

Wallingford Planning & Zoning Commission

Monday, July 10, 2017

Robert F. Parisi Council Chambers

Wallingford Town Hall – 45 South Main Street

Wallingford, CT

7:00 p.m.

MINUTES

PRESENT: Chair James Seichter; Vice-Chair J.P. Venoit (left the meeting at 8:08 p.m.); Commissioners James Fitzsimmons; Jeffrey Kohan; Kacie Costello, Town Planner.

NOT PRESENT: Commissioners Armand Menard; Rocco Matarazzo; Alternate Gina Morgenstein.

Chair Seichter called the meeting to order at 7:06 p.m. and the Pledge of Allegiance was recited.

Approval of Minutes – June 12, 2017

Mr. Fitzsimmons: Motion to approve the June 12, 2017 Meeting Minutes as presented.

Mr. Kohan: Second

Vote: Kohan-yes; Fitzsimmons-yes; Seichter-yes; Venoit-abstain

Chair Seichter took the agenda in the following order:

OLD BUSINESS

6. Site Plan Modification (parking reconfiguration)/Adams Landing Property Development/90 South Turnpike Road - #214-17.

Mr. Fitzsimmons noted all correspondence into the record: correspondence from Town Planner Kacie Costello, dated June 29, 2017 to Adams Landing Property Development, LLC; Memo from the Fire Marshal dated May 10, 2017; correspondence from Erin O'Hare, Environmental Planner dated March 23, 2017.

Chair Seichter noted the presence of four PZC members rather than five and noted three PZC members must approve the application. He gave the Applicant the option of proceeding forward with the four members or postponing the application to the August meeting.

Robert Sonnichsen, P.E., Waldo Associates said he would go forward with the application. Chair Seichter asked the PZC members, based on the Site Plan Modification, if this rose to the standard of a Public Hearing, given the changes being requested on this application. Ms. Costello said if the PZC believes this impacts the use component of the application or what would be permitted as part of the use component, this would be a change to the Special Permit. She noted that if it doesn't impact the uses itself or what the PZC might permit for the uses, it is Site Plan Modification. Chair Seichter said he didn't believe this application rose to the situation where this should be a Public Hearing. Mr. Kohan, Fitzsimmons and Venoit agreed with Chair Seichter.

Appearing in front of the PZC was Robert Sonnichsen, P.E., Principal with Waldo Associates, and Consulting Engineer for the managing members of Adams Landing Property Development LLC. Mr. Sonnichsen noted this property is directly across from the Oakdale Theater. He went over the Site Plan. He said the subdivision is based on issues related to the Site Plan. Mr. Sonnichsen said in January 2011 for Phase 1 was granted by the PZC which included the demolition of five existing buildings, and all the existing pavement and construction of a three-story mixed-use building. He said there will be approximately 4,400 sq. ft. of office space on the first floor and pointed out the approval was for two-bedroom apartments.

Mr. Sonnichsen said the building was constructed but some aspects were not completed, i.e., the dumpster enclosure, the storm drainage system. He said the IWWC approved a landscape planting along Oakdale Brook which also wasn't completed. Mr. Sonnichsen said the only change made to the approved uses, was that two of the second and third-floor apartments were changed from two-bedroom to one-bedroom apartments leaving 10 two-bedroom apartments and two one-bedroom apartments.

Mr. Sonnichsen said in 2016 the property changed ownership and management and requested a review of the regulatory status of the property and move it into complete compliance which required re-application. He said the first recommendation was to separate the property where the building is located, into a separate lot and leave the remainder of the property as another parcel, which he stated would make compliance easier.

Mr. Sonnichsen said he met with Ms. Costello to discuss how to meet parking requirements, noting there are not enough parking spaces on the south side of Oakdale Brook to support the use of the building. He said the previous site plan approval included a large parking area on the south side of Oakdale Brook to provide for additional parking capacity which would require utilizing the existing concrete bridge that crosses the brook to access the parking.

Mr. Fitzsimmons noted two additional items for the record: correspondence dated Friday, June 30, 2017 from Waldo & Associates (email); letter addressed to Kacie Costello, Town Planner from Russell Waldo, Waldo & Associates dated July 7, 2017.

Mr. Fitzsimmons asked if the current owners were aware of the prior approval and the incompleteness when the property was acquired. Mr. Sonnichsen said the current owners weren't aware of the details of what wasn't completed. Mr. Fitzsimmons asked if the Applicant has a current zoning violation. Ms. Costello said the major violation is the occupancy of the residential units without having the parking completed and without sign-offs for Certificate of Occupancy. Ms. Costello said she knew the Applicant was moving forward to correct to address the violations and have not been formally cited.

