

Wallingford Planning & Zoning Commission
Wednesday, February 15, 2023
7:00 pm
Robert F. Parisi Council Chambers – Town Hall
MINUTES

Vice Chair Venoit called the meeting to order at approximately 7:10 p.m.

The Pledge of Allegiance was recited by all.

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

Consideration of Minutes – January 9, 2023, Meeting

Commissioner Fitzsimmons: Motion to approve the minutes of January 9, 2023, Meeting of the Wallingford Planning and Zoning Commission as submitted.

Commissioner Kohan: Second
Vote: Unanimous to approve

Vice Chair Venoit noted that the following agenda item will not be heard tonight. The application has been withdrawn and a new application was submitted.

1. **PUBLIC HEARING Special Permit (new Admissions Building)/Choate Rosemary Hall/59 North Elm Street #407-22**

PUBLIC HEARINGS

2. **Special Permit (Fill & Excavation)/Hutton Street 21, LLC/1299 South Broad Street #401-23**

Commissioner Kohan read the legal notice into the record: #401-23 – Special Permit (Excavation and Fill) for approximately 300 cubic yards of earthen material at 1299 South Broad Street – RF-40 Zone. He also noted the correspondence including Inter-Departmental Referral from the Town Engineer received January 13, 2023, and Inter-Departmental Referral from the Assistant Fire Marshal received December 18, 2022.

It was noted that the Wetlands application is still in process.

Atty. Carl Landolina of Fahey & Landolina, 487 Spring Street, Windsor Locks presented with Sarah Castagliola, Licensed Professional Engineer with BL Companies. Atty. Landolina stated that he understands that there will be no vote tonight because a final report from Wetlands is needed. He expects that after March 1st. He explained that the property is on the Meriden/Wallingford line and the existing banquet facility is in both towns. The plan is to demolish the building and construct a car wash facility. All proposed improvements, the car wash structure, impervious areas, and drainage structures are all in the town of Meriden. They have approval from Wetlands for Meriden and their Zoning Board

Commissioner Fitzsimmons asked how many apartments will be in the building. Atty. Loughlin replied two with the one currently upstairs. Commissioner Fitzsimmons asked about the zoning violation. Atty. Loughlin replied that they did start the work. Since the proposed change to a non-conformity is not more objectionable, they came to Planning & Zoning instead of correcting the zoning violation. He stated that what's on the first floor is what was there before the business. This was a residence before it was a business. They are bringing it back to what it was. The violation notice came when they asked for a change of use form. Commissioner Fitzsimmons stated that he supports the application to correct the zoning violation.

Commissioner Parent stated the difficulty with the after-the-fact applications is that it gives the impression that you just have to come in and apologize. He noted that the violation was found at the time of the sale several months ago. This has cost them more due to the delayed sale and interest. He advised that when in doubt get the application and save yourself some time and money.

Vice Chair Venoit stated that he is in support of the application and would like the front yard restored to grass. Hearing no public comment, Vice Chair Venoit called for action on the application.

Commissioner Fitzsimmons: Motion to close the public hearing for application #402-23 Special Permit (Change of Use) Wallingford Center LLC, 604 Center Street.

**Commissioner Kohan: second
Vote: Unanimous**

Commissioner Fitzsimmons: Motion to approve application #402-23 a Special Permit request for Wallingford Center Street, LLC located at 604 Center Street for conversion of an office to a multi-family residential use on plans entitled "Compilation Plan prepared for Wallingford Center Street, LLC" dated 12/05/2022, subject to the following conditions:

- 1. Comments in Interoffice Memorandum from Senior Engineer, Scott Shipman, Wallingford Water & Sewer Divisions, to the Planning and Zoning Department dated 12/22/2022;**
- 2. Comments from the Office of the Wallingford Town Planner, dated 12/20/2022;**
- 3. That the front parking area is removed and restored to lawn and the current sign is removed before the issuance of a Certificate of Occupancy; and**
- 4. Six (6) copies of the final approved plans forwarded to the Wallingford Planning and Zoning office.**

Commissioner Kohan: Second

Vote: Hine – yes; Kohan – yes; Fitzsimmons – yes; Parent – yes; Vice Chair Venoit – yes.

The application is approved.

Rabbi Kaplan stated that he also lives there and intends to stay. His first thought was about parking. His second thought was to make sure that his community understands where to park. He noted that the house will be well maintained and won't look commercial. The value of the house should increase.

