

Zoning Commission Public Hearing and Administrative Session

September 27, 2016

The Zoning Commission held a Public Hearing and Administrative Session on Tuesday, September 27, 2016 at Stratford Town Hall, Main Street, Stratford, CT per notice duly posted.

Members Present: S. Philips, L. Pepin, M. Juliano, S. Farrington-Posner, D. Fuller

Also Present: Jay Habansky, Planning & Zoning Administrator, B. LeClerc, Town Attorney

Members Absent: None

Alternates: A. Baker

Call to Order: Chairman Philips called the meeting to order at 7:07 p.m.

Mr. Fuller made a motion to waive the rules to allow petitions 4 & 5 to be heard. The motion was seconded by Mr. Juliano. The motion carried unanimously.

533-541 Honeyspot Road – Petition of LBA Properties, LLC seeking approval of a Special Case under Sections 14.2.2 & 20 to go from one nonconforming use (fence Co) to another (pool plastering Co) in a CA District – Attorney Knott, representing petitioner, noted petitioner currently has business at 265 Hathaway Drive. Certificates of mailing submitted. Submitted and reviewed photos of 533-541 Honeyspot Road and 265 Hathaway Drive, site map of property, floor plan, assessor's card for 265 Hathaway Drive and Zoning Regulation 14.2.2. He discussed the nature of the operation, hours of operation and Section 14.2.2.

Commissioners questioned the legality of the buildings attached to the property, whether a Board of Zoning Appeals variance is necessary, intensity of use, appearance and landscaping of property, number of employees and parking.

Seeing no members of the public speaking in favor or opposition to the petition, Mr. Farrington-Posner made a motion to close 533-541 Honeyspot Road. The motion was seconded by Mr. Juliano. The motion carried unanimously.

900 Access Road – Petition of Burns Family Limited Partnership for approval of a Special Case as required by 7.1.7.1, 7.1.7.2, 10.1.3.1 and 20 to allow a drive-through restaurant with outdoor dining in an MA District – Attorney Knott, representing the petitioner, submitted Certificates of Mailings. He distributed and reviewed list of Access Road businesses, photos of property, photo of former Cricket Car Hop, site plan and floor plan.

Mr. Swift, Architectural Engineer, referred to and reviewed site plan, discussed elevation which will comply with flood zone regulations, discussed EPA and DEEP

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recommendations. He also noted sewer and water are available on site, sediment control plan in place and he submitted for record landscape plan.

Mr. Mingelleo, Architect, reviewed the floor plan, elevation of building, architecture of the building and submitted into record sketches of proposed building.

Attorney Knott noted all Town departments had no comment and this property was granted a variance in 1995. He discussed protection of the wetlands and noted recommendations of T. Batoh, Conservation Administrator and J. Casey, Town Engineer will be adhered.

Commissioners questioned signage, queueing, landscaping, sea-level elevation, hours of operation and lighting.

Seeing no members of the public speaking in favor or opposition, Mr. Farrington-Posner made a motion to close 900 Access Road. The motion was seconded by Ms. Pepin. The motion carried unanimously.

Recess: 8:20 p.m.

Resume: 8:33 p.m.

Mr. Fuller made a motion to hear petitions 1-3 together. The motion was seconded by Mr. Farrington-Posner. The motion carried unanimously.

443 King Street – Petition of Merrill Anderson Co., Inc. requesting a change of zone from an RS-4 to an LB District –

1166 Barnum Avenue – Petition of Merrill Anderson Co., Inc. to amend 6.1 of the Zoning Regulations by adding Restaurants & drive-through restaurants with outdoor seating as a permitted use in an LB District –

1166 Barnum Avenue & 443-445 King Street – Petition of Merrill Anderson Co., Inc. seeking approval of a Special Case as required by the amended 6.1 to establish a restaurant with a drive-through & outdoor seating in an LB District – Mr. Rizio, representing the petitioner, submitted data on current Starbucks patronage, discussed King Street being made entrance only and submitted site plan into record.

Mr. Galante, Traffic Engineer, distributed and reviewed "Response to Commission Comments". Discussed State of Connecticut plan for area, reviewed traffic study and accident data from the DOT and Stratford Police Department.

Commissioners voiced their concerns on the left exiting on Nichols Avenue and suggested right turn only onto Nichols Avenue. Commissioners would like petitioner to present this application to the Stratford Traffic Authority and would like to wait until the State presents a plan for the Nichols Avenue/Barnum Avenue intersection before making a judgement on this

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petition. Mr. Rizio would like to waive the 65 day rule to close the Public Hearing until which time they can come back with information from the State of Connecticut.

Owner, Shakespeare Veterinary Hospital, also suggested waiting until State presents its' plan for area.

