

WALLINGFORD PLANNING & ZONING COMMISSION MEETING

MONDAY, MARCH 11, 2019

7:00 p.m.

Robert F. Parisi Council Chambers

Town Hall, 45 South Main Street

Wallingford, CT

MINUTES

PRESENT: Chair James Seichter; Vice-Chair J.P. Venoit; Rocco Matarazzo, Secretary; Commissioners Jeffrey Kohan; Steve Allinson, (Alternate); James Hine, (Alternate), voting for Mr. Fitzsimmons; Kacie Hand, Town Planner

Chair Seichter called the Meeting to order at 7:04 p.m. and the Pledge of Allegiance was recited, and announced the following applications would not be heard this evening: under “Public Hearing”, Item #1 – Special Permit (traffic generation – hotel)/Patel-Shield Hotels/1175 Barnes Road - **#401-19 – WITHDRAWN BY APPLICANT** ; Under “New Business”, Item #3, Change of Use (office to residential, 2nd floor) V. DiNatale/350 Center Street - **#304-19 – NO ACTION REQUESTED**

Approval of Minutes: February 11, 2019

Mr. Venoit: Motion to approve the February 11, 2019 Minutes as presented.

Mr. Kohan: Second

Vote: Unanimous

NEW BUSINESS

2. Site Plan (vehicle storage)/Six Research, LLC/6 Research Parkway - **#202-19**

Mr. Matarazzo noted all correspondence into the record: Inter-Departmental Referral received Feb. 26, 2019 from the Fire Marshal; Inter-Office Memorandum dated Feb. 28, 2019 from Erik Krueger, Sr. Engineer, Water and Sewer Divisions, to Kacie Hand, Town Planner; Correspondence from David G. Sullivan, Milone & MacBroom, to Ken Quartuccio, East Side Auto Transport, LLC, dated Feb. 5, 2019; Inter-Departmental Referral received Jan. 10, 2019 from the Fire Marshal; Inter-Departmental Referral received Jan. 4, 2019 from Ed Rizzo, Chief Engineer; Inter-Departmental Referral received (revised) January 7, 2019 from the Health Director; Memorandum dated Dec. 10, 2018 from Erin O’Hare,

Environmental Planner, to Kacie Hand, Town Planner; Correspondence from Kacie Hand, Town Planner, dated Sept. 27, 2019 re: Site Plan Application **#214-18**; Inter-Departmental Referral Received Sept. 11, 2019 from Erin O'Hare, Environmental Planner; Inter-Office Memorandum dated Oct. 5, 2019 from Erik Krueger, Sr. Engineer, Water and Sewer Divisions, to Kacie Hand, Town Planner; Correspondence from Atty. Dennis Ceneviva, Ceneviva Law Firm, re: Six Research LLC, (undated); Inter-Office Memorandum dated Dec. 5, 2019 from Erik Krueger, Sr. Engineer, Water and Sewer Divisions, to Erin O'Hare, Environmental Planner; Inter-Departmental Referral received Sept. 21, 2018 from the Fire Marshal; Memo dated Sept. 20, 2018 from the Fire Marshal; Inter-Office Memorandum dated Oct. 1, 2018 from Erik Krueger, Sr. Engineer, Water and Sewer Divisions, to Erin O'Hare, Environmental Planner; Inter-Office Memorandum dated Jan. 7, 2019 from Erik Krueger, Sr. Engineer, Water and Sewer Divisions, to Kacie Hand, Town Planner; Email from Michael Ott to Kacie Hand, Town Planner, dated Oct. 1, 2018; Email from Atty. Dennis Ceneviva, Ceneviva Law Firm, to Kacie Hand, Town Planner, dated Oct. 1, 2018; Correspondence dated Jan. 10, 2019 from Kacie Hand, Town Planner to Six Research, LLC; Minutes from the January 14, 2019 Planning & Zoning Commission Meeting regarding 6 Research, LLC; Correspondence dated March 5, 2019 from Kacie Hand, Town Planner, to Six Research, LLC; Lighting Site Plan regarding Six Research, LLC from Apex Lighting Solutions; Memorandum dated March 7, 2019 from the Dept. of Engineering to the Planning & Zoning Dept.

