

3333 APPROVAL OF MINUTES:

- 2 Approval of Minutes – February 25, 2013 – APPROVED

PUBLIC HEARING:

- 2 1. Special Permit (Retail/Restaurant)/1086 North Colony, LLC/1086 North Colony Road #403-13 - APPROVED
4 2. Zoning Text Amendment (sign height)/Verna Properties/§6.9 #501-13 - APPROVED
5 3. Special Permit (Location of Use)/J&D Auto Body/1224 Old Colony Road #404-13 – CONTINUED TO APRIL
6 4. Special Permit (Location of Use)/W.Northrop (M&W Repair)/71 South Turnpike Road #405-13 - APPROVED
8 5. Special Permit/Farms Country Club/180 Cheshire Road #406-13 - APPROVED

ROAD ACCEPTANCES:

- 9 6. VW Homes/Padens Court (“The Willows”) – NO ACTION TAKEN

DISCUSSION:

- 9 7. IHZ (Incentive Housing Zone) – DISCUSSED – TO CONTINUE AT APRIL MTG.

REPORTS OF OFFICERS AND STAFF:

- 9 8. Administrative Approvals – APPROVED AS NOTED
 a. Change of Use/Masella/65 South Colony Street #302-13
 b. Change of Use/Fro-Yo-Licious/994 North Colony Road #303-13
9 9. ZBA Decisions of February 19, 2013 - RECEIVED
9 10. ZBA Agenda for March 18, 2013 - RECEIVED
9 11. Zoning Enforcement Log - RECEIVED

PLANNING AND ZONING COMMISSION
Town of Wallingford
Regular Meeting
Monday, March 11, 2013

The Regular Meeting of the Wallingford Planning and Zoning Commission was held on Monday, March 11, 2013, 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. Jim Fitzsimmons, Mr. Armand Menard (alternate), Ms. Marci Baxter, Mr. Rocco Matarazzo (alternate)
Absent: Mr. Patrick Birney (Vice Chairman), Mr. J.P. Venoit (Secretary), Ms. Stacey Voss (alternate)
The Town staff persons attending were: Kacie Costello, Town Planner and Recording Secretary Sonja Vining.

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

APPROVAL OF MINUTES:

February 25, 2013 – Regular Meeting

Mr. Fitzsimmons made a motion to approve the Minutes of the February 25, 2013 Regular Meeting as submitted. The motion was seconded by Ms. Baxter and passed unanimously.

PUBLIC HEARING:

7:00 p.m.

1. Special Permit (Retail/Restaurant)/1086 North Colony, LLC/1086 North Colony Road #403-13

Ms. Baxter, Acting Secretary, acknowledged the correspondence received for the record from: Department of Engineering to Kacie Costello, Town Planner dated February 27, 2013 (Att. 1A); Erin O'Hare, Environmental Planner to Kacie Costello, Town Planner dated January 18, 2013 (Att 1B); Kacie Costello, Assistant Town Planner to 1086 North Colony LLC dated January 29, 2013 (Att. 1C); Carmen Rao, Fire Marshal dated January 18, 2013 (Att. 1D); Vincent Mascia, Senior Engineer W&S to Kacie Costello, Town Planner dated February 4, 2013 (Att. 1E); Shannon Rutherford, VHB to Kacie Costello, Town Planner dated February 21, 2013 (Att. 1F); Rob Baltramaitis, Assistant Town Engineer to Kacie Costello, Town Planner dated March 8, 2013 (Att. 1G).

Presenting the application was Attorney Joan Molloy.

Attorney Molloy indicated that the plans have been revised to satisfy comments received at the last meeting. She reviewed the revised plan and supplied reduced copies for the Commissioners. Along the front of the building the parking has been reconfigured to allow for a wider driveway and additional landscaping. There will be hedges added between the sidewalk and the property line along the front of the site. The area by the loading dock, discussed at the last meeting, will be landscaped. There has been one parking space eliminated in the area of the dumpster. There has been some landscaping added to the rear of the building along with some street trees. The parking space discussed at the last meeting toward the front entrance has been eliminated. The stairs have been changed to a ramp. The internal access

easement has been shown on the revised site plan. The total open space has increase slightly since the original plan was submitted. Attorney Molloy briefly show the proposed elevations of the site.

Ms. Costello requested that both memos from the Engineering Department be made conditions of approval.

Mr. Fitzsimmons questioned how the internal access easement is filed. Attorney Molloy suggested that the Commission could attach it to the issuance of a CO. The Town does require that the access easement be recorded on the land records at some point in time.

