

PLANNING AND ZONING BOARD MINUTES FOR ONLINE MEETING HELD TUESDAY 2 MARCH 2021, 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, J. Kader, B. Kaligian, P. Kearney, J. Mortimer, C.S. Moore, J. Quish, R. Satti, M. Zahariades
Not Present:

Staff: Joe Griffith, DPLU Director, David Sulkis, City Planner; Meg Greene, Rec. Sec'y

C. NEW BUSINESS

VOTE BY MAY 6, 2021

1. **44 Cedarhurst Performance Bond Release** (Zone R-18) for administrative Board action, on Map 89, Block 832, Parcel 13 of which Forty Four Cedarhurst LLC is the owner.

Mr. Sulkis said that in 2012 the board approved a subdivision, and the project has now been completed. The Director of Public Works has authorized return of the bond, but a board vote is required.

Mr. Satti moved to approve as presented the recommendation of the Director of Public works to release the Bond in the amount of \$22,600 (full Bond amount) as the work has been completed in accordance with the original approval.

Second: Mr. Mortimer seconded.

Discussion: None.

Vote: Motion carried unanimously.

D. PUBLIC HEARINGS

CLOSE BY APRIL 6, 2021; VOTE BY JUNE 10, 2021

- 1) **48-52 Broadway** (Zone CDD-2) Petition of Thomas Lynch, Esq., for a Re-subdivision and Coastal Area Site Plan Review for a 3-lot subdivision on Map 13, Block 142, Parcel 6 of which Mark J. Spigarolo is the owner.

Attorney Lynch, 63 Cherry Street, said his client was the contract purchaser of the property, which is in the Walnut Beach area. He reviewed the lots, saying they conform to CDD-2 zoning regulations and will also be reviewed via a Coastal Area Management application. He said there is currently a 2-family 1940s-era house on the lot. He said that in the CDD-2 zone, which is a mixed-use commercial district, the minimum lot size is 2000 sf. The plans showed current and proposed site conditions featuring new lots of 3300 sf, 3428 sf, and 3126 sf. He reviewed the proposed dwellings with each house's setbacks on each lot. He said 2 houses drive on Laurel, 1 on Broadway, reducing traffic issues. He said the houses will resemble homes on East Broadway with a 2-car garage on ground level and 2 levels of living space above. He said all houses meet the zoning requirements and that all city departments have reviewed and approved the plans. He said the City Engineer asked for minor changes to the plan which were made by Mr. Wassmer. He said the subdivision regulations require a provision for open space but because these lots are so small, the developer is exercising the option to contribute to the City's Open Space Fund in lieu of reserving a 900sf parcel of land. He said the contribution could be made a condition of approval.

Ron Wassmer, PE, 158 Research Dr., reviewed the plans, saying they conform with zoning regulations and FEMA flood mitigation requirements. He noted that all utilities will be underground. **Attorney Lynch** added that the plans call for an easement on the Laurel Avenue side that will allow public sidewalks to be placed on private property.

Mr. Sulkis provided his administrative summary, which was consistent with the presentation. He stated that no adverse impacts to the coastal resources were anticipated. He reviewed the open space contribution requirements.

DISCUSSION

Mr. Satti asked Attorney Lynch for background on the subdivision. **Attorney Lynch** said a title search showed a house built on 5 lots on a pre-zoning era circa-1910 map. He said the proposed subdivision meets current requirements. **Mr. Satti** asked Attorney Lynch to review the CDD2 side-yard setbacks, which he did. **Attorney Lynch** and **Mr. Castignoli** discussed the height of the houses and the nature of the interior living space, with Attorney Lynch noting that on the shoreline, mechanicals are usually placed in the attic space to avoid storm damage. He provided information on the rest of the houses on Laurel Avenue and how the new houses would fit into the neighborhood. **Mr. Sulkis** reminded the board that each house would require a CAM review prior to construction. **Mr. Mortimer** asked for more information on the open space contribution. **Mr. Sulkis** said that under regs, 10% of an entire area to be subdivided can be donated to the city for a park or other common area. Being that these lots are so small, so in lieu of this, 10% of the land value of the property prior to subdivision must be contributed to the open space fund.

PUBLIC COMMENT

Dana Marqus, 40 Park Ave, asked whether the 3 lots become R-5 or stay CDD-2? **Mr. Sulkis** said no zone change was involved and confirmed that maximum height in the CDD2 is 40'.

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Chairman Quish invited further comment. Hearing none, he closed the hearing.

BOARD DISCUSSION

Mr. Moore asked who would be responsible for the sidewalk easement; Mr. Sulkis said that in this case, the sidewalk is on private property, and it remains incumbent on the owner to maintain it.

Mr. Kaligian moved to approve with the following modifications the petition of Thomas Lynch, Esq., for a Re-subdivision and Coastal Area Site Plan Review for a 3-lot subdivision on Map 13, Block 142, Parcel 6 of which Mark J. Spigarolo is the owner
Condition:

The applicant shall make a payment in lieu of an open space donation in accordance with section 3.10.1 of the Subdivision Regulations. An appraisal shall be provided by the applicant and reviewed in accordance with Section 3.10.1 of the Subdivision Regulations.

Second: Ms. Kearney seconded.

Discussion: None.

WITH THE MOTION: N. Austin, J. Castignoli, J. Kader, B. Kaligian, P. Kearney, C.S. Moore, J. Quish, R. Satti, M. Zahariades

AGAINST THE MOTION: J. Mortimer

- 1) **Proposed Regulation Change #20-2** Proposed by Planning and Zoning Board Regulation Subcommittee for changes to Article 7, Planning and Zoning Board, Section 7.2.10 Amendments; to formalize and streamline a process that is already taking place.

WITHDRAWN

D. OLD BUSINESS – None

E. LIAISON REPORTS– None

F. SUBCOMMITTEE REPORTS–

Chairman Quish asked that Mr. Sulkis review the draft regulations approved by the Regulations Subcommittee for circulation.

Vote to authorize circulation of draft Regulation Amendment #21-1, Section 6.4.2 Merger Options

Mr. Sulkis described Section 6.4.2 merger rules, where if 2 abutting lots have same owner, and at least one is undersized, the regulation subcommittee approved removing the regulation that prevents the owner from developing the second lot. Chairman Quish reminded the board that the vote to circulate is followed by a public hearing to review the merits of the regulation change.

Vote to authorize circulation of draft Regulation Amendment #21-1, Section 6.4.2 Merger Options

APPROVED

WITH THE MOTION: N. Austin, J. Castignoli, J. Kader, P. Kearney, C.S. Moore, J. Mortimer, J. Quish

AGAINST THE MOTION: M. Zahariades

ABSTENTIONS: B. Kaligian, R. Satti

Vote to authorize circulation of draft Regulation Amendment #21-2, Section 5.8 Flood Hazard and Flood Damage Prevention

Mr. Sulkis said this change was to clean up some remaining language for consistency with a previous language change.

WITH THE MOTION: N. Austin, J. Castignoli, J. Kader, P. Kearney, C.S. Moore, J. Mortimer, J. Quish

APPROVED

ABSTENTIONS: B. Kaligian, R. Satti

Discussion: Mr. Kader asked if board members could be asked about their votes after the fact. Mr. Sulkis said if a board member wants to share thoughts, they can—it builds a voting record—but they are not obliged to explain a vote. He said board members can discuss items brought before them on an agenda in the public forum, but discussions outside the public forum are not allowed. Ms. Austin said that discussion prior to the vote presents this opportunity and once the vote is taken, the board should move on.

G. APPROVAL OF MINUTES—2/16/2021 minutes were approved unanimously.

H. CHAIR’S REPORT - None.

J. STAFF REPORT - Mr. Sulkis reminded members of the CT Bar Association educational program is this weekend.

K. ADJOURNMENT was at 7:50.

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.