In answer to Chair Seichter's question, the Applicant acknowledged they had received all the above correspondence.

Appearing in front of the PZC was Atty. Dennis Ceneviva, Ceneviva Law Firm, representing the Applicant 6 Research, LLC; Ken Quartuccio, East Side Auto Transport, LLC; Michael Ott, Project Engineer, Summerhill Civil Engineers & Land Surveyors. Atty. Ceneviva explained the parcel is 3.05 acres in the IX zone and is currently vacant. He said the lot runs east to west from Research Parkway all the way back to Thorpe Avenue. Atty. Ceneviva added there is 254 ft. of frontage on Research Parkway where 250 ft. is required and complies with all open space, maximum coverage, building height and parking requirements. He noted the Applicant received Inland Wetlands approval at their Dec. 5, 2018 meeting.

Atty. Ceneviva told the PZC the Applicant proposes to construct an auto transport and storage facility with offices at 6 Research Parkway; the proposed building will be 9,720 sq. ft. and there will be no vehicle, including car carrier fueling, no maintenance, repairs or washing on the site because the Applicant has a related company, businesses and locations which would operate under a repairer's license off this site. Atty. Ceneviva discussed the truck turning movements in the back of the property where the car carriers would be located. He said this information has been provided, as well as information regarding additional landscaping, which will be located to the west side of the building, behind the parking area for screening of both noise and visual for Forbes Avenue.

Mr. Ott went over the site plan. He noted the photo metric plan which was submitted for site lighting, which he said was LED and full cut-off. Mr. Ott pointed out there was one light, adjacent to the streetline of Research Parkway which concerned Ms. Hand because of some low level of lighting being in the travel pavement of Research Parkway. Mr. Ott said he informed Ms. Hand he would check with the

lighting company which told him that particular light can be shielded and no light will intrude into the travel way on Research Parkway. Mr. Ott noted that there will be low-levels of lighting in the Right-Of-Way. Mr. Ott said the Applicant has a full landscape plan and pointed out additional 17 evergreen screening dark arborvitae evergreen plants along the westerly property line back near Thorpe Avenue along the street line has been added. He pointed this out on the site plan. He said this is a revised landscape plan and acknowledged this was the only revision to the landscape plan received by the PZC. Chair Seichter asked for a description of the arborvitae.

Mr. Ott said the arborvitae will be 2 1/2 inches to 3 1/2 inch calipers and five ft. to six ft. height at planting, growing to five to seven ft. wide and eventually attaining a height of 20 ft. He noted these will be single row plantings. Mr. Ott also pointed out a note will have to be made on the lighting plan showing the shielded street light on the south side of the driveway along the streetline of Research Parkway. Mr. Ott spoke about the ability of the car carriers to enter the site, make their turning maneuvers and exit the site safely. He noted the Town Engineer and Ms. Hand asked for a demonstration that the site was adequate for the car carriers to make these movements. Mr. Ott said Milone & MacBroom's Traffic Engineering Dept. was retained to do this analysis. He said Milone & MacBroom made a recommendation that the return curve radius be increased, the radius of the pavement on the driveway that intersects Research Parkway which the revised set of plans reflect. He said this will now allow the car carriers to make a right exiting turn without crossing the center line of Research Parkway.

Mr. Ott said because the site is located within the Watershed Protection District, there is an extensive stormwater management system. He said he has been working with Mr. Krueger who still has a few outstanding items which need to be addressed. He said he believes Ms. Hand is aware of this and minor revisions to the drawings will have to be made. Atty. Ceneviva said there was concern expressed in the past regarding the nature of this operation and pointed out a memorandum has been provided. Atty. Ceneviva said the Applicant feels comfortable that a good portion of this building will be for office use and noted the Applicant has a number of locations throughout the east coast for his operation and this location would be the centralized business office area besides the transport.

Mr. Quartuccio spoke about the operation. Chair Seichter asked Mr. Quartuccio to demonstrate a typical week would be like noting that at the last meeting, it seemed that the vehicles leave on a Sunday morning or Monday, go down to Baltimore, pick up cars, make the deliveries and come back on a Friday. He said he wondered what the warehouse would be used for.