Ms. Costello pointed out that the sidewalk variance application is still pending for the ZBA and is on its agenda for Monday. She indicated that the application in front of the Planning & Zoning Commission this evening pending action, is in compliance with current regulations. Ms. Costello stated that if the Planning & Zoning Commission wanted to issue a report or an opinion on this issue to the ZBA it could do so. After further discussion of the sidewalk variance issue, Attorney Molloy presented to Ms. Costello a letter stating that the Applicant is withdrawing the application to the Zoning Board of Appeals for a sidewalk variance.

Ms. Costello recommended a \$3,000 S&E bond.

No one from the public spoke in favor of or opposed to the application.

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 1086 NORTH COLONY, LLC TO RENOVATE AND ADD TO BUILDING AT 1086 NORTH COLONY ROAD, FOR A TOTAL OF 3,800 SQ.FT. OF RETAIL SPACE AND 3,700 SQ.FT OF RESTAURANT SPACE, AS SHOWN ON PLANS ENTITLED “PROPOSED BUILDING RENOVATIONS, 1086 NORTH COLONY ROAD, WALLINGFORD, CONNECTICUT”, DATED DECEMBER 3, 2012, REVISED TO MARCH 8, 2013, SUBJECT TO:

- 1. COMPLIANCE WITH COMMENTS FROM THE ENVIRONMENTAL PLANNER DATED JANUARY 18, 2013.**
- 2. POSTING OF A \$3,000 S&E BOND AS REQUIRED BY THE TOWN PLANNER.**
- 3. COMMENTS FROM THE TOWN OF WALLINGFORD FIRE MARSHAL DATED JANUARY 18, 2013.**
- 4. COMMENTS FROM THE WATER & SEWER SENIOR ENGINEER DATED FEBRUARY 4, 2013.**
- 5. MEMORANDUM FROM THE DEPARTMENT OF ENGINEERING DATED FEBRUARY 27, 2013 AND MARCH 8, 2013.**
- 6. PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY FOR EITHER UNTIL REQUIRED FILING**

**OF NECESSARY EASEMENT FOR INTERCONNECTION
BE ON THE WALLINGFORD LAND RECORDS.**

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

7:15 p.m.

2. Zoning Text Amendment (sign height)/Verna Properties/§6.9 #501-13

Ms. Baxter, Acting Secretary, acknowledged the correspondence received for the record from: Elizabeth Verna to the Town of Wallingford dated March 5, 2013 (Att. 2A); Carmen Rao, Fire Marshal dated January 18, 2013 (Att. 2B); Kacie Costello, Town Planner to Verna Properties, LLC dated January 30, 2013 (Att. 2C); Vincent Mascia, Senior Engineer W&S to Kacie Costello, Town Planner dated February 1, 2013 (Att. 2D); Joseph Mirra, EDC to Planning & Zoning Commission dated February 13, 2013 (Att. 2E); Christopher Traugh, South Central Connecticut Regional Planning Commission to Kacie Costello, Town Planner dated February 19, 2013 (Att. 2F); Carl Seaholm, Gale Development Services and Workstage Connecticut to Planning and Zoning Commission dated February, 6, 2013 (Att. 2G).

Presenting the application was Attorney Joan Molloy.

Attorney Molloy indicated that the Applicant is seeking to amend the zoning regulations to allow signs at a height greater than the current 15 feet allowed. The I-5 Zone includes large office buildings that tend to be taller and multiple stories. The Applicant does not feel that the current regulations reflect the needs of tenants in these larger/taller buildings. Attorney Molloy noted that the South Central Regional Planning Commission has not objected to the proposed regulation. The EDC of Wallingford has submitted a letter in support of the proposed regulation amendment. Attorney Molloy has not received any objections to the proposal. What she is proposing is a 45 foot high maximum.

Ms. Costello indicated that she has no objection to the suggested 45 foot maximum height.

Speaking from the public was:

Jim Wolfe, EDC, indicated that the Economic Development Commission would be fine with the 45 foot height as long as it does not exceed the parapet of the building.

No one from the public spoke opposed to the application.

Ms. Costello stated that it is important for the Commission be very specific about the reasons behind the action taken in the I-5 and IX zone.

MS. BAXTER: MOTION TO CLOSE THE PUBLIC HEARING.

THE MOTION WAS SECONDED BY MR. FITZSIMMONS AND PASSED UNANIMOUSLY.

