

WALLINGFORD PLANNING & ZONING COMMISSION

Monday, April 13, 2015

7:00 p.m.

Room 315 – Town Hall

45 South Main Street

PRESENT: Chair Jim Seichter; Commissioners David Leonardo, (alternate); J.P. Venoit, (Secretary); Jeffrey Kohan; Town Planner Kacie Costello; Recording Secretary Cynthia Kleist.

Chair Seichter called the Meeting to order at 7:00 p.m.

Approval of Minutes – March 24, 2015

Mr. Kohan: Motion to approve the March 24, 2015 Special Meeting Minutes as presented.

Mr. Venoit: Second.

Vote: Unanimous.

Special Minutes approved.

NEW BUSINESS

1. Site Plan (multi-family conversion)/Munoz/25-27 Martin Avenue. #209-15.

Secretary Venoit noted all correspondence for the record: memo from Erik Krueger Sr. Engineer Water & Sewer Divisions to Kacie Costello Town Planner dated April 7, 2015; interdepartmental referral from the Town Engineer to Planning & Zoning dated March 9, 2015.

Appearing in front of the Commission was Alexandra Munoz, Applicant. Ms. Munoz said she has owned the property for two years and now wants to separate the utilities for the third floor to convert it to a dwelling unit. She said this has passed inspection. Chair Seichter noted that previously, this was a two-family house with an apartment on the first floor, and the second and third floors were combined. He said now the utilities will be separated and a third-floor will be converted to a dwelling unit.

Ms. Costello gave Ms. Munoz a copy of the Water & Sewer letter which states she will have to obtain a plumber. Chair Seichter explained that if Ms. Munoz's improvements will cost more than \$25,000, the Town can conduct an inspection of the property. Ms. Costello said the Town will ask for information regarding the size of the pipes and fixtures, so a plumber would

probably be needed to confirm that the conditions were addressed with Water & Sewer. She recommended this be made a condition of approval.

Chair Seichter entertained a motion on the application.

Mr. Kohan: Motion to approve a Site Plan (multi-family conversion) for Munoz, to convert the third floor of a legal two-family house into a third dwelling unit at 25-27 Martin Avenue, as shown on submitted floor plan, untitled, received March 10, 2015, subject to the following two conditions:

- 1. Submission of the revised water use/sewer use and fire flow estimates including plumbing fixture counts in accordance with Water & Sewer Division requirements; and**
- 2. Submission on interior plumbing plans for the renovated building for review by the Water & Sewer Divisions.**

Mr. Venoit: Second

Vote: Venoit-yes; Kohan-yes; Leonardo-yes; Seichter-yes.

Site Plan approved.

OLD BUSINESS

2. Site Plan Modification (additional suite at approved Bed & Breakfast)/The Wallingford Victorian Inn/245 North Main Street - #203-15

Secretary Venoit noted all correspondence for the record: letter from Charlene Kieslich to Kacie Costello, Town Planner, dated Feb. 9, 2015; memo from Erik Krueger, Sr. Engineer, Water & Sewer Divisions to Kacie Costello, Town Planner dated March 16, 2015.

Ms. Costello said they don't have enough time without the Applicants consent to extend this application. She recommended (without the Applicant here) denying the application without prejudice. Chair Seichter said the Commission would wait until the end of tonight's meeting in the event the Applicant showed up to the meeting.

8-24 REFERRAL

3. Purchase of Property/Town of Wallingford/75 Tyler Mill Road

Secretary Venoit noted all correspondence for the record: memo from Mayor William Dickinson Jr. to Kacie Costello Town Planner, dated March 11, 2015; Town of Wallingford Land Use Plan (no date).

Ms. Costello said the Town is considering/purchasing the property at 75 Tyler Mill Road to use as open space. She said this property is entirely surrounded by open space and is very

consistent with the Plan of Development. She said there have been setbacks with the property itself in terms of evaluation, so the Town is undergoing the assessment which may affect whether or not the Town follows through with the purchase. Ms. Costello said the Commission may make a recommendation on this issue.

