

Wallingford Planning & Zoning Commission

Regular Meeting

August 8, 2016

Robert F. Parisi Council Chambers

Town Hall – 45 South Main Street

MINUTES

PRESENT: Chairman James Seichter; Alternates Gina Morgenstein and Larry Zabrowski; Town Planner Kacie Costello.

NOT PRESENT: Vice-Chair J.P. Venoit; Secretary Armand Menard; Commissioners Jeffrey Kohan and Rocco Matarazzo.

Chair Seichter called the Meeting to order at 7:08 p.m. and the Pledge of Allegiance was recited. Chair Seichter announced that the following items would not be heard at tonight's meeting: Item #2 – (Special Permit) retail store & 3 residential units/902 Colony Realty/900-902 South Colony Road - **#410-16** and **#226-16** – Site Plan (parking lot)/Gargano Ltd. Partnership/9 & 11 First Street.

Approval of Minutes – July 11, 2016 – TABLED

PUBLIC HEARINGS

1. Special Permit (60' flagpole)/George Harte Infiniti/1076 South Colony Road - **#409-16**

Ms. Morgenstein read the Legal Notice and noted all correspondence for the record: Interdepartmental Referral, notice of the proposed development; Correspondence regarding the Special Permit from George Harte Infiniti, c/o Atty. Joan Molloy; Interdepartmental Referral.

Appearing in front of the PZC was Atty. Joan Molloy, Loughlin Fitzgerald, representing the Applicant, George Harte Infiniti. Atty. Molloy said the Applicant submitted a Special Permit for a 60 ft. flagpole for the new Infiniti dealership to be located at 1076 South Colony Road. Atty. Molloy pointed out that the flagpole was notated on the original site plan, but there were notations that additional approvals might be necessary. She said the Applicant submitted under Article 6 of the Regulations, but was contacted by Ms. Costello who noted that the definition of flagpoles under the Zoning Regulations specifically exclude flagpoles. Atty. Molloy said it was the Applicants decision to appear before the PZC to confirm this information.

Ms. Costello confirmed that flagpoles were exempt, but suggested the PZC make a determination that approval would not be required, or take action. Chair Seichter said he felt comfortable with this determination. Mr. Zabrowski said he could go either way.

The PZC reached a unanimous consensus that approval was not needed for this application.

OLD BUSINESS

3.Site Plan (parking lot expansion)/Butler (Double Play Café)/320 Main Street, Yalesville - #223-16

Ms. Morgenstein noted all correspondence for the record: Interdepartmental Referral-Notice of Proposed Development for **#223-16**, dated 6/1/16; Town of Wallingford Letter – Site Plan Application - **#223-16**, dated June 27, 2016; Checklist; Letter from the Town of Wallingford Public Utilities, Water & Sewer Division dated July 25, 2016; Correspondence between the Town of Wallingford and the Applicant dated July 26, 2016; Interdepartmental Referral dated June 13, 2016; Wallingford Fire Prevention Bureau memorandum dated July 15, 2016; Town of Wallingford, Dept. of Engineering memo from Rob Baltramaitis dated August 3, 2016.

Appearing in front of the PZC was Robert Amentea, Engineer and Land Surveyor with Design Development Group; Applicant George Butler and Ken Lemay.

Mr. Amentea said the proposal is to expand the existing parking lot at the Double Play Café. He said the Applicant is pushing this parking area to the back and installing processed stone instead of pavement which is compacted and dustless. Mr. Amentea said there exists 44 parking spaces to which 18 parking spaces will be added before encroaching on the 100 ft. setback line to the edge of the Quinnipiac River. He said the requirement for this building would be 62 spaces, but he pointed out the Applicant is requesting a shared joint use of some of the spaces because there are two different businesses, a café and an office. He said parking for the café would occur in the evening when the office is closed and would not create a detrimental effect on either of the two businesses.

Mr. Amentea said by code, there should be 68 parking spaces and the Applicant is providing 62. He said there are 14 and are asking for an additional 18 spaces. He said required landscaping has been done and in the event the new area is paved, a catch basin with a dry well would be required to be installed. He noted the processed stone would be free draining.

Ms. Costello said there are a few items which remain to be addressed, the first being in regard to the non-conformities in the existing parking lot. Ms. Costello noted that when someone wants to do an addition or expansion, because there is an actual expansion or addition, Zoning Regulations require the entire parking lot be brought up to current

standards. She noted that some of the existing non-conformities on this parking lot involve parking spaces which are smaller than today's standards. Ms. Costello said this is a non-conforming situation and are not proposing any building expansion. She said the Applicant is proposing to improve the non-conformity which will bring the Applicant closer to the conformity. She said the PZC should discuss whether the PZC concurs that the existing non-conforming lot remains as is, and the handicap accessible parking spaces which is an ADA code compliance issue which would be easy to bring into compliance.

