

Wallingford Planning & Zoning Commission

Monday, May 8, 2017

7:00 p.m.

Robert F. Parisi Council Chambers

Town Hall – 45 South Main Street

MINUTES

PRESENT: Commissioner Rocco Matarazzo, Acting as Chair; Commissioners Jeffrey Kohan, James Fitzsimmons; Gina Morgenstein, Alternate; Kacie Costello, Town Planner.

NOT PRESENT: Chairman James Seichter; Commissioners J.P. Venoit and Armand Menard.

Acting-Chair Matarazzo called the Meeting to order at 7:12 p.m. and the Pledge of Allegiance was recited.

Approval of Minutes – April 12, 2017

Mr. Kohan: Motion to approve the April 12, 2017 Meeting Minutes.

Mr. Fitzsimmons: Second

Vote: Morgenstein-yes; Kohan-yes; Fitzsimmons-yes; Matarazzo-yes

Acting-Chair Matarazzo announced the following agenda items would not be heard tonight:

Item #1 – Special Permit Revision (24 additional parking spaces)/Nafis & Young/37 Harrison - **#403-17 – NO ACTION REQUESTED**

Item #2 – Special Permit (retail/residential)/902 Colony Realty, LLC/900-902 South Colony Road - **#404-17 – NO ACTION REQUESTED**

3. Special Permit (retail/office to retail residential/DiNatale Realty/816 East Center Street - #405-17.

Acting-Secretary Morgenstein read the Legal Notice and noted all correspondence into the record: Letter dated March 28, 2017 from Rob Baltramaitis, Town Engineer, to John Walworth; Inter-Departmental Referral from the Fire Marshal; Inter-Office Memo to Kacie Costello, Town Planner to Erik Krueger, Water and Sewer Divisions Sr. Engineer; Letter to Vincenzo DiNatale dated April 26, 2017 from Kacie Costello, Town Planner; Checklist #405-17 from the Planning & Zoning Department; Inter-Departmental Memo from Town Engineer Rob Baltramaitis, dated

April 27, 2017; Letter to Kacie Costello, Town Planner from Vincenzo DiNatale, dated May 2, 2017.

Appearing in front of the Commission was Vincenzo DiNatale and Jon Walworth, Land Use Consultant, and Vincenzo DiNatale, Applicant.

Acting-Chair Matarazzo noted that without the other Commissioners in attendance to review, no action could be taken at the meeting but the application could be presented.

Mr. DiNatale noted that the property at 816 E. Center Street is also known as the East Side Market property. Mr. DiNatale said the application involves a small office located on the second floor above the space that was formerly The Travel Works. Mr. DiNatale noted that the East Side market structure is one-story. He pointed out that facing the building to the right, there is a 1,400 sq. ft. addition which was constructed over the years and on the second floor, there was an office. Mr. DiNatale said he is proposing a change of use from 1,400 sq. ft. office to residential, and noted the parking requirements will be less.

Mr. DiNatale said the main objective is to cater to the main tenant, East Side Market. He said this is an opportunity to make site improvements which include the resurfacing of the entire parking lot, new curbing and striping. Mr. DiNatale said he is also proposing to relocate one of the handicap parking spaces closer, which he said currently complies with regulations. Mr. DiNatale said this is probably one of the less intense Special Permit applications. He noted that as required, Special Permit signs were posted at the East Side Market and said people were asking questions. He said a Planning & Zoning decision tonight would allow the signs to be moved.

Mr. Fitzsimmons pointed out the Planning & Zoning Commission changed its procedure that it wouldn't act on something received the day of the meeting. He said the application is unremarkable and a mature site. He said everything presented seems to be a non-issue and supports the Acting-Chair that this application should not be voted on tonight. Mr. Fitzsimmons said he supported the application. Ms. Morgenstein said she is inclined to approve in general, retail on the bottom and housing on the top which she said is a goal of development nowadays. She said she also supported any structural improvements to the parking lot. Mr. Walworth asked if the PZC didn't have the revised plans and were to consider the former map, could the PZC approve this application conditionally upon final response from Ms. Costello

