

Chester Planning & Zoning Commission
Regular Meeting, July 9, 2015
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1. Call to Order

The Chester Planning & Zoning Commission held its regular meeting immediately following 2 public hearings on Thursday, July 9, 2015, at the Chester Town Hall, 203 Middlesex Avenue, Chester, Connecticut. Chairman Lavy called the meeting to order at 8:30 PM.

2. Roll Call & Seating of Alternates

Those members in attendance and seated were Jon Lavy, Mel Seifert, Steven Merola, Errol Horner, Keith Scherber, Henry Krempel, Peter Zanardi and Doreen Joslow.

3. Audience of Citizens - none.

It was agreed to move Agenda Items 4(b) and 5(a) to this point in the meeting.

4. Old Business

(b) Application for Special Exception #15-04 and Coastal Site Plan Review submitted by Chester Point Real Estate LLC (owner and applicant) for Building Reconstruction and Associated Site Improvements for seasonal restaurant use and permitted marine uses, on property located at 72 Railroad Avenue (Tax Map 15, Lot 56, Zone Waterfront District and Gateway District).

Chairman Lavy noted this application had been approved once before on August 8, 2013. The original approval was expiring as the project had not begun yet. A public hearing was held prior to this meeting.

Motion by Joslow, second by Horner, to approve Special Exception #15-04 for Chester Point Real Estate per revised plans dated March 26, 2013, revised thru June 26, 2013 which included all of the conditions from the original approval of August 8, 2013 and Landscape Plan dated September 21, 2012, revised thru October 10, 2013 as well as the following conditions -

1. All requirements of the Sanitarian and Connecticut Department of Public Health shall be met.

2. All requirements of the Fire Marshal and Building Official shall be met.

Unanimously approved.

Motion by Seifert, second by Joslow, to approve Coastal Site Plan Review for Chester Point Real Estate LLC based on the fact it is consistent with all applicable goals and policies in Section 22a-92 and incorporates as conditions or modifications all reasonable measures which would mitigate the adverse impacts of the proposed activity on both coastal resources and future water-dependent development activities. Unanimously approved.

5. New Business

(a) Monroe Properties LLC, (Otto Restaurant), 69 Main Street - Amendment to Special Exception #15-05 for increased hours of operation

Jonathan Rapp was present. He explained they have expanded their hours to include serving lunch on Saturdays and Sundays and, therefore, requesting hours on Saturday and Sunday from 11:30 AM to 11:00 PM. Rapp indicated they started serving lunch when the Farmer's Market opened about a month ago.

It was noted a condition of the original approval was that any change in hours would have to come back before the Commission. Peter Zanardi reminded Jonathan that in the future any change from the original approval needs an application before this Commission.

Motion by Zanardi, second by Joslow, to approve Application #15-05, Amendment to Special Exception for increased hours of operation (Saturdays and Sundays from 11:30 AM to 11:00 PM) submitted by Monroe Properties LLC for Otto's Restaurant noting that all original conditions of approval remain in full force and effect. Unanimously approved.

4. Old Business

(a) Amendments to Zoning Regulations

Repeal Section 72, Controlled Development District, in its entirety and replace with new Section 72, Controlled Development District.

Repeal Section 80, Research & Light Manufacturing District, in its entirety and replace with new Section 80, Research & Light Manufacturing District.

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Add new Section 20 Definitions Fitness Health and Sports Facility.

Chairman Lavy noted a public hearing was held prior to this meeting. The constituency has been heard. The Commission has been working on these regulations for some time now.

Keith Scherber asked if he could make a motion to withdraw Section 80 for further review as there were a lot of people not happy with it. Chairman Lavy noted anyone can come back and ask to change a regulation.

Errol Horner noted he would also look to withdraw it. He didn't remember discussing the assembling, disassembling, crushing and demolishing facilities. Both Lavy and Seifert noted this was discussed months ago and was actually in response to public comments regarding noise, vibration, etc. It was expressly put in there so any application of this type would have to come before the Commission for a hearing.

Errol Horner asked why the regulation had to be changed at all. Everything should come before the Commission. He indicated the Commission has the inherent responsibility to listen to the people.

Mel Seifert noted this is the Planning & Zoning Commission. The people in the Industrial Park will not always be there. With the old regulation, there were very few options for selling those properties.

Chairman Lavy noted the impetus was for someone not to spend months getting through the Planning & Zoning process. This originally started with the Economic Development Commission several years ago. Mel Seifert noted a lot of companies that wanted to come to Chester went elsewhere (Deep River/Killingworth).