Mr. Fitzsimmons asked the Town Planner about the occupancy of the apartments. Ms. Costello said these apartments do not have a Certificate of Occupancy. Mr. Fitzsimmons spoke about the common parking regulation and paraphrased the regulation which stated the PZC can reduce by 50% the parking requirements for certain entities but didn't see this application as a similar use. He questioned the shared parking request in light of the regulations. Mr. Sonnichsen said the focus was the other similar uses and noted these are uses that don't have a commonality in the requirement to use the parking. He said this is was the appropriate application for the use of this regulation.

Mr. Fitzsimmons asked if there was an active parking problem for the building users. Mr. Sonnichsen denied there was a problem, based on every time he has been on-site there have been plenty of empty spaces and noted that at night, the residents park in the spaces designated "office only". He said there has never been a conflict because the businesses have never complained to the landlord.

Mr. Fitzsimmons said his issue is that shared parking is common downtown but noted South Turnpike Road is not a shared area. Mr. Fitzsimmons pointed out in 2010 a zone change and a Special Permit were approved, and both the parking and the residential were key to this approval which wasn't done. Mr. Sonnichsen said based on his understanding, the approved site plan showed parking on the south side of the brook and was one of the items not completed.

Mr. Kohan said in his opinion, the 50% reduction in residential parking seems a bit extreme. He asked how many of the units were occupied. Mr. Sonnichsen said he understood there were no vacancies. He said he has visited on the weekends, the middle of the day and the evenings and when the offices were closed and found there were plenty of open parking spaces, and noted the issue will be better when the six proposed parking spaces are added.

Chair Seichter asked Ms. Costello about the plan being presented with the shared parking and the addition of the six parking spaces, and would this comply with parking requirements for the site. Ms. Costello said this would comply if the 50% sharing was approved. Chair Seichter said he and fellow Commission members were disappointed regarding what occurred at this site, and how it didn't comply. He said he shared some of Mr. Fitzsimmons's comments with respect to the parking and shared parking in this particular area. He said in many cases, the shared parking is more in the center of town, and looking at the regulations for shared parking, he

wasn't sure this would qualify for that, and looking when this was initially approved, we did not have the shared parking, which is being requested now. Chair Seichter said he had an issue with the satellite lot for future use. Mr. Sonnichsen said if there is a problem, the tenants let the landlord know and if they are not satisfied, they come to the town which he said has complete authority and a condition of approval would require the parking be installed. Mr. Sonnichsen said he didn't believe the 12 spaces are needed based on the performance of the site and said this was an unnecessary expense and hoped for a deferral on the parking.

Ms. Costello noted the one parking space she had concerns with has since been converted to a loading space. She asked if the loading space made sense for the tenants. Mr. Sonnichsen said this was a slippery slope noting the regulations state there needs to be an area for a delivery truck to locate itself outside the travel way. Ms. Costello said if the PZC is inclined to designate the parking area on the other side of the brook to be built as needed, she recommended that condition be filed on the Land Records and directly on the plans and the PZC may want to consider not allowing all of the existing spaces to be used for first-floor tenants only.

Chair Seichter entertained Public Comment – There was no Public Comment.

Mr. Sonnichsen commented on the shared parking noting there were other mechanisms that could be used to allow the deferral of the parking and still protect the Town, such as a bond which would assure the monies would be available to put the parking in place if the need arose.

Chair Seichter said the one issue is how people feel about the shared parking. Mr. Fitzsimmons noted a question from the Town Planner on June 29 regarding plan modifications and noted Ms. Costello specifically mentioned accessible parking space dimensions. He noted there were two handicap parking spaces on plan LS-1. He asked if they were in place currently, or was part of the proposal. Ms. Costello the LS-1 on the most recent set of plans shows compliant dimensions for handicap spaces. Mr. Fitzsimmons said he is pro-trees, pro-sidewalk and pro-parking. He said he applauded the Applicant for wanting to correct what they purchased, but could not ignore this was required seven years ago and would like to see the parking and is not in favor of shared parking. Mr. Kohan said he wasn't in favor of the shared parking, but would be alright with having the additional 12 parking spots as a condition of approval if there are problems. Vice-Chair Venoit said he agreed with both his colleagues but didn't believe future parking is something we want to do, but should have done the other parking.

Chair Seichter entertained a motion on the application.

Motion by Venoit-second by Kohan to approve a Site Modification to the plan for a previously approved Special Permit, to modify the parking arrangement, allow for "shared parking", and allow for designation of parking to be constructed as required in the future, and allow associated site changes, for the mixed use building at 90 South Turnpike Road, as shown on plans entitled "Proposed Resubdivision of Property of Adams landing Property Development

LLC & Site Plan Lot #1, 76-90 South Turnpike Road Wallingford, CT" dated January 26, 2017, revised July 6, 2017, subject to:

1. Compliance to the Wallingford Town Planner's Memo dated June 29, 2017;
2. Bond to be determined by the Town Planner;
3. No shared parking on the plans dated July 6, 2017;
4. The 12 parking spots need to be constructed.

