

**CITY OF TORRINGTON
PLANNING AND ZONING COMMISSION
MINUTES
May 25, 2011**

Present: Richard Calkins, Chairman
Greg Mele, Vice Chairman
Paul Summers, Member
Jim Bobinski, Alternate
Christine Mele, Alternate

Also Present: Martin Connor, AICP, City Planner

Not Present: Greg Perosino, Member
Doris Murphy, Member and IWC Liaison
Donna Greco, Alternate

1. Call to Order:

Chairman Richard Calkins called the meeting to order at 7:02 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, Jim Bobinski, Christine Mele and Richard Calkins. Also present is City Planner Martin Connor.

Mr. Calkins announced a June 1, 2011 7:30 a.m. UCONN Torrington, will hold a 90 minute forum on affordable housing. Contact Mr. Connor if you wish to attend.

3. Minutes for Approval:

a. 5/11/11

MOTION by Mr. Mele to approve the 5/11/11 minutes, seconded by Mr. Summers, motion carried with Mr. Calkins and Mr. Bobinski abstaining from voting.

4. Old Business:

None

5. New Business:

a. Special Exception 11-261
Applicant: Pasqualino Barbieri
Location: 14 Perkins Street
Proposal: Reduce front yard setback for proposed addition, Section 4.19
(Set public hearing date)

MOTION by Mr. Summers to set a public hearing date of June 8, 2011, seconded by Mr. Mele, unanimously carried.

MOTION by Mr. Summers to add by 2/3rds vote an item to the agenda: extension request for T&M Building, subdivision approval, Tognalli Drive, seconded by Mr. Mele, unanimously carried.

Mr. Connor explained an extension through March 13, 2013 has been requested. A second layer of pavement needs to be installed, street trees to be installed and a sidewalk needs to be constructed.

MOTION by Mr. Mele to APPROVE Subdivision Approval Extension

Applicant: T&M Building Company, Inc.

Location: Clearview Avenue (Assessor Map 131-1-74)

Proposal: 21 lot subdivision, time extension of approval to March 13, 2013.

Motion seconded by Mr. Summers, unanimously carried.

b. Discuss potential Zoning Regulation amendment to allow sidewalk dining use

Rose Ponte, Economic Development Director for the City was present, as well as Bill Battle, member of the Economic Development Commission. Mr. Connor has researched what the City can do to promote outdoor sidewalk dining. Greg Mele is the PZC liaison for the Economic Development Commission. Mr. Connor acquired some excellent ideas from the annual conference for the American Planning Association. Commissioner Summers helped Mr. Connor with information from other towns. Sidewalk dining is an accessory use to the restaurant, not the same as outdoor patio use that other businesses have obtained. This would not require site plan approval, but with a zoning permit after review of the site. It would be proposed in the Local Business and Downtown District. It is not recommended for the existing taverns located in the R6 residential zones. This is only for the public sidewalk areas, such as on Main Street across from the Police Station, and down further on South Main Street. Mr. Connor reviewed details of the proposed amendment. It is for seasonal outdoor sidewalk dining only. If a business wishes to construct a patio, they will need to go through the Site Plan application process.

In response to questions from Mr. Calkins, Mr. Connor reviewed that no additional parking is required for outdoor seasonal sidewalk dining. It will be only a handful of seats on the sidewalk. Mr. Summers inquired about smoking, and Mr. Connor stated that is handled by the Torrington Area Health District, with a small percentage designated for smoking.

Playing of music was discussed, and the Commission was not opposed to music being allowed.

Mr. Connor reviewed his previous discussions with Attorney Peter Herbst of the TDC. Mr. Herbst and currently members of the Commission spoke about how there may be customers later in the evening on show nights at the Warner. It was the consensus that ending time be 11:00 p.m., and start time of no earlier 6:00 a.m. Mr. Calkins noted this will be a public hearing and public input would be taken.

Mr. Connor has met with Ernestine Weaver, Corporation Counsel, and businesses would not be allowed to serve alcohol on the public sidewalk. The Ordinance Committee has been looking at modifying their Ordinances regarding serving alcohol outdoors. Mr. Connor reviewed his previous discussions with the State of Connecticut regarding keeping the sidewalk clear. He noted a restaurant in Litchfield that serves alcohol outside, and the area is roped/fenced off.

Mr. Connor has spoken with an insurance agency owner, Stephen Todd, who agreed the insurance requirement is certainly what a restaurant would have, and it is important for the City to have a hold harmless agreement.

Rose Ponte, Economic Development Director for the City, appeared before the Commission and thanked Martin Connor for coming up with such a good proposal. Ms. Ponte believes outdoor dining will make the City more vibrant, it will allow the City to attract more food establishments, and more than that, this will help attract people and people bring people to the downtown. Ms. Ponte referenced the popularity and success of the Thursday Downtown Marketplace Nights. Ms.