Ms. Costello said there is a difference of opinion between herself and the Applicant's engineer regarding floodplain designation. She said there is multiple floodplain lines indicated on the map. She said she spoke to FEMA and looked through the Regulations and pointed out the Wallingford Zoning Regulations are based upon the FIRM (Flood Insurance Rate Map) which is designated by FEMA.

Ms. Costello pointed out FEMA can only approve changes to the FIRM and unless there is a change, the Wallingford Zoning Regulations state that map stands. She suggested the PZC discuss parking lot maintenance, specifically the greenbelt, which is the line between the grass and the proposed parking lot which is the required 100 ft. greenbelt which is supposed to be protected. She said she wanted to ensure the Applicant has a plan for this. Ms. Costello said the Engineering Dept. requested stormwater calculations. She pointed out a 24 ft. drive aisle is required, but noted the Applicant's plan only depicts a 20 ft. drive aisle which the PZC must determine if this is acceptable. Ms. Costello said she has not seen a lot of support for narrowing drive aisles.

Chair Seichter asked about a discrepancy in the parking plan, with one part of the plan showing 18 spaces and another showing 20. Mr. Amentea said there will be 18 spaces. Chair Seichter asked about the non-conforming existing parking lot and how more parking will be created. He asked how many handicap spaces would be required. Mr. Amentea said two are required and there are four which are existing. He said the Applicant can bring it up to two spaces to conform. Ms. Costello said three handicap spaces are required.

Chair Seichter said 24 ft is required on the drive not 20 ft. Mr. Amentea said a car coming out can back out as if it were a dead end. He said the amount of parking in the area, treated as separate will not cross over into the other bank of spaces. Chair Seichter said loop parking is required. Ms. Costello said parking lots with more than 40 spaces shall employ a loop system to permit drivers to exit the parking area without a need for U-turns. Mr. Amentea said as it stands alone, there is the existing parking lot where people can turn around completely. Mr. Amentea spoke about compact parking spaces. Chair Seichter noted compact parking spaces are no longer allowed. Mr. Amentea said the Applicant can move the parking spaces to achieve the 224 ft. drive aisle.

Commissioner Zabrowski asked about the difference between the FEMA floodplain and what is depicted on the drawing. Mr. Amentea explained the FEMA location is based upon the location of the 100 year floodplain, which he noted on his map, is on elevation 48. He said the area is on elevation 50 plus, and is his opinion that the line he is showing running parallel to the Quinnipiac River Raceway labeled as "100-year flood per elevation 48" is correct. He noted FEMA doesn't do detailed topography in all of the areas. He said elevation 48 is what controls and this is based upon the FEMA study of the river. He emphasized that parking lots are allowed in the floodplain because one is not changing the surface elevation of the ground. He said the grade will be the same and the elevation will not change.

Commissioner Zabrowski asked for Ms. Costello's opinion. She said she doesn't disagree with most of what Mr. Amentea said but noted the PZC Regulations state this is based upon the map. She said she didn't disagree the FEMA maps are not at this level of detail, and noted FEMA has a process in which they can apply to FEMA to change where the designated line is based upon the actual elevation. She said if a surveyor varies the elevation in the field, the Applicant can submit to FEMA a letter of map amendment (LOMA) to amend the map. She said this would be the process to change the map. She said Section 6.5 of the PZC Regulations references both the flood insurance study and the flood insurance map. She said the Applicant can apply for the LOMA. Ms. Costello said she agreed that as long as elevations are not being changed or no fill is being brought in a floodplain permit is not required.

Ms. Costello suggested the PZC discuss the loose stone parking lot in order to get an explanation of maintenance from the Applicant. Mr. Amentea said the Applicant had no objection applying for a LOMA except for the timeline. Ms. Costello suggested the PZC continue this application for a month in order to obtain stormwater calculations from the Town Engineer. She said the PZC could move forward without the LOMA. Mr. Amentea said he met with Mr. Baltramaitis, Town Engineer a few days ago and said the comments were sent out over the weekend and should be received shortly by Mr. Baltramaitis. Mr. Amentea noted that a larger drywell system was discussed, and he noted a 1,500 gallon drywell will take the storage capacity of what the Applicant is increasing.