Mr. Kohan asked about a time constraint of when the Applicant could obtain a certificate of occupancy for some of the tenants and possibly making this a condition of approval for this application. Ms. Costello said typically, she doesn't sign off on a CO unless the work is done. She suggested this issue be referred to the Building Official.

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

PUBLIC HEARINGS

1. Resubdivision(2 lots)/Adams Landing Development, LLC/90 South Turnpike Road -
#102-17

Mr. Fitzsimmons read the Legal Notice and noted all correspondence into the record: Inter-Departmental Referral dated May 8, 2017 from the Fire Marshal; Email from Robert Sonnichsen of Waldo & Associates, to Kacie Costello, Town Planner, dated May 19, 2017; Letter from Kacie Costello, Town Planner, to Adams Landing Property Development LLC, dated June 29, 2017; Inter-Office Memorandum from Erik Krueger, Sr. Engineer, Water & Sewer Division, dated June 1, 2017; Submission Requirements (no date); Email dated June 30, 2017 from Dirck Goss, Waldo & Associates, to Kacie Costello, Town Planner Letter from Waldo & Associates Dated July 5, 2017, to Kacie Costello, Town Planner.

Appearing in front of the PZC was Robert Sonnichsen, P.E., Principal with Waldo & Associates, representing Adams Landing LLC. He said this is a resubdivision of a piece of property at 76/90 South Turnpike Road.

Mr. Sonnichsen said the Applicant was originally going to use the center line of the brook as the property line to separate the parcel. He said the main goal is to make the existing building be on its own parcel of land. He said as they were studying adding additional parking, it was found the only place available was the north side of Oakdale Brook. He said approximately ¼ acre of land in Parcel 1 will be located on the north side of Oakdale Brook and will continue to be connected to Parcel 1 by a concrete bridge which spans the brook at approximately the middle of the annex piece of the property located at the north side of the brook.

Mr. Sonnichsen said the PZC will see the Applicant has added a strip to the east side of South Turnpike Road which will be conveyed to the Town in order to meet the subdivision requirement of a 50 ft. Right-Of-Way deeded to the Town along a thoroughfare. He noted the

remainder of the subdivision meets the underlying zoning requirements for setbacks and building lines including the coverage.

Ms. Costello asked why the deeding of the portion of the Right-Of-Way only shown on the one parcel, noting it is required to be shown on the entire property. Mr. Sonnichsen said there has been discussion regarding this and noted future section 2 is not a building lot at this time because of the restrictions placed on it by the Water and Sewer Division. He said until the sewer is constructed, the Applicant can't do anything with the property so it can't be laid out as a building lot. Ms. Costello said this doesn't mean this property isn't a building lot, it is a building lot subject to a potential condition of approval. She said if the Applicant isn't inclined to comply with the subdivision regulation, this is a concern. Mr. Sonnichsen said the Applicant would be willing to add a condition of approval that additional land be added to the subdivision. Chair Seichter noted this discussion also took place with Corporation Counsel Janis Small.

Ms. Costello commented about the Water and Sewer Division requirement. She noted when the existing building was approved, there was a requirement that certain upgrades be made for the Water and Sewer Division dependent upon some work. She said this got pushed back and over time, the building was allowed to be constructed with the understanding that anything else to be constructed, would require these improvements be completed. She said this will become a condition at the time of site plan or special permit approval.

Chair Seichter entertained Public Comment- No Public Comment.

Chair Seichter entertained a motion to close the Public Hearing at 8:05 p.m..

Mr. Venoit: Motion to close the Public Hearing at 8:06 p.m.

Mr. Kohan: Second

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

Chair Seichter entertained a motion on the application.

Motion by Venoit-second by Kohan to approve a Resubdivision (2 lots) for Adams Landing Development, LLC to divide the existing lot at 76-90 South Turnpike Road into 2 parcels (one with the existing mixed-use building and associated parking as modified, and one vacant) as shown on plans entitled "Proposed Resubdivision of Property of Adams Landing Property Development LLC & Site Plan Lot #1, 76-90 South Turnpike Road, Wallingford CT" , dated January 26, 2017, revised to July 6, 2017, subject to:

1. Compliance with Erik Krueger Sr. Engineer, Water and Sewer Division's memo dated June 1, 2017.
2. The final plan showing the 50-foot Right-Of-Way.

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

2. Special Permit (location of use)J. Amentea/ 20 North Plains Industrial Road, Unit 11 - #407-17

Mr. Fitzsimmons read the Legal Notice and noted all correspondence into the record: Letter from Kacie Costello, Town Planner, dated June 23, 2017, to Joseph Amentea; Inter-Office Memorandum dated June 2, 2017 from Fire Marshal; Inter-Office Memorandum dated June 2, 2017 from Erik Krueger, Sr. Engineer, Water & Sewer Division.