Ms. Costello said this was her first time seeing the map tonight. She noted that when an Applicant applies for a Special Permit, they open up the entire site to review by the P&Z. She said there are several elements to this site which don't comply with the last two approvals which need to be addressed. She said looking at the plan which she received tonight, it was noted that some of her comments were addressed, but wasn't certain she concurred on how they were addressed. Ms. Costello said the PZC should have the opportunity to discuss this application and review it further. She said from her prospective, even if there weren't revised

plans, it would make the PZC further away from taking action, not closer. She said the PZC could discuss tonight, the distance of the proposed handicapped space to the main entrance, noting some changing to curbing would be required, noting the three handicapped spaces are far away from the entrance door. Ms. Costello said there is some opportunity for landscaping in areas that are currently just striped, which she noted are concurrent with zoning regulations. Mr. DiNatale said he looked to put the handicapped parking spaces as close to the building as possible but had to consider the grade of the land. He said the grade is too steep at the front door of the building to accommodate an ADA parking space. He said the East Main St. corner with a hatched area was ideal. Ms. Costello asked about the maximum grade for a handicapped parking space. Mr. DiNatale said he was not sure but would be open to move the space as close as possible as long as the front grade requirement is met. He said he would check the number. Ms. Costello said this is important because the spot grades don't give enough information.

Mr. DiNatale went over Ms. Costello's comments. He said this is a tough site noting the building was probably built too close to the street line. He addressed the tenant parking, noting the tenants would be encouraged to park in the rear of the building. He spoke about the screened-in dumpster which has been provided on the new map. Regarding the landscaping, Mr. DiNatale said there are areas which border the residential and the dumpster areas where landscaping can be added. He said in the front, it would be tricky because of the hatched areas and the site constraint. He said the landscaping could be added to the hatched areas. Mr. DiNatale discussed the sidewalks. He said because of the State Right-Of-Way, it would be a challenge to construct conventional sidewalks. He said he was willing to do striping to better control pedestrian access on the site. He said he believes the high traffic area would be from the front corner of East Side Market, to the signal crossing at the intersection. He said there would be one striping in that area in front of the building or across the front of the building in the direction of the handicap spaces because of lack of room.

Mr. Walworth noted the existing sidewalk in front of the building does offer refuge to cross in front of the building and then down to the corner. Ms. Costello said there is no perfect solution for this site. She said there is a layout that would be more consistent with the current regulations which involves a one-way cycle around the building. She said the general opinion was that people are familiar with the site and are used to it and some people feel it should be left the way it is. Ms. Costello said the proposed large striped area in the west area could have some landscaping. She said the PZC should be aware this is an opportunity to address issues at the site because of the Special Permit application. Ms. Costello said she contacted CTDOT to obtain their position regarding this site. She said it appears that the PZC couldn't require significant changes in the R.O.W. (Right-Of-Way). She said she didn't have major objections to the layout, but wanted to explore the option of moving the handicap spaces closer and adding some green where possible.

PUBLIC COMMENTS – NONE

Mr. Kohan said he is good with the plan with minor tweaks. He said he wanted the Applicant to return with some landscaping details. Acting-Chair Matarazzo noted that since the revised plans were just received, and taking into consideration the comments from Ms. Costello, the Applicant should meet with Ms. Costello and address some of her comments. He also suggested the plans be reviewed again by the Town Engineer with comments and this application will be revisited in June. Ms. Costello said the Special Permit signage could also be removed because the application has been opened and will be revisited in June.

Acting-Chair Matarazzo entertained a motion to continue this application to the June PZC meeting.

Mr. Kohan: Motion to continue the Public Hearing for Special Permit (retail/office to retail/residential)/DiNatale Realty/816 East Center Street to the June meeting.