Chair Seichter noted this is consistent with the Town's Plan of Conservation & Development because the parcel is surrounded by open space.

Chair Seichter entertained a motion on the 8-24 Referral.

Mr. Kohan: Motion to support the 8-24 Referral to support the acquisition of property at 75 Tyler Mill Road for open space purposes.

Mr. Venoit: Second

Vote: Leonardo-yes; Kohan-yes; Venoit-yes; Seichter-yes.

Motion passed.

BOND RELEASES AND REDUCTIONS

4. Special Permit/Sonic/1033 North Colony Road

Ms. Costello said this is not ready to move forward.

ELECTION OF OFFICERS

5. Election of Officers

Tabled.

REPORTS OF OFFICERS AND STAFF

6. Six-Year Capital Non-Recurring Budget

Secretary Venoit noted all correspondence for the record: memo from Mayor William W. Dickinson, Jr. to Planning & Zoning Commission dated April 9, 2015; Town of Wallingford Six-Year Capital Budget.

Chair Seichter said there is approximately \$3.3 million in improvements to be mostly reimbursable by a State grant. Commissioner Leonardo asked about Pat Wall Field improvements and if this involved the current field and parking area. Ms. Costello said this is an application before the ZBA to improve and expand the existing parking lot and if approved, will come before the P & Z. She noted the original application was withdrawn.

Chair Seichter entertained a recommendation.

Mr. Kohan: Motion to recommend the approval of the six-year Capital Budget from 2015 to 2021.

Mr. Venoit: Second

Vote: Leonardo-yes; Kohan-yes; Venoit-yes; Seichter-yes.

7. Administrative Approvals

- a. Change of Use/Pitt (Wallingford Computer Center)/144 Center Street 0 #307-15 – “Noted as Approved”
- b. Change of Use/Nieves (Alyssa’s Cakery) 152 Center Street - #308-15 – “Noted as Approved”.

Ms. Costello said there were two Administrative Approvals on Center Street. She said the cupcakery next to Vinny’s Deli is moving to Center Street as well as the Computer Center which is currently on North Colony Road. She said they have the potential for evening hours which is the subject of the change of use.

- c. Site Plan/T.O.W. Engineering Dept. /121 No. Main Street - #207-15

Ms. Costello said this involves a small restriping project in front of the Police Station.

8. ZBA Decisions for March 16, 2015 – None.
9. ZBA Legal Notice for April 20, 2015

Ms. Costello noted that Solar City, which had applied a few months ago with the ZBA for the solar panels at the Meriden-Markham Airport and was denied, has re-applied. She said the ZBA can choose to hear this before the six-month re-application period especially if the application is substantially different. She said Pat Wall field expansion and improvements to the parking lot on existing field property will also be heard.

10. Zoning Enforcement Log

Ms. Costello said she gave the Commission another letter from ZEO Tom Hogarty. She said they are working to get the Commission the full report because they are working on getting the database up to date. Ms. Costello said Mr. Hogarty has been working on sign enforcement and has been doing a great job. She said he is picking out certain sections of Town and explaining to people what the regulations are. She said her office has received phone calls.

Gary Craig, owner of the Time Keeper Shop, and Ken Giannetta owner of Two Guys 1 Grill both said they were informed by Mr. Hogarty that their A-Frame signs could no longer be displayed. Mr. Craig said he moved one year ago on Ives Road because business was growing. He said he read in the paper where the Town was going to enforce the signage regulations. He said a week later, Mr. Hogarty stopped by his business and told him his A-Frame sign in the driveway had to be removed. Mr. Craig said the only sign he now has is approximately 4 ft. by 4 ft.

which he said is much smaller than any other signage on the building. He noted the Thai Restaurant and Supercuts both have large overhead signs. He said he believed he was missing out on customers coming into the other businesses which prompted him to purchase the small sign to put up. He asked the Commission for consideration since he is a small business owner and he is afraid he will start losing customers. He said the landlord told him he couldn't put up a larger sign up above because his other tenants had larger businesses. He said his 4ft by 4 ft. sign is up in the window but many of his customers, who are senior citizens, can't see the sign.