Chair Seichter noted the departure of Vice-Chair Venoit at 8:08 p.m. thus leaving three Commissioners. He explained that in order to have a favorable action on the application, all three Commission members would be needed. Chair Seichter asked the Applicant how the plans provided to the Commission this evening differed from the last plans submitted. Mr. Amentea said the last revised plans were submitted on June 14, 2017. Chair Seichter noted the PZC doesn't accept plans presented to them the day of an application.

Appearing in front of the PZC was Robert Amentea, P.E., Licensed Land Surveyor with Design Development Group. Mr. Amentea said the Applicant presented the same application two years ago, further south on Turnpike Road for a dealer's license. He said the Applicant needed more space and went to this location which is approximately 12,000 sq. ft. and incorporates everything into one building as opposed to two buildings. He said it is the same operation with more parking than required. Mr. Amentea said the Applicant is replacing a business that was the Northeast Steel Company. He noted the parking requirements are the same and the parking for the entire site hasn't been changed. He said the Applicant doesn't require outside parking noting the cars are high end. He said there is ample space for cars to be parked in the enclosure.

Chair Seichter noted the fit-out plans from the Water and Sewer Division and then entertained Public Comment – No Public Comment. Chair Seichter entertained a motion to close the Public Hearing at 8:14 p.m.

Mr. Kohan: Motion to close the Public Hearing at 8:14 p.m.

Mr. Fitzsimmons: Second

Vote: Kohan-yes; Fitzsimmons-yes; Seichter-yes

Chair Seichter entertained a motion on the application.

Motion by Kohan second by Fitzsimmons to approve a Special Permit (Location of Use) for Amentea, to allow an Automotive Dealer and Repairer use at 20 North

Plains Industrial Road, Unit 11, as shown on plans entitled "Site Plan, G.T. Motorcars LLC, 20 North Plains Industrial Road, Wallingford, CT", dated April 24, 2017, subject to:

1. Comments from the Fire Marshal be included dated June 12, 2017;
2. Comments from the Engineering Dept. dated June 12, 2017 to be included;
3. Comments from the Water and Sewer Division to be received.

Vote: Kohan-yes; Fitzsimmons-yes; Seichter-yes

**3. Special Permit (fill/excavation/stockpiling)/General Electric (Times Fiber).
358 Hall Avenue - #408-17**

Mr. Fitzsimmons read the Legal Notice and noted all correspondence into the record: Letter from Town Planner Kacie Costello, dated June 27, 2017 to General Electric Company; Inter-Office Memorandum from Vincent M. Mascia, Sr. Engineer to Kacie Costello, dated January 3, 2013; Inter-Office Memorandum dated June 29, 2017 from Erik Krueger, Sr. Engineer, Water and Sewer Division to Kacie Costello, Town Planner; Inter-Departmental Referral dated June 9, 2017 from the Fire Marshal; Inter-Departmental Referral dated June 9, 2017 from Erin O'Hare, Environmental Planner; Email dated July 3, 2017 from Lance Kazzi, Sr. Geologist, Arcadis, to Kacie Costello, Town Planner; Letter received July 3, 2017 from Lance Kazzi Senior Geologist, Arcadis, to Town of Wallingford; Letter from Lance Kazzi, LEP and Darren Szuch, Principal Geologist, Arcadis, to Kacie Costello, Town Planner dated July 5, 2017; Email from Darren Szuch, Arcadis, dated July 5, 2017 to Kacie Costello, Town Planner; Inter-Office Memorandum dated July 6, 2017 from Erik Krueger, Sr. Engineer, Water and Sewer Division to Kacie Costello, Town Planner.

Appearing in front of the PZC was Lewis Streeter, G.E., Applicant; Phil Batten, Design Engineer, Arcadis, who presented an overview of the project. He said this project includes excavation of four areas on the site to remove impacted soil materials followed by paving. He pointed out the excavation areas on the site plan. Chair Seichter asked about stockpiling. Mr. Batten said there was one area designated for material stockpiling or equipment storage. The other area will be a parking lot outside the floodplain to be used for new construction materials or equipment and not impacted materials.

Chair Seichter said it was indicated the stockpiling or temporary storage area will be located on the east side of the Quinnipiac River. He said on the plans this appears to be on the west side of the building, behind the building. Ms. Costello said the PZC should look at attachment 3-H, on the last page, where the modifications were made. Mr. Kohan asked how long materials would be stockpiled. Mr. Batten said the material would only be stockpiled for a short period of time. He said the proposed plan is to create excavations and back fill at the same time. He said this would take between two to two and a half months.

Mr. Fitzsimmons pointed out that River Road is a busy road and noted the ongoing State project reworking the entrance ramp. He asked about the route for the truck traffic, on and off site. Mr. Batten pointed out the ingress and egress to the site. Mr. Fitzsimmons asked if the parking lot on Hall Avenue would be accessed. Mr. Batten said this would only occur for materials stored in that area. He said it would make more sense to bring the materials directly where they have to go.