MR. FITZSIMMONS: MOTION TO APPROVE AMENDMENTS TO SECTION 6.9.E.6 OF THE WALLINGFORD ZONING REGULATIONS, TO INCREASE THE MAXIMUM HEIGHT OF WALL SIGNS TO 45 FT. IN THE IX AND I-5 DISTRICTS, AS DISCUSSED/AMENDED AT THIS PUBLIC HEARING, EFFECTIVE APRIL 1, 2013:

- 1. BECAUSE THIS CHANGE WOULD BE CONSISTANT WITH THE TOWN'S PLAN OF ECONOMIC DEVELOPMENT.**
- 2. EXPRESSES SUPPORT FROM THE TOWN DEPARTMENT OF ECONOMIC DEVELOPMENT COMMISSION IN THEIR LETTER DATED 2/13/2013 AS WELL AS COMMENTS FROM THE PUBLIC AT THIS MEETING.**

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

7:30 p.m.

3. Special Permit (Location of Use)/J&D Auto Body/1224 Old Colony Road #404-13

Ms. Baxter, Acting Secretary, read the Legal Notice and acknowledged correspondence received for the record from: Department of Engineering to Kacie Costello, Town Planner dated February 22, 2013 (Att. 3A); Kacie Costello, Town Planner to J&D Auto Sales, LLC dated March 4, 2013 (Att. 3B); Vincent Mascia, Senior Engineer W&S to Kacie Costello, Town Planner dated February 28, 2013 (Att. 3C); Carmen Rao, Fire Marshal dated February 21, 2013 (Att. 3D).

Presenting the application was the Applicant Jerzy Pytel, and Greg Rabarsik.

Mr. Rabarsik indicated that they want to put an addition on the existing building that would be for an office and inside storage space. The addition would be 30 ft. x 30 ft. The business is an auto repair shop with a used car dealership. They currently lease a piece of property from the Town that they hope to eventually purchase.

Ms. Costello reviewed the plans pointing out the portion of land that is leased from the Town. They are proposing to use the Town leased property, which can only be used for parking, to provide some of their parking and vehicle storage/stacking. Ms. Costello wants to be sure that the Applicants are clear that they need to comply with the parking as represented on the plan presented this evening. If at some point the lease is discontinued the Applicant is subject to the limitations of the parking shown on the property owned by them. Mr. Rabarsik agreed with Ms. Costello and indicated that he understood.

Mr. Fitzsimmons has concerns about the current condition of the site. He referred to the memo from the Water & Sewer Division dated February 28, 2013 (Att. 3C) and asked if the current building has a floor drain. Mr. Rabarsik and Mr. Pytel indicated that there are no floor drains in the existing building and they do not wash cars on site. They stated that there is septic on site but it is not shown on the plans.

Ms. Costello indicated that the Health Department does receive all of the applications and did not have any comments on this application. As part of the building permit process the application would be reviewed by the Health Department. Mr. Fitzsimmons noted that the Health Department was not checked off in this case as receiving notice so he was not sure if they actually saw it. Ms. Costello stated that if the Commission felt inclined it could make compliance with current health code a condition of approval. Mr. Fitzsimmons would like to have the application reviewed by the Health Department before the Commission acts on it. Ms. Baxter agreed she would like to see comments from the Health Department before the Commission acts.

Mr. Rabarsik indicated that currently the vehicle storage is both on the leased property and the property they own. There are vehicles in the parking spaces marked on the current plan and there are also cars in the area of the leased property, not marked as parking spaces on the plan.

Ms. Costello stated that per the lease they have permission to park on the Town property. She stated that Corporation Counsel would like an opportunity to review the lease agreement before the Commission takes action. Ms. Costello stated that if the Commission were to approve this application she would like to see a limit to the number of vehicles that are to be for sale at any given time and that outside storage of parts is not to occur in any of the indicated parking areas or drive isles. Any outdoor storage is to be properly screened as required. Per the current plan in front of the Commission the Applicant would be limited to 13 cars plus the vehicle storage area which Ms. Costello believes could store approximately 10 vehicles. Ms. Baxter would like to see some sort of formal count of vehicles allowed on site before the application is acted on. Chairman Seichter would like to see all of the parking spaces and spaces for vehicle storage shown on the plan.

Ms. Costello indicated that it would be helpful for the Commission to see the property in compliance with the current plan over the course of this month.

No one from the public spoke opposed to or in favor of the application.

MR. FITZSIMMONS: MOTION TO CONTINUE THE PUBLIC HEARING TO APRIL 8, 2013 AT 7:30 P.M.

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

7:45 P.M.

4. Special Permit (Location of Use)/W. Northrop (M&W Repair)/71 South Turnpike Road #405-13

Ms. Baxter, Acting Secretary, read the Legal Notice and acknowledged correspondence received for the record from: Department of Engineering to Kacie Costello, Town Planner dated February 22, 2013 (Att. 4A); Carmen Rao, Fire Marshal dated February 22, 2013 (Att. 4B); Vincent Mascia, Senior Engineer W&S to Kacie Costello, Town Planner dated February 28, 2013 (Att. 4C); Kacie Costello, Town Planner to William Northrop dated March 4, 2013 (Att. 4D).