Ms. Morgenstein: Second

Vote: Morgenstein-yes; Kohan-yes; Fitzsimmons-yes; Matarazzo –yes

4. Zoning Text Amendment/PZC/6.5B Floodplain Regulations (Update FEMA Map Reference to 2017 maps) - #905-17

Ms. Morgenstein read the Legal Notice and noted all correspondence for the record: Certified Mail letter to Mayor Dickinson, stamped received April 21, 2017 from Rachel Sears, Director Floodplain Management Division, Mitigation Directorate, FEMA; Inter-Departmental Checklist from the Fire Marshal; Inter-Departmental Referral from Town Engineer Rob Baltramaitis.

Ms. Costello said this was discussed at the last workshop. She said this is a simple change to the Zoning Regulations to reference the new updated floodplain maps provided by FEMA. She said the numbers of the maps that are referenced are being changed; going from the 2010 maps to the 2017 maps. Ms. Costello said FEMA already reviewed the PZC regulations to ensure there weren't any other changes. She said the necessary changes were already made to the 2010 round. She said the current PZC regulations are current to what FEMA is looking for in terms of floodplain regulations. She said the State has also reviewed the floodplain regulations.

Ms. Costello said she provided the maps to the PZC on disk. She said none of the changes in the floodplain maps are major. She said as technology advances, more accurate maps are able to be made. She said anyone who has had a Letter of Map Amendment (LOMA), approved since 2010, these changes are an improvement in the process. Ms. Costello said anyone who has had a LOMA done where it was shown as being in the floodplain on the maps, but the elevation was verified and proved by a surveyor to be above the flood elevation or out of the floodplain, those LOMA's will stand.

NO PUBLIC COMMENT

Acting-Chair Matarazzo entertained a motion.

Mr. Kohan: Motion to close the Public Hearing at 7:45 p.m.

Mr. Fitzsimmons: Second

Vote: Morgenstein-yes; Kohan-yes; Fitzsimmons-yes; Matarazzo-yes

Acting-Chair Matarazzo entertained a motion on the Zoning Text Amendment – Floodplain Regulations.

Mr. Kohan: Motion to approve a Zoning Regulation Text Amendment for the Wallingford Planning and Zoning Commission to change the Federal Emergency Management Agency (FEMA) Flood Map numbers are referenced in the regulations, in order to update to new FEMA Flood Maps that will become effective in May, as proposed in application language:

Subject to an effective date of Friday, May 12, 2017

Mr. Kohan: Second

Vote: Morgenstein-yes; Kohan-yes; Fitzsimmons-yes; Matarazzo-yes

OLD BUSINESS

5. Site Plan (ripe de bois composting facility)/Green Envy Products/Sterling Drive - #206-17 – Postponed on request of Applicant

6. Site Plan (ripe de bois composting facility)/Green Envy Products/90 Tankwood Road - #206-16 – Postponed on request of Applicant

7. Subdivision (5 lots)/P. DiNatale/605 North Elm Street - #101-17 – Postponed

Acting-Chair Matarazzo took the agenda in the following order:

SURVEY WAIVER REQUEST

10. Ouellette/10 Halsey Drive

Appearing in front of the PZC was Tom Ouellette, 10 Halsey Drive.

Ms. Costello said at the last PZC meeting there was some question as to whether the drawing was to scale and the actual distances were off the property line. She said Mr. Ouellette made several measurements from the property line and from the center line of the road. She said the Engineering Department will survey the streetline because that is the Right-Of-Way line to the Town property. Ms. Costello said this property is in an RU-40 zone which requires 50 ft. front yards and 30 ft. sides. She noted there are two front yards and two side yards.

Mr. Fitzsimmons asked if the Engineering Department did a survey of the streetline marker. Ms. Costello said the Engineering Department will not survey corners but will mark out where the Right-Of-Way line is because it is a Town-owned Right-Of-Way.

No Public Comment

Acting-Chair Matarazzo entertained a motion.

Mr. Kohan: Motion to approve a Survey Waiver Request for Ouellette, 10 Halsey Drive

Ms. Morgenstein: Second

Vote: Morgenstein-yes; Kohan-yes; Fitzsimmons-yes; Matarazzo-yes

BOND RELEASES AND REDUCTIONS

8. Special Permit/Choate/East Main Street/Kohler Environmental Center - #414-10

9. Special Permit/Choate/205 North Elm Street (Lanphier Center) - #414-13

Ms. Costello said items #8 and #9 are ready for release.

