

**PLANNING AND ZONING BOARD MINUTES FOR MEETING HELD TUESDAY 7 JANUARY 2020, 7:00 PM,
CITY HALL AUDITORIUM, 110 RIVER STREET**

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

A. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

B. ROLL CALL

Members Present: Nancy Austin, Brett Broesder, Joe Castignoli, Jim Kader, Brian Kaligian, Peggy Kearney, John Mortimer, Jim Quish, Robert Satti

Not Present: Carl S. Moore

Staff: David Sulkis, City Planner; Meg Greene, Rec. Sec'y

Mr. Sulkis opened the meeting and announced he would accept nominations for Chair and Vice Chair. He also asked for a motion to add an item to the agenda for the reduction of a bond for Colberg Estates. **Mr. Quish** so moved; **Mr. Kader** seconded; the motion passed unanimously. The board agreed to hear the application as the second item under New Business.

C. ELECTION OF CHAIR AND VICE CHAIR

Ms. Austin nominated **Mr. Quish** for Chairman. No other nominations were made; voting was unanimously in favor.

Ms. Kearney nominated **Mr. Satti** as Vice Chairman. No other nominations were made; voting was unanimously in favor.

D. OLD BUSINESS: None

NEW BUSINESS

VOTE BY MARCH 12, 2020

1. **9-11 River Street**(Zone MCDD) Petition of Yessica Trujillo for an Amendment to the existing Site Plan Approval to remove the liquor sales prohibition condition of 9/6/16 on Map54, Block 397, Parcel 8 of which Altama, LLC is the owner.

Attorney Lynch, Lynch, Trembicki and Boynton, 63 Cherry St, greeted new board members and introduced his client, Ms. Trujillo, of Los Cabos restaurant. He reviewed a restriction placed on her restaurant's ability to serve liquor due to the premises being less than 2000 sf in the MCDD zone. He said customers have been requesting alcoholic drinks be served. He said a recent inspection by the tax assessor's office revealed that a previous drawing of the restaurant's interior was incorrect, and its area is actually 2066 sf, thus qualifying for a liquor permit. He asked that the restriction be lifted as well as a request to permit the playing of acoustic music in a specific portion of the premises.

Mr. Satti asked how the size revision was determined; **Attorney Lynch** said the original drawings were not professionally rendered and a subsequent construction project resulted in more accurate measurements. **Mr. Satti** further asked about musical entertainment; **Attorney Lynch** said no zoning regulation regulates music. **Mr. Satti** said he felt the performance area location was ambiguous on the submitted plan; **Attorney Lynch** confirmed that there is no outdoor area attached to the restaurant. **Mr. Sulkis** advised that the assessor's measurement was accurate. **Mr. Castignoli** asked if there would be a restaurant-type liquor permit; **Attorney Lynch** confirmed this, noting that there would be a service area to prepare beverages, but no bar. **Mr. Broesder** asked for a clarification about the DJ request; **Attorney Lynch** conferred with his client and removed the request with her agreement. **Mr. Sulkis** suggested a condition on any approval granted limiting entertainment to acoustic music, without amplification or use of a DJ.

Chairman Quish asked for a motion.

Motion: Mr. Satti moved to approve with the following conditions the Petition of Yessica Trujillo for an Amendment to the existing Site Plan Approval to remove the prohibition on alcoholic drink sales imposed by the Planning and Zoning site plan approval condition of 9/6/2016 on Map 54, Block 397, Parcel 8 of which Altama, LLC, is the owner; allow for the purpose of application for a liquor permit and for the purpose of musical entertainment consisting of acoustic music.

Second: Ms. Austin seconded.

Discussion: None.

Vote: Motion carried unanimously.

E. PUBLIC HEARINGS

CLOSE BY FEBRUARY 11; VOTE BY APRIL 16, 2020

- 1) **33-35 Laurel Avenue**(Zone R-5) Petition of Thomas Lynch, Esq. for proposed Zone Change on Map 16, Block 147, Parcel 23 of which Titanium Properties, LLC is the owner.
2. **33-35 Laurel Avenue** (Zone R-5) Petition of Thomas Lynch, Esq. for proposed Resubdivision on Map 16, Block 147, Parcel 23 of which Titanium Properties, LLC is the owner.

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Chairman Quish asked if Attorney Lynch wished to present the 2 related applications at the same time, which Attorney Lynch agreed to do.

Attorney Lynch reviewed a survey of the property and surrounding areas. He noted that many structures in the area were nonconforming. He said the request was to include the property in the CDD2 zone. He said the 2 lots had previously been merged by construction of a house, shed, and garage. He reviewed the Section 6.4.2 procedure for merger or a subdivision of abutting lots. He said in 1915, the house combined the lots, creating a 2-family house in a 1-family zone. He said that if the house was part of the CCD2 zone, a single family house could be built on each of the 2 lots because they would be made conforming. He said the goal was to remove a dilapidated, nonconforming structure and build 2 aesthetically pleasing single family houses. He said the change would be consistent with the Plan of Conservation and Development. He said he had been made aware of social media comments that described suspicions about substituting a commercial or other nonresidential use if the zone change was approved. He said his client was willing to deed-restrict future use to single family houses. He reviewed the methods of doing so. He added that a CAM would also be necessary and could be made a condition of approval. He said all departmental approvals had been sought and given.