Presenting the application was William Northrop.

Mr. Northrop stated that he is relocating his existing business to this location. There will be no floor drains in the building. The hours of operation are 6 a.m. to 12 midnight, Monday through Friday and Saturday 6 a.m. to noon. They do provide 24 hour road service as well. Currently there are six employees. Mr. Northrop stated that there are 13 parking spots on the plan. All parts and tires are stored indoors and he would be agreeable to a condition of approval stating such.

Ms. Costello indicated that all of the required parking spaces, currently shown on the plan, would have to be delineated prior to the occupation of the business.

Mr. Fitzsimmons questioned the hours of operation running until midnight. Mr. Northrop stated that he needs his second shift since his clientele's vehicles come in after 4 p.m. Mr. Fitzsimmons would like to see the garage doors closed as the hour gets later into the night.

Mr. Northrop stated that he doesn't have a need for a large area for vehicle storage. He indicated that the spaces shown on the drawing, 6 spaces, would be adequate for vehicle storage. He stated that he does a lot of work off site so there will be times that the garage doors aren't open at all. Mr. Northrop indicated that there will not be excessive noise with the second shift since much of the work is done off site. Ms. Baxter would like to see some condition of approval limiting the night time hours that the garage doors could be open. Ms. Costello indicated that if the Commission were to make a condition of approval regarding the hours that the garage doors could be kept open, it could state that after 10 p.m. till morning the doors would have to be closed. Those hours would be in keeping with the Town Noise Ordinance.

Ms. Costello pointed out that this business is repairers only, not dealers and repairs. She suggested that the Commission consider a condition of approval for the next person that limits this site to repairers only otherwise they would have to come back to modify the Special Permit.

No one from the public spoke in favor of or opposed to the application.

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 (LOCATION OF USE) FOR NORTHROP FOR AN AUTOMOBILE REPAIRER'S LICENSE AT 71 SOUTH TURNPIKE ROAD, AS SHOWN ON PLANS ENTITLED "M&W REPAIR," UNDATED (RECEIVED WITH THE APPLICATION ON FEBRUARY 7, 2013), SUBJECT TO:

- 1. COMMENTS FROM VINCENT MASCIA, W&S DATED FEBRUARY 28, 2013.**
- 2. COMMENTS FROM KACIE COSTELLO, TOWN PLANNER DATED MARCH 4, 2013.**
- 3. APPLICANT SHALL CLEARLY DESIGNATE THROUGH STRIPING, CURB STOPS OR SIGNAGE ALL PARKING AS OUTLINED IN THE MEMO.**
- 4. GARAGE DOORS SHALL BE CLOSED AFTER 10 P.M. IN THE EVENING TO CONFORM TO THE TOWN OF WALLINGFORD NOISE ORDINANCE.**
- 5. ALL PARTS MUST BE LOCATED IN THE BUILDING AS OUTLINED BY THE APPLICANTS REPRESENTATIVE.**
- 6. THIS SPECIAL PERMIT IS LIMITED TO REPAIRERS ONLY AS EXPRESSED BY THE APPLICANTS REPRESENTATIVE.**
- 7. VEHICLE STORAGE TO BE LIMITED AS REPRESENTED BY THE APPLICANT TO THE SIX DESIGNATED SPOTS OF THE MAP PROVIDED.**

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

8:00 p.m.

5. Special Permit/Farms Country Club/180 Cheshire Road #406-13

Ms. Baxter, Acting Secretary, read the Legal Notice and acknowledged the correspondence received for the record from: Department of Engineering to Kacie Costello, Town Planner dated February 22, 2013 (Att. 5A); Kacie Costello, Town Planner to Farms Country Club, Inc. dated March 4, 2013 (Att. 5B); Vincent Mascia, Senior Engineer W&S to Kacie Costello, Town Planner dated February 28, 2013 (Att. 5C); Carmen Rao, Fire Marshal dated February 22, 2013 (Att. 5D).

Presenting the application was Dan Kroeber, Milone & MacBroom and Shaun McLaughlin, Farms Country Club.

Mr. Kroeber stated that the Farms is proposing to construct a 37.5 ft. x 20 ft deck. There would be a set of stairs to do down to the paved level below. The deck would provide outdoor dining and would be covered with an awning which would be structured from a steel frame and a canvas material. There would be no additional utility connections required for this project. Currently the site has 201 parking spaces. After this project is complete they would be required to have a total of 142 parking spaces according to the regulations. The golf cart path will be relocated around the proposed deck. The path would be a 10 foot wide concrete access way. The existing landscaping in that area would simply be relocated to the other side of the path. By building code they would be able to provide 50 seats on the proposed deck. The Farms is intending on placing approximately 30-36 seats on the deck. The deck would be used from approximately April to October. Generally the kitchen closes at 9:00-9:30 p.m. Mr. McLaughlin does not anticipate many midnight evening out on the deck. The deck would be up approximately 15 feet up from the ground.

Speaking from the public was Eric Blodo, 1 Old Gate Road, is concerned about the noise coming from the site. Mr. Kroeber indicated that the use is for the expansion of the dining area. Mr. McLaughlin does not anticipate there being any live music on the deck. There would be no outdoor bar area.

Ms. Costello stated that this would be an accessory or subordinate use to the golf course itself. It is not intended to be a banquet hall. She asked if some sort of screening could be provided to subdue some of the noise coming from the site. Mr. Kroeber stated that there is a vegetated buffer along Cheshire Road in the area of Old Gate Road.

Mr. Blodo, 1 Old Gate Road, would like to see something written regarding the acceptable level of noise from the site. Ms. Costello indicated that there is a Noise Ordinance which is enforced by the Police Department. She suggested that if the Commission felt inclined it could attach a condition of approval that the Applicant is in compliance with the Noise Ordinance.

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 CONSTRUCT A COVERED DECK FOR OUTDOOR SEATING, ATTACHED

TO THE EXISTING CLUBHOUSE AT 180 CHESHIRE ROAD, AS SHOWN ON PLANS ENTITLED "SITE PLAN, THE FARMS COUNTRY CLUB, DECK ADDITION, 180 CHESHIRE ROAD, WALLINGFORD, CONNECTICUT, DATED FEBRUARY 7, 2012, UPDATED TO MARCH 7, 2013," SUBJECT TO:

- 1. COMMENTS FROM THE WATER & SEWER DIVISION DATED FEBRUARY 28, 2013.**

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

DISCUSSION:

7. IHZ (Incentive Housing Zone)

Corporation Counsel Small was present to discuss the IHZ. Items discussed were design standards, variances, parking requirements, and parking garages. Ms. Costello will research to see what variances exist in the proposed IHZ. Attorney Small indicated that she still have further research to do on the subject and will report back to the Commission at the April meeting.

ROAD ACCEPTANCES:

6. VW Homes/Padens Court ("The Willows") #413-07

Ms. Costello recommended that no action be taken at this point.

REPORTS OF OFFICERS AND STAFF:

8. Administrative Approvals – APPROVED AS NOTED

- a. Change of Use/Masella/65 South Colony Street #302-13
- b. Change of Use/Fro-Yo-Licious/994 North Colony Road #303-13

9. ZBA Decisions of February 19, 2013 (Att. 9)

Ms. Costello briefly reviewed the ZBA decisions.

10. ZBA Agenda for March 18, 2013 (Att. 10)

Ms. Costello briefly reviewed the ZBA agenda.

11. Zoning Enforcement Log (Att. 11)

Ms. Costello briefly reviewed the Zoning Violation Log.

Chairman Seichter took a moment to thank Ms. Baxter for her service on the P&Z Commission. This was Ms. Baxter's last meeting and she was presented with a plaque by Chairman Seichter on behalf of the Commission.

Receipts

1. #407-13 – Special Permit (retail to restaurant)/MSWG Wallingford, LLC/970 North Colony Rd.
2. #408-13 – Special Permit (Location of Use)/New England Truck Equipment/4 Barker Drive
3. #204-13 – Site Plan (Farm/Greenhouses)/Casertano/180 New Cheshire Road
4. #205-13 – Site Plan Modification/1070 North Farms, LLC/6 Northrop Industrial Road West
5. #206-13 – Site Plan (Warehouse/Office/Storage)/1070 North Farms, LLC/8 Northrop Indust Rd West

6. #409-13 – Special Permit (Gas Station/Minimart)/MCFH, LLC/862 East Center Street
7. #410-13 – Special Permit Revision/Sunwood Development/665 North Colony Road
8. #411-13 – Special Permit (Gasoline/Convenience/Dandy's/440 Main Street, Yalesville

Ms. Baxter made a motion to adjourn. The motion was seconded by Mr. Fitzsimmons and passed unanimously by a voice vote. The meeting adjourned at approximately 9:30 p.m.

Respectfully submitted,

Sonja Vining,
Recording Secretary