

**CITY OF TORRINGTON
PLANNING AND ZONING COMMISSION
MEETING MINUTES
April 17, 2024**

Present: Greg Mele, Chair
 Donovan Riley, Member
 James Bobinski, Member
 Donna Greco, Member
 Diane Carroll, Alternate
 Starley Arias, Alternate

Also Present: Jeremy Leifert, AICP; City Planner

Not Present: Greg Perosino, Vice Chair
 Tom Telman, Alternate

1. Call to Order:

Chair Greg Mele called the meeting to order at 7:00 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 this evening in person are Commissioners Donovan Riley, James Bobinski, Donna Greco, Diane Carroll and Greg Mele. Present and serving via zoom is Commissioner Starley Arias. Also present in the auditorium is City Planner Jeremy Leifert.

3. Minutes for Approval:

a. March 20, 2024

After discussion, Chairman Mele announced that approval of the March 20, 2024 minutes would be tabled to the next commission meeting.

4. Public Hearings beginning at 7:00 p.m., April 17, 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
(public hearing continued from March 20, 2024)

Chair Mele opened the public hearing, which was continued from March 20, 2024.

Chair Mele stated present and serving on the Commission this evening are Commissioners Donovan Riley, James Bobinski, Donna Greco, Diane Carroll and Greg Mele. Present and serving via zoom is Commissioner Starley Arias. Also present in the auditorium is City Planner Jeremy Leifert.

Wes Clow appeared representing the applicant along with Scott Brothers from the blasting company for the project. Wes testified on fencing and signage that were installed, as well as safety issues he observed on the Elks property. Wes and Scott also testified in response to comments from the previous public hearing on blasting procedure and regulations, and voiced concerns over the comments submitted through public comment in the last meeting.

Chairman Mele stated that he would open comment for the public hearing, and any comments should reflect new material and not repeated from previous meetings.

Mr. Mele opened the public hearing for comments in favor of the proposal. No comments were made.

Mr. Mele opened the public hearing for comments in opposition to the proposal. No comments were made.

Mr. Leifert read his memo to the Commission dated April 17, 2024

At 7:19 Mr. Mele declared the public hearing closed.

MOTION by Ms. Greco to APPROVE

Special Exception 23-06

Applicant: AJK, LLC

Location: 637 and 659 Winsted Road

Proposal: Renewal of existing earth excavation permit, Section 6.4

with the following conditions:

1. Per Section 6.4.5 F of the Regulations, the applicants shall provide an updated bond for the estimated costs of restoring 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 bond in an amount acceptable to the City Planner shall be submitted in a form acceptable to Corporation Counsel.
2. The *bonds* shall be submitted within 30 days of notification to the applicant by the City Planner of the approved form and amount of the bonds.
3. Restoration of the encroachment on the Elks Pond property shall be completed no later than July 1, 2024 and confirmed by City Staff
4. Removal and restoration of the driveway to 621 Winsted Road and installation of appropriate screening shall be completed no later than July 1, 2024 and confirmed by City

Staff.

5. Not more than 13.1 acres shall be actively excavated, used, or without topsoil at one time. Given the projected length of time for operations remaining by the applicant, the acreage of active open area shall be reduced and restored to less than the approved 13.1 acres in future approvals to comply with section 6.4.5.E. of the regulations which caps the active area at five acres.
6. The applicant shall follow comments of Nate Nardi-Cyrus, Assistant Planner outlined in his December 27, 2023 comments to the City Planner regarding landscaping, signage, Elks property restoration, and stormwater basin maintenance and restoration.
7. The applicant shall follow comments of City Engineer Paul Kundzins with respect to his memo of December 28, 2023, specifically regarding stormwater flow and detention and comments on the 659 Winsted Road property. Corrections to stormwater details shall be shown on the final plans for filing.
8. The applicant shall complete the application process with CT DEEP for industrial stormwater permitting and provide the City Planner with a copy of permit issuance from DEEP when issued.
9. Appropriate vegetative screening or fencing along Winsted Road shall be installed no later than July 1, 2024
10. Equipment not owned by the applicant or not in operating condition shall be removed from property within 30 days of this approval. All non-compliant advertising signage shall be removed.
11. 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.
12. Except as noted otherwise in these conditions, the quarries 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.
13. 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. Applicants shall determine the schedule of the 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.
14. The applicants 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 January 2005.
15. A blast warning shall occur before blasting.
16. Applicants, shall notify all adjoining property owners 72 hours prior to a blast. With the property owner's approval, this notification can be reduced to 24 hours. The Mayor's office shall be notified 24 hours in advance of any blasting.
17. Any property owner within one-half mile of the property can also request that the applicants, notify them 72 hours prior to a blast. Applicants shall honor this request. With the property owner's approval, this notification can be reduced to 24 hours.
18. The applicants shall maintain a "Trucks Crossing" sign on Winsted Road.
19. Applicants 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.
20. The applicants shall maintain fugitive dust practices at all times. In the event dust cannot