Mr. Kader asked Mr. Sulkis about safeguards with changing the zone to prevent substituting a new use; **Mr. Sulkis** referred to subdivision restrictions and making the construction of a single family home a condition of approval prior to the zone change.

Attorney Lynch added that deed restrictions would be put on the land records to ensure this.

Mr. Satti asked about the frontage, which he was advised would be 80'. He asked for clarification of photographs submitted, which Attorney Lynch provided.

Chairman Quish opened the hearing for comment.

OPPOSED

Dana Marcus, 40 Park Ave, said he was concerned about parking in a beach community and the risk of house fires spreading.

Laura Marcus, 40 Park Ave, said she was concerned about fire, lack of a sidewalk and other new burdens on the community.

FAVOR

Connie Henshaw, 41 Broadway, said she was the adjacent neighbor and in favor. She submitted a petition of neighbors in favor.

MIXED

Chris Bockstael, 42 Laurel Ave, said he was in favor of the 2-family, but against the zone change.

FAVOR

Chad Twombly, 38 Laurel Ave, said he lives across the street. He said he was not worried about parking but welcomed the removal of a derelict property.

OPPOSED

Kathy Paulson, 53 Park Ave, said she was in the neighborhood when there was a fire several years ago. She said there was crime activity which she attributed to density. She expressed concern about parking.

Michael Caro, 74 Stowe Avenue, said he lived at 48 Laurel Avenue previously. He reviewed his involvement in the Devon Revitalization project and Walnut Beach Association. He described his recollection of the CDD2 zone change along Naugatuck Avenue. He recalled a prior effort to do essentially the same redevelopment of the 33-35 Laurel property 35 years ago. He said the previous merger was rejected and described his concerns about deviating from the single family zoning on this parcel.

Paula Andrade, 43 Park Ave, expressed concern about future development and a preference for one single family home.

REBUTTAL

Attorney Lynch said the lack of off-street parking on Park Avenue shouldn't be corrected by restricting activity on Laurel Avenue. He said each house would have parking for 4 cars. He acknowledged that adjacent streets are narrow, but said most of those properties don't have off-street parking and Laurel Ave parking would be alleviated with the addition of off-street parking. He said

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revitalization would be aided by replacing a dilapidated structure. He drew attention to the submitted petition and the residents of Laurel who had spoke in favor. He said the zone change would make the new houses conforming to other lots on Laurel Avenue. He stressed that there is no smoke screen for commercial development after the zone change and that only single family homes would be built on the lots.

REBUTTAL OF REBUTTAL

Laura Marcus, 40 Park Ave, said she had been told the homes would be 4 or 5 stories tall and expressed concern about who the tenants would be. She described the neighborhood as having parking, criminal activity, and fire problems.

Chris Bockstaal, 42 Laurel Ave, reiterated his desire to have the R-5 zone preserved. He said he would prefer a Special Exception to the current zone.

Kathy Paulson, 53 Park Ave, asked and was advised that 2 lots cannot be created if the parcel remains an R-5 zone. She reiterated concerns about traffic, crime, and parking during weekends, particularly in summer.

Michael Caro, 74 Stowe Avenue, said stressed that the original house was a 2-family. He said 1 single family house could be built on the lot. He expressed concern that a precedent would be set for zone changes.

Chad Twombly, 38 Laurel Ave, said he thought using new zoning with deed restrictions was positive and the old house should be replaced.

Nerisa Ramos, 42 Laurel Ave, said something needs to be done about the derelict property, but the zone change sets a precedent and should be avoided.

REBUTTAL

Attorney Lynch said he had nothing further, except to ask that the applications be granted, and that the new homes would be an enhancement to the area. He reiterated that the zone change allows for the 2 lots to be made conforming.

BOARD DISCUSSION

Mr. Kader asked if the lots can it be changed, subdivided, and changed back; **Mr. Sulkis** said no and commented that the whole neighborhood is preexisting non-conforming, with lots lacking the 5000 sf needed to subdivide for a single family home. He said the CDD-2 zone allows for conformity and supports both residential and commercial development. He stressed that there is no process for using a Special Exception or other method to create the lots. **Mr. Satti** referred to 10-1.2 of the regulations and questioned whether documents were missing from the application under that regulation. **Mr. Sulkis** reviewed the specifics of the applications and described why the items were not required. **Mr. Satti** asked if a fiscal impact study should have been submitted; **Mr. Sulkis** said the net number of 2 dwelling units would not change. **Mr. Satti** asked if due to public protest, the public hearing required a 2/3 vote; **Mr. Sulkis** reviewed the parameters of what constituted a protest versus routine public comment.

Chairman Quish noted that 6 signatures were on a petition in support. He said he thought that street parking would be alleviated by the off-street parking afforded by the new homes. He said the newer houses would probably be less of a fire hazard and thought the lots would be consistent in size with the area.