Mr. Fitzsimmons asked about the anticipated hours of operation. Mr. Streeter said ideally, it would be normal work hours and days 7 a.m. to 5 p.m. but may have to work some evenings. He said he is still working with Times Microwave on the schedule. Mr. Fitzsimmons said he had no problems with the application, but was concerned about the traffic during construction. He asked about truck trips leaving the parcel. Ms. Costello said it would be 369 truck trips. Ms. Costello suggested the PZC make a condition of approval that the DOT, she and the Applicant are coordinated and on the same page. She said DOT will dictate how traffic will be directed. She noted the proposal indicates 7 a.m. through 7 p.m. Monday through Saturday. Chair Seichter asked about the lighting in the parking lot to the east of Quinnipiac Street. He said there have been several neighbors who have made comments regarding light trespass and asked if the lighting complied with the regulations. Ms. Costello said she would look at the fixtures but did recall an application relating to this lighting.

Chair Seichter entertained Public Comment at this time.

James Wolf, member of the Wallingford Economic Development Commission, told the PZC the EDC voted to support this application and noted the corporation had done its due diligence in taking care of the property and making improvements.

Chair Seichter entertained a motion to close the Public Hearing.

Mr. Kohan: motion to close the Public Hearing at 8:36 p.m.

Mr. Fitzsimmons: Second

Vote: Kohan-yes; Fitzsimmons-yes; Seichter-yes

Chair Seichter entertained a motion on the application.

Motion by Kohan second by Fitzsimmons to approve application #408-17 Special Permit for General Electric/Times Fiber, to permit excavation and filling of earth materials in conjunction with a soil remediation project at 358 Hall Avenue with the following conditions of approval:

1. The stockpile areas indicated on the Arcadis Map, document 3-H to Kacie Costello, Town Planner, dated July 5, 2017 be included;
2. A five-month completion time schedule from the start of the project to complete the project;
3. The Town Planner will meet with the Dept. of Transportation and Applicant to discuss traffic planning;
4. Work will be permitted 7 a.m. to 7 p.m., Monday through Saturday;

5. A \$3,400 S&E bond will be included;
6. Comments from Water and Sewer dated January 3, 2013;
7. Comments from Water and Sewer dated June 29, 2017;
8. Comments from the Fire Marshal dated June 12, 2017;
9. Comments from the Environmental Planner dated June 12, 2017;
10. Comments from Erik Krueger, Sr. Engineer, dated July 6, 2017.

Vote: Kohan-yes; Fitzsimmons-yes; Seichter-yes

4. Site Plan (ripe de bois composting facility)/Green Envy Products/ Sterling Drive - **#206-17**

David Juliano, 21 Nathans Path asked the PZC to delay hearing this application and application #5 along with #6, until pertinent information arrives.

5. Site Plan (ripe de bois composting facility)/Green Envy Products/Tankwood Road - **#207-17 –**
6. Site Plan (expanded natural gas storage). M. Geremia/199-205 Church Street, Yalesville - **#215-17**

Chair Seichter continued with the regular agenda.

NEW BUSINESS

8. Site Plan (768 sq. ft. accessory apartment)/Stopper/29 Alison Avenue - **#220-17**

Mr. Fitzsimmons read all correspondence into the record: Correspondence from the Office of the Fire Marshal dated June 15, 2017; Memo from Erik Krueger, Sr. Engineer, Water and Sewer Divisions dated June 29, 2017; Correspondence from Kacie Costello, Town Planner, to Mark and Stephanie Stopper, dated June 23, 2017.

Appearing in front of the PZC was Daniel Lyon, project Architect, and Mark Stopper, owner/Applicant, who explained this application is for an accessory apartment at the Stopper residence. He said all requirements are satisfied. He said the apartment would be 768 sq. ft. Chair Seichter had a question on the storage. He asked Ms. Costello that if this was not accessible from the primary residence, it should be counted as square footage for the accessory apartment. Ms. Costello said the question is that the calculation for the accessory apartment is based upon gross sq. footage. She said this includes everything and noted shared space is exempted and because in this case it is only accessible from the apartment, the PZC needs to make a determination regarding whether this is actually shared space.

Mr. Lyon said the submitted plan has access to the common area from both the existing residence and accessory apartment, the first story. Chair Seichter asked about storage on

the peak of the addition, noted as storage on the site plan. Mr. Lyon said this would be dead space.

Chair Seichter entertained Public Comment – No Public Comment and entertained a motion on the application.

Motion by Kohan second by Fitzsimmons to approve a Site Plan for Stopper for a 768 sq. ft. Accessory Apartment at 29 Alison Avenue, as shown on plans entitled “Accessory Apartment @ Stopper Residence, 29 Alison Avenue, Wallingford, CT., for Mr. & Mrs. Paul Gionfriddo, dated June 8, 2017” subject to:

1. Comments from the Fire Marshal dated June 15, 2017;
2. Comments from the Water and Sewer Division dated June 29, 2017;
3. Remove notation of storage on the submitted map.

