

**CITY OF TORRINGTON  
PLANNING AND ZONING COMMISSION  
MEETING MINUTES  
February 14, 2024**

Present: Greg Mele, Chair  
Greg Perosino, Vice Chair  
Donna Greco, Member  
Donovan Riley, Member  
Diane Carroll, Seated Member  
Starley Arias, Alternate  
Tom Telman, Alternate

Also Present: Jeremy Leifert, AICP; City Planner

Not Present: Jim Bobinski, Member

**1. Call to Order:**

Chair Greg Mele called the meeting to order at 7:03 p.m. Attendance is by Zoom or in-person at City Hall Auditorium, Room 218, 140 Main Street, Torrington, CT.

**2. Attendance/Announcement:**

Chair Mele announced present and serving tonight in person are Commissioners Greg Perosino, Donna Greco, Donovan Riley, Diane Carroll and Greg Mele. Commissioners present via zoom were Thomas Telman and Starley Arias. Also present is Jeremy Leifert, City Planner.

**3. Minutes for Approval:**

a. December 20, 2023

MOTION by Ms. Carroll to approve the December 20, 2023 minutes, seconded by Ms. Greco, unanimously carried.

b. December 27, 2023

MOTION by Mr. Perosino to approve the December 27, 2023 minutes, seconded by Ms. Carroll, unanimously carried.

c. January 17, 2024

Mr. Mele noted “Minutes” is spelled incorrectly on page one heading.

MOTION by Mr. Perosino to approve the January 17, 2024 minutes with the above noted correction, seconded by Ms. Carroll, unanimously carried.

4. **Public Hearings beginning at 7:00 p.m., February 14, 2024; City Hall Auditorium, Room 218, 140 Main Street, Torrington, CT**

- a. Special Exception 23-06  
Applicant: AJK, LLC  
Location: 637 and 659 Winsted Road  
Proposal: Renewal of existing earth excavation permit, Section 6.4

Mr. Mele opened the public hearing at 7:05 p.m. and stated seated and serving tonight are Commissioners Greg Perosino, Donna Greco, Donovan Riley, Diane Carroll, and Greg Mele. Commissioners Starley Arias and Tom Telman were present via zoom. Also present is City Planner Jeremy Leifert.

Ms. Greco read the legal notice of publication in the Republican American.

Wes Clow appeared representing applicant AJK, LLC. He submitted green card neighborhood notification receipts and verified the public hearing signs were properly posted.

Mr. Clow stated he has dropped off revised plans, addressing the water concerns. AJK, LLC has reached out to CT DEEP as they have never had a stormwater permit for this quarry since its inception. There has been no response from CT DEEP as of yet.

Mr. Leifert screen shared the site plans, and read his memo to the Commission dated February 14, 2024. This is the quarry's 9<sup>th</sup> request for renewal.

Ms. Carroll noted the stored equipment near the entrance on Winsted Road, and this same issue was brought up two years ago by Commissioner Perosino.

Mr. Clow said the signage (noted in Mr. Leifert's memo) was on equipment owned by one of their contractors, and that has been removed. There are a couple pieces of equipment in the north corner of the site, near Winsted Road. Mr. Leifert clarified for Commissioners that equipment currently being used in the operation of the quarry can be located on site. Mr. Clow responded all other equipment has been removed.

Ms. Carroll noted the encroachment is still there. Encroachments were re-permitted. Mr. Perosino inquired why the active working area is not marked, and Mr. Clow was unsure. Mr. Perosino stated work required from the applicant from the last issued permit has not been completed as of yet.

Mr. Leifert responded to an inquiry from Ms. Carroll, and that the wetland area is not within 100 feet of this site work. Mr. Leifert referred to conditions, and he would appreciate knowing where the boundary line is when they go on site for inspections.

Mr. Perosino noted the setback is 50 feet, and now we understand, rock is breaking into the 50 foot setback. Mr. Perosino asked if this 50 foot setback is sufficient, and should the setback be increased. Mr. Leifert responded the Zoning Regulations state 50 feet is

the setback, and Mr. Perosino said an increase to the required setback number should be considered in the regulations. From a geological standpoint, every property is different and we need to consider how we write the regulations, as he prefers to avoid this situation where we have a setback that does not work.

Mr. Perosino noted the 2 to 1 ratio. Mr. Leifert responded this will result in more of a rock face, and this is to create more area for future development.

Mr. Perosino referred to past issues with neighboring Elk property, and this Commission should not be approving those agreements, it should be in the hands of the Elks. Mr. Clow noted they have a good relationship with the Elks.

The number of blasts per week was discussed. Mr. Clow stated this quarry is wrapping up, and the next time they appear here will probably be for site development. Mr. Leifert said a cap/max on number of blasts does not need to be set. Mr. Perosino noted one or two blasts a week is all that is needed per the applicant.

A blasting plan is prepared by the blasting contractor per Mr. Clow, and it is an aid with blasting depths, drill holes, charges, and other details such as the results of blasts and the seismic readings.

