

**MINUTES FOR THE REGULAR MEETING OF THE
PLANNING & ZONING BOARD HELD
TUESDAY, APRIL 3, 2012; 7:30 P.M. AT THE
CITY HALL AUDITORIUM, 110 RIVER STREET**

Chairman Bender called to order the April 3, 2012 meeting of the Planning and Zoning Board at 7:30 p.m.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

MEMBERS PRESENT: Ward Willis, Jeanne Cervin, Ben Gettinger, John Grant, Edward Mead, Dan Rindos, Michael Casey, Tom Nichol, Joseph DellaMonica, Jr., Mark Bender, Chair.

STAFF: David Sulkis, City Planner, Phyllis Leggett, Board Clerk

- C. 1201 BOSTON POST ROAD (TEN ASIAN BISTRO) (ZONE SCD)** – Petition of Richard Tomasetti for a Minor Admendment to a Special Permit for a new restaurant/restaurant expansion on Map 89, Block 812, Parcel 40A, of which Connecticut Post Mall Limited Partnership is the owner.

James Saraceni, Esq., Norwalk, CT, attorney for Ten Asian Bistro, LLC. Also present, Rick Tomasetti, Architect, Stephen Wing, Landscape Architect, Michael Buckley, representing Westfield and Mr. William Li representing the Ten Asian Bistro group.

Stephen Wing, Landscape Architect. The restaurant will occupy the space formerly Knickerbocker's at the CT Post Mall. One of the major changes is going to be the removal of the greenhouse space that pops out of the façade with the plexiglass windows. The west side of the mall will be an outdoor seating area, about 1300 SF. knocked out and everything will be on one level. There will be a small outdoor seating area, approximately 1300 SF of space. Right now there are three flowering cherry trees, rhodos and azaleas. New side door for the take out function of the restaurant. To the right will be a seating area for a dozen tables for two. Around the public sidewalk will be a 3' high decorative fence, which will match that at Panera Bread restaurant. There will be a waterfall façade with water sounds for esthetic effect with bamboo plantings near the water and other plantingsl. There will be come Japanese Maples near Macy's.

Plan L1 shows the removal plan. Pointed out on a display where the restaurant will be relative to the nearer portions of the Mall. He discussed via the site plan and handouts to the Board members the renderings of the landscape plan.

Rick Tomasetti, Tomasetti Architects, Norwalk, CT. Explained how the design was devised by removing the 1970's greenhouse and add a one story addition over the existing footprint. Part of the commission was to address the exterior façade, the interior accessibility from all areas and to have an outdoor patio. The footprint is not being expanded, but is a one story façade.

He referred to the renderings submitted and noted the match between Ten Asian Bistro and the parallel restaurant, Panera Bread.

Described the one story addition component that will replace the greenhouse. A sample of the stone façade was circulated among the board members.

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Mr Sulkis: Reviewed the Administrative Summary he prepared. He believes this is an excellent reuse of the property at that part of the Mall. He has a problem with the signage that is being proposed by the applicant. Does not think the Board should approve the ground sign. It is against the signage allowed to the Mall. No issue with the main wall sign proposed on the front of the space. Has an issue with the other wall sign proposed and suggested it be denied. There is a sign plan for the Mall which limits the number of signs allowed to give it a cleaner look.

Mr. Sulkis reviewed the City Engineer's comments which are conditional upon approval. The Sewer Department requires a 1000 gallon exterior grease trap, which should not be a problem with the applicant. Aside from the issues presented, it is a very good application.

Mr. Saraceni: Asked that the signage be a condition of approval.

Mr. Tomasetti: Said the exterior grease trap issue has been addressed with the Sewer Department.

Mr. Wing: Noted the water runoff noted by the City Engineer mathematically was infinitesimal.

Chairman Bender: Stated the Board must abide by the City departments' comments and recommendations.

Mr. Tomasetti: Indicated on the last page of the plan there is an exterior grease trap shown on the drawing.

Mr. Ward: Asked if the applicant had received approval from the landlord [Westfield].

Mr. Sulkis: Yes.

Chairman Bender: Asked what parking arrangements were made for the take out aspect of the restaurant.

Mr. Saraceni: There will be dedicated spaces for take out that are set aside by the Mall. The people can pull up and the food will be brought out to them.

Mr. Bender: Asked how this type of parking is arranged.

Mr. Sulkis: Stated he was not aware of the take out aspect of the restaurant. No specific designated parking at the mall. This was not reviewed by the Police Department for traffic considerations.

Mr. DellaMonica: Noted there is a dedicated fire lane in the front of the area which runs from Macy's all around the front of the restaurant. That could not be used for parking.

Mr. Saraceni: Said there would be no change in the present parking arrangement or spaces needed for parking, which will not be near the fire lane.

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Mr. Sulkis: Said that there are other restaurants in the mall that have similar take out components. There are no dedicated parking spaces except for handicapped and pregnant women. There will be a specific door for this purpose at this restaurant, so it should be all right.

The situation with the signage was discussed. It will be a condition of approval.

Rick Tomasetti: Confirmed that the application was subject to many reviews by Westfield. When the signage is actually going for approval at a future date, Westfield will review all aspects of it again.

Mr. Mead: Asked if the ground sign that is 347 SF part of the impervious surface?

Mr. Wing: Yes.

Mr. Mead: Then removal of the ground sign would reduce the square footage of the impervious surface.

The number of entrances to the restaurant was discussed. There will be an interior door from the mall (for takeout); three ways in and out of the restaurant. Two from the interior and one in the corner.

Ms. Cervin: Made a motion for approval with the following conditions:

1. Ground sign will be removed.
2. Signage located on the wall facing the mall be reduced by 10%.
3. Approval by the City Engineer and Sewer Department of their conditions.

Mr. Bender: Noted the side sign was to be removed entirely.

Mr. Sulkis: Explained that two wall signs are not allowed for Mall signage.

Ms. Cervin: Amended her motion to say that the second wall sign be removed.

Chairman Bender: Allow the one wall sign that faces the Boston Post Road; address the City Engineer's condition on water runoff and the Sewer Department's exterior grease trap condition.

Mr. Grant: Second.

All members voted in favor. The motion was approved.

D. ZONING TEXT REGULATION CHANGES – DISCUSSION

- Sec. 3.1.4.2 Building Height in Residential Zones
- Sec. 9.2.3 Prohibited Variances

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Mr. Bender: Section 9.2.3 Prohibited Variances received from City Attorney late this afternoon. Language was to be changed by the City Attorney. Mr. Sulkis will follow up with the City Attorney's office for its complete response.

Chairman Bender: Sec. 3.1.4.2 Building Height in Residential Zones. Received a two page response from the City Attorney's office. It will be reviewed by Staff and the Board. Mr. Sulkis will discuss the City Attorney's interpretation of the change.

Mr. Grant: Asked if the language in the regulation had been changed from the original proposed language. He noted the Board did not have a copy of what language had actually been submitted to the City Attorney.

Mr. Sulkis: This change was proposed a long time ago, prior to this Board's election.

Mr. Grant: Stated he had suggested some changes be made to the proposed regulation when it came up some time ago. He asked if his suggestions had been incorporated into the change that had been distributed to the agencies and City Attorney. He asked if the regulation that had been submitted was exactly as it had been presented two years ago.

Mr. Sulkis: Did not recall.

Chairman Bender: For the next meeting, the Board will receive the proposed regulation; the City Attorney's interpretation of what they recommend with the new language.

Mr. Sulkis: Noted that one of the charges of the consultant is look at the shoreline issues of height and density along the shoreline. It is possible that the outcome of that process will be a recommendation to change the height regulations. At this time it might make sense to wait and see what is gotten out of that process, or move forward and make the change now and perhaps face another change later in the year.

Chairman Bender: Thought it best to have everything in front of the Board for the next meeting and make the decision then.

E. PLAN OF CONSERVATION AND DEVELOPMENT – UPDATE

- a. Map Development
- b. P & Z/Interest Group Follow-up
Compile Draft Plan

The consultant is doing his part and Staff is doing its part. Holding to the schedule. He will find out when the consultant will begin the public hearings.

Mr. Casey: Asked about the Plan. Once the Plan is presented will there be options to vote on particular sections?

Mr. Sulkis: The Plan ultimately comes from the Board. They can change what is there or form anything they would like and present that information. Staff will make some recommendations based on the information that is received. Information is received from

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public meetings as well. As a planning document it is a document to show the possibilities. Those possibilities run a range. The Board ultimately has to approve it.

Chairman Bender: One of the things he discussed with Staff was to get the Board parts of the Plan as they go through drafts. That's difficult because they are all tied in. It is his thought to get whatever they can with the understanding that something may tie into something else and the Board would have to follow along, as opposed to getting the big plan and trying to digest it at that point. That was his thought but he is open to discussion. The consensus of the Board was to get any parts of the Plan as they become available.

F. LIAISON REPORTS – None.

G. APPROVAL OF MINUTES – (3/20/2012)

Ms. Cervin: Made a motion to approve the Minutes of the March 20, 2012 meeting.

Mr. Casey: Second.

All members voted in favor of approving the minutes as recorded.

H. CHAIR'S REPORT

Asked Ms. Cervin and John Grant's impression of the advanced land use seminar they attended last Saturday.

Mr. Grant: Thought it was an informative session. Mostly legal issues related to what a Board member can and cannot do, especially with regard to the public. Different topics are offered at the basic and advanced sessions. Thought that a new board member would get something out of each session. How the board members should conduct themselves in certain situations where the public is involved; basically, Board etiquette.

Ms. Cervin: Agreed and thought that the newest board members would have benefitted attending this seminar. Having attended several of these seminars before, thought this was one of the better ones. The legal aspects of the Board's responsibilities impressed her. The Board must comport themselves in ways that are professional. The Land Use Academy is part of UConn and a lot of this information is on line.

Most of the board members will attend the seminar to be held in Haddam on April 21st.

Mr Bender asked for the Board's feedback on tonight's training session. Would like to continue this process. The Board will learn by having this type of review repeatedly.

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I. STAFF REPORT – None.

Mr. Rindos: Made a motion to adjourn.

Mr. Mead: Second.

The meeting adjourned at 8:27 p.m.

Phyllis Leggett, Board Clerk