Mr. Quartuccio said he has 30 trucks registered and insured in the Town of Wallingford. He said his business hauls approximately 2,000 cars per week and the range of business is from Boston to Raleigh, North Carolina every day. He pointed out that out of the 30 trucks his business owns, approximately 10 are registered in Connecticut, and the other trucks are spread out from Massachusetts to North Carolina where the drivers reside. Mr. Quartuccio said the main business model is to pick up cars from two auto auctions, one in Framingham, Mass., and one in Windsor, CT. He said these cars are picked up and hauled from the bottom of New Jersey to Raleigh, N.C. He said the northern business involves picking up

cars out of Baltimore, Md., and delivering them from CT., Massachusetts, New Hampshire and Rhode Island.

Mr. Quartuccio said that typically, the trucks stay full the entire time. He said his business also hauls a lot of high-end cars. He explained that with these cars, the dealership may not take a full load of cars, which is 9 cars. He said if there are 7 cars going to Springfield and 2 cars going to Boston, we drop the 2 cars going to Boston at the N. Plains site and then a smaller truck would deliver these cars. Mr. Quartuccio said the problem he is running into is the higher end cars that he hauls, aren't left outside. He said the N. Plains location is 3,600 sq. ft., with 2,000 sq. ft. being used for offices, so there isn't a lot of room to park the cars inside. He also noted a truck can't be pulled into the N. Plains site, it has to be backed into, which is a safety issue. Mr. Quartuccio said this is why the new site on Research Parkway was considered because the car carriers can enter the site without having to back into it.

He said on a typical day, the drivers would leave out and return on a Wednesday and go back out on Thursday and return home on Friday. He said some days there are zero trucks coming into the yard and some days there are five or six trucks coming in to off load or load. He noted that most of his business of dropping and picking up vehicles occurs between the hours of 9 a.m. to 5 p.m. He emphasized there is not a lot of activity and night and trucks are not parked per se at N. Plains other than flatbeds which are required. He noted most drivers park off-site at N. Plains, which would be the same situation at Research Parkway.

He noted that typically at N. Plains, drivers are seen for 15 minutes and this is also anticipated for the Research Parkway site. Mr. Quartuccio said he is looking to move his offices to the Research Parkway location, because there is not enough office space at the N. Plains location. He said the plan is not to park local delivery vehicles at the Research Parkway location and said this location also wouldn't be used as a starting or an exit point on a planned basis. Mr. Quartuccio said the N. Plains location will be kept for maintenance and outdoor storage. Mr. Kohan mentioned the unloading and asked if the trailers have to be parked at the Research Parkway location, will there be enough room for them to turn. Mr. Quartuccio affirmed there will be more than enough room and enough room to pull in without having to back into the site.

Mr. Kohan mentioned the Watershed Protection District and said a Condition of Approval the Commission would like to see is to ensure these regulations and standards are part of the Conditions. He noted at the last meeting, he questioned the landscaping, but noted he is now satisfied on what was presented. Mr. Hine asked if there would be car lifts in the building for storage. Mr. Quartuccio said this is not part of the plan being presented and added he doesn't anticipate a large amount of cars, we just anticipate having the expensive cars parking inside. Mr. Hine asked how many round trips will the trucks make per week. Mr. Quartuccio noted that currently, the trucks average 60 round trips per week; most of the trips being one pick and one drop. He said average driver does two trips per week and the only time we run into this issue is with the luxury cars noting these dealerships don't take a full load (9 to 10) cars. He said he is only looking to load a few luxury cars in the yard and he believes the impact will be less than what people fear. Mr. Hine noted Mr. Quartuccio's statement there will be days where no

trucks will come into the yard and other days where there will be four or five trucks in the yard. He asked on average how many trucks will be coming into the yard. Mr. Quartuccio said on an average week, from Monday morning to Saturday afternoon, a truck will pull in 25 times and the truck will then leave. He noted a lot of drivers never come to the yard. He said most of the trucks will come and go between 9 a.m. to 5 p.m. He noted the drivers all work off of an electronic time log book and are on a timer so they won't be coming in at 3 a.m. Mr. Hine said he appreciated the diagrams from Milone & MacBroom and asked if these diagrams showed more spaces than anticipated. Mr. Ott said the number of truck spaces was reduced from 12 to 8 on the revised plan.