Mr. Perosino stated he is a bit intolerant at this point, and the applicant knew what was required, and it wasn't done. The applicant has not kept up with his commitments. Mr. Clow said he is aware of this, and they are working with the town. He just started working with the applicant in June. His background is as a geologist and an environmental earth scientist. Mr. Clow is working to get the operation compliant with the past issues raised such as the driveway issue, Elk concerns, equipment and setback issues, etc.

Mr. Perosino and Ms. Carroll noted the required bonds had never been submitted. Mr. Clow said he will concentrate on the outstanding issues.

Mr. Riley referred to the complaint log and the dust issues. There were four complaints over the last couple years per Mr. Clow, and there are sweepers and water trucks on site to address these issues. Driveways are to be swept at the end of the day.

Mr. Leifert noted his site visit, where material was being dropped to the lower area from the upper quarry on a windy day causing dust, and it was particularly bad. Mr. Clow said there are water trucks that are supposed to be used. Mr. Clow outlined the various measures to be used to address the dust (50 minutes).

Mr. Leifert noted the general permit that would be issued by DEEP,

A stockade fence will be installed per Mr. Clow, and they are awaiting review from DEEP, Mr. Leifert added a Site Plan modification could be done if necessary from comments resulting from the DEEP review. Ms. Greco would prefer plantings, and Mr. Leifert responded there are salt issues and replacement of dead vegetation. A fence at this site

may work better until the site plan phase. Mr. Clow said this is all temporary, as the site will be developed in the future. Mr. Leifert noted typically we would not want a fence used, but plantings die in this area.

Mr. Clow referred to the limited access to the quarry via one driveway into the site, they don't have another option to cut into another road for an additional drive entrance. The requested increase in acreage used for the quarry was discussed.

At 8:05 p.m., Mr. Mele opened the hearing for public comments in favor of the proposal. There were none.

Mr. Mele opened the hearing for public comments in opposition to the proposal.

John Melville, representing the Board of Directors of Country Living Condos at 1229 Winsted Road appeared. They are not quite half mile north of the quarry. They are not in opposition to the quarry, but they are having a problem with the blasting going on. He has lived at the condo for ten years, and there have been many complaints over the last five years about the blasting. The blasting contractor used to give notification three days in advance giving him a chance to notify the 137 condo residents. Now the blasting is even more severe and they are getting one hour advance notice.

Mr. Melville spoke of the numerous cracks in foundations, and water coming into cellars. The blasting company has been on site with seismic units, and the company said records of the seismic reading are kept at the office. He has gotten numerous complaints from condo residents about a severe blast, entire units are being shook. Residents have reported damage and they have spent large amounts of money fixing cracks.

Mr. Perosino stated to Mr. Clow to be a good neighbor moving forward, and get in touch with this condominium group and set up a seismograph unit monitoring system (some comments inaudible). Mr. Clow responded he would reach out directly to the condominium association, and he will adjust to the 72 hour notification.

Mr. Leifert noted to Mr. Melville to put his request in writing to Mr. Clow at the quarry for a 72 hour notification. The condo association has been in touch with only the blasting contractor, not the quarry operation itself, and there should be communication between the quarry and the condo association.

Mr. Leifert noted for the record that blasting operation oversight is not under this commission's review, it is under the Fire Marshal issuing the permits to blast. This Commission regulates when the blasting occurs, not the blasting itself.

Dennis Royer, Unit 127 at Country Living Condos appeared. He has been living at Country Living since 1988 and never had a problem until this past summer, and he is eight units in. Mr. Royer now has a cracked basement floor which is a new problem. There is a concern with radon now and potentially more damage. Radon is a genuine concern of his for health reasons, for both himself and his wife who spends much time on the lower level of their condo.

Mr. Mele stated Mr. Clow should look into the magnitude of the blasts.

Mr. Royer showed Planning and Zoning Commission members cell phone photos of his cracked basement concrete.

At 8:24 p.m. Mr. Mele declared the public hearing will be continued to the March 20, 2024 Planning and Zoning Commission meeting.

MOTION by Mr. Perosino to continue the public hearing to the March 20, 2024 meeting, seconded by Ms. Greco, unanimously carried.

- b. Proposed Zoning Regulation Amendments –  
Applicant: Planning and Zoning Commission  
Modify Section 6.2, Automobile Establishments - Motor Vehicle Dealer, Vehicle Repairer, Junk Yards & Gasoline Sales to comply with statutory changes under CT Public Act 23-40 and Title 14 of CT General Statutes.

At 8:25 p.m. Chair Mele opened the public hearing. Seated and serving tonight are Commissioners Greg Perosino, Donna Greco, Donovan Riley, Diane Carroll, and Greg Mele. Commissioners Starley Arias and Tom Telman were present via zoom. Also present is City Planner Jeremy Leifert.

Ms. Greco read the legal notice of public hearing which was published in the Republican American.

Mr. Leifert read his memo to the Commission dated February 14, 2024.

Mr. Mele opened the hearing for public comments in favor of the proposal. There were no comments.

Mr. Mele opened the hearing for public comments in opposition to the proposal. There were no comments.

At 8:31 p.m. Chair Mele declared the public hearing closed.

