

3 PRIMROSE STREET  
NEWTOWN, CT 06470  
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**TOWN OF NEWTOWN**  
PLANNING & ZONING COMMISSION

MINUTES  
REGULAR MEETING

Thursday, October 5, 2023 at 7:00 p.m.  
Council Chambers, Newtown Municipal Center  
3 Primrose Street, Newtown, CT 06470

**Present:** Dennis Bloom, Gregory Rich, David Rosen, Roy Meadows, Connie Widmann, Brian Leonardi,

**Absent:** Corrine Cox, Kersti Ferguson

**Staff:** Rob Sibley, Director of Planning and Land Use, Dawn Fried, Clerk

Mr. Bloom called the meeting to order at 7:00 pm.

Mr. Bloom designated Mr. Leonardi to vote in place of Ms. Cox.

Mr. Bloom designated Mr. Rosen to vote in place of Ms. Ferguson.

**1. Public Hearing**

**Application 23.19 by 6 Glen Road Sandy Hook LLC & 1 Riverside Road Sandy Hook LLC,** for a Special Exception Use located at 6 Glen Road & 1 Riverside Road, so as to permit the use of the property for a restaurant §6.05.310 (e), §6.05.410 (a), and off-site parking §6.05.800 (b), as demonstrated by plans titled “Revised Parking/Site Plan Prepared for 6 Glen Road Sandy Hook, LLC, 6 Glen Road, Sandy Hook, CT” and all supporting documents submitted to the Land Use Agency 09/19/23.

Chris Hottois, the applicant, introduced Alan Shepard, Professional Engineer, Shelton, CT.

Mr. Hottois gave an overview of the application and stated he has been actively redeveloping Sandy Hook for the past ten years. He would also like to continue to preserve and enhance the economy in Sandy Hook.

Mr. Hottois stated there are two structures on 6 Glen Road. One of the structures is a barn located on the upper lot. Mr. Hottois is asking for a special exception use to allow for a full service restaurant in the barn and associated parking. The restaurant requires 40 parking spaces for patrons and 5 spaces for staff, for a total of 45 parking spaces. The restaurant offers 13 parking spaces on-site, 21 parking spaces on 1 Riverside Road, the neighboring property, and 33 shared parking spaces across the street on 7 Glen Road, Sandy Hook Heritage Park and Trail. There is a total of 67 parking spaces between 6 & 7 Glen Road and 1 Riverside Road.

The Commission expressed safety concerns regarding the busy road between the restaurant and the parking lot on 7 Glen. They were questioning whether patrons would walk to the crosswalk on the corner. Mr. Hottois stated the sidewalks will be extended to accommodate the patrons.

The restaurant side of the road currently has a sidewalk from the main intersection up to 10 Glen Road. SHOP (Sandy Hook Organization for Prosperity) has secured a grant to extend the sidewalk to the Dayton Street Bridge. On the Foundry side of the road the sidewalk will extend to the park. Mr. Hottois stated the town has invested a lot of money on sidewalks and they are good for business.

Mr. Rosen asked whether there could be a sign urging patrons to use the crosswalk. Mr. Shepard agreed to install a sign in the parking lot at the park.

Mr. Leonardi asked whether restaurants have any restrictions on hours of operations. Mr. Hottois stated there are no restrictions and the hours of operation are dictated by the business.

Mr. Leonardi asked what time is garbage pickup and when are deliveries. Mr. Hottois stated there is no set schedule at this time. Mr. Leonardi is trying to be mindful of the neighboring residents. Mr. Hottois stated they are sensitive to the neighbors and will have plastic garbage cans on rollers, as they do on their other properties.

Mr. Rich asked who will be sharing the parking spaces. Mr. Hottois stated it is a community parking lot. Mr. Shepard stated the parking lot will be used by neighboring businesses and for Sandy Hook event parking.

