

**APPROVAL OF MINUTES:**

- 2 Approval of Minutes – September 12, 2011 – APPROVED  
October 12, 2011 – NO ACTION

**PUBLIC HEARING:**

- 2 1. Special Permit/Pleasant View Farms/Clintonville Road #407-11 - APPROVED
- 3 2. Special Permit/Kelsey's Property Management/Woodhouse Avenue #409-11 - APPROVED
- 2 3. Zoning Regulation Amendment/I-5 Zone (NO ACTION REQUESTED) #910-11

**OLD BUSINESS:**

- 2 4. Site Plan/D. Rainey/Highland Avenue #217-11 – WITHDRAWN
- 5 5. Site Plan (Accessory Apartment)/Gannon/Southside Drive #219-11 - APPROVED

**NEW BUSINESS**

- 6 6. Change of Use/Patel/Chapel Street #316-11 – APPROVED
- 2 7. Site Plan/Borghesi (for Rowland Technologies)/Barnes Road #220-11 (NO ACTION REQUESTED)

**RECEIPT AND ACTION REQUESTED:**

- 7 8. Site Plan (Multi-Family Conversion)/Mota/105 Ward Street #224-11 - APPROVED

**BOND RELEASES AND REDUCTIONS:**

- 7 9. Sala/Wisk-Key Wind Road – NO ACTION
- 7 10. FJC Construction/23 Town Farm Road - RELEASED
- 7 11. Workstage/Special Permit/Leigus Road #428-05 – REDUCED TO \$10,000

**CORRESPONDENCE:**

- 7 12. Dann/I-5 Zone - RECEIVED

**REPORTS OF OFFICERS AND STAFF:**

- 8 13. October 17, 2011 ZBA Decisions - RECEIVED
- 8 14. November 21, 2011 ZBA Agenda - RECEIVED
- 8 15. 2012 Planning & Zoning Commission Meeting Schedule - APPROVED
- 8 16. Zoning Violation Log - RECEIVED
- 8 17. Workshop Meeting Date
- 18. Notes

**PLANNING AND ZONING COMMISSION  
Town of Wallingford  
REGULAR MEETING  
Monday, November 14, 2011  
MINUTES**

The Regular Meeting of the Wallingford Planning and Zoning Commission was held on Monday, November 14, 2011, at 7:00 p.m. in Council Chambers of the Town Hall Municipal Building, 45 South Main Street, Wallingford, Connecticut.

In attendance were Commissioners: Mr. James Seichter (Chairman), Mr. JP Venoit (Secretary), Ms. Marci Baxter, Mr. Jim Fitzsimmons, Mr. Armand Menard (alternate), Mr. Rocco Matarazzo (alternate)  
Absent: Mr. Patrick Birney (Vice Chairman)

The Town staff persons attending were: Linda Bush, Town Planner, Kacie Costello, Assistant Town Planner and Recording Secretary Sonja Vining.

Chairman Seichter called the meeting to order at 7:08 p.m. The Pledge of Allegiance was given to the Flag. Chairman Seichter introduced the Commissioners and the Town staff persons to the audience of approximately 12 people.

Chairman Seichter announced that the following items would not be heard this evening:

3. **Zoning Regulation Amendment/I-5 Zone #910-11 (NO ACTION REQUESTED)**
4. **Site Plan/D. Rainey/Highland Avenue #217-11 (WITHDRAWN)**
7. **Site Plan/Borghesi (for Rowland Technologies)/Barnes Road #220-11 (NO ACTION REQUESTED)**

**Approval of Minutes:**

**September 12, 2011 – Regular Meeting**

**MR. FITZSIMMONS: MOTION TO APPROVE THE SEPTEMBER 12, 2011 MINUTES AS SUBMITTED.**

**THE MOTION WAS SECONDED BY MS. BAXTER AND PASSED UNANIMOUSLY.**

**(Minutes October 12, 2011 – no action taken)**

**PUBLIC HEARINGS:**

**7:00 p.m.**

1. **Special Permit/Pleasant View Farms/Clintonville Road #407-11**

Mr. Matarazzo stated that he would abstain from voting on this application.