Vote: Kohan-yes; Fitzsimmons-yes; Seichter-yes;

9. Site Plan (multi-family conversion in CLB zone)/DeCarlo/143 South Main Street - #221-17 – POSTPONED TO THE AUGUST MEETING.

SURVEY WAIVER REQUEST

11. Castro/174 South Cherry Street

Appearing in front of the PZC was Miguel Castro, owner of Prestige Construction, Meriden and David Feda, owner of 174 S. Cherry Street. Mr. Castro said Mr. Feda hired his construction company to remove the existing three-story porch that is currently on Mr. Feda’s property. He presented photos to the Commission.

Ms. Costello said the property is located on a corner with two front yards and two side yards and is located in an R-6 zone. She said she is concerned about verifying how far off the property line the Applicant is. She believed the Applicant had one side of the property marked out by the Engineering Dept. and said there is a question on the other property line. Ms. Costello said she is concerned because it is close. She said there may or may not be variances required which doesn’t dictate whether a survey is required. Mr. Castro said the new porch will replicate the current footprint.

Mr. Fitzsimmons said he is not in favor of a survey waiver in this case because of the location of the property. He said he would like to see a survey. Mr. Feda said the Town Engineers came out to perform a survey and determined we are well within our property lines. Mr. Fitzsimmons said the Engineering Dept. will only do the frontage and a survey of the entire parcel is not the Engineering Dept.’s responsibility.

Mr. Feda noted the property has two fronts and has had one side staked out by the Engineering Dept. and had the other side recently staked out. He said the street line matches the sidewalk which goes right up to the line. He said the porch being replaced is decaying and is a safety hazard. He noted the porch is off the sidewalk. Mr. Castro said the sidewalk is 7 ft. 2 inches and is missing 2 ft. eight inches. Mr. Castro said he is talking 13 ft. three inches from the actual structure. Mr. Fitzsimmons said the Applicant has the right intention, but the concern is that he doesn't know where the property lines should be and that is why the survey is needed. He suggested the Engineering Dept. give the PZC something in writing so this could be continued. Mr. Fitzsimmons said the survey requirement is for everyone in Town in order to protect the Town and the owner. Chair Seichter supported Mr. Fitzsimmons suggestion.

Chair Seichter said the PZC is looking for information from the Town Engineer and will be continued to the next regular PZC meeting in August. Ms. Costello said the Engineering Dept. doesn't do private property surveys, they just mark out the street line which the Town owns. Chair Seichter asked Ms. Costello to coordinate with the Applicant and the Engineering Dept. to see what they can provide to satisfy the Commission.

Chair Seichter entertained a motion to continue this application to the August PZC meeting.

Mr. Kohan: Motion to continue the application to the August 14, 2017 PZC meeting.

Mr. Fitzsimmons: Second

Vote: Kohan-yes; Fitzsimmons-yes; Seichter-yes

OLD BUSINESS

4. Site Plan (ripe de bois composting facility)/Green Envy Products/Sterling Drive - #206-17

Mr. Fitzsimmons noted all correspondence for the record: Mr. Fitzsimmons noted some of this correspondence was acknowledged into the record in March.

New correspondence not yet entered in to the record: Correspondence from Juliano Associates addressed to the Town Planner dated March 3, 2017; Correspondence sent from the Town Planner's office dated March 2, 2017; Correspondence received from Juliano Associates dated April 7, 2017; Correspondence sent from the Planning & Zoning office on March 2, 2017 to the Applicant; Inter-Office Memorandum from the Health Dept. received March 15, 2017; Comments from the Fire Marshal dated March 15, 2017; Comments received from the Environmental Planner dated February 16, 2017; Storm water Pollution Prevention Plan dated Feb. 10, 2017; Brochure explaining the operation (no date); Email received by the Town Planner dated March 24, 2017; Attachment regarding definition of composting; Correspondence dated March 15, 2017 from the Health Dept.; Comments dated Feb. 16, 2017 from the Environmental Planner; Comments from the Fire Marshal dated March 15, 2017; Comments

from the Steve Civitelli dated Feb. 21, 2017; Correspondence from the Planning & Zoning office dated March 2, 2017; Correspondence received from Juliano Associates dated March 3, 2017.

Appearing in front of the PZC was Joseph Geremia, 15 Barnes Road, and Zach Georgina, Project Engineer, Juliano Associates. Chair Seichter said he believed at the first presentation back in March, one of the issues was whether this complied with the zoning regulations in the IX zone being this is processing. He said he believed this processing plant would have to be located in a 25,000 sq. ft. He said in the initial presentation it was mentioned that because the IX zone allows farming, that this was farming. He said this was discussed at the first meeting and there were questions whether this was farming. Chair Seichter noted there was information provided by the CT DEEP that stated this type of facility would be processing, not farming. He said it would be farming if the manure that came from this farm was processed there. He said he believed the zoning regulations didn't define farming and if it isn't defined, a dictionary definition is used. He said he believed Ms. Costello presented three separate definitions of farming to the Commission and noted the definition didn't specify this type of activity.