Mr. Rich asked where the handicapped spaces were located. Mr. Shepard stated there are two locations, one by the doorway of the restaurant and one on the lower level. Mr. Rich stated he is not satisfied with the placement of the handicapped spaces. Mr. Shepard stated it currently meets code but is willing to work with the town and add another handicap space by the main entrance to the restaurant. The additional handicap space will also be van accessible.

#### Public Participation

Raymond Ruzek, 3 Riverside Road, spoke in opposition of the application. Please see attached letter.

Michael Burton, 107 Church Hill Road, President of SHOP, spoke in support of the application. Mr. Burton gave a brief history of the property. Mr. Burton stated due to contamination from a gas station the Town wasn't able to sell the property. The Town made a deal with SHOP to lease the property for \$1 per year. Since that time SHOP has been receiving donations to build the park. Mr. Burton stated Mr. Hottois has been a generous donor. Mr. Burton stated restaurants encourage growth and he supports the shared parking.

Mr. Leonardi noted this application is a special exception because of the shared parking. Mr. Sibley confirmed.

Mr. Meadows asked whether there was a lease agreement between 7 Glen and Mr. Hottois. Mr. Shepard stated Mr. Hottois offered but there is no lease agreement between the two parties. There is an agreement on file between the Town and SHOP to lease the property for one dollar per year. Mr. Sibley stated for the record there is not a \$4,000 lease agreement that was previously mentioned.

Mr. Meadows asked about the lighting in the parking lot and the lighting on the streets. Mr. Shepard stated there will be lighting in the street consistent with the lighting in Sandy Hook. There will also be lighting in the parking lot with low lights in the back and three lights in the front.

Mr. Shepard stated for the records anyone can use the parking lot, it is for public use.

Mr. Leonardi asked whether a covenant has been filed with the Town stating that access between the two properties, 1 Riverside Road and 6 Glen Road, will run in perpetuity. In order for the special exception to be compliant, as stated in the regulations, it needs to have a covenant on file. Mr. Hottois stated at this time there is nothing on file. Mr. Shepard stated they are planning to file a covenant. Mr. Sibley stated this agreement is required as part of the approval. The Commission will add this stipulation to the conditions.

Mr. Meadows asked where the dumpster will be located. Mr. Shepard explained the kitchen is on the lower level in the basement. The deliveries and dumpster will be on the lower level, by the basement access. A privacy fence with plantings has been installed.

Mr. Shepard stated for the record the accessway between the two properties is not a “shared driveway” but rather a town road.

Mr. Shepard stated for the record that the Sandy Hook Design District has done wonderful things. Sandy Hook is the “gem of the town”. Mr. Shepard stated Sandy Hook has come a long way over the years. Mr. Shepard spoke highly of Mr. Hottois and stated his other properties are spotless.

Mr. Hottois clarified that his property is not abutting a residential zone.

With no further discussion Mr. Bloom made a motion to close the public hearing on Application 23.19. Mr. Rich so moved. Mr. Leonardi seconded. All were in favor and the public hearing was closed at 7:49 pm.

Mr. Bloom made a motion to vote on Application 23.19. Mr. Leonardi read the following into the record:

BE IT RESOLVED that Application 23.19 by 6 Glen Road Sandy Hook LLC & 1 Riverside Road Sandy Hook LLC, for a Special Exception Use located at 6 Glen Road & 1 Riverside Road, so as to permit the use of the property for a restaurant §6.05.310 (e), §6.05.410 (a), and off-site parking §6.05.800 (b), as demonstrated by plans titled “Revised Parking/Site Plan Prepared for 6 Glen Road Sandy Hook, LLC, 6 Glen Road, Sandy Hook, CT” and all supporting documents submitted to the Land Use Agency 09/19/23, IS HEREBY FOUND CONSISTENT WITH THE PLAN OF CONSERVATION AND DEVELOPMENT AND THE COMPREHENSIVE PLAN, AND SHALL BE APPROVED WITH THE FOLLOWING CONDITIONS:

1. Contingent upon filing of a long term instrument regarding off-site parking in accordance with Newtown Zoning Regulation §6.05.800 between 1 Riverside Road and 6 Glen Road.
2. Redesignation of one parking spot for handicap parking and van accessibility near walkway, adjacent to the front entrance of the restaurant.
3. A sign urging patrons to use the designated crosswalk.

BE IT FURTHER RESOLVED that the approval shall become effective October 28, 2023. Mr. Leonardi so moved. Mr. Rich seconded.

The Commission voted as follows:

Dennis Bloom - AYE

Gregory Rich - AYE

Roy Meadows - AYE

Connie Widmann – AYE

Brian Leonardi – AYE

David Rosen – AYE

The motion to APPROVE Application 23.19 carried unanimously 6-0.

## **2. Review and Discussion of Potential Text Language Modifications in the Newtown Zoning Regulations**

Mr. Sibley distributed a “Pig Zoning Chart”, see attached. Mr. Sibley stated he met with Mr. Meadows to discuss piggeries. Mr. Sibley reviewed the chart which compared regulations in seven different towns. Mr. Sibley stated Brookfield’s demographics seem to be most in line with Newtown. Mr. Sibley will create a draft based on Brookfield’s regulations for the Commission to review. Mr. Meadows thanked Mr. Sibley.

## **3. Director’s Report**

Mr. Sibley stated that BFJ Planning, the contracted firm for the POCD, will be attending the next P&Z meeting. BFJ Planning will give a 15 mins. presentation describing the POCD process.

BFJ Planning will be coming to the P&Z meetings approximately every five weeks for an overview.

#### **4. Approval of the Minutes**

Mr. Meadows moved to approve the minutes of September 7, 2023. Mr. Rich seconded. All were in favor. The minutes of September 7, 2023 were approved.

#### **3. Adjournment**

Mr. Rosen moved to adjourn. Mr. Leonardi seconded. All members were in favor and the meeting was adjourned at 8:08 p.m.

*\* Please note any amendments or corrections to these minutes will be reflected in the subsequent meeting's minutes when the minutes are approved by the Commission.\**

*Respectfully submitted,  
Dawn Fried, Clerk*

TY for the opportunity to voice our concerns at this hearing. We were surprised these special exception public hearings were not held prior to construction in SHDD for 2 bldgs on one property and for a commercial bldg < 25ft from a preexisting residential property. When the SHDD special zoning was originally enacted we felt like we had real protection. Not so today. Technical rationalizations now surpass the spirit of the original intent of SHDD rules.

I have owned the adjacent 1760 residential home since 1984. The back of this large new commercial bldg. is 12ft from my property line and 17ft from my bedroom window. So, it is incredibly close! Previously, there was a lovely old CT barn on the property line in the back corner of our property, away from the house. The new bldg. is approx. 2X the size of the original barn and was built at a different location on the property, practically up against our house.

I queried some adjacent towns as to how they handle restaurants closely adjacent to residential property. They did not have anything on the books because they do not have/allow this situation. **Bethel does note they do not allow amplified music near residential areas** and everything has to be screened.

We have always shared a driveway with the various owners of the adjacent commercial property with no problems. Since the proposed restaurant bldg. is too large for the property it is on, it only has half of the required on-site parking, so we are concerned that patrons will use and block the driveway to avoid the walk from across the street farther down Glen Rd. This has already happened several times with people working at the site. Shared parking with compensation in SHDD was used by Figs with the Methodist Church, but there is a crosswalk at that location. Requiring 30 of required 64 required spaces is an extreme application of shared parking.

The Town and SHOP will have to deal with the safety of some 60 restaurant patrons crossing Glen Rd at night without a crosswalk, perhaps after having enjoyed a few drinks. Patrons leaving the restaurant will not walk in the opposite direction from the parking lot to the traffic light to cross Glen Rd, then walk back down the road toward the parking lot. They will walk directly toward the parking lot and cross Glen Rd at night without a crosswalk. We have contacted the Newtown police many times about speeding cars at the same location on Glen Rd. One pedestrian hit by a car is too many.

