his certificates of mailing. Jennifer Stoughton of AJK LLC is the person appointed to receive complaints, and Mr. Sanchy submitted a letter from Ms. Stoughton stating she has not received any complaints since the grant of the last Special Exception. A letter from the blasting company was also submitted, they did not get any direct complaints themselves. Through the Fire Marshal a complaint was handled, submitted by the tenant at Kentucky Fried Chicken complaining of cracked tiles on the floor. The complaint was investigated and determined to be pre-existing before the blasting.

Attorney Sanchy noted that Attorney Tom Wall was also present, representing abutting property owner Torrington Elks. An agreement has been drawn between the Elks and AJK LLC. A letter from another abutting property owner, Henry Berkowitz, was submitted stating there had been a slight encroachment on the northeast corner of the property, with fill being pushed over approximately 25 feet. Mr. Sanchy stated this situation will be remedied and the property

restored to its former condition by June 1, and Mr. Berkowitz was agreeable to that. Mr. Berkowitz asked that this corner property be staked, and AJK LLC has agreed to that.

Mr. Sanchy verified the public hearing sign was properly posted.

Dennis McMorrow of Berkshire Engineering and Surveying appeared before the Commission, Mr. McMorrow reviewed the proposal, referring to site plan maps. A sedimentation basin has been installed this week by Mr. Stoughton, and that basin will be monitored until the culvert is installed. "Benching" has been added to the plan, per the request of the Engineering Department. An e-mail has been received today from Assistant City Engineer Matt Walsh saying they have no further comments. Mr. McMorrow provided further details regarding the quarry plans, site details, swale plans, pavement, etc. Mr. McMorrow agreed to the deadlines/dates as proposed, June 1, 2012 for the landscaping plan.

Mr. Calkins opened the hearing to the public.

Attorney Tom Wall appeared and stated they have a private agreement that Jerry Sanchy has placed before the Commission. Much of the agreement contains information the Commission required of the applicant more than two years ago. Mr. Wall asked this Commission to incorporate their prior reasoning into their decision, and then they would favor the application.

Mr. Connor read his memo to the Commission dated 12/13/11.

In response to comments from Ms. Murphy, Mr. Calkins noted the agreement between The Elks and AJK LLC constitutes a private agreement between property owners which was submitted to the Commission for reference only, and not to be incorporated into our conditions of approval. Mr. Sanchy verified it is just to be filed with the City's records/file on this matter.

No further comments.

At 8:10 p.m. Chairman Calkins declared the public hearing closed.

MOTION by Mr. Mele to APPROVE

Special Exception 11-266

Applicant: A.J.K., LLC

Location: Winsted Road, Assessor Map 236 Block 1 Lots 9, 10 and 11

Proposal: Site excavation and processing of soil and rock, quarry renewal

with the following conditions:

1. The quarry shall not operate on Sundays or on any of the following holidays: New Year's, Good Friday, Memorial Day, July 4th, Labor Day, Thanksgiving and Christmas.
2. Except as noted otherwise in these conditions, the quarry shall operate between the hours of 7:00 a.m. and 5:30 p.m., Monday through Friday. Except for routine maintenance, the quarry shall not operate on Saturdays.
3. No blasting is to occur on Saturdays, Sundays, or on any of the following holidays: New Year's, Good Friday, Memorial Day, July 4th, Labor Day, Thanksgiving and Christmas or on any six weekdays as designated by the Torrington Elks Club. Blasting is to occur between the hours of 9:30 a.m. and 4:30 p.m. AJK, LLC, shall determine the schedule of the Torrington school buses that pass through the area. No blasting is to occur either a half hour before or a half hour after the time a school bus is scheduled to be in the area. The applicant shall utilize the Blast Planning Worksheet, Guidelines, Blasting Activity Review, and Notifications contained in a report titled, "A Focus on the Execution and Impact of Blasting Relative to the Site Grading Plans Prepared by AJK, LLC For the Winsted Road, Torrington, Connecticut Industrial Park Site." by Richard M. Hosley, Jr., Realty Securities Incorporated, dated February 2005. (This report was submitted with the original earth excavation application.)

4. A blast warning shall occur before blasting. AJK, LLC, shall notify all adjoining property owners at least 72 hours prior to a blast. With the property owner's approval, this notification can be reduced to 24 hours.
5. Any property owner within one-half mile of the property can also request that AJK, LLC, notify them at least 72 hours prior to a blast. AJK, LLC shall honor this request. With the property owner's approval, this notification can be reduced to 24 hours.
6. The applicant shall maintain a "Trucks Crossing" sign on Winsted Road.
7. AJK, LLC shall designate an individual to receive, handle and log complaints from neighbors. The record of these complaints shall be presented at, or prior to, the public hearing on the renewal of the Special Exception permit.
8. AJK, LLC shall maintain fugitive dust practices.
9. Per Section 6.4.5 F of the Regulations, the applicant shall provide a bond for the estimated cost of restoring the disturbed areas, including the areas that involve sorting, crushing, refining, drilling, screening or washing operations during the 2 year period of special exception renewal. A \$44,516.00 bond shall be submitted in a form acceptable to Corporation Counsel. Not more than 5 acres shall actively be excavated, used, or without topsoil at one time.
10. No later than June 1, 2012 the landscape plan as shown on "Site Plans for Earth Excavation Permit Renewal, Prepared for AJK, LLC, Winsted Road, CT Route #800, Torrington, Connecticut," prepared by Berkshire Engineering and Surveying, LLC, dated November 29, 2011, Sheet D2, that includes the grass swale, paved driveway (at least to the 208 contour line,) sediment basin and landscape buffer shall be implemented.

MOTION seconded by Mr. Perosino, unanimously carried.

7. **Adjournment:**

MOTION by Mr. Perosino to adjourn at 8:15 p.m., seconded by Mr. Mele, unanimously carried.