In response to Mr. Hine's question, Atty. Ceneviva reiterated there would not be any sales, repairs or washing of vehicles on this site. Mr. Quartuccio stated there will also not be any long-term truck storage on this site. He said these trailers don't come apart as is the case with a traditional 18-wheeler. Mr. Hine asked about the Inland Wetlands Conditions of Approval. Atty. Ceneviva noted these Conditions would be similar to the proposed PZC comments recognizing this area is in the watershed. He said his client has no problem with these Conditions. Mr. Hine said that looking at the Milone & MacBroom diagrams, he didn't believe this was a make or break issue for him, but noted the way these vehicles are going to turn on the property is necessarily ideal. He stated he was concerned about the residences behind this property and noted the Applicant had proposed planting one row of arborvitaes. He said he would like to see a second row of arborvitaes planted.

Mr. Allinson asked about the early trucks outside the 9 a.m. to 5 p.m. early time frame, wondering when the trucks come in, would this be at the beginning or end of the trip. Mr. Quartuccio said the trucks would be coming in midway, stopping at the yard to drop off cars and then head out to drop off or pick up the rest of their load. Mr. Allinson asked about the noise. Mr. Quartuccio noted all the trucks are 2016 or newer which require them to have two catalytic converters and a muffler. He pointed out the exhaust system is located underneath the trucks and at night, no one will know they are running.

Ms. Hand said the Applicant has been very responsive and has made for some good improvements to this project, and noted there are a lot of uses in this zone and iterations of this type of use which would be more intensive than what Mr. Quartuccio is describing. She spoke about the some of the Conditions of Approval, i.e., the backing in of trucks off of a road, which she pointed out the current Regulations do not allow; she also recommended a limitation to the eight spaces for the transport trucks, citing the turning movements didn't work for the additional parking spaces. She noted a maintenance plan for the storm water system still needs to be provided and a bond will be determined upon submission of the final plans. Ms. Hand also recommended that trucks parked on-site must be affiliated with the warehouse operation which was agreed to by the Applicant. She said that generally, her comments were addressed, but noted there are some tough soils for the storm water, and a lot of work was done by the Applicant to make a workable design.

Chair Seichter asked the distance from the property line to the fence on the west side of the property. Mr. Ott said it was approximately 120 ft. Chair Seichter asked about the vehicles residing in CT and asked why there were locations in Southington and Durham. Mr. Quartuccio said he tries to keep the

drivers pooled in the same area. He pointed out he has five drivers who reside in Torrington, Waterbury and New Britain, so there is a lot by the Southington truck stop as well as in Northford by Rt. 17.

Chair Seichter entertained Public Comment at this time.

Public Comment

Will Brennan, 75 Thorpe Avenue, said he resides directly across from this project. He noted that at the January meeting, it was mentioned the hours of operation would begin at 3:30 a.m., ending at 8 p.m. which sounded different based upon what was said tonight. He noted he has two young children, along with houses on his left and right and was concerned about noise from the vehicles. He said he wasn't sure the one layer of 5 ft. trees would be enough of a noise barrier. He also spoke about the trucks backing and gates going up and down when vehicles are being loaded.

Richard Shartman, 27 Cliffside Drive, said he had the same noise concerns and asked for clarification noting his impression was very different from the January meeting that the trucks would be started and loaded at 3 a.m. He said because of the close proximity to residential homes, the 3 a.m. hour would be inappropriate.

Robert Kesilewski, 117 Thorpe Avenue, said the concern in January was about smoke, noting trees don't hold back the smoke. He pointed out he resides near the back side of I-91 and his property gets smoke from that highway all the time. He noted that at the January meeting it was stated there could be eight to 10 trucks on site at 3 a.m. and if there was any wind, it would blow through the entire residential area. He asked if a wood barrier as is the case with I-91 could be installed. He noted that with a sound barrier, the noise won't be heard, pointing out that all trucks have air brakes.