Ponte noted other towns such as Westport and Norwalk have relaxed their outdoor dining regulations. Towns and cities around the USA note outdoor dining as something to be attractive. Torrington was listed in New York Magazine as the place to visit in Connecticut for food.

Mr. Connor noted these proposals should be in connection with a restaurant, not a bar.

Bill Battle of the Economic Development Commission appeared to promote the idea of outdoor sidewalk dining. Torrington does need something different for the newer generation of kids, manufacturing is no longer the draw it once was.

Mr. Connor noted many people have approached him since the newspaper article appeared, all very much in favor of outdoor sidewalk dining.

MOTION by Mr. Summers to set a public hearing date of June 8, 2011, seconded by Mr. Mele, unanimously carried.

6. Public Hearing scheduled for 7:30 p.m., May 25, 2011, Council Chambers, Room 218, City Hall, 140 Main Street, Torrington, CT

- a. Special Exception 11-260 and Site Plan 1005
Applicant: Sohan Johnson
Location: 294 South Main Street
Proposal: 178 square foot addition to existing gasoline sales/retail store. 10% expansion of non-conforming use

At 7:31 p.m. Chairman Calkins opened the public hearing and stated serving on the Commission this evening will be Commissioners Jim Bobinski, Paul Summers, Greg Mele, Christine Mele, and Richard Calkins. Also in attendance is City Planner Martin Connor

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

Kenneth Hrica, Professional Engineer and Licensed Land Surveyor in Litchfield, CT appeared before the Commission representing the applicant. Mr. Hrica verified a public hearing sign was properly posted, and submitted his neighborhood notification receipts to the Chairman.

Mr. Hrica gave a presentation of the proposal, referring to site plans. Parking plans were explained by Mr. Hrica. There is a two percent reduction in the impervious surface ration on site. Mr. Hrica reviewed the changes that were made to the plan in reference to comments from an abutting neighbor Mr. Clark. Changes were made to the fence location, the old fencing will be removed. A specific stain will be used on the new fencing, and the finished side of the fencing will face Mr. Clark's property. A light on the back of the building was turned downward. Engineering, WPCA, Fire Department and Traffic Department comments have been addressed.

Mr. Hrica noted in the Engineering Department memo, the applicant is replacing a section of sidewalk, approximately 50 feet on Elton Street, that is unsafe. They originally proposed to replace it with bituminous concrete sidewalk. All of the sidewalks on Elton Street are bituminous, as well as the sidewalks on South Main Street, and the sidewalks around this structure are bituminous, but City Engineering asked the applicant to do the 50 foot section in concrete. They did show a concrete sidewalk on the plan, but Mr. Hrica asked this Commission to consider allowing them to match the existing conditions, and go ahead and do the sidewalk in bituminous asphalt which would help to save money and it would also match what everyone in the neighborhood has done.

Mr. Calkins does not have a problem with the asphalt sidewalk, Commission members agreed. Mr. Calkins stated the granite curbing will need to be taken out and reset back level. Mr. Hrica responded there is a note on the site plan to that effect, per Engineering 12-15 feet of that granite curbing will be located to the east side for traffic flow.

Mr. Connor reviewed his 5/18/11 memo to the Commission.

There were no comments from the public. At 7:54 p.m. Chairman Calkins closed the public hearing.

MOTION by Mr. Mele to APPROVE Site Plan 1005 and Special Exception 11-260

Applicant: Sohan Johnson

Location: 294 South Main Street

Proposal: 178 square foot addition to existing gasoline sales/retail store. 10% expansion of non-conforming use.

With the following conditions:

1. The applicant shall submit a bond estimate to be reviewed and approved by the City Planner for the proposed landscaping. A bond in a form acceptable to the Corporation Counsel shall be posted prior to issuance of the Zoning Permit. 25% of the posted landscaping bond shall remain in place for one year after the landscaping plan has been fully implemented to ensure successful growth of the plantings.
2. Per WPCA Administrator, Ray Drew, the applicant shall submit an Application for Sewer Discharge Permit and remit the required Capacity Reserve Fee.
3. It is recommended that the applicant follow the advice of Fire Chief, John B. Field, Jr., contained in a memo to the City Planner dated 4/26/11.
4. Sidewalk can be bituminous, not concrete.
5. Granite curb will be reset.

MOTION seconded by Mr. Summers, unanimously carried.

7. **Adjournment:**

MOTION by Mr. Summers to adjourn at 7:56 p.m., seconded by Mr. Mele, unanimously carried.