

**TOWN OF HADDAM
PLANNING AND ZONING COMMISSION
PUBLIC HEARINGS/MEETING
ONLINE VIA GOTOMEETING
THURSDAY, 7 MAY 2020
UNAPPROVED MINUTES
*Subject to Approval by the Commission***

ATTENDANCE

X	Gina Block
X	Steven Bull, Vice Chairman
X	Michael Farina
X	Jamin Laurenza, Secretary
X	Wayne LePard
X	Dan Luisi
X	Edward Wallor, Chairman
X	Robert Braren, Alternate
A	Alan Chadwick, Alternate
X	Larry Maggi, Alternate
X	Bill Warner, AICP Town Planner
X	Bunny Hall Batzner, Recording Clerk

1. Call to Order

Mr. Wallor, Chairman, called the meeting to order at 7:00 p.m. Due to a technical problem, the online programming shut down. When it returned, Mr. Wallor was not back online and Mr. Bull, Vice Chairman, called the meeting back to order at 7:09 p.m. Upon Mr. Wallor's return, Mr. Bull turned the meeting back over to him.

2. Pledge of Allegiance

The pledge was recited.

3. Attendance/Seating of the Alternates

Attendance was taken and all regular members were seated.

4. Additions/Corrections to the Agenda

Add: Under Chairman's Report – POCD Implementation Committee (PIC), Appointment Expiration Date.

The Commission agreed to this addition.

5. Public Comment

There were no comments from those residents in attendance.

6. Public Hearings/Public Meeting

a. Request for a Special Permit to Allow for Indoor Family Entertainment Center with Liquor License. 66 Killingworth Road, Map 14 Lot 29-1. Applicant: Merle McKenzie.

Merle McKenzie, owner/applicant, was present.

Hearing: Mr. Wallor opened the public hearing at 7:13 p.m. Mr. McKenzie reported he recently purchased the building; CrossFit Gym, located to the back of the structure, will be vacating in July; and he has a concept that he believes will be great for the town by adding people to the town, giving townspeople something to do, adding jobs to the town, providing taxes, and perhaps existing businesses will be visited by patrons upon their departure for his business.

Mr. Bull asked the hours of operation. Mr. McKenzie stated the hours have not been nailed down, but after some discussion the hours are: Tuesday, Wednesday, and Thursday – 4:00 p.m. to 10:00 p.m.; Friday and Saturday – 1:00 p.m. to 12:00 a.m. (midnight) and Sunday – 1:00 p.m. to 8:00 p.m. Mr. McKenzie stated he would probably be closed on Mondays except for corporate business events such as a meeting for the day.

Mr. Wallor asked how access would be gained to the business. Mr. McKenzie stated through the existing door, although he might rework it. Mr. Wallor stated the application indicates family entertainment; and asked if the business is open to the public (not a private club). Mr. McKenzie stated yes, public.

Discussion returned to the hours of operation, with Mr. Bull asking for clarification – regardless of the day 1:00 p.m. would be the earliest to open and 12:00 a.m. (midnight) would be the latest to close on Friday and Saturday; otherwise, a 10:00 p.m. closing time. Mr. Bull stated if the Commission is to vote on this, there needs to be an amendment (condition) on the motion with the exact hours and they would have to be abided by. Mr. McKenzie stated the hours he outlined are the exact same hours he operates at his other business in Newington and it seems to work fine and doesn't see anything changing in that regard. Mrs. Batzner reviewed the hours: 4:00 p.m. to 10:00 p.m. Tuesday, Wednesday, and Thursday, Friday and Saturday 1:00 p.m. to 12:00 a.m. (midnight), and Sunday 1:00 p.m. to 8:00 p.m. Mr. McKenzie stated correct.

Mr. Bull asked if outdoor activity is planned or will it be all inside, noting that the parking lot abuts residential property and there is no buffer indicated on the map. Mr. McKenzie stated all activity will be inside.