Robert Parisi, 23 E. Main Street, spoke as a citizen, not as a member of the Zoning Board of Appeals. Mr. Parisi said he has known the Applicant for more than 23 years. He spoke to the character of the Applicant, noting he found Mr. Quartuccio to be a man of his word and straightforward. Mr. Parisi said Mr. Quartuccio is a gentleman and a family man and Wallingford could use a lot more businesses and people like him.

End of Public Comment

Mr. Quartuccio, in answer to the public comments, discussed the hours of operation and about exhaust and noise. He said all commercial trucks have air brakes but noted when the process was started, his Attorney asked about a worst case scenario. Mr. Quartuccio stated there may be situations when a truck is on-site unloading at 3 a.m. but there won't be eight trucks or two trucks unloading, there may be one and this may only happen once a week. He said this is not what the plan is, but is a worse case scenario. Mr. Quartuccio said he is a good neighbor and pointed out he had a location on Woodhouse Avenue before moving to N. Plains, and will be a good neighbor to Thorpe Avenue. He said if there is a need for more sound barriers, and his attorney agrees to it, he will do it.

Mr. Quartuccio spoke about the exhaust. He noted car carriers don't have stacks, their exhaust in under the truck and don't produce smoke. He said the trucks are federally emission compliant because they are 2016 models or newer and are quiet. He said this wouldn't be an issue. Atty. Ceneviva said his client looked at how to be a good neighbor and noted this has been an evolving application. Atty. Ceneviva said the purpose of the additional trees was to provide more of a noise barrier. He noted the site is approximately 120 ft. back from the property line including the road width. He said the plan is to try to provide as much of a buffer as possible and is a generous amount of landscaping which is in addition to the landscaping plan.

Chair Seichter asked Ms. Hand about the PZC to be able to require the Applicant to install a sound barrier. Ms. Hand cited Section 7.2 of the Regulations discusses site plan objectives and states that "in reviewing a site plan application, the Commission shall take into consideration health, safety and welfare of the public in general and the immediate neighborhood in particular, and may prescribe reasonable conditions and safeguards..." i.e., public safety, circulation and parking, traffic and pedestrian access, landscaping and screening, lighting, public health, environmental features, watershed, drainage, water quality. Ms. Hand said limited conditions can be imposed. She noted there is a noise ordinance which the Applicant has to abide by, and pointed out this site is also in an industrial zone. She said what is being proposed here is rather constrained considering what the permitted uses are in this zone. Ms. Hand also pointed out this site is near I-91.

Chair Seichter said he agreed with the Town Planner and what the Applicant is proposing regarding the plantings given the distance between the west property line and the fence. Ms. Hand pointed out the fence slats provide an additional barrier for the exhaust and noted the Applicant is far from Thorpe Avenue. Chair Seichter noted there is a gate on the back of the fence which gives the Applicant the ability to maintain the western end of the property.

Mr. Matarazzo asked Ms. Hand about permitted use in the zone and hours of operation noting multiple comments leading to hours of operation possibly starting at 3 a.m. He asked if there would be restrictions on hours of operations under Permitted Use. Ms. Hand said there was nothing, pointing out with a dealer's and repairer's license which is not permitted in this zone, this would be a Special Permit. She said with these, the PZC would ask, depending upon where it would be located, and could impose restrictions and hours of operation. She said this is also a by-right use. Ms. Hand said there is a representation on the record that when people make a representation on the record, they remain true to this and must also bear in mind, users can change over time.

Chair Seichter entertained a motion on the application:

Mr. Venoit: Motion to approve a Site Plan for 6 Research Parkway, LLC, to construct a 10,540 (gross) sq. ft. storage/office building at 6 Research Parkway, as shown on plans entitled "East Side Auto Transport Automotive Storage Facility, 6 Research Parkway, Wallingford, CT" dated September 2018, revised to 12-15-18, subject to:

Conditions of Approval:

1. Memo dated Feb. 28, 2019 from the Water and Sewer Divisions;
2. Memo dated March 5, 2019 from the Wallingford Town Planner;
3. Memo dated March 7, 2019 from the Dept. of Engineering;
4. Maintaining compliance with Section 4.13.B the Watershed Protection District at all times;
5. Addition of 17 arborvitaes based upon the landscape plan presented today (March 11, 2019);
6. Inter-Departmental Referral Notice from the Chief Engineer, Wallingford Electric dated January 3, 2019, revised to February 6, 2019.