Chairman Lavy reiterated the disassembling, crushing, etc. was added because of the neighbors comments that it needed to be controlled. The Commission added it to the Special Principal Uses, therefore, requiring a public hearing. That was why it was put in there.

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Peter Zanardi noted he was offended by the public's comments that the Commission doesn't listen to them.

Chairman Lavy noted there is no other section in the Zoning Regulations where the neighbors have to be notified of a Zoning Permit application.

Chairman Lavy noted it is the Commission's job to make change and follow the Plan of Conservation and Development which states there should be more commerce and business. If the Commission doesn't take the lead and change policy in that direction, then what's the point. This is planning for the future of these districts so they will have more opportunity to sell their properties under the new regulation.

Mel Seifert noted it is the Commission's obligation to serve the community and not just four people.

Chairman Lavy polled the members to see who wanted to withdraw and who did not. There were 2 for withdrawal and 6 not in favor of withdrawal.

Mel Seifert reviewed Section 130.

Chairman Lavy reiterated there is more protection for these properties with the new regulation than before. The Commission has spent a lot of time looking at applications for small businesses that should not have come before it. These properties will be more attractive to be sold if necessary in the future.

Errol Horner noted Commission members should have input on those decisions in an industrial park and not just the Zoning Compliance Officer. Doreen Joslow disagreed.

Motion by Joslow, second by Krempel, to approve Amendments to Zoning Regulations Sections 72, 80 and 20 as written and presented. Voting in favor - Seifert, Merola, Krempel, Zanardi, Joslow, Lavy. Opposed - Horner, Scherber. Motion Carried.

Motion by Joslow, second by Seifert, to set an effective date of August 1, 2015 for Amendments to Zoning Regulations Sections 72, 80 and 20. Voting in favor - Seifert, Merola, Krempel, Zanardi, Joslow, Lavy. Opposed - Horner, Scherber. Motion Carried.

Doreen Joslow noted it is important that the Commission do things like this, make policy and move on.

(c) Application Fees - continuing review - nothing further to report at this time.

(d) Proposed Village Sign Regulation - continuing review
There was a brief discussion regarding number and size of Commercial signs. It was decided to go with 1 or 2 signs and a maximum of 16 square feet. A public hearing was scheduled for September 10, 2015.

(e) Proposed Marijuana Regulations - continuing review
Chairman Lavy noted correspondence was received from Attorney Royston this afternoon, but has not been reviewed yet. It will be emailed to everyone for discussion at the next meeting. A public hearing will be scheduled for the August meeting to extend the moratorium which expires the end of August.

5. New Business

(b) The Good Elephant, 59 Main Street - Amendment to Special Exception #15-06 for second floor restaurant use

It was noted an Amendment to Special Exception was submitted for The Good Elephant, but due to the fact the applicant's attorney could not be present this evening, this will be put on the August Agenda. Chairman Lavy noted he would like to have Attorney Royston present for this discussion.

6. Report of Officers and Subcommittees

(a) Report from Zoning Compliance Officer - nothing further to report.

7. Bills for Payment

Motion by Zanardi, second by Merola, to approve invoice of

J. Brown Associates in the amount of \$1,175.00 for secretarial services for meetings from December 11, 2014 thru June 11, 2015. Unanimously approved.

8. Communications, Receipt of New Petitions, New Applications
(a) Skyview Properties, 59 Winthrop Road - Special Exception application for indoor and outdoor storage of personal belongings, materials, business inventory, vehicles, tractors, trailers and equipment

It was noted an application has been received from Skyview Properties, but is lacking the application fee and supporting information. ZCO Brown has written to Mr. Komondy advising him of this fact but has not had a response. The Commission has 65 days to schedule a public hearing. A hearing will not be set at this time.

(b) Chairman Lavy read into the record a letter dated July 9, 2015 from Attorney Royston in response to the letter received last month from Joseph Cohen.

9. Approval of Minutes - June 11, 2015 Regular Meeting Minutes
Motion by Merola, second by Zanardi, to approve June 11, 2015 Minutes as written. Voting in favor - Merola, Krempel, Zanardi, Joslow, Horner, Lavy. Opposed - none. Abstained - Seifert, Scherber. Motion Carried.

10. Pending Litigation
Motion by Seifert, second by Scherber, to go into Executive Session at 9:45 PM for the purpose of discussing pending litigation. Unanimously approved. The Commission came out of Executive Session at 9:50 PM. No action was taken during Executive Session.

11. Adjournment
Motion by Seifert, second by Scherber, to adjourn at 9:50 PM. Unanimously approved.

Respectfully submitted,

Judith R. Brown

Judith R. Brown, Recording
Secretary