Mr. Farina asked how the bar will be separated from the kids. Mr. McKenzie stated the concept would be similar to that of a bowling alley with no seating in the bar area, however, there will be seating in the main room where everyone will be hanging out.

Mr. Farina asked what type of games will be available. Mr. McKenzie stated he would like to center the facility around cornhole (a bag toss game) as well as retro video games, basketball, etc.

Mrs. Block asked if food will be served in addition to alcohol or will it be just drinks. Mr. McKenzie stated light food, pre-package, and that he has no plans to create a kitchen as he doesn't know the business and doesn't want the complication of it.

Mrs. Block asked Mr. Warner if this would fall under the regulations for a restaurant in terms of septic capacity. Mr. Warner stated no, it would be considered a café for the septic. Mr. Warner also stated before a Certificate of Occupancy (CO) would be issued, it would have to be reviewed by the health department for septic capacity, but it shouldn't be a problem. Also under his liquor license, he would probably get a café liquor license which would require light food – pretzels, steamed hot dogs, etc.

Mr. Bull stated the Commission received approximately 10 letters in favor of the application; and asked if there were any objecting to the proposal. Mr. Warner stated there was nothing in opposition. Mr. Warner noted all correspondence is in the file.

Mr. Farina asked about the capacity of the facility. Mr. McKenzie stated that would be something the fire department would determine. Mr. Farina asked about parking too. Mr. McKenzie stated there are approximately 40 parking spaces. Mr. Warner stated the parking capacity would be determined by the fire marshal and he's probably already aware of the capacity based on the last use, CrossFit. This would be a public assembly use under the fire codes. Mr. Warner stated he has spoken to the fire marshal and he doesn't have any concerns.

Mr. Farina asked if DOT requires anything due to increased traffic entering/exiting. Mr. Warner stated the only time DOT would come into play is if Mr. McKenzie were planning on changing something within the right-of-way (ROW); and since it's an existing driveway, DOT involvement isn't required.

Mr. Wallor asked if there were any further questions/comments.

Mr. Bull again asked if there were any outdoor activities. Mr. McKenzie stated no, that he was asked that question earlier; and out of consideration for the neighbors, it wouldn't be friendly to the neighborhood to do so. Mr. Bull stated there were and may still be large garage doors on the side of the building; and asked if they're still there, would they be opened. Mr. McKenzie stated they will not be opened.

Mrs. Block asked about music playing and if the volume would be kept at a reasonable level to be within a residential neighborhood. Mr. McKenzie stated yes, music will be played within the facility at a reasonable level and there are no plans for live music.

Mr. Farina asked if a license is required to play video games. Mr. McKenzie stated no, there are a lot of businesses that have turned up – arcades - where 20-50 games are installed with a full bar; but in his research he hasn't found a bar that's centered around cornhole and he would like to bring in leagues – beginning and pro - to the town. Mr. McKenzie stated spacing between the boards will take up the majority of the spacing.

Mr. Bull asked Mr. Warner if he had any concerns. Mr. Warner stated no, just the hours of operation.

Mr. Wallor asked if there was any public comment. Mrs. Block stated she had received a text message from a member of the public who is trying to speak, but is unable. Mr. Wallor asked Mrs. Block if she would like to speak on their behalf. Mrs. Block asked if the individual could call her and be placed on speaker. Mr. Warner and Mr. Wallor stated yes.

Liz Bazazi, Lake Avenue, stated there has been an ongoing noise problem with CrossFit that she can hear inside her house with the windows closed; voiced concern over the extended hours; and asked what kind of assurances she will have that the noise will not be problematic at those hours. Mr. McKenzie stated as a former CrossFit gym owner and participate, the music is usually a little loud and an apology was issued. Mr. McKenzie stated with this proposal there are no plans for loud music, no outdoor activity, and with CrossFit moving the noise should be less as there will be no open garage doors. Ms. Bazazi stated in the previous special permit for CrossFit someone had voiced concern about noise and assurances were made that there would be no noise problem; but despite that the noise problem has continued. Ms. Bazazi noted the Town of Haddam does not have a noise ordinance which is not a P&Z issue. Ms. Bazazi explained that she works from home; spends large quantities of time in her yard; and her personal enjoyment of her property has been affected by the noise noting that she had spoken to Mr. McKenzie about the matter in the past as well as the second and third owner of CrossFit. Again, Ms. Bazazi asked about assurances that the noise will not impact her.

