

Wallingford Planning & Zoning Commission
Monday, January 9, 2023
7:00 pm
Robert F. Parisi Council Chambers – Town Hall
MINUTES

Chairman Seichter called the meeting to order at approximately 7:00 p.m.

The Pledge of Allegiance was recited by all.

Roll Call: Present: James Seichter, Chairman; JP Venoit, Vice Chair; Stephen Allinson, Secretary; James Fitzsimmons, Regular Member; Jeffrey Kohan, Regular Member; James Hine, Alternate; David Parent, Alternate; Kevin Pagini, Town Planner.

Consideration of Minutes – December 12, 2022, Meeting

Commissioner Venoit: Motion to approve the minutes of the December 12, 2022, Meeting of the Wallingford Planning and Zoning Commission as presented.

Commissioner Fitzsimmons: Second
Vote: Unanimous to approve

Chairman Seichter noted that the following agenda item will not be heard tonight. No action has been requested.

1. **PUBLIC HEARING Special Permit (new Admissions Building)/Choate Rosemary Hall/59 North Elm Street #407-22**
2. **PUBLIC HEARING Special Permit (Fill & Excavation)/Hutton Street 21, LLC/1299 South Broad Street #401-23**
3. **PUBLIC HEARING Special Permit (Change of Use)/Wallingford Center Street, LLC/604 Center Street #402-23**

NEW BUSINESS

4. **Site Plan (Inside & Outside Storage)/T. Linden for Ferti Mgmt./155 East Street #201-23**

Commissioner Allinson noted the correspondence including Inter-Departmental Referral from the Senior Engineer, Water & Sewer Divisions, received December 12, 2022; Inter-Departmental Referral from the Town Engineer received December 12, 2022; Inspection Report from the Wallingford Fire Department signed November 7, 2022; Inter-Departmental Referral from the Environmental Planner, received January 5, 2023; and the site plan application.

Tom Linden, Linden Landscape Architects, 39 Parkview Drive, Wethersfield, and Frank DeRosa, Special Project Manager for Ferti Management Corporation presented. Mr. Linden explained that the application is for indoor and outdoor storage of fertilizer. The outdoor storage would mostly be at the adjacent Allegheny Ludlum Steel property through a lease agreement. He distributed an aerial photo. He stated that Ferti manufactures fertilizer throughout the year but needs to store it outside between

December and May. After they fill their building, they will use the Allegheny site, with some inside and some outside on the pavement. Lastly, they will use their employee parking lot on the east side of the building. They have received ZBA approval to reduce the number of parking spaces to 132. They will use 44 spaces for storage out of 176. Ferti has 31 employees. The driveway around the building will not be affected. Mr. Linden explained that this is necessary because the north and west sides of the building are either a FEMA flood zone or regulated by wetlands. The only possible place is the employee parking lot. They had been storing material on that side of the building. He noted that they had proposed an expansion last year to Inland Wetlands and the DEEP inspector told them that the material had to be under a roof. Their final report agreed that Ferti doesn't need a roof if it's wrapped in industrial plastic. He concluded that they are looking for a total of 110,000 sq. ft. of ground space and inside building space for storage.

Mr. Pagini stated that this application came about due to the site inspection by the Environmental Planner. The Town worked with the company to find the best spot for storage. The company arranged the storage at Allegheny Ludlum. He noted that in their original application, no outside storage was allowed.

Commissioner Kohan asked if the outside storage is only during the off-season and if they will fill all the areas consistently. Mr. DeRosa replied that they produce for shipments that start in February and go through the spring. The buildup of inventory requires additional storage. He noted that they don't keep replenishing the storage areas. He stated that they do not expect to exceed the space they are requesting. Commissioner Kohan asked how high the stored product will be. Mr. DeRosa explained that pallets with 40 fifty lb. bags of fertilizer are stacked three high on an empty pallet. This allows for runoff and ensures no environmental impact. The stack is about 9 feet high. Each pallet is shrink-wrapped. Then the stack is covered with 6 mil polymer plastic and secured with rope. There is no threat of tipping and it is waterproof.

Commissioner Hine asked if the application was prompted by the DEEP or by the local zoning regulations. Mr. DeRosa replied that the original 2018 permit did not allow outdoor storage. Commissioner Hine asked about the proposed renovations. Mr. DeRosa explained that they are attempting to put an addition on so they can add a production line which would reduce the need for storage. That's when they found out that they were not supposed to be storing product outside and not on the north and west side of the building. They needed to find a more suitable location. Commissioner Hine asked for confirmation that DEEP is okay with the current method of storage. Mr. DeRosa replied that this is an environmentally sensitive area and they will do stormwater testing quarterly and monthly to ensure the process works. Mr. Linden added that they don't need to go to Inland Wetlands for the storage. Mr. DeRosa noted that they are still looking into the addition, but due to the costs caused by very sandy soil, the project is on hold. They are also considering securing another property. Commissioner Hine asked if the addition would offset the need for outside storage. Mr. DeRosa replied yes.