Chair Seichter said the PZC was not in the position to take action on this application. He said the PZC is waiting for comments from the Engineering Dept. He said this would also give the Applicant time to make adjustments to the plan as far as the parking field, the 24 ft. arranging this and making adjustments to the handicap spaces. He said he wasn't sure another regular parking space would be lost, but that would have to be determined. He said this couldn't be approved with a condition of approval because he didn't feel comfortable until seeing comments from the Engineering Dept.

Commissioner Zabrowski commented on the 48 ft. elevation regarding FEMA stating he would like to get this resolved along with permission to create a parking space over the

sewer easement which he didn't feel comfortable. Mr. Amentea noted the Town has an easement on the Applicant's property which doesn't preclude the Applicant from using the property, it just precludes the Applicant from obstructing the Town's use of the easement. He pointed out a note where the dumpsters would be located was put on the map, because if the Town had to dig up the pipe, it would be the Applicant's responsibility to take the dumpster, move it, and place it back again. Mr. Amentea pointed out to the PZC there was existing parking up to the north front part of the building over the easement. He said he has never seen a Town requiring the owner to ask the Town's permission to park over an easement. He suggested the Town Attorney be consulted.

Ms. Costello said that typically, it depends on what the conditions of the easement are, so if there is an emergency, they do have certain rights to access at their own risk. She said she checked with the Water & Sewer Divisions and they have no objections per their easement to having parking spaces located there. She said this issue has been resolved. Commissioner Zabrowski asked if additional landscaping has been proposed along RT 150. Mr. Amentea said there is no work proposed. Commissioner Zabrowski asked about the fencing for the dumpster. Mr. Amentea said the fencing will be chain link with privacy slats and a 24 ft. drive aisle will be provided. Commissioner Morgenstein said the PZC needs to table making a decision at this time.

Chair Seichter entertained Public Comment at this time. There was no Public Comment.

Ms. Costello said she was happy the parking was being expanded. She noted this was a limited site. She said this area needs to be brought up to current requirements. Chair Seichter said this includes the handicap spaces, the drive aisle and comments from the Engineering Dept. regarding the runoff.

Chair Seichter entertained a motion to continue the application.

Mr. Zabrowski: Motion to continue application #223-16 for 320 N. Main St. Yalesville based on the comments made at this meeting to the Sept. 12, 2016 PZC meeting.

Ms. Morgenstein: Second

Vote: Unanimous

BOND RELEASES AND REDUCTIONS

5. Site Plan/CT Food Bank/2 Research Parkway - #240-14

Ms. Costello said she has questions and is not ready to go forward on this.

EXTENSION REQUESTED

6. 90 Day Map Filing Extension/TWLC, LLC/530 Church Street, Yalesville - **#101-16**

Ms. Costello said she had no objection to the Applicant's request for an additional 90 day Map Filing Extension.

Chair Seichter entertained a motion on this request.

Mr. Zabrowski made the motion to authorize the Map Filing Request for TWLC, LLC at 530 Church Street, Yalesville

Ms. Morgenstein: Second

Vote: Unanimous

REPORTS OF OFFICERS AND STAFF

7. Administrative Approvals

- a. Site Plan/Gouveia Vineyards/1339 Whirlwind Hill Road - **#230-16**
- b. Site Plan/128 LLC/1070 North Farms Road - **#231-16**
- c. Change of Use/Ghalekuma-Hubbard/38B South Turnpike Road - **#311-16**
- d. Site Plan/Julian/46 Country Way - **#311-16**

Ms. Costello said there were four Administrative Approvals. The PZC had no questions.

8. ZBA Decisions of July 18, 2016

Ms. Costello said there was no ZBA Meeting in July.

9. ZBA Legal Notice for August 15, 2016

Ms. Costello pointed out 6 Country Way which is a request to re-subdivide a property which was part of a sub-division. She said the owner wants to split the property into two non-conforming lots. She said there was some representation made that this would be allowed by the person who sold the property to them several years ago. She said this is not the case and said she has serious concerns.

Chair Seichter said if there was a hardship, it would be self-imposed and there would be no reason to grant a variance. Ms. Costello said she agreed. She noted that per Statute, the P&Z could file a report with the ZBA prior to their meeting which she said has been done in the past. The PZC reached a general consensus that they would make these comments to the ZBA.

10. Zoning Enforcement Log

Ms. Costello went over the Zoning Enforcement Log noting there were several closed complaints. She said the Zoning Enforcement Officer has been receiving a lot of new complaints.

Ms. Costello told two members of the public they were free to submit in writing, a request to be put on a future PZC agenda for discussion.

ADJOURNMENT

Commissioner Morgenstein made a motion to adjourn the Meeting at 7:50 p.m. Commissioner Zabrowski seconded the motion which passed unanimously.

Respectfully submitted

Cynthia A. Kleist

Recording Secretary