The Town has incurred significant costs for the off-site parking lot property including \$271K of unpaid taxes plus demolition cost, remediation, environmental studies and legal fees since it previously was a gas station. Newtown's taxpayers have a sunk cost in the property probably in the range of \$500K. I support the Town giving SHOP the property for \$1 per year for the park, but now SHOP is passing this government benefit to a private developer. Rent of \$4K annually (\$333 per month) for 96 years with only a 2.5% increase every 5 years, is hardly fair compensation for Newtown taxpayers, especially since SHOP is also responsible for maintenance/re-paving of the property. 6 Glen can terminate the lease anytime, but SHOP

cannot. This amounts to a Newtown Taxpayer subsidy to a private developer. In effect, Newtown's taxpayers are giving the developer additional land at very little cost.

With respect to making special exception provisions for another restaurant in SH Village I have several other questions which I would like you to answer as though you were living a few feet from the back door of the restaurant:

- 1) Health concerns:
  - a. How will the kitchen be vented? If you smell your favorite food all day, every day, will it still be your favorite food? How will it affect your stomach and appetite?
  - b. Sanitation – The back of the restaurant is adjacent to our bedroom and living room and our front door is only 18ft from the property line. Restaurant dumpsters and other junk are usually stored outside their back door. Would you like to live 10ft from a smelly dumpster used for old food scraps and frequented by flies, mice, rats and stray cats?
  - c. What time of day would you like the garbage truck to arrive with its beeper to pick up the dumpster contents?
  - d. We have always had a picnic table and a hammock in our backyard. We have not been able to use them for the past 2yrs due to the dust and diesel fumes from the construction. We hoped to be able to begin to use them again, but it will not be very pleasant in our yard with the odors and music.
- 2) Deliveries – What time of day would you like the delivery trucks to block your driveway?
- 3) Music – do you like to use your living room or watch TV? Our living room window is adjacent to the new bldg. Currently, we can hear live music from the Foundry at our house. Imagine sitting in your living room unable to hear your own TV without turning the volume all the way up.
- 4) The SHDD regs call for diverse usages. There are currently 10 eating establishments within approximately 1,500 ft. There is a basic business theory about over saturation. It can lead to many problems, including failed businesses. A few empty buildings in a small area can lead to a fast growing cancer, especially in uncertain economic times. Restaurants are especially prone to this phenomena due to their high turn over rate. How many different restaurants have occupied The Red Brick Store building? Figs is now Sugo. Mocha is now Sandy Hook Café. Even Cover Two (100 Church Hill) has re-defined itself a few times.

In short, this property is too small for a restaurant business, especially with evening patrons.

Office or retail businesses are a much better fit for this property and will provide more diversity and more customers for the existing restaurants while another restaurant creates more

competition for existing restaurants and in terms of **safety**, people will be crossing Glen Rd in daylight rather than darkness.

Raymond Ruzek

3 Riverside Rd, Sandy Hook

October 5, 2023



**Pig Zoning Chart**

<b>TOWNS</b>	<b>Allowed or Not Allowed</b>	<b>Pigs per Acre</b>	<b>Setbacks</b>	<b>Special Conditions</b>
Bethel	Not allowed	N/A	N/A	N/A
Monroe	Allowed	2 per 2 acres	Soft Setbacks	Public Health Requirements
Torrington	Allowed	2 per 3 acres	100 feet	Public Health Requirements
Redding	Allowed	1 per 4 acres - Max 5	100 feet	Public Health Requirements Approved Management Plan
Southbury	No Commercial Residential only	No min.	50 feet	Public Health Requirements
Easton	Not allowed	N/A	N/A	N/A
Brookfield	Allowed	1 per 2 acres + 1 per 20,000 sq. feet after	75 feet	Public Health Requirements Commercial Use 5 acre minimum
Newtown	Not allowed	N/A	N/A	N/A