Commissioner Venoit: Motion to approve application #201-23 Site Plan request for Ferti Management on behalf of Tom Linden for temporary outdoor and indoor storage of materials located at 155 East Street in a portion of 80 Valley Street on plans entitled “Planning and Zoning Application Temporary Outdoor Storage” dated December 2, 2022, subject to the following conditions:

- 1. Comments from the Fire Marshal’s office dated November 7, 2022;**
- 2. Comments in Interoffice Memorandum from Senior Engineer, Scott Shipman to the Planning and Zoning Department dated December 28, 2022;**
- 3. Maintaining full compliance with DEEP secondary containment requirements at all times; and**
- 4. Six (6) copies of the final approved plans forwarded to the Planning and Zoning office.**

Commissioner Fitzsimmons: Second

Vote: Kohan – yes; Fitzsimmons – yes; Venoit – yes; Allinson – yes; Chairman Seichter – yes.
The application is approved.

REPORTS OF OFFICERS AND STAFF

5. Discussion – Possible Moratorium on Warehouse/PZC

Mr. Pagini suggested a possible moratorium on Warehouses potentially in the IX and WI districts and anywhere else. After the application last month, it’s important that the Commission discuss how we want warehousing in the future and how to approach it.

Chairman Seichter stated that he had suggested considering a moratorium on warehousing due to the issues that came up with the existing regulations. The Commission needs to decide if warehousing should be a special permit or if we should look at different square footage to determine the need for a Special Permit. He also suggested discussing trip generation measures and vehicle passenger car equivalents. He noted that the Engineering Department may have other suggestions. He added that if the Commission wants to consider a moratorium, a tight timeframe will be needed and a date needs to be set for a workshop soon.

Commissioner Venoit stated that he supports a moratorium and asked that this be the topic of the first workshop.

Commissioner Kohan stated that he supports a moratorium and that he would like to see the Commission move quickly on this. He suggested using the New Jersey State Planning Commission Warehouse Citing Guidance dated September 7, 2022, as a resource.

Commissioner Fitzsimmons agreed with the moratorium and supported proceeding sooner rather than later.

Commissioner Parent stated that this is a complex issue and that we need to be careful. He agreed that the moratorium will help.

Commissioner Allinson agreed with the moratorium as soon as possible and agreed with a workshop as soon as possible. He asked how much research the Engineering Department will need to do as we need their guidance.

Commissioner Seichter confirmed there is a consensus for a moratorium, so it will be voted on at the next meeting. He suggested a six-month moratorium and asked Mr. Pagini to notify the Town Engineer to start the research. Mr. Pagini replied that they have already started.

Commissioner Fitzsimmons asked if the moratorium will be for warehousing in all zones in Town. Chairman Seichter suggested warehousing in general for the whole town.

6. Discussion – Reduction of Minimum Parking Requirements – Town Center Zone/PZC

Mr. Pagini explained that developers are having a hard time with the newly passed regulations. He asked if the Commission wants to hold a workshop to discuss this.

Chairman Seichter agreed that the Commission needs to look at the issue but needs suggestions from the Planning Department on how to accomplish this. He stated that we will need input from the public and developers on what the challenges are and whether are they legitimate. We will need direction on what the regulations should look like. When asked about a timeline, he replied that he expects the March workshop to be about warehouses. He stated that they might need to do the parking issue separately since he expects that more than one meeting will be needed. He stated that both workshops should be in March.

Mr. Pagini agreed to survey for dates and get the workshops scheduled so notice can go out.

7. Administrative Approvals – noted as approved

- a. Site Plan/A. Vorsteveld-BYK-USA/524 South Cherry Street #228-22**
- b. Survey Waiver/T. Lesco/317 Highland Avenue #813-22**
- c. Change of Use/One Source Construction/175-179 Center Street #313-22**

8. ZBA Notice for January 18, 2023 - no comments

9. Zoning Enforcement – Quarterly Report

Chairman Seichter stated that it is helpful to see what all the violations are. He appreciates this report as an overview. He'd like to see the listing of violations. He asked the other commission members what they would like to see.

Mr. Pagini noted that Ms. Torre is happy to speak with Commission members individually. She can provide a list if it is needed. Due to ongoing legal action, it might not be appropriate for a public

discussion. She noted that the main trend is building without proper permits. There are a couple of major legal referrals in the process.

Commissioner Kohan asked if there is something we need to do to avoid people building without permits. Are the procedures not adequate? Mr. Pagini replied that in some cases people don't care. He has seen lies on building permits. He noted that loosening the accessory apartment regulations will help as there is a lot of confusion. The office has tried to push the survey requirement to avoid zoning violations. Commissioner Kohan asked if it is experienced builders trying to skirt the regulations or new folks not familiar with the rules. Mr. Pagini replied that it is a mix of both.

ADJOURNMENT

Commissioner Venoit: Motion to adjourn the Monday, January 9, 2023 meeting of the Wallingford Planning and Zoning Commission at 7:40 pm.

Second: Fitzsimmons

Vote: Unanimous to approve

Respectfully submitted,
Cheryl-Ann Tubby
Recording Secretary