Mr. Palmer, opposes project due to traffic and safety issues.

Mr. Mizera, opposes project due to traffic issues

Resident of 492 King Street is happy to see they are making King Street entrance only but noted this will cause large amount of traffic on Nichols Avenue.

Mr. Rakunas is opposed to this project.

Mr. Farrington-Posner entered into record letters from C. Nunno, 57 Nichols Avenue, C. Luka, King Street and another King Street resident in opposition to this project.

Mr. Fuller made a motion to postpone this petition until the October 25th meeting of the Zoning Commission. The motion was seconded by Ms. Pepin. The motion carried unanimously.

Mr. Fuller made a motion to adjourn the Public Hearing. The motion was seconded by Ms. Pepin. The motion carried unanimously.

Administrative Session

The Administrative Session was called to order at 9:59 p.m.

533-541 Honeyspot Road – Petition of LBA Properties, LLC seeking approval of a Special Case under Sections 14.2.2 & 20 to go from one nonconforming use (fence Co) to another (pool plastering Co) in a CA District – Ms. Pepin made a motion to take 533-541 Honeyspot Road off the table. The motion was seconded by Mr. Fuller. The motion carried unanimously. Commissioners discussed staff comments. Ms. Pepin made a motion to approve 533-541 Honeyspot Road with the stipulations that staff comments be adhered to, rear trees be maintained and the trailer will be taken down if deemed illegal. The motion was seconded by Mr. Juliano. The motion carried unanimously.

900 Access Road – Petition of Burns Family Limited Partnership for approval of a Special Case as required by 7.1.7.1, 7.1.7.2, 10.1.3.1 and 20 to allow a drive-through restaurant with outdoor dining in an MA District – Mr. Juliano made a motion to take 900 Access Road off the table. The motion was seconded by Mr. Farrington-Posner. The motion carried unanimously. Ms. Pepin noted that petitioner came prepared on the tidal wetlands. Mr. Juliano made a motion to approve 900 Access Road with the stipulation that recommendation by the Conservation Administrator and Town Engineer are followed. The motion was seconded by Mr. Farrington-Posner. The motion carried unanimously.

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Approval of Minutes – Mr. Farrington-Posner made a motion to approve the minutes of September 13, 2016. The motion was seconded by Ms. Pepin. The motion carried 4-0 with Mr Fuller abstaining.

Discussion –

Final Plans – 335 Ferry Boulevard – Mr. Habansky informed the Commissioners that the petitioner submitted all documents required under the March 2016 approval. **Mr. Fuller made a motion to accept final site plans for 335 Ferry Boulevard. The motion was seconded by Ms. Pepin. Roll call vote taken: Ms. Pepin, Mr. Juliano, Mr. Fuller, Ms. Philips voted in the affirmative – Mr. Farrington-Posner voted in opposition. Passes 4-1**

CAM Site Plan Review –

- **975 Lordship Boulevard** – Mr. Habansky read into record letter from C. Szymanski, DEEP. He noted sub-division was approved in 2014. Mr. Fuller made a motion to waive the rules to allow Mr. Caissey, Stratford Development, to answer questions. Mr. Caissey noted original approval was in 1998 for the West Campus – in 2013 there was a warehouse approval. Ms. Philips referred to the letter from Ms. Szymanski and discussed recommendations. **Mr. Farrington-Posner made a motion to table 975 Lordship Boulevard. The motion was seconded by Ms. Pepin. The motion carried unanimously.**
- **900 Access Road** – Mr. Fuller made a motion to approve 900 Access Road. The motion was seconded by Ms. Pepin. The motion carried unanimously.

Zoning Enforcement Study – Mr. Farrington-Posner will submit letter to Mr. Habansky prior to mid-October.

Accessory Apartment Applications – None

Sediment & Erosion Control Applications – None

Planning Projects –

- 1) **Greenway** – Ms. Pepin reported there will be a meeting on October 5th to finalize conceptual plans.

Goal Setting –

- 1) **Signs** – No Report
- 2) **SAEP Property** – No Report
- 3) **A) Medical Marijuana Moratorium** – Mr. Fuller reported he has looked at Shelton and Newington from 2013-2014. He questions what zones would be appropriate. Meeting for task force discussion ensued.
- 4) **B) Methadone Clinic Moratorium** – No discussion

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4) Parking – No Discussion

5) Recommendations to Town Council – Request sidewalk repair and address flooding issue on Hamilton Avenue – No Report

6) TOD –

1) Discuss areas where activated space is required

2) Other Modifications

7) Other

Seeing no other business to discuss, Ms. Pepin made a motion to close the meeting at 10:48 p.m. The motion was seconded by Mr. Farrington-Posner. The motion carried unanimously.

Respectively Submitted,

Gail DeCilio

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