

Chester Planning & Zoning Commission
Special Meeting, September 22, 2020, Minutes
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1. Call to Order

The Chester Planning & Zoning Commission held a Special Meeting on Tuesday, September 22, 2020 at the Chester Meeting House. The meeting was conducted both in-person and via ZOOM. Chairman Lavy called the meeting to order at 7:41 PM. Immediately following the Public Hearing.

2. Roll Call & Seating of Alternates

Members present and seated were Jon Lavy, Henry Krempel, Bettie Perreault and Peter Zanardi (in person) and Michael Sanders, Steven Merola, Elaine Fitzgibbons and Pat Bisacky (via ZOOM). Guests present were Peter Kehayias and Joe Cohen; First Selectman Gister arrived at 7:42 P.M.

3. Review of proceedings of Continued Public Hearing: Application #20-04 Special Exception, submitted by Peter Kehayias, 56 Middlesex Avenue LLC, to remove or replace conditions at 56 Middlesex Avenue, Tax Map 5, Lot 40, Zone R½.

Review of email correspondence from Charles Moore, (7 Old Depot Road) and St. Joseph's R.C. Church (46 Middlesex Avenue) was read and noted.

Points raised by members included the following:

- What will actually be there in the way of garbage containers during operation of a business? (Sanders)
- Clarification of the hours of operation. (Sanders)
- Confirmation that any conditions made a part of an approval will run with the property, whoever the owner may be. (Lavy)
- Until an owner or tenant actually operates a business on the premises, it will be difficult to know what the impacts on traffic, seating, garbage, etc. may be. (Sanders).
- What conditions would a new owner or tenant need to follow? (Krempel)
 - All conditions from the original Special Exception approval other than those that may be modified in an approval of this submission.
 - Any change in use or modification of any of the conditions would require a new application for a Special Exception.
- The proposed hours of operation in a residential zone could be a concern for residents. Note was made that hours in a commercial zone do not typically have a similar effect on residents, referencing the Village District, which is commercial in use. (Sanders)
- Impact on abutting or nearby residents is a valid consideration. No outdoor music or similar entertainment can be made part of the conditions if approved. (Lavy)
- Limiting evening hours to 9 P.M. or earlier was opposed. (Krempel, Zanardi)
- The structure is a large building with a lot of floor space, which would attract a large operation and there is no way of knowing in advance what a new owner/tenant may do. (Fitzgibbons)
- No potential purchaser or tenant has been willing to take the risk with the current conditions imposed on the property. (Lavy)
- The proposed seating capacity with the existing floor space calculates out to approximately 65 sq. ft. per person with a 60-person seating allowance. (Lavy)

- Parking is a concern. While access to public parking at North Quarter Park and potentially the parking lot for St. Joseph's Parish Center are options, there is still concern about pedestrians. (Bisacky)
- While he has no problem with any of what the applicant is requesting, some flexibility in the terms of conditions is warranted. The requested hours of operation make sense and as a gateway to the Village District, an active operation at the site may attract more to the commercial center in the Village District. (Merola)
- The conditions of the 2011 Memorandum of Decision "read like punishment to the owner". (Zanardi)
- Combining the allowable parking spaces for service and customers and the impact on neighbors from traffic, noise and pedestrians could potentially lead to complaints. (Sanders)
- North Quarter Park parking is a public, Town-owned area that would be available for overflow parking. (Gister)
 - Owner/tenant should add parking options at the Town site to its website.
 - Pedestrian crosswalks should be provided; the Town can make request of DOT.

Each of the sections of the original 2011 Memorandum of Decision where changes are proposed were reviewed individual and will be incorporated into a Memorandum of Decision for this Application. These will include details regarding deliveries, seating, hours of operation, restrictions on outdoor music/live entertainment, etc.

On Motion by Zanardi, seconded by Krempel, the Application for Special Exception for 56 Middlesex Avenue, with new conditions for items 4, 5, 12, 13, 14, 17 and 18 of the original Memorandum of Decision with the remaining items of the 2011 Decision remaining unchanged and a part of this decision. The vote was unanimous, with Jon Lavy, Henry Krempel, Bettie Perreault, Peter Zanardi voting in person; and Michael Sanders, Steven Merola, Elaine Fitzgibbons and Pat Bisacky voting via ZOOM.

11. Adjournment

Motion by Zanardi, second by Krempel, to adjourn at 8:16 PM. Unanimously approved.

Respectfully submitted,

Bettie Perreault

Secretary