Mr. Menard, Acting Secretary, read the Legal Notice and acknowledged the correspondence received for the record from: Inter-Departmental Referral, Carmen Rao, Fire Marshal dated July 15, 2011 (Att. 1A); Inter-Departmental Referral, Department of Health dated July 19, 2011 (Att. 1B); Kacie Costello, Assistant Town Planner to Pleasant View Farms Development Inc. dated July 27, 2011 (Att. 1C); Inter-Departmental Referral, Vincent Mascia dated July 18, 2011 (Att. 1D); Memorandum from Department

of Engineering to the Planning Department dated August 18, 2011 (Att. 1E); Affidavit of Abandonment, Pleasant View Farm Development Inc. dated July 6, 2011 (Att. 1F)

Presenting the application was David Krassner, President, Pleasant View Farm, his assistant Kathleen Goldman, and Property Manager, Jim Wolfe.

Mr. Krassner stated that he is proposing to convert a commercial garage into a residential one-bedroom apartment. He has made substantial improvements to the property over the years. This conversion would bring the property closer to the residential character of the neighborhood. Mr. Krassner presented and reviewed before and after pictures of improvements he has made on the property. If the Commission approves this application, Mr. Krassner would abandon the commercial use of the building being discussed. In the future he plans to abandon more of the commercial use and convert it to a residential property.

Mr. Krassner indicated that currently on the property there are two single family homes and five apartments. The proposed apartment (existing garage) was identified as #100 on a sketched map provided by the Applicant. That existing garage (#100 on the map) would be the only area that would have the commercial use abandoned at this time. If this application were approved there would be three apartments in that garage building and it would not longer be a mixed use. Mr. Krassner stated that by abandoning the commercial use and converting it to residential it is a less intensive use and it is more in keeping with the neighborhood and the nature of the residential area.

Chairman Seichter asked for public comment. There were no public comments.

**MR. FITZSIMMONS: MOTION TO CLOSE THE PUBLIC HEARING.**

**THE MOTION WAS SECONDED BY MS. BAXTER AND PASSED UNANIMOUSLY.**

**MR. FITZSIMMONS: MOTION TO APPROVE A SPECIAL PERMIT FOR PLEASANT VIEW FARMS TO PERMIT THE CONVERSION OF A COMMERCIAL SPACE TO AN APARTMENT AT 1076 CLINTONVILLE ROAD, SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:**

- 1. ABONDONMENT OF THE NOTED COMMERCIAL VARIANCE FOR THE BUILDING IDENTIFIED AS NUMBER 98 AND 100 ON THE MAP DISTRIBUTED.**
- 2. THE APPLICANT SHOULD COORDINATE WITH THE WALLINGFORD BUILDING OFFICIALS FOR A PROPER ADDRESS DESIGNATION OF THE NEW APARTMENT.**

**THE MOTION WAS SECONDED BY MS. BAXTER AND PASSED UNANIMOUSLY.**

**7:15 p.m.**

- 2. Special Permit/Kelsey's Property Management/Woodhouse Avenue #409-11**

Mr. Venoit, Secretary, read the Legal Notice and acknowledged the correspondence received for the record from: Linda Bush, Town Planner to Kelsey's Property Management, LLC dated October 25, 2011 (Att. 2A); State of CT, Paul Holmes to Mr. James Bubaris dated November 2, 2011 (Att. 2B);

Memorandum from the Department of Engineering to Linda Bush, Town Planner dated October 18, 2011 (Att. 2C); Inter-Departmental Referral from Carmen Rao, Fire Marshal dated October 17, 2011 (Att. 2D); Memorandum from Vincent Mascia, Senior Engineer to Linda Bush, Town Planner dated November 10, 2011 (Att. 2E); drawings and State Traffic Study.

Presenting the application was Attorney Dennis Ceneviva and the Applicant Ken Quartuccio.