Chair Seichter said he believed this issue is between Mr. Craig and the landlord. He said if an exception is made for one person that opens the door to everyone. Ms. Costello told Mr. Craig he could set up an appointment to discuss with her what the current approved signage is allowable on that property and what is available as far as signage is concerned. She noted the regulations will not allow Mr. Craig to have an A-frame sign. She said there are two options to pursue an A-frame sign; through the ZBA where a hardship has to be demonstrated or to request the P & Z look at changing the regulation. She said A-frame signage is something the P & Z has not wanted to entertain.

Ms. Costello told Mr. Craig that the Commission passed a temporary signage regulation which would allow him to display one temporary sign during limited time frames, but he will not be able to have an A-frame. She said people are allowed to install yard signs for two weeks at a time up to six times a year, or install the signs that stick into a base which must be placed on the private property, not in a public Right-Of-Way and this is also for two weeks at a time, up to six times a year. Ms. Costello said the third option is to install a banner on the building as a temporary sign which has the same regulations as the yard sign and the sign in the base.

Mr. Giannetta told the Commission that he had a permit for signage but his building is small and pushed back from the road. He said he also had an A-frame sign, 1 x 1, and was also asked to remove the sign. He said he spoke to Mr. Hogarty and said he tries to do everything by the book, but the little A-frame sign when installed last year, noticed a difference of four or five extra customers a day which helped him. He said the A-frame was on private property. Mr. Giannetta said it was a \$550 fee to have the Commission consider a regulation change which is a large amount of money for a small business owner to pay. Mr. Giannetta said he might apply to have a banner sign put up but is struggling to understand why he can't have a little hot dog sign when he spoke to customers and neighbors who said they find it hard to see his business. He said his permit allows him to have an 8 sq. ft. sign by the road. He said he is looking for help.

Chair Seichter asked Ms. Costello the last time the signage regulation was looked at. Ms. Costello said the temporary sign regulations were looked at in 2010 with other minor modifications being done since then. Mr. Giannetta said he believes people will look for loopholes like putting signs on trucks or those who had signs taken down will start calling and this will evolve the Town's home feel for the small businesses.

Chair Seichter said at least on Rt. 5, there has been a significant improvement with the signage. He said the Commission has over the years notified people they were in violation and they ignored it, he applauded Mr. Hogarty for his professional handling of this matter. He said changes can be proposed in the regulations but there again is a fee. He said he is hesitant as far as having someone mark up the regulations and having them considered because it comes down to other people having issues with the regulations and coming forward.

Ms. Costello said the last time this was discussed was not that long ago and was discussed because the economy was struggling and businesses made the argument that the temporary signs would help them which was why the Commission tried to meet these people in the middle and allow those signs on a limited basis. She said there has always been an adamant feeling among the Commission that A-frame signs are not the preference in Wallingford because the Commission doesn't have any jurisdiction on how they look. She asked both business owners to explore the options available within the given regulations. She said Mr. Giannetta may be able to install some type of permanent ground sign. She asked both business owners to contact her to discuss options.

Mr. Giannetta said it would be good to permit a smaller sign. Ms. Costello said the important issue to understand is that the Commission and the Town have a specific set of regulations which guide everyone; we can't discriminate between what we might think is a nicer sign or a desirable business, everyone gets treated the same.

WORKSHOP DISCUSSIONS

11. Medical Marijuana

Ms. Costello said this has been in discussion for a while and the consensus has been to make the language stronger and clearer that any use which is not permitted under State or Federal level is not permitted under Wallingford's zoning regulations. Ms. Costello said she proposed language for the Commission which she went over with Atty. Small who recommended one addition under Section 1.4 to add "under State and Federal Law" after "development or activity which is illegal".

Ms. Costello said she believed this was the best and most appropriate way to approach this issue because the concern is this is not legal under Federal law. Chair Seichter said the addition of Atty. Small's comments "under State and Federal Law" addresses the concerns of the Commission members because this is an activity under Federal Law which is illegal. Chair Seichter said this will be discussed at the Public Hearing in May.