Ms. Bazazi stated there are zoning regulations that say noise will not be heard 50 feet from the property line; and asked Mr. McKenzie if that was something he could guarantee and will uphold. Mr. McKenzie stated there will be no music that Ms. Bazazi will be able to hear outside the confines of his property. Mr. McKenzie also stated when the building was constructed originally, tractor trailer trucks associated with the business at that time were allowed to run all night long which could definitely be heard at Ms. Bazazi's property. Mr. McKenzie stated if he's unable to do what he's proposing, which he believes will satisfy the issue raised, and he's forced to make the property someplace where tractor trailers can idle all night, that might be a bigger problem than already exists. Ms. Bazazi again asked what kind of assurances she can have that the noise problem will be addressed noting that the current special permit contains a note that noise would be addressed and it was not. Ms. Bazazi stated her neighbor, Lorraine Riess, sold her house because of the noise. Ms. Bazazi made it clear that it's a residential zone and she hopes Mr. McKenzie's business is approved, but hopes the permit includes wording that addresses the ongoing problem. Mr. McKenzie stated he has stated his case and doesn't know what more he can say. Mr. McKenzie appreciated Ms. Bazazi's voice of support.

Ms. Bazazi stated she wanted assurance from the Commission that the noise will not persist or intensive with the proposed business hours. Ms. Bazazi stated if she hears noise at midnight she will have to sell her house as it's already problematic during the waking hours. Ms. Bazazi asked that the permit include wording that noise should not be audible 50 feet from the property line – clear and easy to enforce. Mrs. Block asked for a reference (visual) of what 50 feet would be. Mr. Bull stated half the length of the building. Mr. LePard stated two car lengths.

Carlos Xavier, Little City Road and current owner of CrossFit, stated whatever Mr. McKenzie brings into the building will be a lot less noise; whereas, with CrossFit and the nature of the business, the music is a little bit louder. Mr. Xavier stated he cannot imagine Mr. McKenzie having music played as loud as CrossFit, because people would not be able to have a conversation. Mr. Xavier also stated he has spoken to Ms. Bazazi and has been in her house when he first moved into the space to listen to the music (played louder than would normally be played) and he couldn't hear the music inside the home; however, because Ms. Bazazi enjoys gardening, when she's outside she can hear the music. Mr. Xavier believes Ms. Bazazi will be pleased with the new business.

Discussion followed at length in regard to noise (dropping of weights and loud music at CrossFit and noise level lessening when they relocate; proposal a bit more country with music at a lesser level); the addition of air conditioning (keeping doors/windows closed lessening noise levels); and installation of insulation for both temperature and soundproofing (sufficient insulation currently and additional insulation would be cost prohibitive).

Mr. Luisi asked Mr. Warner if he had distance from the building to the property line as it appeared on the plot plan to be 70 feet in some places from the building to the property line. Mr. Warner stated the area where the garage doors are to the back property line where the residential area is approximately 50 feet. Mr. Luisi stated that's the 50 foot buffer as previously noted.