Ms. Costello said this was correct but pointed out the question was agriculture. Chair Seichter said the agriculture definition didn't define composting. He said the Applicant should indicate how this operation complies with the PZC's regulation being processing and not being within a building. Mr. Georgina requested deferring of vote until August, citing only three PZC members present, but be allowed to present information for discussion. Chair Seichter said he didn't believe this could be done because time has expired on this application citing the application was opened in March with several continuances. He said the Applicant could withdraw and resubmit.

Mr. Georgina formally withdrew the application based on information presented by Chair Seichter.

APPLICATION WITHDRAWN

- 5. Site Plan (ripe de bois composting facility)/Green Envy Products/90 Tankwood Road - #207-17**

APPLICATION WITHDRAWN

Ms. Costello said in withdrawing, typically based on the deadline structure, the Applicant would look to apply by August to be on the September PZC agenda. She said because this is a site plan, the PZC could schedule this for the August meeting. The PZC agreed to schedule this application for their September meeting.

- 7. Site Plan (expanded natural gas storage)/M. Geremia/199-205 Church Street, Yalesville - #215-17**

Mr. Fitzsimmons noted all correspondence for the record: Correspondence received in the Planning & Zoning Office dated July 3, 2017 from Juliano Associates regarding Gas Works Propane; Correspondence received June 9, 2017 to the Town Planner; Copy of sign permit application dated June 25, 1986; application for sign permit dated July 8, 1986; copy of zoning permit from the Zoning Enforcement Officer dated July 18, 1986; copy of permit and \$10 fee dated August 5, 1986; copy of zoning permit for a wall sign dated June 25, 1986; correspondence sent to Applicant Michael Geremia, 199 Church Street, dated May 22, 1977; correspondence received from the Fire Marshal dated May 11, 2017; correspondence from Erik Krueger, Sr. Engineer, Water and Sewer Division dated July 2, 2017; correspondence from the Planning & Zoning office to Michael Geremia dated June 27, 2017; email from Christopher Juliano, Juliano Associates dated June 30, 2017; correspondence from Fire Marshal dated July 5, 2017; email from Chris Juliano, Juliano Associates dated June 30, 2017; email from CT DEEP addressed to Kacie Costello, Town Planner, dated June 29, 2017; email from the Fire Marshal dated June 28, 2017.

Chair Seichter reiterated that all three members would have to approve this application and offered the option of waiting until the August PZC meeting. The Applicant agreed to go forward.

Appearing in front of the PZC was Zach Georgina, Juliano Associates, Project Engineer, Michael Geremia, owner/Applicant and Jody Ameden, of Crown Energy. Mr. Georgina went over the existing conditions on the site and the proposal for the new application. He noted that currently, the site is mixed-use, with the Gas Works showroom, office, fill station and warehouse as well as a recycling facility and a warehouse for G&G beverages. He said there is also a residence on the property.

Mr. Georgina said behind the existing showroom, an existing 30,000 storage tank for propane gas will be relocated as well as add a 25,000 gallon storage tank. He said the Applicant is also looking to place two 2,000 tanks where the existing 30,000 gallon tank is currently located. He said the proposed tank to be brought on site, is compliant with zoning regulations. He said a custom tank will be made to meet this regulation. Mr. Georgina said a screening fence will be added around the proposed new tanks and will be relocating existing parking place spots that will be located where the tanks will be placed. He said currently, there are 70 on-site parking spaces of which 15 will be located and there will be 5 spaces added to a change of use that occurred previously. He said eight parking spaces will be located behind the Gas Works showroom and an additional 7 spaces will be located on the back of the G&G warehouse facility which will be designated by curb stops.

Mr. Georgina said that the five spaces looked at will be parallel to allow for ample drive space for two-way traffic. Mr. Kohan asked about fencing around the tanks and their security. Ms. Ameden said code requires an eight-foot chain link fence with two doors around the facility. Mr. Geremia said this is what currently exists on the site and as the

tanks are relocated; the same process with the fencing would be done. Mr. Kohan asked about the distance between the actual fence and the tank. Ms. Ameden said the distance is five-feet around the outside. She said the tank is open on top. Mr. Geremia said the area is locked after business hours. Mr. Fitzsimmons noted there was a lot of correspondence from the 1980's regarding signage permits. He noted the signage is now determined to be in the State Right-Of-Way and pointed out correspondence was received that determined this to be grandfathered.

Mr. Fitzsimmons because this is a new proposed application, there is no grandfathering and would need to have everything brought into conformity. He said he questioned the sign information dated from 1986, because now that the PZC has the survey requirements, it shows the signs were they should not be. Mr. Geremia said a logo was put on the side of the tank for aesthetic reasons and as the tanks get relocated, these logos can be removed. He asked what the PZC wanted. Mr. Fitzsimmons said the sign should not be in the State Right-Of-Way. Ms. Costello said the Commission could never have approved a sign in the State Right-Of-Way. She said permits wouldn't grandfather something, permits mean the sign was put in the correct location. Ms. Costello said the only way this could be grandfathered is that someone would have to prove the sign existed before 1958 and there was permission granted by the State for the sign to be in the R.O.W.