Attorney Ceneviva referred to Section 6.13a.3 of the regulations. The site currently has a one-story 1,995 sq.ft. brick building. Historically the building was occupied by a gas station and auto repair facility. The Applicant is requesting to convert the auto repair garage use to a 900 sq. ft. convenience store use. Attorney Ceneviva referred to court case Stern v. ZBA City of Norwich (Att. 2F) as it relates to this application. He stated that the previous use of an auto repair garage is more intensive than a neighborhood convenience store.

Attorney Ceneviva stated that a traffic evaluation study was provided to and reviewed by the Wallingford Engineering Department. He indicated that there are no changes proposed to the site as part of this application. Attorney Ceneviva stated that this site has been in the current condition since 2003. Attorney Ceneviva understands that a neighbor may raise some concerns regarding the drainage of this site but he does not believe it should be considered in deciding this Special Permit. He stated that back in 2004 there was litigation brought against Kelsey's Property Management regarding drainage issues but it was withdrawn.

Mr. Quartuccio stated that the convenience store would be 900 sq.ft. and the balance of 1095 sq.ft. would be for storage. Mr. Fitzsimmons stated that he feels that the proposed use is less objectionable than the prior use. Mr. Quartuccio indicated that there would be no vehicle storage outside. The property would only be used as a convenience store/gas station.

Ms. Bush pointed out to the Commission that a drainage issue would not be directly related to this application but it might be something that should be referred to John Thompson, Town Engineer.

Mr. Quartuccio stated that he understands that if this application is approved the auto repairs license would have to be surrendered for the Woodhouse Avenue location.

Chairman Seichter asked for public comment:

Speaking from the public was:

Attorney Joan Molloy representing the abutting property owner Donald Ahearn. Mr. Ahearn surrounds this property on three sides. Attorney Molloy stated that Mr. Ahearn has no objection to the proposed change of use. Mr. Ahearn is concerned only with storm drainage issues coming from the proposed site. Attorney Molloy visited the site during a rain storm and witnessed water flowing into Mr. Ahearn's parking lot. She observed that the Ahearn property is lower than the Kelsey's Management property. Attorney Molloy stated that Mr. Ahearn is requesting as part of this approval process that the Commission have the property owner address this storm drainage issue. She feels that it would be within the criteria for a Special Permit approval.

Jeff Raup, 8 North Branford Road, stated that it would be safer buying gas and convenience items in one location rather than trying to navigate to East Main Street. He pointed out that there are no storm drains on that road so there is no where for the water to go. Mr. Raup doesn't believe that the drainage issue should be considered in approving this application. He is in support of the application.

Bob Parisi, 23 East Main Street, stated that the property has improved tremendously. He would like to have a place to buy gas on the east side of town. Mr. Parisi feels that this would enhance the area. He would like to encourage small businesses to stay in Wallingford.

Frank Apuzo, 27 Hickory Court, would like to see this application approved. He knows that Mr. Quartuccio runs a good business and he would like to see him remain at this location.

Ms. Costello made it clear to the Applicant that the proposed storage space, if approved as submitted, could not be converted to additional retail space without a variance.

**MR. FITZSIMMONS: MOTION TO CLOSE THE PUBLIC HEARING.**

**THE MOTION WAS SECONDED BY MS. BAXTER AND PASSED UNANIMOUSLY.**

**MR. FITZSIMMONS: MOTION TO APPROVE A SPECIAL PERMIT TO PERMIT THE CONVERSION OF AN AUTOMOBILE REPAIR/GASOLINE STATION TO A CONVENIENCE STORE/STORAGE/GASOLINE STATION FOR KELSEY'S PROPERTY MANAGEMENT AS SHOWN ON PLANS ENTITLED "IMPROVEMENT LOCATION SURVEY, PROPOSED SITE DEVELOPMENT PLAN, MAP DEPICTING, LAND N/F KELSEY'S PROPRETY MANAGEMENT, LLC, #66 WOODHOUSE AVENUE, DATED SEPTEMBER 28, 2011", SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:**