Ms. Costello said it appears that Congress may address this topic in the near future, and if medical marijuana does become legal across the board, her inclination would be to classify the uses as manufacturing and retail which some Towns have done.

12. Large Residential Garages

Ms. Costello provided information to the Commission regarding garage heights as a potential issue. She said there have been five requests for variances over the past five years and two were denied. She recommended leaving this language as is. Ms. Costello spoke about the 936 sq. ft. limitation, which doesn't take into account how big or small the property is. She said this proposal would keep the 936 sq. ft. baseline, but would allow by right the 936 sq. ft. or 50% of the livable floor area of the house up to 1,800 sq. ft., whichever is greater. She noted that if 50% would only give someone 700 sq. ft., they would get the 936 sq. ft. She said above the 936 sq. ft. permitted or the 1,800 sq. ft., or in between, if someone wanted to go bigger than what the regulations allow, the person could still apply for a special exception. Ms. Costello said this tightens up and narrows down what people are and aren't allowed to do and will hopefully decrease the need for a special exception.

Chair Seichter said there will be a public hearing on this issue in May.

13. Fee Structure

Ms. Costello said she added on some amounts for variances. She said Wallingford is somewhat consistent with other Towns in terms of variance fees. She said she found that some Towns break down what type of application is before the ZBA. She said appeals of an order of the ZEO would be less of a fee than a variance application and use variance applications were sometimes broken out at a higher level. She also spoke about Towns which charge additional fees if an application is being submitted because of an active zoning violation. She said she and Atty. Small agreed there is a legitimate argument for doing this. Ms. Costello said staff spends more time on applications related to zoning violations than those which are straightforward. She said not a lot of Towns do this, and thought this was a good idea.

Ms. Costello said when a public hearing is postponed or extended at the Applicant's request; some Towns have the Applicant pay an additional fee. She said this made sense to her because the biggest expense is running the Legal Notice in the paper. She said in terms of the actual fees, she didn't see anything which was outside the norm. Chair Seichter requested Ms. Costello mark this up and add some of these items to discuss at the May meeting.

Commissioner Leonardo said he liked the idea of the Applicant paying when the application is postponed by their request.

14. Upcoming Workshop(s)/Discussions

a. POCD " Kick-Off" Meeting – Special Meeting – April 20, 2015

Ms. Costello said she ran ads and there were articles in the newspaper and there was also a notice on the Town website. She said she put out requests to the public who would be interested in being on the Steering Committee and received two responses in writing but

received a few phone calls. She said the cut-off is Wednesday on the website and for the ad in the paper.

Gina Morgenstein, member of the public who submitted her letter expressing interest in serving on the Steering Committee, said she has been interested in this for some time and is looking forward to working on the Plan of Conservation and Development.

b. Farm Wineries (NO ACTION REQUESTED)

Ms. Costello said the Attorney has requested to be put on the agenda for the next Meeting. She said there is room to discuss this at the P & Z regular May meeting.

c. Watershed Regulations

Ms. Costello said over the years there have been many discussions regarding what may be permitted in the I-5 zone which is in the watershed. She said for the past several years, new watershed protection regulations have been discussed. She said these regulations would apply to the watershed as a whole but will not impact residential. Ms. Costello will schedule this for the May agenda.

The Commission at this time took action on The Wallingford Victorian Inn site plan modification request for an additional suite at the approved Bed & Breakfast.

Chair Seichter entertained a motion to deny the application without prejudice.

OLD BUSINESS

2. Site Plan Modification (additional suite at approved Bed & Breakfast)/The Wallingford Victorian Inn/245 North Main Street

Mr. Kohan: Motion to deny without prejudice site plan modification for The Wallingford Victorian Inn

Mr. Venoit: Second

Vote: Leonardo-yes; Kohan-yes; Venoit-yes; Seichter-yes

Site Plan Modification DENIED WITHOUT PREJUDICE

Adjournment

Mr. Kohan made a motion to adjourn the Meeting at 8:05 p.m. Mr. Venoit seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A Kleist, Recording Secretary