- be maintained due to environmental conditions or other factors, the applicant shall cease operations until such times acceptable practices may resume.
21. Anti-tracking installations shall be maintained at the property entrance. Tracking on the paved portion of the access drive or public street shall be cleaned at the end of each work day.
 22. The Planning and Zoning Commission finds that the proposed use, location and site plan is reasonably protective of the health, safety and welfare of the residents of the project area and the citizens of the City of Torrington for the granting of a special exception approval.
 23. A "Certificate of Special Exception" shall be filed with the City Clerk in accordance with CGS 8-3d
 24. In accordance with section 8.4.3 and 8.4.6 of the zoning regulations, the following shall be submitted to the City Planner:
 - a. Two paper copies of the full approved final plan set including the engineer's stamp and chairman's signature box on the title page.
 - b. One mylar copy of sheet S1 – Overall Site Plan for filing with the City Clerk in accordance with section 8.4.3.P of the zoning regulations. The mylar sheets shall bear a chairman's signature box, a copy of the approval letter from the commission, an engineers' seal and live ink stamp.
Mylar sheets shall be filed by the applicant with the City Clerk after the signature of the Chairman and prior to the approval of zoning or grading permits to begin construction or site work.

The Commission grants the following requested waivers as allowed in the zoning regulations:

1. Section 6.4.4 to allow slopes to exceed 2:1 slopes;
2. Section 6.4.2 regarding operation setbacks from property lines;
3. Section 6.4.5 regarding 5 acre maximum open excavation areas to allow 13.1 acres of open excavation area as previously approved. No further expansions beyond 13.1 acres are allowed.

The Commission makes a finding that the application meets the general and specific conditions of special exception approval for earth excavations with waivers requested by the applicants.

Motion seconded by Mr. Riley. Motion passed unanimously.

- b. Special Exception 24-01 and Site Plan 1494
Applicant: AJ Resources LLC
Location: 2285 Winsted Road (Assessor Map 244 Block 001 Lot 007)
Proposal: Earth Excavation, Section 6.4

Chair Mele opened the public hearing and stated present and serving on the Commission this evening are Commissioners Donovan Riley, James Bobinski, Donna Greco, Diane Carroll and Greg Mele. Present and serving via zoom is Commissioner Starley Arias. Also present in the auditorium is City Planner Jeremy Leifert.

Ms. Greco read the legal notice of public hearing.

David Curtis and John Phillips appeared representing the application. Mr. Phillips described the site work proposed to occur over the next two-year period. Also submitted were mailing notifications, bonding estimated for erosion control and site restoration and information on the status of DEEP Industrial Stormwater permitting applications. Mr. Riley inquired about information regarding restoration of the encroachment into the State Road Right-Of-Way and tracking pad. Mr. Phillips described the restoration plan for that area and identified the location of the new tracking pad near the property entrance.

Mr. Leifert read his memo to the Commission dated April 17, 2024.

Mr. Mele opened the public hearing for comments in favor of the proposal. No comments were made.

Mr. Mele opened the public hearing for comments in opposition to the proposal. No comments were made.

Mr. Mele declared the public hearing closed at 8:00pm.

MOTION by Ms. Greco to APPROVE

Special Exception 24-01 and Site Plan 1494

Applicant: AJ Resources LLC

Location: 2285 Winsted Road (Assessor Map 244 Block 001 Lot 007)

Proposal: Earth Excavation, Section 6.4

With the following conditions:

1. Per Section 6.4.5.F of the Regulations, the applicants shall provide a bond estimate for the estimated costs of restoring 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 bond in an amount acceptable to the City Planner shall be submitted in a form acceptable to Corporation Counsel.
2. Final Sheet SP-2 for filing shall be signed by a Landscape Architect or Landscape Gardener per section 6.4.6.B
3. The bond estimates for restoration shall be submitted within 30 days of this approval to the City Planner for review. The bonds shall be submitted within 30 days of notification to the applicant by the City Planner of the approved form and amount of the bonds. Bond estimates shall include restoration of the encroachment into the DOT right-of-way.
4. A bond estimate from the Project Engineer shall be submitted for the estimated cost of installing and maintaining the E&S Controls. A cash bond in the amount approved Assistant Public Works Director/City Engineer shall be submitted prior to issuance of the Special Exception.
5. Not more than 3 acres shall be actively excavated, used, or without topsoil at one time during this two year approval period
6. The applicant shall follow comments of Nate Nardi-Cyrus, Assistant Planner outlined in his March 22, 2024 comments to the City Planner regarding State ROW encroachments, wetlands permitting status and landscaping
7. The applicant shall follow comments of City Engineer Paul Kundzins with respect to his memo of March 28, 2024, specifically regarding State ROW concerns and grading details
8. The quarries 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.
9. Except as noted otherwise in these conditions, the quarries 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.
 10. 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. Blasting is to occur between the hours of 9:30 a.m. and 4:30 p.m. Applicants shall determine the schedule of the 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.
 11. A blast warning shall occur before blasting.
 12. Applicants, shall notify all adjoining property owners 72 hours prior to a blast. With the property owner's approval, this notification can be reduced to 24 hours. The Mayor's office shall be notified 24 hours in advance of any blasting.
 13. Any property owner within one-half mile of the property can also request that the applicants, notify them 72 hours prior to a blast. Applicants shall honor this request. With the property owner's approval, this notification can be reduced to 24 hours.
 14. The applicants shall maintain a "Trucks Crossing" sign on Winsted Road.
 15. Applicants 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.
 16. The applicants shall maintain fugitive dust practices at all times. In the event dust cannot be maintained to environmental conditions or other factors, the applicant shall cease operations until such times acceptable practices may resume.
 17. Anti-tracking installations shall be maintained at the property entrance. Tracking on the paved portion of the access drive or public street shall be cleaned at the end of each work day.
 18. The Planning and Zoning Commission finds that the proposed use, location and site plan is reasonably protective of the health, safety and welfare of the residents of the project area and the citizens of the City of Torrington for the granting of a special exception approval.
 19. A "Certificate of Special Exception" shall be filed with the City Clerk in accordance with CGS 8-3d
 20. In accordance with section 8.4.3 and 8.4.6 of the zoning regulations, the following shall be submitted to the City Planner:
 - a. Two paper copies of the full approved final plan set including the engineer's stamp and chairman's signature box on the title page.
 - b. One mylar copy of sheet SP-1 – 2-YR Grading Plan for filing with the City Clerk in accordance with section 8.4.3.P of the zoning regulations. The mylar sheets shall bear a chairman's signature box, a copy of the approval letter from the commission, an engineers' seal and live ink stamp.

Mylar sheets shall be filed by the applicant with the City Clerk after the signature of the Chairman and prior to the approval of zoning or grading permits to begin construction or site work.

The Commission granted the following requested waivers as allowed in the zoning Regulations:

1. Section 6.4.4 to allow slopes to exceed 2:1 slope;

2. Section 6.4.2 regarding reduction of excavation setbacks in the front yard

The Commission makes a finding that the application meets the general and specific conditions of special exception approval for earth excavations. The Special Exception and Site Plan are approved for earth excavation operations for a two-year period.

Mr. Leifert also noted that a positive inland wetlands report was received from Assistant Planner Nate Nardi-Cyrus on April 12, 2024 for the record.

MOTION seconded by Mr. Bobinski, unanimously carried.

- c. Special Exception 24-02 and Site Plan 1495
 - Applicant: Lelah Campo
 - Location: 232 Klug Hill Road
 - Proposal: Two Day Special Event – 6.13b. public or private event intended primarily for gatherings, entertainment or amusement (request from applicant to withdraw application)

Mr. Leifert read the request from the applicant to withdraw this application. The applicant was encouraged to resubmit at a future date for an event with more time to plan.

- d. Proposal Zoning Regulation Amendment
 - Applicant: City of Torrington Board of Education and Torrington Volunteer Fire Department
 - Proposal: Amend Section 5.15 Sign Regulations; add digital signage on City owned property

Chair Mele opened the public hearing and stated present and serving on the Commission this evening are Commissioners Donovan Riley, James Bobinski, Donna Greco, Diane Carroll and Greg Mele. Present and serving via zoom is Commissioner Starley Arias. Also present in the auditorium is City Planner Jeremy Leifert.

Commissioner Greco read the legal notice of public hearing

Jim Potter, President of Torrington Volunteer Fire Department appeared representing the application.

Mr. Leifert read his application memo into the record.

Chair Mele opened the public hearing for comments in favor of the proposal. Dean Pergola of 334 Meadowview Drive commented in favor of the regulation amendment.

Chair Mele opened the public hearing for comments in opposition to the proposal. None were received.

Mr. Mele declared the public hearing closed at 8:25.

