

PLANNING AND ZONING BOARD MINUTES FOR MEETING HELD TUESDAY, 5 DECEMBER 2023, 7:00 PM

The meeting of the Planning and Zoning Board came to order at 7:00p.m.

A. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

B. ROLL CALL

Members Present: N. Austin, J. Castignoli, E. Hirsch, J. Kader, B. Kaligian, J. Mortimer, J. Quish, R. Satti, M. Zahariades

Not Present: B. Anderson

Staff: D. Sulkis, City Planner; M. Greene, Rec. Sec'y

C. NEW BUSINESS

D. PUBLIC HEARINGS

VOTE BY FEBRUARY 16, 2024

Chairman Quish opened the meeting and stressed the need for order. He reminded the audience that the hearing had been closed, meaning the board's job was to deliberate without further public comment.

Mr. Hirsch asked about the required number of votes. **Mr. Sulkis** advised that the protest petition did not meet the threshold to raise the number of votes to approve from 6 to 7. **Chairman Quish** reviewed the choices for approving or disapproving either or both applications.

He also advised that the 19 December 2023 meeting would be canceled and that the next board meeting is January 2. He noted that continuing to the January meeting would involve turnover among several board members. In the absence of further discussion, he asked for a motion.

Proposed Regulation Change #23-6 Petition of Kevin Curseaden, Esq. for changes to Article III, District Use Regulations Section 3.5 – Office District.

Mr. Satti moved to approve as presented Proposed Regulation Change #23-6, the Petition of Kevin Curseaden, Esq., for changes to Article III, District Use Regulations Section 3.5 – Office District. The proposed changes are consistent with the POCD. The effective date is December 29, 2023.

Second: Mr. Mortimer seconded.

Discussion: **Mr. Satti** said he reviewed and deliberated on materials submitted by interested parties, but that he had decided to vote in favor of the regulation change. He said he was sure the applicant would be cognizant of nearby schools and the natural environment. He said the regulation change assures that the city will host a vibrant business community. **Chairman Quish** said he understands neighbors were negatively affected, but that he felt those impacts were more due to the Special Permit application than the proposed regulation change.

Vote: Motion carried with **Ms. Austin** and **Messrs. Castignoli, Hirsch, Kader, Kaligian, Mortimer, Quish** and **Satti** voting with the motion, and **Mr. Zahariades** voting against the motion.

0, 305, 325 Sub Way (Zone OD) Petition of Kevin Curseaden, Esq. for a Special Permit with Site Plan Review and lot consolidation to construct a 160,000 SF warehouse on Map 41, Block 303, Parcels E, F, and G, of which Subway Subs, Inc., Bic Drive Realty II, LLC, and Subway Subs II, LLC are the owners.

Mr. Satti said he thoughts on the application were consistent with his comments on the regulation change. **Mr. Mortimer** asked why electric vehicle (EV) charging stations were not indicated on the plans and was advised by Mr. Sulkis that the plans had been updated to reflect the location of the EV stations. **Mr. Hirsch** asked if his recollection that total truck trips would be 12 per day was accurate. He also expressed concern that future end users will include automotive materials that are subject to leakage and that the scale of such proposals would be too big. **Mr. Sulkis** advised that the applicant is willing to accept a condition that prohibits the receipt, collection, storage, and recycling of used automotive fluids, including used motor oil. He also advised that the regulation change just adopted by the board makes provision for building heights that, if satisfied by a proposal, must be granted. **Chairman Quish** said he saw the urgency of adapting vacant office space for different types of development but was not in favor of approving this Special Permit. He expressed hope that this applicant can work with neighbors to reduce concerns. He asked for a motion.

Mr. Satti moved to approve with the following modification the Petition of Kevin Curseaden, Esq. for a Special Permit with Site Plan Review, and lot consolidation to construct a 160,000 SF warehouse on Map 41, Block 303, Parcels E, F, and G, of which Subway Subs, Inc., Bic Drive Realty II, LLC, and Subway Subs II, LLC are the owners.

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CONDITION (as amended per discussion with Mr. Sulkis to clarify discussed condition) The applicant will not engage in the receipt, collection, storage, and recycling of used automotive fluids, including used motor oil.

Second: Mr. Mortimer seconded (after also agreeing to the amendment).

Discussion: None.

Vote: Motion carried with **Ms. Austin** and **Messrs. Castignoli, Hirsch, Kader, Kaligian, Mortimer, and Satti** voting with the motion, and **Messrs. Quish and Zahariades** voting against the motion.

E) OLD BUSINESS

F) LIAISON REPORTS None.

G) SUBCOMMITTEE REPORTS— Regulation Subcommittee Referrals 23-3, 23-5 and 23-8.

Mr. Sulkis reviewed the regulation content, saying all the changes in the first two items involved flood zone language to make it more consistent with previous changes. He said the third item had to do with the state eliminating a requirement for board approvals (most lately by the Zoning Board of Appeals) of commercial garages. The statute has been revised such that approvals of automotive can be made administratively by the Zoning Enforcement Officer.

Mr. Castignoli move to approve to approve circulation of the following proposed regulations/changes:

- a) 23-3 section 5.8.4 compliance and section 11.2 definitions
- b) 23-5 Section 5.8.13.4 A and AE Flood Zones
- c) 23-8 Section 9.2.4 Approval of Location and section 5.4.1 Commercial Garage

Second: Mr. Mortimer seconded.

Discussion: None.

Vote: Motion carried unanimously.

H) APPROVAL OF MINUTES—11/21/23 minutes were approved with Chairman Quish abstaining.

I) CHAIR'S REPORT – Chairman Quish and Vice Chair Satti expressed appreciation for members of the board whose service would end in 2023: Ms. Austin, Mr. Castignoli, and Mr. Mortimer.

J) STAFF REPORT – Mr. Sulkis also thanked the departing board members. He reminded other board members of a UCONN session to be held via ZOOM on Dec 11th that would satisfy the statutorily required training that is due for them by the end of the year. He noted that incoming board members will have the upcoming year to fulfill the same requirement.

K) ADJOURNMENT was at 7:27.

Attest: M.E. Greene

New Business, not on the Agenda, may be brought up by a 2/3's vote of those Members present and voting.

ANY INDIVIDUAL WITH A DISABILITY WHO NEEDS SPECIAL ASSISTANCE TO PARTICIPATE IN THE MEETING SHOULD CONTACT THE DIRECTOR OF COMMUNITY DEVELOPMENT, (203) 783-3230, FIVE DAYS PRIOR TO THE MEETING, IF POSSIBLE.