Mr. Kohan: Second

Vote: Hine – yes; Kohan – yes; Venoit – yes; Matarazzo – yes; Chair Seichter – yes

EXTENSIONS

4. Special Permit/Filling/12 Old Colony Road - #404-09

Ms. Hand said this is stockpiling permit which needs to be renewed every year or two. She recommended the PZC only extend this permit for three months because of issues raised by other Town Departments which she needs to discuss with the operator and ensure things are going the way they should. She said she will come back and report on the status.

Mr. Venoit: Motion to extend the Special Permit/Filling/12 Old Colony Road -#404-09 to July 9, 2019

Mr. Kohan: Second

Vote: Hine-yes; Kohan – yes; Venoit – yes; Matarazzo – yes; Chair Seichter – yes

BOND RELEASES & REDUCTIONS

5. Site Plan/Thurston Foods, Inc./30 Thurston Drive - #213-14

6. Site Plan/I Am The Walrus (Tractor Supply)/801 North Colony Road - #203-18

7. Site Plan/Fed-Ex Ground/29 Toelles Road - #220-16

Ms. Hand said she is still waiting for an engineering report on 30 Thurston Drive. Regarding Tractor Supply, she is recommending the bond be reduced to \$5,000 because most of the site work has been completed, but there was a wash-out at the front which should be fully addressed in the spring; 29 Toelles Road is ready for release.

Mr. Venoit: Motion to approve the bond release for Site Plan Fed-Ex Ground, 29 Toelles Road - #220-16 and a reduction to the bond to \$5,000 for the Site Plan I Am The Walrus, Tractor Supply, 801 North Colony Road - #203-18.

Mr. Kohan: Second

Vote: Hine – yes; Kohan – yes; Venoit – yes; Matarazzo – yes; Chair Seichter – yes

REPORTS OF OFFICERS AND STAFF

8. Administrative Approvals

a. Change of Use/Handy Works Remodeling/478 North Plains Industrial Road - **#303-19**

b. Site Plan/5 Research Parkway Wallingford, LLC/7 Research Parkway - **#203-19**

Ms. Hand noted the Handy Works Remodeling which was a change of use and the electric provision for 5 Research Parkway. She said it was discussed how the electric provision would be done since the generator was taken down. Ms. Hand said this was approved.

9. ZBA Decisions of February 19, 2019

Ms. Hand said there were two approvals: 777 Northrup Road, Radiall New Haven, which is an office and assembly use and noted this application, will be coming to the PZC for site plan approval; 4 Miles Drive was approved for a front landscape variance for a proposed hotel which will also be in front of the PZC. Ms. Hand said a variance was needed because the parcel is a rear lot which was created prior to zoning and are undersized.

10. ZBA Notice of March 18, 2019

Ms. Hand said there are three variances and one Special Exception; #1 is for an attached garage and #2 and #3 is for a daycare expansion on Technology Drive. She said these applications, if approved, will also be coming in front of the PZC; # 3 is also for an expansion noting Davenport Associates is looking to expand their storage yard. She said this application if approved will also be for PZC consideration.

Ms. Hand reminded the PZC there is a workshop on electronic message signage on Monday, March 18 in Room 315 at 7 p.m.

11. Zoning Enforcement Log

Ms. Hand mentioned some of the car dealerships particularly on N. Colony. She said Amy Torre, the Zoning Enforcement Officer, has been pursuing these violations, especially vehicles at the Fireplace Store. She said a notice was sent and they came in to discuss this on March 11. Chair Seichter asked if a notice was also sent to the Subaru Dealership who has been parking cars in this area. Ms. Hand said she would check with Ms. Torre but stated she believed both parties received the notice and she said she had a conversation with the Subaru Dealership.

ADJOURNMENT

Mr. Venoit made a motion to adjourn the Meeting at 8:20 p.m. Mr. Kohan seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary