



PLANNING & ZONING COMMISSION

Bethel Municipal Center
1 School Street, Bethel
Connecticut 06801
(203) 794-8578

PLANNING & ZONING COMMISSION MINUTES

April 23rd, 2013

BETHEL MUNICIPAL CENTER
DENIS J RIORDAN – ROOM D 7:00pm

BUSINESS MEETING

Commission members present: P. Rist, Chairman, J. Lennon, B. Legnard, K. Grant, E. Finch, S. Deuschle, P. Valenti, S. Forman. S. Deuschle was seated for D. Brown.

MINUTES

Motion by B. Legnard seconded by J. Lennon to approve minutes of the 4/9/13 meeting. Motion passed, P. Valenti abstained.

NEW BUSINESS.

BURNDY, LLC/185 GRASSY PLAIN STREET/SITE PLAN/SPECIAL PERMIT/EXCAVATION

Motion by J. Lennon, seconded by B. Legnard to accept the Application for Burndy, LLC for Site Plan/Special Permit/Excavation and set a Public Hearing date for May 28th, 2013.
Motion approved unanimously

WORK SESSION

RIZZO/227 GREENWOOD AVE/SITE PLAN/SPECIAL PERMIT

Motion by B. Legnard, seconded by K. Grant to approve a special permit for the conversion of office space to a restaurant on property located at 227 Greenwood Avenue, Assessors Map 22, Block 14, Lot 12 in the commercial Village Zone (VC) Zone, owned by Michael and Linda Rizzo, subject to the following stipulations:

- 1) Except as modified herein, the project shall be constructed in accordance with plans entitled "Interior Renovations, Rizzo Property, 227 Greenwood Avenue, Bethel, CT", Prepared by BPS Design, LLC, dated January 13, 2013, and revised on February 19th, 2013

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TOWN CLERK

- 2) Except as modified herein, the exterior improvements shall be completed in accordance with plans entitled "Site Plan w/ Proposed Parking" prepared by BBS Design, LLC, dated December 1, 2012, and revised on January 16, 2013.
- 3) A landscape plan prepared by a landscape architect shall be submitted for review and approval to the Planning & Zoning Official prior to implementation. The landscaping shall include buffer planting from adjoining residential properties. It shall consist of a mix of evergreens, shrubs and fencing. The landscaping shall be installed prior to the issuance of a Zoning certificate of Compliance for occupancy.
- 4) Exterior site lighting shall be the minimum necessary for safety and aesthetic purposes. All lighting shall be down directed in accordance with Section 6.8 of the Zoning regulations. Specifically, the Commission requires that the parking lot shall be lighted with bollard type fixtures to avoid unnecessary glare onto residential properties. The applicant shall submit the light fixture specifications for review and approval prior to installation.
- 5) The applicant has stated that the closing hour for the restaurant will be 9 PM Sunday through Thursday and at 11 PM on Friday and Saturday. The closing time shall not be later without approval from the Planning & Zoning Commission.
- 6) In accordance with Section 6.10 of the Zoning regulations, the Commission engaged the Town's architectural consultant to review the façade changes proposed on the building. A report dated 4/25/13 was issued by the consultant who provided specific recommendations for improving the front façade's appearance. The Commission believes that each recommendation would create a more attractive appearance and should be considered by the applicant. The applicant shall review the recommendations and revise the plans to incorporate one or more of the recommendations. The plan shall be submitted for review and approval by the Commission prior to implementation.
- 7) The dumpster enclosure shall be constructed in accordance with the requirements of the Health Department
- 8) The area behind the garage shall be cleared of debris.
- 9) To become effective, this resolution shall be filed upon the land records in the Town Clerk's Office.

Reasons: In granting this approval, the Planning & Zoning Commission states that the proposed plan is in substantial compliance with the zoning regulations of the Town of Bethel, and the project, if constructed according to the referenced plans and stipulations will not exert a detrimental effect on the neighboring properties or the development of the surrounding district.

Motion Approved. P. Valenti abstained.

ANTHONY & MIRELLA DELUCA/37 MAPLE AVE/8-30G – 6 UNITS

Motion by B. Legnard, seconded by S. Deuschle to approve affordable housing that proposes to convert an existing single family dwelling into an affordable housing unit, construct a new, non-income restricted single family dwelling, construct a new non-income restricted single family

dwelling with an affordable housing unit located on the second floor above a proposed garage, on property located at 37 maple Avenue, Assessors Map 30, Block 67, Lot 4, located in the residential R-10 Zone, owned by Anthony and Mirella Deluca, subject to the following stipulations:

1. Unless modified herein, the project shall be constructed in accordance with plans entitled Anthony Deluca, 37 Maple Ave., Bethel, Connecticut, prepared by Dainius Virbickas, of Artel Engineering Group, LLC, dated August 23, 2012, and last revised on January 17th, 2013.
2. The Commission discussed the merits of the application, 4 units under 8-30g, accessory versus individual unit with deed restriction of 40 years, affordability plan, landscaping, fencing. It was the consensus of the Commission to request a draft of approval for the next meeting.
3. Unless modified herein, the rear building shall be constructed in accordance with plans entitled "New Construction, Deluca Residence, 37 Maple Avenue, Bethel, Ct." prepared by BBS Design, LLC, dated January 21, 2013.
4. This project shall be constructed in accordance with all of the requirements outlined in Connecticut General Statute 8-30g.
5. Prior to the issuance of a zoning permit, the applicant shall revise the Affordability Plan to reflect the most recent changes to the development. The revised Plan shall be submitted to the Planning and Zoning Department for review and approval.
6. The affordable unit located on the second floor of the rear building shall have exclusive access to the exterior of the building and shall be treated as a distinct dwelling unit for all regulatory purposes. The building plans shall be revised to reflect a direct access to the exterior of the building.
7. Prior to the issuance of a zoning permit, the applicant shall obtain an approval for adequate sewer capacity to serve each of the four dwelling units.
8. The project shall conform to their recommendations outlined in reports from the following departments:
 - a. The Police Department report dated October 17, 2012
 - b. The Building Department report dated October 17, 2012
 - c. The Health Department report dated November 20, 2012
 - d. The Town Engineer report dated November 21, 2012
 - e. The Fire Marshall report dated October 18th, 2012
9. Due to the lack of adequate sight lines at the development access point on Maple Avenue, the existing stone wall must be removed and/or relocated.
10. Due to topographic changes from the subject property to the neighboring residences, a 6 ft. high fence shall be installed along the north, west and

southern property lines. The exact location of the fencing shall be determined on the site with the Planning and Zoning Director prior to installation.

11. The construction of the building at the rear of the property may require the removal of some or all of the existing evergreen trees that provide a mature screen to neighboring residences. If trees are removed, each shall be replaced with 10-12 ft. high spruce trees.
12. Prior to the initiation of any construction on the site, all erosion and sediment control measures shall be installed according to notes on the drawings and in conformance with the 2002 CT Guidelines for Soil Erosion and Sediment Control. E&S control measures shall be maintained throughout the construction process and until the site is fully stabilized. The Commission and/or its designated agent may require additional E&S control measures as needed throughout construction and until the site is stabilized.
13. Foundation and final as-built surveys will be required at appropriate phases of construction for each structure.
14. A bond shall be posted for the proposed driveway apron and erosion and sedimentation control measures by the Public Works Department.

Reasons: In granting this approval, the Planning and Zoning Commission states that the proposed project is in substantial compliance with Connecticut General Statute 8-30g.

Motion passed unanimously.

OTHER BUSINESS

Motion by J. Lennon, seconded by S. Deuschle to add to Agenda
Request for Grant from Affordable Housing Fund

Motion Carried.

Attorney Peter Olson appeared before the Commission on behalf of the Bethel Housing Authority and provided correspondence from Wos & Wos, Rye Brook, NY & Land Use and Conservation Counsel, Bethel, CT.

The Bethel Housing Authority has obtained the services of Konrad P. Wos, Consultant. in the interest of pursuing an offer to purchase Augustana Homes in Bethel. In December, the Housing Authority requested and received a grant from the Affordable Housing Fund in the amount of \$6,500.00 in order to prepare an offer to purchase Augustana Homes located on Durant Ave. from the Bridgeport Roman Catholic Diocese.

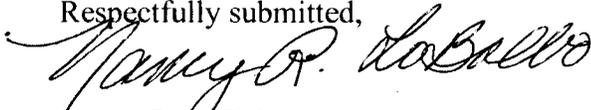
The Housing Authority has been selected as one of the final three bidders for the Property, and has been invited to submit a final and best offer. At this time the Housing Authority has been provided with additional financial data & data concerning the physical condition of the property. In order to analyze this new data and compile it into a best and final off the Housing Authority

would like to extend the engagement of Konrad P. Wos, principal of Wos & Wos Development Corp of Rye Brook, NY to assist in the process. The additional fee is proposed to be a total of \$4,000.00. Attorney Olsen requested an additional \$4,000.00 grant from the Affordable Housing Fund for the services of Mr. Wos.

Motion to approve by K. Grant, seconded by B. Legnard to approve a Grant of \$4,000.00 from the Affordable Housing Find to the Bethel Housing Authority.
Motion Passed Unanimously.

Motion to adjourn at 8:10 p.m. by K. Grant, seconded by P. Rist. Motion passed unanimously.

Respectfully submitted,

A handwritten signature in cursive script that reads "Nancy R. LoBalbo".

Nancy R. LoBalbo
Planning & Zoning Department Secretary