MOTION by Ms. Greco to APPROVE Proposed Zoning Regulation Amendments –  
Applicant: Planning and Zoning Commission  
Modify Section 6.2, Automobile Establishments - Motor Vehicle Dealer, Vehicle Repairer, Junk Yards & Gasoline Sales to comply with statutory changes under CT Public Act 23-40 and Title 14 of CT General Statutes.

The effective date of the regulation change/amendment shall be the day after publication of the legal notice of decision in the local newspaper.

Motion seconded by Mr. Perosino, unanimously carried.

- c. Special Exception 23-09 and Site Plan 1482  
Applicant: Jose Neftali Rodriguez  
Location: 184 South Main Street  
Proposal: Change of Use to Two Family Residence (former mixed use, retail use and apartment) Section 3.0, subsection 1.20

At 8:32 p.m. Chair Mele opened the public hearing. Seated and serving tonight are Commissioners Greg Perosino, Donna Greco, Donovan Riley, Diane Carroll, and Greg Mele. Commissioners Starley Arias and Tom Telman were present via zoom. Also present is City Planner Jeremy Leifert.

Ms. Greco read the legal notice of public hearing which was published in the Republican American.

Attorney Luis Medina appeared representing applicant Jose Neftali Rodriguez. Attorney Medina submitted neighborhood notification receipts and verified the public hearing signs were properly posted.

Mr. Leifert read his memo to the Commission dated February 14, 2024.

Mr. Mele opened the hearing for public comments in favor of the proposal. There were no comments.

Mr. Mele opened the hearing for public comments in opposition to the proposal. There were no comments.

The former use of cooking school at this site was briefly discussed. Mr. Leifert requested that a floor plan of the residential units be submitted, which will probably also be a requirement of the Building Department.

At 8:45 p.m. Chair Mele declared the public hearing closed.

MOTION by Ms. Greco to APPROVE Special Exception 23-09 and Site Plan 1482

Applicant: Jose Neftali Rodriguez  
Location: 184 South Main Street  
Proposal: Change of Use to Two Family Residence (former mixed use, retail use and apartment) Section 3.0, subsection 1.20

with the following conditions and recommendations:

1. It is recommended that the applicant follow the advice of Assistant City Planner Nate Nardi-Cyrus in his December 20, 2023 email to the City Planner, specifically regarding site lighting
2. The applicant shall follow the requirements outlined by City Engineer Paul Kundzins in his email to the City Planner dated December 12, 2023 with respect to sidewalk maintenance
3. The applicant shall obtain necessary sewer discharge permits
4. The Planning and Zoning Commission finds that the proposed use, location and site design is compatible with the neighborhood and surrounding uses, is less likely based on

evidence in the application record and comments by city staff to have a detrimental effect upon churches, schools, libraries, playgrounds, or similar facilities found in Section 2.00 - 2.60 of the Table of Permitted Uses and is reasonably protective of the health, safety and welfare of the citizens of the City of Torrington.

5. In accordance with section 6.8.17 of the zoning regulations, the commission finds that the ground floor residential use on this property is similar to residential uses in the immediate area and is appropriate for this property location.
6. The request for waiver of submission of a site plan is approved as no exterior site work is proposed
7. In accordance with Connecticut General Statutes Section 8-3c, a certificate of special exception shall be filed on the land records with the City Clerk prior to commencing the use or construction associated with this approval.

Motion seconded by Mr. Perosino, unanimously carried.

## 5. **Old Business:**

- a. Discussion: Shelter Regulations

Mr. Leifert has no new information to add at this time, and left this item on the agenda for Commissioner discussion and consideration. Mr. Leifert will put together a framework for regulations at the March 20, 2024 Commission meeting. The amendment should focus on non year-round temporary shelters, as a Special Exception regulations is already in place for shelters of over 12 residents.

Mr. Mele noted loitering is taking place on a consistent basis and that needs to be addressed. Mr. Perosino said shelter residents are free to move about at their own will. Mr. Leifert stated the Commission can address concerns, such as the number of police calls received. Mr. Perosino stated Special Exception conditions can be placed for excessive complaints of loitering that must be addressed.

Mr. Leifert noted a possible study of community needs for shelters can be done, and he will discuss this with Mayor Carbone. Discussion followed (9:00 p.m.)

A rough draft for the Commission's review will be put together by Mr. Leifert. Mr. Arias and Mr. Leifert will talk in the next week about this draft. Mr. Arias said the Governor of Connecticut has already put together a task force across the whole State to discuss potential solutions and we can reach out to them to learn what the State is looking to do.

## 6. **New Business:**

none

**7. Correspondence:**

- a. Zoning and Blight Violation update

Mr. Perosino reviewed what occurred at the Yankee Pedlar 93 Main Street hearing, the judge was inclined to give the owners more time to raise the application fee of \$15,000. The City of Torrington wants an update every 30 days from Hanover regarding the status. Potential challenges in financing at this site were discussed.

**8. Adjournment:**

At 9:12 p.m., MOTION by Mr. Perosino to adjourn, seconded by Ms. Greco, unanimously carried.