- 1. CONDITIONS OF THE WALLINGFORD WATER & SEWER DIVISION DATED NOVEMBER 10, 2011.**
- 2. ABONDONMENT OF THE PREVIOUS USE, SPECIFICALLY THE AUTO REPAIR BUSINESS INCLUDING SURRENDERING OF EXISTING AUTO REPAIR LICENSE FOR THAT LOCATION.**
- 3. CONDITIONS AS NOTED BY THE STATE OF CONNECTICUT DOT DATED NOVEMBER 2, 2011.**

**THE MOTION WAS SECONDED BY MR. VENOIT AND PASSED UNANIMOUSLY.**

Chairman Seichter recommended to Ms. Bush that Mr. Thompson, Town Engineer, look into the issue of drainage on the Woodhouse Avenue site.

Mr. Venoit left the meeting. Mr. Matarazzo would be voting in his place.

### **OLD BUSINESS:**

#### **5. Site Plan (Accessory Apartment)/Gannon/Southside Drive #219-11**

Mr. Menard, Acting Secretary, acknowledged correspondence received for the record from: Janis Small, Town Attorney to Kacie Costello, Assistant Town Planner dated November 8, 2011 (Att. 5A); Attorney Jim Loughlin to Shelby Jackson, Tax Assessor dated October 19, 2011 (Att. 5B).

Presenting the application was Attorney Jim Loughlin and the Applicant Kelly Gannon.

Attorney Loughlin indicated that since the last meeting he has been in contact with the Assessor's Office who has updated the field card. He also contacted the Building Department who did a final inspection on the property. Attorney Loughlin has been working with the Planning Office and the Legal Department as well.

Attorney Loughlin submitted a field card packet of materials (Att. 5C). He pointed out that in this case the "after-the-fact" application is a little bit different because the Commission knows that the property is up to town standards. The Building Department has inspected it and the Assessor's card has been updated.

Chairman Seichter asked for public comment. There were no public comments.

**MR. FITZSIMMONS: MOTION TO APPROVE A 720 SQ.FT. ACCESSORY APARTMENT FOR GANNON AT 20 SOUTHSIDE DRIVE SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:  
1. INSPECTION BY THE ZONING ENFORCEMENT OFFICER.**

**THE MOTION WAS SECONDED BY MR. MATARAZZO AND THE PASSED. MS. BAXTER VOTED NO.**

**NEW BUSINESS:**

**6. Change of Use/Patel/Chapel Street #316-11**

Mr. Menard, Acting Secretary, acknowledged correspondence received for the record from: Linda Bush, Town Planner to Prakash P. Patel dated October 25, 2011 (Att. 6A); Inter-Departmental Referral Carmen Rao, Fire Marshal dated October 17, 2011 (Att. 6B); Department of Engineering to Linda Bush, Town Planner dated October 18, 2011 (Att. 6C); David Sullivan, Milone & MacBroom to Mr. Prakash Patel dated September 23, 2011 (Att. 6D); Vincent Mascia, Senior Engineer W&S to Linda Bush, Town Planner dated November 10, 2011 (Att. 6E).

Presenting the application was the Applicant Prakash Patel and Attorney Patrick Hughes, Loughlin Fitzgerald.

Attorney Hughes stated that the proposed change of use would be for a convenience store. The convenience store would take up approximately 2,000 sq.ft. of the existing building. A traffic evaluation was done by Milone & MacBroom who found that it would not be a significant impact because it would generate less than 100 trips during the peak hours of traffic. There will be no alterations done to the outside of the building.

Chairman Seichter asked for public comment. There were no comments from the public.