MOTION by Ms. Greco to APPROVE Proposed Zoning Regulation Amendment

Applicant: City of Torrington Board of Education and Torrington Volunteer
Fire Department

Proposal: Amend Section 5.15 Sign Regulations; add digital signage on
City owned property

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 Ms. Carroll, passed unanimously.

e Resubdivision

Applicant: Fluturim Rizvani, HPVM Motel LLC

Location: 367 & 391 – 395 Winsted Road
(Assessor Map 236 Block 001 Lot 025)

Proposal: Two Lot Resubdivision

Mr. Leifert informed the commission that he had spoken with the attorney for this application the previous week, and had been notified that the abutter mailings required by statute and regulation had not been sent, so this public hearing could not be opened and needed to be rescheduled.

MOTION by Ms. Carroll to set a public hearing date of May 15, 2024, seconded by Mr. Riley, unanimously carried.

f. Resubdivision

Applicant: Robert Bombardieri

Location: 505 University Drive

Proposal: Two Lot Resubdivision

Chair Mele opened the public hearing and stated present and serving on the Commission this evening are Commissioners Donovan Riley, James Bobinski, Donna Greco, Diane Carroll and Greg Mele. Present and serving via zoom is Commissioner Starley Arias. Also present in the auditorium is City Planner Jeremy Leifert.

Commissioner Greco read the legal notice of public hearing

Robert Bombardieri appeared and explained his proposal for a two lot resubdivision. There was originally a division of these lots from a subdivision approved in 2006. Mr. Bombardieri had decided to merge two of the original subdivision lots, and now wishes to re-subdivide the two lots into their original configuration.

Mr. Leifert read his memo to the Commission dated April 17, 2024.

Mr. Mele opened the public hearing for comments in favor of the proposal. No comments received.

Mr. Mele opened the public hearing for comments in opposition to the proposal. No comments received.

Mr. Mele declared the public hearing closed at 8:38.

MOTION by Ms. Greco to APPROVE Resubdivision

Applicant: Robert Bombardieri

Location: 505 University Drive

Proposal: Two Lot Resubdivision

with the following conditions:

1. Per Section 3.10.3.G of the Subdivision Regulations, the final approved re-subdivision map and final Site Development Plan shall contain the Tax Assessor's Map/Block/Lot for each lot in the re-subdivision as assigned by the Engineering Department.
2. The commission waives the requirements for submission of a Soil and Erosion Control Plan and Stormwater Management plan. Upon proposals for construction on any of the resulting lots, full plans shall be submitted.
3. Per comments from assistant City Planner Nate Nardi-Cyrus, the deed for the new lot shall be modified to include terms of the conservation restriction prior to issuance of construction permits.

In accordance with section 3.10.1 of the subdivision regulations, the following shall be submitted to the City Planner:

- a. Two paper copies of the full approved plans including the engineer's stamp and chairman's signature box on the title page.
- b. One mylar copy of the full approved plans for filing with the City Clerk. Each mylar sheet shall bear a chairman's signature box, an engineers' seal and live ink stamp.
- c. Final copies of paper and mylar plans shall include conditional modifications as outlined in this memo.
- d. Mylar sheets shall be filed by the applicant with the City Clerk within 90 days after the signature of the Chairman.

MOTION seconded by Ms. Carroll, passed unanimously.

5. Old Business:

- a. Discussion: Shelter Regulations

The commission discussed the latest revision to the proposed temporary shelters and discussed the City need and proposed process for review of any future applications by the Commission. The commission suggested a few questions and possible small revisions to the proposed regulations. To allow for time to make revisions and meet the requirement for public notices and referrals, Mr. Leifert requested that the hearing date be pushed to the second June meeting on June 26.

MOTION by Ms. Carroll to set a public hearing date of June 26, 2024, seconded by Ms.

Greco, unanimously carried.

6. New Business:

MOTION by Ms. Carroll to add an agenda item to discuss a new text amendment application for RV Park signage, seconded by Ms. Greco, passed unanimously.

- a. Proposal Zoning Regulation Amendment
Applicant: Lelah Campo
Proposal: Amend Section 5.15 Sign Regulations; Mobile Home Park and Recreational Vehicle Park

MOTION by Ms. Greco to set a public hearing of June 12, 2024, seconded by Ms. Carroll, unanimously carried.

7. Correspondence:

- a. Zoning and Blight Violation update

Mr. Leifert described the issue and status at 1050 East Main Street, and that many of the conditions of the commission approval have still not been resolved.

The status of the former Yankee Pedlar at 93 Main Street was discussed.

The status of the approved adult use cannabis facility at 53 McDermott Avenue was discussed.

8. Adjournment:

MOTION by Ms. Carroll to adjourn at 9:46 p.m., seconded by Ms. Greco, unanimously carried.