Mr. Bull asked if the front portion of the building which used to be GCI, is now HK Fitness. Mr. Warner stated yes. Mr. Bull asked if there was a special permit for HK Fitness. Mr. Warner stated yes, a special permit was granted at the 5 March 2020 hearing/meeting. Mr. Bull asked if there was any noise concern brought up at that hearing/meeting. Mr. Warner stated no. Mr. Bull asked if it would be fair to say, other than Mr. McKenzie's business being a little bit closer, that the sound emitting from HK Fitness and the entertainment center might be the same. Mr. Warner stated as long as the sound is confined inside. Mr. Warner noted that the CrossFit business has a lot of outside activity – run, doors opened when it gets hot; whereas, the proposal will be very different business. Mr. Warner stated he has reviewed the complaints from the past about CrossFit and this proposal is not them, everything will be inside as indicated.

Mr. Farina asked about noise in the evening when people are leaving and going into the parking lot. Mr. Farina also asked if the exit in front of the building is towards Killingworth Road or towards the rear of the

property. Mr. McKenzie stated it's towards the rear. Mr. Farina asked if it would be closer to the neighbors. Mr. McKenzie stated he would say so; however, the parking lot is relatively large and not everyone will park towards the back. Mr. Farina stated most people are reasonable when leaving with an exception every now and again. Mr. McKenzie stated he is not looking for an establishment that will be open all night or become a rowdy bar he's looking for something slightly different and family friendly.

Mr. Bull asked if it would be reasonable to put in as a condition that the air conditioning be installed prior to occupancy. Mr. McKenzie stated it would have to be installed as he would like to turn it around fairly quickly once CrossFit moves out (mid-late summer) and there's no way to put occupants inside without air conditioning.

Mrs. Block asked if there was any language that could be added in light of past disagreements that protect both parties. Mrs. Block stated she's aware it's not CrossFit and it's a different volume level, but the hours are also different, therefore, there's potential for different issues. Mr. Laurenza stated what noise bothers one person doesn't bother another and he didn't know how it could be regulated or how it would be held up in court. Mr. Bull and Mr. Wallor agreed with Mr. Laurenza and that there are steps being taken to address the needs of the neighbors.

Mr. LePard talked about West Hartford's decibel levels (standard 70 decibels 20 feet from a border) and that it would be difficult for Mr. McKenzie or anyone to exceed. Mr. LePard stated with this standard if there was a genuine complaint it would help. Mr. LePard stated if the Town could adopt a decibel standard it could help. Discussion followed in regard to distance and decibel caps (standard office noise is 70 decibels or less), simple decibel apps on phones, noise ordinance. Using the Methodist Church bells as an example, Mrs. Block talked about how difficult it can be to hold a phone conversation in her house with all the doors/windows closed when the bells chime (as we heard shortly thereafter).

MOTION: Dan Luisi motioned to close the public hearing at 7:53 p.m. Ed Wallor second. Motion carried unanimously.

Meeting: Commissioners seated: Block, Bull, Farina, Laurenza, Luisi, LePard, and Wallor.

Discussion followed in regard to Conditions on the special permit: hours of operation (reviewed and confirmed as noted in motion); air conditioning must be in operation before opening (not included in the motion as doors are to remain closed); no outdoor activity (reviewed and confirmed as noted in motion); doors to remain closed at all times (reviewed and confirmed as noted in motion).

MOTION: Ed Wallor motioned to approve a special permit to allow for an indoor family entertainment center with a liquor license. **Conditions:** 1) Hours of Operation – Monday – Closed, Tuesday, Wednesday, and Thursday – 4:00 p.m. to 10:00 p.m., Friday and Saturday – 1:00 p.m. to 12:00 a.m., and Sunday – 1:00 p.m. to 8:00 p.m. 2) No outdoor activity. 3) Doors remain closed at all times. Steve Bull second. Mr. Wallor called the vote: Wallor – yes; Laurenza – yes; Bull – yes; Farina – yes; Luisi – yes; Block – yes; LePard – yes. Motion carried unanimously.

b. Request for Special Permit for an 800 Square Foot Accessory Apartment within a 31 Foot by 28 Foot Garage Currently Under Construction. 6 Soobitsky Road, Map 43 Lot 27-1. Applicant: Philip Powell.

Philip Powell, owner/applicant, was present.

Hearing: Mr. Wallor opened the hearing at 8:00 p.m. Mr. Powell explained that he's building a garage and would like to include an apartment for his parents.

Mr. Bull asked if the apartment will be attached to the home. Mr. Powell stated no. Mr. Bull asked if there was site plan. Mr. Powell stated the site plan is on file with the Building Department. Mr. Bull asked if the

apartment will have its own curb cut. Mr. Powell stated no. Mr. Bull asked if it would share the driveway with the house. Mr. Powell stated yes. Mr. Bull asked Mr. Warner if he's seen the site plan and elevations. Mr. Warner stated yes, he has the site plan and the garage has already been approved by the Building Department (permit is for a garage only), but now Mr. Powell would like to construct an apartment on the second floor.

Mr. Wallor asked if there were any questions regarding the septic system. Mr. Warner stated he would need a DEEP exception to connect to the existing septic system and that would be part of the building permit and before the issuance of the CO. Mr. Powell stated he's been talking to Ryan Grenon, Connecticut River Area Health District, and the exception from the State has been received.

Mr. Wallor asked if there was any other public comments. As there were none, Mr. Wallor closed the public hearing at 8:04 p.m.

Meeting: Commissioners seated: Block, Bull, Farina, Laurenza, Luisi, LePard, and Wallor.

Mr. Wallor noted the motion did not indicate that the proposed apartment would be detached and added that wording to the motion.

MOTION: Ed Wallor motioned to approve a special permit for a detached accessory apartment not to exceed 800 square feet usable area within a 31 foot x 28 foot garage currently permitted and under construction. Jamin Laurenza second. Mr. Wallor called the vote: Laurenza – yes; Bull – yes; Farina – yes; Luisi – yes; Block – yes; Wallor – yes; LePard – yes. Motion carried unanimously.

c. Request for a Special Permit to Change a Non-Conforming Use to Allow for a Fitness Gym in an Existing Facility at 12 Scovil Road. Applicant: Carlos Xavier.

Carlos Xavier, applicant, was present. Ron Denman, owner, was not present.

Hearing: Mr. Wallor opened the hearing at 8:07 p.m. Mr. Xavier explained that he's the current owner of CrossFit Ironworks and he's requesting a special permit to move from their current location of 66 Killingworth Road to 12 Scovil Road off of Candlewood Hill Road. Mr. Xavier stated the move would take place around July.

Mr. Farina asked if the proposed new location is the smaller building or the larger one. Mr. Xavier stated the building is smaller as they are downsizing to about 2,750 square feet within a hard structure as opposed to the metal building they are currently in.

Mr. Bull asked why the application is non-conforming and what the current zoning is. Mr. Warner stated it's zoned residential and it's the same situation as the last one except it's an old historic industrial facility that has been changed into offices and they have a special permit for that too.

Mrs. Block asked if the doors would be open in the same capacity that they were in the previous location (potentially facing a similar issue with noise in a residential area). Mr. Xavier stated there are fewer houses around the proposed site and there is only one bay door; whereas, the current location has two doors. Mr. Xavier also stated there will be changes to the mats on the floor – heavier/thicker, to absorb more of the impact of the weights being dropped – and the acoustics in the building are different than those in the metal building as well as it being a smaller space. Mrs. Block asked in which direction the door faces – towards the highway, houses, or the back of the property. Mr. Xavier stated the door faces towards Candlewood Hill Road. Mr. Warner stated in looking at the aerial photo submitted with the application, the only house is the one on the other side of Candlewood Hill and it's at least 150 to 200 feet away from the building; whereas, in the current location, Lorraine Riess's house is about 15 feet from the property line (a much different neighborhood). Mr. Farina noted there's a lot of highway noise due to Route 9.

Mrs. Block asked if the hours of operation will remain the same. Mr. Xavier stated yes.

Mr. Bull asked if there were any letters for or against the proposal. Mr. Warner stated five letters of support have been received (located in the file) and there was nothing against the proposal.

Mr. Bull noted that the hours of operation are not listed on the application; and asked if they should be a part of the motion. Mr. Laurenza asked Mr. Wallor if Mr. Xavier should state the hours so it's part of the record. Mr. Xavier stated Monday – Friday – class at 6:00 a.m., class at 8:45 a.m., close at 9:45 a.m. and reopen at 3:00 p.m. and close at 8:00 p.m.; Saturday morning 7:00 a.m. to 10:00 a.m.; Sunday 8:00 a.m. to 10:00 a.m. Mr. Laurenza asked Mr. Xavier if he felt he would benefit from a Saturday or Sunday afternoon. Mr. Xavier stated it's always a possibility if membership increased, but currently does not have the membership. Mr. Farina asked if there would be any intention of a 24 hour gym. Mr. Xavier stated no.

Mr. Wallor asked Mr. Warner about adding the hours to the special permit. Mr. Warner stated if additional hours are needed, the applicant would have to come back before the Commission; but the Commission could put they do not object to additional hours on Saturday or Sunday afternoon. Mr. Laurenza suggested the Commission outline the hours from 3:00 p.m. to 5:00 p.m. on Saturdays and Sundays. Mr. Warner and Mr. Wallor felt it was a good idea. Discussion followed in regard to the hours being all encompassing: Monday – Friday 6:00 a.m. to 8:00 p.m. and Saturday and Sunday 7:00 a.m. to 5:00 p.m. (the Commission and Mr. Xavier were in agreement).

Mr. Wallor asked if there were any further questions/comments.

Mr. McKenzie spoke in support of the proposal noting that Mr. Xavier offers a needed benefit to people especially during this time of COVID-19.

As there were no further questions/comments, Mr. Wallor closed the hearing at 8:20 p.m.

Meeting: Commissioners seated: Block, Bull, Farina, Laurenza, Luisi, LePard, and Wallor.

There was no further discussion or comments by the Commission.

MOTION: Ed Wallor motioned to approve a special permit to change a non-conforming use to allow for a fitness gym in an existing building at 12 Scovil Road. Conditions: 1) Hours of Operation – Monday thru Friday – 6:00 a.m. to 8:00 p.m. and Saturday and Sunday – 7:00 a.m. to 5:00 p.m. Jamin Laurenza second. Mr. Wallor called the vote: Wallor – yes; Laurenza – yes; Farina – yes; Block – yes; Bull – yes; Luisi – yes, LePard – yes. Motion carried unanimously.

6. Approval/Correction of Minutes

MOTION: Ed Wallor motioned to approve the 5 March 2020 public hearings/meeting minutes as submitted. Dan Luisi second. Motion carried with Mr. Bull and Mr. Laurenza abstaining.

7. Chairman's Report

POCD Implementation Committee (PIC), Appointment Expiration Date – Mr. Bull reviewed a P&Z motion, dated 4 October 2018, regarding the establishment of the PIC and the term of expiration for appointees to the PIC. The wording within the motion, second paragraph, states, “. . . *three (3) years, ending in October 2020.*” Mrs. Batzner stated she believes former Town Planner Liz Glidden merely made a typo with “2020” and that she meant “2021”. A brief discussion followed as to whether the motion should be remade or the error be noted and corrected. Mr. Warner suggested the latter.

The second paragraph of the 4 October 2018 motion should read: *“The Haddam Planning and Zoning Commission hereby appoints the following people to the PIC for a period of three years, ending in October 2021.”*

8. Adjournment

MOTION: Steve Bull moved to adjourn. Ed Wallor second. Motion carried unanimously.

The meeting was adjourned at 8:27 p.m.

Respectfully Submitted,

Bunny Hall Batzner

Bunny Hall Batzner
Recording Clerk

The next meeting is scheduled for Thursday, 21 May 2020.