Ms. Kearney asked to keep the hearing open. **Mr. Kaligian** said he felt time had been provided for comments and they had been adequately expressed; he thought a vote was in order. **Mr. Kader** suggested that the public be shown the plans before closing the hearing which **Chairman Quish** allowed.

Dana Marcus, 40 Park Ave, having seen the plans, again expressed his original concerns.

Laura Marcus, 40 Park Ave, expressed concern about the zone change.

Mr. Sulkis said each of the new houses would comply with R-5 zoning. He compared it to the current situation of the houses, noting that the new houses would be further away from abutters than the structure is now.

Chairman Quish said he agreed with **Mr. Kaligian**, closed the hearing and asked for a motion. **Mr. Sulkis** advised that the board needs to act on the 2 separate motions.

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Motion: Mr. Kaligian *moved to approve with the following conditions* the petition of Thomas Lynch, Esq. for a Zone Change from R-5 to CDD-2 for the property located at 33-35 Laurel Avenue; Map 16, Block 147, Parcel 23 of which Titanium Properties, LLC is the owner with an effective date of 1/31/2020.

Conditions:

- 1) Zone change remains in effect only if both properties shall be deed restricted to allow only 1 one-family dwelling on each newly created parcel as its principal use. No other principal use of the parcels shall be allowed.

Second: Mr. Mortimer seconded.

Discussion: Mr. Satti expressed support for the public comments made.

Vote: Motion failed with 5 for and 4 against because 6 votes were required to approve.

WITH THE MOTION: N. Austin, J. Kader, B. Kaligian, J. Mortimer, J. Quish

AGAINST THE MOTION: B. Broesder, J. Castignoli, P. Kearney, R. Satti

Chairman Quish said for the record that the failure of the zone change made the second application moot.

NEW BUSINESS

Mr. Sulkis described the Marceline Lane bond item that had been added to the agenda and the process of administering it, including administrative action by the board. He said the City Engineer agreed that the bond can be reduced.

Motion: Chairman Quish moved to approve the bond reduction.

Second: Mr. Kaligian seconded.

Discussion: None.

Vote: Motion passed unanimously.

F. LIAISON REPORTS

G. SUBCOMMITTEE REPORTS– Chairman Quish reviewed the times and date of the next Plan of Conservation and Development (POCD) and Regulations subcommittee meetings. Mr. Sulkis advised the board that there can only be 5 members on each board, which prevents a non-noticed meeting of the full board. Chairman Quish asked for volunteers to email Mr. Sulkis and asked Mr. Sulkis to identify past subcommittee members. Ms. Kearney confirmed that the next subcommittee meeting would start at 7:00. Mr. Sulkis also advised that the meetings scheduled for 1/21 needed attendees. Subcommittee members then self-identified at the meeting as follows:

POCD: Mr. Quish, Ms. Kearney, Mr. Kader; Mr. Broesder.

REGULATIONS: Mr. Satti, Mr. Kaligian and Mr. Broesder.

Chairman Quish also asked Mr. Sulkis to circulate via email his memo regarding liaison positions available to the board. Ms. Austin affirmed that the memo was in the packet sent to members; **Chairman Quish** urged members to consider volunteering for them.

Ms. Kearney suggested having the POCD meeting at 7:00 on 1/21; **Mr. Sulkis** said unless a very specific meeting schedule had been published, this would be fine. **Mr. Satti** expressed interest in the regional regulation committee liaison position.

Chairman Quish then invited Mayor's Chief of Staff **Justin Rosen** to address the subject of the 2020 meeting calendar. Mr. Rosen said Mayor Blake wanted the board to consider reverting to the previous schedule of 2 public hearings per month in order to efficiently review new businesses and other projects coming into the city. Discussion ensued on how Planning and Zoning Board meeting schedules had changed historically. **Mr. Satti** expressed concern about quorums being met or not based on the type of meeting being held. He also expressed concern about cancelled or short meetings and about whether special projects like the POCD will receive enough focus. **Mr. Rosen** noted that it was easier to cancel a meeting than to notice one, and that the mayor supported efficiency in hearing applications.

Motion: Mr. Broesder moved to have 2 meetings a month, one with a public hearing and one without. **Chairman Quish** advised that the motion could be to revert to the previous 2-meeting schedule, if Mr. Broedser so desired. **Mr. Broedser** amended his motion to reflect 2 public hearings per month.

Second: Mr. Kader seconded.

Discussion: None.

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Vote: Motion passed.

WITH THE MOTION: N. Austin, B. Broesder, J. Castignoli, J. Kader, P. Kearney, J. Quish

AGAINST THE MOTION: B. Kaligian, J. Mortimer, R. Satti

H. APPROVAL OF MINUTES – 12/17/2019: Approved unanimously.

I. CHAIR’S REPORT – Chairman Quish welcomed new members **Brett Broesder, Joe Castignoli, and John Mortimer.**

J. STAFF REPORT – Mr. Sulkis welcomed the new members of the board and offered them an orientation session.

K. ADJOURNMENT was at 8:40.

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.