Mr. Kohan: Motion to approve Bond Releases and Reductions for Special Permit Choate/East Main Street/Kohler Environmental Center and Special Permit/Choate/205 North Elm Street (Lanphier Center).

Mr. Fitzsimmons: Second

Vote: Morgenstein-yes; Kohan-yes; Fitzsimmons-yes; Matarazzo-yes

DISCUSSION

11. Survey Waiver Fees

Ms. Costello said this item was discussed last month about giving people the option of applying for Survey Waivers administratively since there have been an increase in these requests. She said typically with administrative applications, there is a \$130 fee associated with these applications. She recommended this fee be included because there is staff time involved with processing the application and the fee is reasonable. Ms. Costello noted that currently there is no fee for the Survey Waiver requests. Mr. Fitzsimmons said he supports this. Ms. Morgenstein said this is appropriate and noted it feels awkward that we have been doing many of these have been done for free. Ms. Costello noted that procedurally, it wasn't made into a formal application, but a request option. She said staff is spending more time on them because of the increase in requests. She said the cost of a survey is significantly higher than the \$130 cost.

Mr. Fitzsimmons said he supported the fee and asked if the idea of the fee would now be seen or be seen administratively. Ms. Costello said what was discussed last month was potentially allowing people to request approval administratively. She said these requests would be sent through the normal administrative process but the Applicant could come to a meeting if there were questions. She noted the fee would be paid whether the Applicant came to a meeting or requested administrative approval.

Mr. Fitzsimmons asked Ms. Costello if people realize this Survey Request was working, noting that people were requesting building permits to add on to a condo when they don't own land. He said the only way to avoid this was to require a survey of the property. He noted there is a n increase in Survey Waiver Requests. Ms. Costello said she believes this is working because she is able to advise people what is appropriate for a Survey Waiver and what isn't. She said the Commission is seeing Survey Waiver requests for items such as porches, dormers. She said for garages and additions, people are getting the surveys done. Ms. Costello said there is the option that if a person has a sense of where their property line is, or have had a survey in the past, they are allowed to use the Survey Waiver request. Mr. Kohan said he supported the \$130 fee. He said Ms. Costello has handled the administrative approval process well.

Mr. Kohan: Motion to have a \$130 Survey Waiver fee

Mr. Fitzsimmons: Second

Vote: Morgenstein-yes; Kohan-yes; Fitzsimmons-yes; Matarazzo-yes

ELECTION OF OFFICERS

12. 2017 Election of Officers – **TABLED TO JUNE**

REPORTS OF OFFICERS AND STAFF

13. Scheduling of Workshop – Neighborhood District Zoning/Electronic Signage/Town Center Zoning

Ms. Costello said the Commission opted not to move forward at the last workshop because there were only three Commissioners in attendance. She proposed another workshop be scheduled. She said the workshops are typically scheduled for last Monday of the month. Ms. Costello will send out an email with proposed workshop dates.

14. ZBA Decisions – April 17, 2017

Ms. Costello said at the last meeting, the PZC opted to issue a report on items #1 and #5. She said she provided this to the ZBA but the applications were all approved.

15. ZBA Notice –May 15, 2017

Ms. Costello said there is a report for Item # 3, South Broad, where vertical additions are being proposed and using a second level to create dormer additions for more usable space. She said this would require the site be brought into compliance with regulations. She noted there is not a compliant parking lot. Ms. Costello said the applicant is requesting not to have to bring anything into compliance, and noted the PZC filed a report on this last month expressing some concern noting there is no reason why a parking lot can't be brought into compliance. Ms. Costello said the other items concern expansion of a pre-school program and a large poolhouse type building.

16. Zoning Enforcement Log-discussed by Ms. Costello.

Ms. Costello said there is a subdivision being constructed on Church Street which was approved by the PZC. She noted there are runoff and S&E problems on the site. She said she met with the construction people and some of the neighbors and these problems are being addressed proactively.

ADJOURNMENT

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

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary

