

PLANNING AND ZONING BOARD MINUTES FOR ONLINE MEETING HELD TUESDAY 6 JULY 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, C.S. Moore, J. Mortimer, J. Quish, R. Satti, M. Zahariades
Not Present:

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

Chairman Quish did not see a representative for the first application, 95 Hillside Avenue, and shifted the item to the end of the agenda; it was the last application to be heard.

C. NEW BUSINESS:

- 1) **95 Hillside Avenue** (Zone R-5) Petition of Jim McElroy for a Coastal Area Site Plan review to construct a single-family dwelling on Map 49, Block 724, Parcel 11, of which Here and There LLC is the owner.

Mr. McElroy, designer, 26 Hauser Street, addressed the board. He shared plans for a 3-story elevated structure with a Nantucket style colonial design that featured 3 parking spaces below and a 2-tiered deck. He stated that the plan was compliant with FEMA flood mitigation regulations. He pointed out a large, preexisting retaining wall.

Mr. Sulkis shared his administrative summary, stating that no adverse impacts on coastal resources were anticipated. He advised that any approval be conditioned on concerns and notes shared in letters from the City Engineer and Inland Wetlands Officer.

Paul Stowell, LS, 171 Wilcox Road, said the required recalculations were made by David Nafis, PE, LS, of Nafis & Young Civil/Environmental Engineering & Surveying, and that he had adjusted the site plan in response to the City Engineer's requirements and that he had provided Nafis & Young's new drainage calculations. He said the resubmitted plans were dated 6/25.

Chairman Quish asked if the updated drawings could be shared. **Mr. Sulkis** said the City Engineer's report came in the previous Friday and that there hadn't been sufficient time to post changes to corroborate Mr. Stowell's statements. **Mr. Satti** and Mr. Sulkis discussed the methodology for updating plans as well as the Coastal Area Management Site Plan Review.

Chairman Quish confirmed with Mr. Sulkis that no zoning permits would be issued without approvals being received from the City Engineer and Inland Wetland Officer, so he asked for a motion.

Mr. Satti moved to approve with the following modifications the petition of Jim McElroy for a Coastal Area Site Plan review to construct a single-family dwelling on Map 49, Block 724, Parcel 11, of which Here and There LLC is the owner.

Conditions: Issues in city Engineer's Memos both dated 6/29/21 must be addressed to the City Engineer's satisfaction, including but not limited to curbs, sidewalks, a driveway apron, and adding soil erosion and sediment control information to the satisfaction of the Inland Wetlands Officer. Drainage calculations will also be included to the satisfaction of the City Engineer.

Second: Mr. Mortimer seconded.

Discussion: Mr. Castignoli asked about nearby homes and street parking. **Mr. McElroy** said 4-5 spaces of off-street driveway parking were part of the plan with 3 more under the house.

Vote: Motion carried unanimously.

- 2) **246 New Haven Avenue** (Zone CDD-1) Petition of K. Mark Davis, P.E., Westcott and Mapes, Inc. for a Site Plan Review to add a permanent outdoor patio on Map 55, Block 590, Parcel 10, of which 246 New Haven Avenue, LLC is the owner.

Mr. Davis, Westcott and Mapes owner, 560 Silver Sands Rd, East Haven, addressed the board. He said the Fratelli's Restaurant owner Elvis Candic was also present. Mr. Davis said the plan was for a permanent outdoor dining patio with changes to parking including handicapped parking.

Mr. Sulkis overviewed the plan which converts a temporary dining area into a permanent dining area. He reviewed the Executive Order and newly enacted pertinent state law. He said the proposal includes new landscaping and removal of a ground sign.

Chairman Quish opened the item for board questions. **Mr. Satti** asked Mr. Davis to clarify the grading plan for the area. Mr. Satti also asked about handicapped access, which Mr. Davis described, including details on the regrading of the lot and entrance to the

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restaurant. **Mr. Sulkis** reviewed the new state statute in more depth, saying it allows conversion of existing outdoor parking spaces to outdoor dining. He added that the legislation only gave relief for use of parking spaces, leaving in place other regulations such as sidewalk access and building setbacks. **Chairman Quish** said he thought the restaurant owner was being proactive in improving the site in preparation for the new permanent use. **Mr. Satti** wondered if further clarification from the City Attorney's Office might be useful. **Mr. Zaharides** said he approved of the project as it presented with its improved aesthetic for the space featuring good landscaping. **Ms. Austin** agreed that the improvement was substantial and appealing. **Mr. Mortimer** also agreed. **Chairman Quish** said the board had been eager to support the survival of local restaurants prior to the legislative action and felt this was consistent with that direction. **Mr. Kader** said he appreciated Mr. Satti's caution but considers outdoor dining a good trend for the city.

Chairman Quish asked for a motion.

Mr. Kaligian moved to approve as presented the Petition of K. Mark Davis, P.E., Westcott and Mapes, Inc. for a Site Plan Review to add a permanent outdoor patio on Map 55, Block 590, Parcel 10, of which 246 New Haven Avenue, LLC is the owner.

Second: Ms. Austin seconded.

Discussion: None.

Vote: Motion carried unanimously.

D. PUBLIC HEARINGS

CLOSE BY AUGUST 19, 2021; VOTE BY SEPTEMBER 23, 2021

- 1) **93 Boston Post Road** (Zone CDD-1) Petition of Thomas Lynch, Esq. for a Special Permit with Site Plan Review for a new mixed-use building with exterior and site changes for existing building on Map 43, Block 334, Parcels 1 and 2, of which PRC Properties, LLC is the owner.

Attorney Lynch, 63 Cherry Street, addressed the board. He noted that PRC, LLC, principal Pat Ciccaglione was present. He said the prior tenant at the site was Bobette's Deli. He reviewed site changes that occurred. He said the Special Permit and Site Plan Review were needed to create the proposed mixed-use building. He said Engineer Ron Wassmer would review the site plan. He stated that 1 single-family residence would remain on the site with a proposed new building featuring lower-level storage for first-floor offices with two 2-bedroom loft-style apartments above. He said the aesthetics of the building would be an improvement to the area. He noted that the Zoning Board of Appeals had granted a variance for landscaping bordering Erna Avenue and described the rationale for the variance. He said parking is zoning compliant and that approvals were obtained from all city departments. He was unsure if CT Department of Transportation would require sidewalks but expected that the Director of Public Works would. He provided his take on the provision of Open Space in a CDD zone, referring to a table in Mr. Wassmer's plans.

Ron Wassmer, PE, LS, 158 Research Drive, walked the board through the full site plan. He noted that the property fronts onto 3 roads, including Washington Street and Erna Street. He said buildings targeted for demolition had already been demolished. He listed how the various requirements of the zone were met by the plan. He highlighted street trees as part of the landscaping plan. He reviewed storm drain plans approved by the City Engineer and completed his presentation with images of the building elevations showing a traditional New England style.

Attorney Lynch referred to the new entrance off Erna Avenue, saying it would provide a much-improved traffic flow. He confirmed for **Chairman Quish** that 1 single-family residence will remain. **Mr. Wassmer** provided a table reference showing conformity to percentage of residential use; **Mr. Sulkis** concurred with the interpretation.

Mr. Satti and **Mr. Wassmer** reviewed sidewalk requirements. **Mr. Satti** asked about any environmental remediation; **Mr. Wassmer** said the garage on the site had only used for a residential parking use, not auto repairs or maintenance. **Mr. Mortimer** was advised about signage.

Mr. Sulkis read his summary, which was consistent with the presentation. He shared a definition of Open Space in the regulations for the board's consideration, which resulted in some further discussion of passive recreational uses.

Chairman Quish asked for public comment. Hearing none, he closed the hearing and asked for a motion.

Mr. Satti moved to approve with modifications the Petition of Thomas Lynch, Esq. for a Special Permit with Site Plan Review for a new mixed-use building with exterior and site changes for existing building on Map 43, Block 334, Parcels 1 and 2, of which PRC Properties, LLC is the owner.

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Conditions: Adding sidewalks along the entire frontage of the Boston Post per the Letter of the City Engineer dated 6/28/21.

Second: Ms. Kearney seconded.

Discussion: None.

Vote: Motion carried unanimously

D. OLD BUSINESS – None

E. NEW BUSINESS – None

F. LIAISON REPORTS—Mr. Satti reported that the Southern CT Regional Government group's meetings are resuming with hybrid Zoom and in-person meetings.

G. SUBCOMMITTEE REPORTS—Chairman Quish said notices were forthcoming with the POCD focusing on HDD and WDD. He said substantial legislative changes had occurred in the legislative session and he was hoping to have Regulation Subcommittee review the impact of new regulations.

H. APPROVAL OF MINUTES—6/15/2021 minutes were approved with an abstention by Mr. Satti.

I. CHAIR'S REPORT – Chairman Quish said that until technical issues are resolved to support hybrid Zoom/in-person meetings, the board would resume in-person-only meetings in August. The board agreed that Subcommittee meetings could continue via Zoom.

J. STAFF REPORT –Mr. Sulkis said the POCD consultant RFQ had gone out and responses were expected at end of month.

K. ADJOURNMENT was at 8:25.

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.