

**Chester Planning & Zoning Commission  
Special Meeting, July 23, 2020, Minutes  
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1. Call to Order

The Chester Planning & Zoning Commission held a Special Meeting on Thursday, July 23, 2020, by ZOOM. Chairman Lavy called the meeting to order at 7:00 PM.

2. Roll Call & Seating of Alternates

Members present and seated were Jon Lavy, Michael Sanders, Bettie Perreault, Steven Merola, Keith Scherber, Henry Krempel, Peter Zanardi, Pat Bisacky (seated for S. Fidel) and Schubert Koong (seated for E. Fitzgibbons).

3. Audience of Citizens –

Visitors included Jamie Hays, Kathy Tucker and Peter Kehayias. No one spoke at this time.

4. Old Business

(1) Application for Special Exception #20-02 submitted by James Hays, Hays Haven Marina to change existing office and store area into take out restaurant on property located at 61 Railroad Avenue, Chester, Connecticut, Tax Map 10, Lot 196, Waterfront District.

Public Hearing was closed at the meeting of July 9th. Motion was made at last meeting, but no vote was taken.

**Motion by Sanders, second by Perreault, to approve Hays Haven application with conditions. Standard review by Building Official, Fire Marshal, Health Department. Limit hours from 6 AM to 2 PM. No Liquor License. Mindful of traffic, safe access to the site. Unanimously approved.**

(2) Application for Special Exception #20-03 submitted by Tim and Kathy McDevitt for apartment over garage for property located at 226-8 Middlesex Avenue, Chester, Connecticut 06412, Tax Map 5, Lot 13, Zone R2.

Public Hearing was closed at the July 9<sup>th</sup> meeting. No discussion took place.

**Motion by Zanardi, second by Sanders, to approve McDevitt application for apartment. Unanimously approved.**

(3) Discussion of Gateway Standards – tabled.

5. New Business

(1) Other – Guests or Members – no further comments.

(2) 56 Middlesex Avenue: request for modification of Special Exception  
Letter from Peter Kehayias, 56 Middlesex Avenue LLC, was distributed and read by Commission members. Chairman Lavy also distributed a letter from Attorney David Royston in response to Mr. Kehayias' letter which Commission members read, along with an email from First Selectman Lauren Gister. Henry Krempel noted it's appropriate for Attorney Royston to comment on procedural issues, but not appropriateness of zoning. There needs to be a public hearing. Pat Bisacky agreed there should be a public hearing to listen to the petition. It was noted the Commission should probably create a new

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regulation that would address other similar parcels in town. This should be looked at on a global scale looking at other nonconforming uses, such as the Ted Tine property, and perhaps have a subcommittee develop a different regulation for nonconforming uses.

Chairman Lavy noted he would like to do this request separately and see whether the originally approved restrictions can be reduced. Lavy reviewed 7 of the 17 restrictions that the property owner would like eliminated or reduced. Pat Bisacky noted the owner should demonstrate why these restrictions are so restrictive and propose new language. Chairman Lavy noted it was supposed to be made more like the zone it was in, nonconforming use in a residential zone.

Emails from Bettie Perreault and First Selectman Gister were reviewed as well as prior uses of the property. Peter Zanardi noted that property has always been a gathering place for the town. Henry Krempel noted if the Commission allowed seating then Wendy's would move in.

Bettie Perreault noted the Commission should figure how to get this business up and running and fix it for the future. Mr. Kehayias should come in and request to relax the restrictions from the previous ruling.

Pat Bisacky asked if this was approved prior to the reconfiguration of the road and Memorial Lot. Pete Zanardi noted it was done after that.

Chairman Lavy noted he was hearing from the Commission they would be willing to discuss this if an application was brought forward. Bettie Perreault recommended to Mr. Kehayias that he come back to the Commission indicating what he would like changed and what he would like for substitutes. Krempel asked if Mr. Kehayias would come in with an application and the reply was yes. Krempel also noted he would like to have another discussion for a new zone, but that is a very long term discussion. Mike Sanders noted we should look at the POCD and the Route 154 Corridor.

Chairman Lavy noted Mr. Kehayias can reach out to either Judy Brown or himself and ask any questions. He suggested contacting Judy and speak to her about an application for next month's meeting. Mr. Kehayias noted he will submit an application and asked for a copy of Attorney Royston's letter.

6. Report of Officers and Subcommittees

(1) Report of Zoning Compliance Officer

Judy Brown, ZCO, indicated the public is now coming back to town hall and others have called requesting specific appointments. Bettie Perreault noted that the recent application before the ZBA was not brought before the Commission as it is an Appeal of the ZCO decision. Chairman Lavy noted he has been discussing this matter with the ZCO and that point is duly noted.

7. Bills for Payment – none.

8. Communications, Receipt of New Petitions, New Applications – none.

9. Approval of Minutes – June 11, 2020 and July 9, 2020

**Motion by Zanardi, second by Koong, to approve June 11, 2020 Minutes as written. Approved with Bisacky abstaining.**

Minutes of July 9, 2020 were tabled until August meeting.

10. Pending Litigation - nothing to report on.

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11. Adjournment

**Motion by Krempel, second by Sanders, to adjourn at 8:10 PM. Unanimously Approved.**

Respectfully submitted,

A handwritten signature in cursive script that reads "Judith R. Brown". The signature is written in black ink and is positioned below the text "Respectfully submitted,".

Judith R. Brown, Recording Secretary