Mr. Moherman stated that when they attend services they look to not create a nuisance. He has attended many times and parks on Center Street. They make a conscious effort not to disturb the neighborhood. The intention is to make the dwelling nicer.

Commissioner Fitzsimmons asked if a detailed site plan is needed. He noted that the Fire Marshal stated that plans should be submitted for the use and layout of the building. He noted that no parking plan was submitted. Mr. Pagini stated that since they have an existing facility, they have 8 current spaces and are proposing 8 spaces, but a plan wasn't requested. Commissioner Fitzsimmons expected that they would request the Change of Use first and then come back with a Site Plan. He asked if Site Plan approval is needed since they are converting to a religious assembly center. Mr. Pagini replied that a parking plan can be requested. Commissioner Fitzsimmons noted that most religious uses are in residential zones. He would like to see a parking plan as part of the application before moving forward. Mr. Pagini stated that the intent was to open the public hearing, get the perspective of the commission and see how many parking spaces would be required since it is not technically a church or an assembly hall. The Commission can ask for a parking plan. Commissioner Fitzsimmons stated that he'd like to see a detailed parking plan.

Commissioner Kohan asked about the parking. Rabbi Kaplan replied that they would like to build another driveway as there is room. He has already discussed it with that neighbor.

Vice Chair Venoit clarified that the application will be continued to the March meeting.

Mr. Moherman clarified that they are resubmitting the site plan with onsite parking.

Commissioner Fitzsimmons: Motion to continue application #402-23 for B. Kaplan at 28 South Whittlesey Avenue to the March 13, 2023 meeting of the Wallingford Planning and Zoning Commission.

**Commissioner Kohan: Second
Vote: Unanimous**

5. Proposed Text Amendment (§6.35 – “Moratorium on Warehousing/Warehousing Distribution in all zoning districts in Town”) #901-23

Commissioner Kohan read the legal notice into the record: #901-23 – Proposed Text Amendment to add Section 6.35 that would enact a Townwide Moratorium on Warehousing and Warehousing/Distribution Uses. He also noted the correspondence including a memo from Hank Baum, Economic Development Commission to the Planning and Zoning Commissioners.

Commissioner Kohan stated that he wants to get it right. This is a complex issue that will take time. He noted that the State of New Jersey set its standards and practices for warehousing and they are quite involved. We need to balance business needs and residents. We missed the target with the last approval. If we don't have a target the process will drag out. We can always extend it.

Commissioner Fitzsimmons agreed that we need to get it right. We serve the public, the Town, and the property owners and abutters. We need a start and end date as that is legally required. We might determine that the moratorium doesn't affect certain zones. The end date can be shortened or lengthened. This is a huge topic.

Hearing no further public comment, Vice Chair Venoit called for action on the application.

Commissioner Fitzsimmons: Motion to close the public hearing on the proposed Text Amendment to add Section 6.35 that would enact a Town-wide moratorium on Warehousing and Warehousing Distribution uses.

**Commissioner Kohan: second
Vote: Unanimous**

Commissioner Fitzsimmons: Motion to approve application #902-23 a Text Amendment to add Section 6.35 to the Town of Wallingford Zoning Regulations entitled "Moratorium on Warehousing throughout the Town of Wallingford, CT" because it allows the Town and Planning & Zoning Commission and any interested parties to review any potential changes or additions to the current Town of Wallingford Planning and Zoning regulations. The Moratorium is to be effective no sooner than February 22, 2023, and the proposed end date would be a six-month window ending at or near July 15, 2023.

**Commissioner Kohan: Second
Vote: Hine – yes; Kohan – yes; Fitzsimmons – yes; Parent – yes; Vice Chair Venoit – yes.**

BOND RELEASES AND REDUCTIONS

6. Site Plan/5 Northfield LLC (Harford Materials LLC)/940 South Colony Road #210-16

Mr. Pagini stated that this is not ready to be released.

REPORTS OF OFFICERS AND STAFF

7. 2022 Annual Report

Mr. Pagini asked if there were any questions. He noted that in the coming year, he expects the Commission will look at sign regulations, accessory apartments, warehousing, minimum parking requirements, and the Plan of Conservation and Development. He noted that he is currently working on a draft of the Regional Hazard Mitigation Plan with SCROG. He stated that a lot of what was approved last year was square footage and multifamily units.