**MR. FITZSIMMONS: MOTION TO APPROVE A CHANGE OF USE FOR PATEL TO PERMIT THE CONVERSION OF A MEDICAL OFFICE/BEAUTY SALON TO A CONVENIENCE STORE/RETAIL PLAZA AT 2 CHAPEL STREET WITH THE FOLLOWING CONDITIONS OF APPROVAL:  
1. CONDITIONS OF THE SENIOR ENGINEER WATER & SEWER DATED NOVEMBER 10, 2011.**

2. **THE CONVENIENCE STORE IS TO BE NO LARGER THAN 2,000 SQ.FT. WITH THE REMAINDER OF THE BUILDING TO BE RETAIL SPACE.**

**THE MOTION WAS SECONDED BY MS. BAXTER AND PASSED UNANIMOUSLY.**

**RECEIPT AND ACTION REQUESTED:**

**8. Site Plan (Multi-Family Conversion)/Mota/105 Ward Street #224-11**

Mr. Menard, Acting Secretary, acknowledged correspondence received for the record from: Linda Bush, Town Planner to Manual Mota dated November 10, 2011 (Att. 8).

Presenting the application was Manual Mota.

Mr. Mota stated that the building used to be residential and commercial. He is proposing to change it to a multi family house with no commercial use. The second and third floors currently are apartments. Mr. Mota would now like to convert the commercial space to an apartment.

Mr. Mota stated that he would abandon the commercial use of the property.

**MR. FITZSIMMONS: MOTION TO APPROVE A SITE PLAN TO PERMIT A CONVERSION FROM A TWO-FAMILY TO A THREE-FAMILY HOUSE FOR MOTA AT 105 WARD STREET WITH THE FOLLOWING CONDITIONS OF APPROVAL:**

1. **ABANDONMENT ON THE SUBJECT PROPERTY OF ANY COMMERCIAL USE.**

**THE MOTION WAS SECONDED BY MS. BAXTER AND PASSED UNANIMOUSLY.**

**BOND RELEASES AND REDUCTIONS:**

**9. Sala/Wisk-Key Wind Road**

Ms. Bush recommended that no action be taken.

**10. FJC Construction/23 Town Farm Road (Att. 10)**

Ms. Bush recommended that the bond be released.

**11. Workstage/Special Permit/Leigus Road #428-05 (Att. 11)**

Ms. Bush recommended that the bond be reduced to \$10,000.

**MR. FITZSIMMONS: MOTION TO RELEASE THE BOND FOR FJC CONSTRUCTION/23 TOWN FARM ROAD AND REDUCE THE BOND FOR WORKSTAGE/LEIGUS ROAD #428-05 TO \$10,000 AS RECOMMENDED BY THE TOWN PLANNER.**

**THE MOTION WAS SECONDED BY MS. BAXTER AND PASSED UNANIMOUSLY.**

**CORRESPONDENCE:**

**12. Dann/I-5 Zone (Att. 12)**

Received by the Commission.

**REPORTS OF OFFICERS AND STAFF:**

**13. October 17, 2011 ZBA Decisions (Att. 13)**

Received by the Commission.

**14. November 21, 2011 ZBA Agenda (Att. 14)**

Received by the Commission.

**15. 2012 Planning & Zoning Commission Meeting Schedule (Att. 15)**

Received by the Commission.

**MR. FITZSIMMONS: MOTION TO APPROVE THE 2012 PLANNING & ZONING MEETING SCHEDULE AS PROPOSED BY THE TOWN PLANNER.**

**THE MOTION WAS SECONDED BY MS. BAXTER AND PASSED UNANIMOUSLY.**

**16. Zoning Violation Log (Att. 16)**

Ms. Costello briefly discussed several items included in the Violation Log.

**17. Workshop Meeting Date**

Ms. Bush would like to have a Workshop meeting within the next several months to discuss the Incentive Housing Zone. Chairman Seichter suggested that the January meeting might be a good time to discuss the Incentive Housing Zone. He asked Ms. Bush to invite Mr. Dann to the next regular meeting to discuss the I-5 Zone.

**18. Notes**

**Receipts**

1. Site Plan Revision/Old Colony of Wallingford, LLC/665 North Colony Road #225-11

Mr. Fitzsimmons made a motion to adjourn. The motion was seconded by Ms. Baxter and passed unanimously by a voice vote. The meeting adjourned at approximately 8:32 p.m.

Respectfully submitted,

Sonja Vining,  
Recording Secretary  
Att. 1 through 16