Mr. Geremia said if to remove the sign means to move forward, he is fine with this. Chair Seichter said all the signs must be on the Applicant's property with permits. Ms. Costello reminded the PZC they can only allow one ground sign per property. She said the one on the actual property is fine, but the other two can't be permitted. Mr. Fitzsimmons asked about lighting, noting the PZC requires full lighting. He said floodlights are discouraged but allowed and must be shielded. He said the PZC is looking for lights that have full cut-off. Mr. Geremia said there was no plan to change the current scheme of lighting. Chair Seichter asked Ms. Costello if there was full cut-off of the lights when they were originally approved. Ms. Costello said she would have to look at when that requirement came into effect. She said the bigger concern was the Fire Marshal indicated to her there may be an additional lighting requirement. Ms. Costello questioned the ADA compliant space shape because it was located along a curved walkway. She said the actual space is wide enough and long enough, but was concerned the cross hatched area narrows out towards the top and wants to ensure this is not an ADA compliance concern. Mr. Georgina said the active length of the parking space goes all the way to the drive aisle and is compliant.

Chair Seichter entertained a motion on the application. The Applicant said he had no problem with correcting the lighting.

Motion: A motion by Kohan seconded by Fitzsimmons to approve a Site Plan to install a new 25,000 gallon propane storage tank, to relocate a 30,000 gallon propane storage tank, and to relocated two 2,000 gallon propane storage tanks, make associated site improvements, and address parking issues/requirements that were previously not addressed as required at 199-205 Church Street (Yalesville), as shown on plans entitled "Site Plan, Proposed Propane Storage Tanks, Gas Works Propane, 199 Church Street (Connecticut Route 68), Yalesville, CT," dated 5/5/17 updated to 7/3/17, subject to:

1. Comments of the Fire Marshal dated 6.28.17;
2. Signs in the State Right-Of-Way are to be removed;
3. Comments from the Water and Sewer Division dated June 2, 2017;
4. Comments from the Fire Marshal dated July 5, 2017;
5. Comments from the Town Engineer dated May 11, 2017;
6. Comments from the Town Planner dated May 22, 2017.

Vote: Kohan-yes; Fitzsimmons-yes; Seichter-yes

BOND RELEASE REQUEST

11. Mik/17 Wis-Key-Wind Road

Ms. Costello said this bond is ready for release.

Motion: Mr. Kohan made a motion to approve the release the bond for 17 Wis-Key Wind Road as noted by the Town Planner.

Mr. Fitzsimmons: Second

Vote: Unanimous

DISCUSSION

12. Potential Location for Neighborhood Business District (NBD) – POSTPONED

ELECTION OF OFFICERS

13. 2017 Election of Officers- POSTPONED

REPORTS OF OFFICERS AND STAFF

14. Administrative Approvas

- a. Change of Use/M. Krassner/retail to medical office/1243 South Broad Street - **#303-17**

- b. Change of Use/Gaylord Hospital/daycare to residential/61 Gaylord Farm Road - **#304-17**
- c. Change of Use/James Flynn/mfg. to mfg./retail/226 North Plains Industrial Road - **#305-17**
- d. Change of Use/P. Kobrin/indoor recreation to retail/1060 South Colony Road - **#306-17**
- e. Site Plan/Infra-Metals/outside storage area for steel/55 Pent Highway - **#218-17**
- f. Site Plan/ Farmer Joe's Gardens, LLC/109 Leigus Road - **#219-17**
- g. Survey Waiver/Kevin Lohr/1380 Rhey Avenue

Discussed by Ms. Costello.

15. ZBA Decisions - June 19, 2017

Ms. Costello noted Item #4 which was a request for existing site non-conformities to remain at 654 N. Colony Road. She said this was for a small addition at the old Fireplace Store, the smaller building on the property. She said the intention was to open a clam shack.

16. ZBA Notice – July 17, 2017.

Ms. Costello noted there is a request for a large garage Special Exception, totaling 3,234 sq. ft. of total garage area.

17. Zoning Enforcement Log- discussed by Ms. Costello. Mr. Fitzsimmons asked about an Applicant appearing in front of the PZC with an active zoning violation. He said he believed the PZC discussed this being noted this somewhere whether in the fee structure or documentation. Ms. Costello said she remembers this conversation and noted this isn't listed on the fee structure. She said she believes the PZC did decide there is an additional fee associated with this and if so, this will be implemented.

ADJOURNMENT

Mr. Kohan made a motion to adjourn the Meeting at 9:37 p.m. Mr. Fitzsimmons seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary