

**WATERBURY ZONING COMMISSION
REGULAR MEETING – AUGUST 24, 2022 - 7:00 PM
ALDERMANIC CHAMBERS - CITY HALL
235 GRAND ST. - WATERBURY**

SUMMARY MINUTES

CALLED TO ORDER *7:00 PM by Chairman Egan*

PLEDGE OF ALLEGIENCE *Led by Francine Nido*

ROLL CALL

Present:	<i>Chairman J. Egan</i>	<i>Aldermanic Liaison E. Brunelli</i>
	<i>Commissioner M. Hayden</i>	<i>Commissioner C. Palladino</i>
	<i>Commissioner S. Mannetti</i>	
Absent:	<i>Commissioner F. Guerrera</i>	
Also	<i>R. Nerney, City Planner</i>	<i>D. Foster, Corporation Counsel</i>
Present:	<i>F. Nido, Office of the City Clerk</i>	

PUBLIC SPEAKING: *None*

PUBLIC HEARINGS:

1. **PL 2022-0234 Public Hearing** for Consideration of a Opting Out from the Requirements and Mandates of PA 21-29 Concerning Accessory Dwelling Units, **Applicant:** City of Waterbury Zoning Commission. **OPEN HEARING DEADLINE:** n/a.
2. **PL 2022-0235 Public Hearing** for Consideration of a Opting Out from the Requirements and Mandates of PA 21-29 Concerning Uniform Parking Requirements, **Applicant:** City of Waterbury Zoning Commission. **OPEN HEARING DEADLINE:** n/a.

Presentation regarding both Public Hearings made by Robert Nerney, City Planner.

*A motion to **CLOSE** Public Hearing Item #1 & #2 at 7:21 PM was made
by Commissioner Mannetti, seconded by Commissioner Hayden, and Carried.*

3. **PL 2022-0182 Modification of Special Permit** pursuant to Section 4.08 of the Zoning Regulations to permit conversion of a former child daycare to eight (8) studio apartments, 28 Scovill Street (a/k/a MBL 0295/0077/0022), Owner: Thomas Gessler, Fraydun Enterprise, LLC, **Applicant:** David Ball, AIA The Monroe Partnership, LLC **OPEN HEARING DEADLINE: September 28, 2022. (OPENING OF HEARING CONTINUED TO SEPTEMBER 28, 2022 AT APPLICANT’S REQUEST).**

Applicant requested delay of opening of hearing until September 28, 2022.

A motion to APPROVE the Applicant's request regarding Public Hearing Item #3 was made by Commissioner Mannetti, seconded by Commissioner Hayden, and Carried.

OLD BUSINESS:

1. **PL 2022-0234 Public Hearing** for Consideration of a Opting Out from the Requirements and Mandates of PA 21-29 Concerning Accessory Dwelling Units, **Applicant:** City of Waterbury Zoning Commission. **OPEN HEARING DEADLINE:** n/a.
2. **PL 2022-0235 Public Hearing** for Consideration of a Opting Out from the Requirements and Mandates of PA 21-29 Concerning Uniform Parking Requirements, **Applicant:** City of Waterbury Zoning Commission. **OPEN HEARING DEADLINE:** n/a.

On the motion of Commissioner Mannetti, seconded by Commissioner Hayden, the Commission voted unanimously by roll call vote to APPROVE Old Business Item #1 and Old Business Item #2 per Staff suggested resolutions:

Old Business Item #1

Whereas the Zoning Commission has reviewed its zoning policies and has studied existing build-out conditions of its single-family neighborhoods and concludes that the majority of properties are small in area; ranging between 6,000 to 12,000 square feet in area and further find the existence of many legal non-conforming single family lots with land areas below 6,000 square feet; resulting in such lots being poorly suited for increased density; and

Whereas, the Zoning Commission has carefully reviewed Public Act 21-29 and has determined that the City's current policy of not allowing Accessory Dwelling Units (ADUs) best serves the City's interests in terms of lessening congestion in the streets, securing safety from fire, panic flood and other dangers, promoting health and general welfare, providing adequate light and air, and facilitating adequate provisions for transportation, water, sewerage, schools, parks and other public requirements as authorized in Section 8-2 of the Connecticut General Statutes; and

Whereas, the Zoning Commission concludes that the Act is designed to permit Accessory Dwelling Units as a "by right use" and, as such, fails to allow the Commission the ability to assess requests that may give rise to public safety concerns based on site specific conditions; and

Whereas the Zoning Commission finds that the Act prohibits a public hearing process whereby residents can comment on a given proposal; and

Whereas the Zoning Commission notes that City of Waterbury has adopted an affordable housing plan pursuant to CGS 8-30j which provides guidance and recommendations that are more suitable to addressing the issues of affordability and availability of housing in an urban environment.

NOW THEREFORE BE IT RESOLVED, that the Zoning Commission of the City of Waterbury in accordance with Public Act 21-29, votes to opt out of the requirements and mandates governing the establishment of Accessory Dwelling Units on properties used for single family purposes for reasons stated above.

Old Business Item #2

Whereas, the Zoning Commission has reviewed Public Act 21-29 as it relates to standardized parking requirements for certain residential use groups; and

Whereas, the Zoning Commission finds the Act fails to account for the wide array of housing types and land use conditions that are unique to Waterbury and an urban environment in general; and

Whereas, the Zoning Commission finds the Act fails to recognize the availability of public transportation throughout Waterbury which, in certain circumstances, reduces dependence on personal vehicle use; and

Whereas, the Zoning Commission in 2016 decreased parking requirements for multifamily housing in certain districts; recognizing the availability of on-street parking and proximity to public transportation; and

Whereas, the Zoning Commission finds that the Act, in many ways, is less flexible with regard to promoting and directing housing opportunities; particularly with regard to investment within specific areas of the community.

NOW THEREFORE BE IT RESOLVED, that the Zoning Commission of the City of Waterbury, pursuant to Public Act 21-29, votes to opt out of the requirements and mandates governing the standardized parking space requirements for certain housing uses, for reasons stated above.

- 3. PL 2022-0182 Modification of Special Permit pursuant to Section 4.08 of the Zoning Regulations to permit conversion of a former Day Care Center to eight (8) studio apartments, 28 Scovill Street (a/k/a MBL 0295/0077/0022), Owner: Thomas Gessler, Fraydun Enterprise, LLC, Applicant: David Ball, AIA The Monroe Partnership, LLC. OPEN HEARING DEADLINE: September 28, 2022. (OPENING OF HEARING CONTINUED TO SEPTEMBER 28, 2022 AT APPLICANT'S REQUEST).**

On the motion of Commissioner Mannetti, seconded by Commissioner Hayden, the Commission voted unanimously to DELAY THE PUBLIC HEARING UNTIL SEPTEMBER 28, 2022 regarding Old Business Item #3:

NEW BUSINESS:

- 1. PL 2022-0242 Request for Modification to a Previously Approved Special Permit for purposes of adding a driveway and reinstating expired site plan approval associated with an Earth Excavation Use, Location: 109 Nichols Drive, Applicant: Chuck Stone OPEN HEARING DEADLINE: October 28, 2022.**

On the motion of Commissioner Palladino, seconded by Commissioner Hayden, the Commission voted unanimously to CONTINUE New Business Item #1 until the October 26, 2022 Meeting.

2. **PL 2022-0258 Special Permit for Accessory Packaged Alcohol Sales; Location:** 162 Willow Street; **Applicant:** Kalpana Modhwadia (d/b/a Jascarli Mini Market 3 LLC).
OPEN HEARING DEADLINE: October 28, 2022.

On the motion of Commissioner Mannetti, seconded by Commissioner Palladino, the Commission voted unanimously to SET A PUBLIC HEARING ON SEPTEMBER 28, 2022 relative to New Business Item #2.

3. Request from Natalie Straussman requesting minor modification to previously approved Special Permit for a Day Care Center located at 102 Meriline Avenue.

On the motion of Commissioner Mannetti, seconded by Commissioner Hayden, the Commission voted unanimously by roll call vote to APPROVE New Business Item #3 per Staff suggested resolution:

Whereas, the Commission has received a communication requesting authorization to perform interior alterations within an existing day care center located at 102 Meriline Avenue.

Whereas, the Commission finds that the subject property was conditionally-approved as a day care center use on June 24, 2020.

Whereas, the specific request calls for an internal reconfiguration of space within the building; limited to a conversion of office space to a classroom and the conversion of a covered play area (formerly used as a garage) to interior office space.

Whereas, the Commission finds that the request does not result in a physical expansion of the building footprint.

Whereas, the requestor does not seek to alter or eliminate operational conditions imposed by the Commission at time of initial approval. NOW THEREFORE BE IT

RESOLVED that the Zoning Commission of the City of Waterbury approves the request to allow an interior reconfiguration of space within the existing day care center as presented, subject to the following conditions:

1. *Relocated office space shall be used solely in conjunction with the day care center operations.*
2. *Consistent with the initial special permit approval, the day care center shall not serve more than twenty-four (24) children at any given time.*
3. *All other conditions of the June 24, 2020 special permit approval shall remain in full force and effect; including but not limited to days and hours of operations, adherence with State licensing requirements and maintaining the existing configuration of the lot.*
4. *The applicant shall obtain requisite approvals from City Planning Department and such approvals shall be subject to the aforementioned conditions.*
5. *This permit shall not be effective until the applicant files a copy of this approval on the land records in the Office of the Town Clerk of the City of Waterbury.*

4. Request from Mark Mullings requesting minor modification to previously approved Special Permit for a Religious Institution located at 69 Pearl Street.

On the motion of Commissioner Mannetti, seconded by Commissioner Palladino the Commission voted unanimously by roll call vote to APPROVE New Business Item #4 per Staff suggested resolution:

RESOLVED that the Zoning Commission of the City of Waterbury approves the request of Mark Mullins of the World From Above Ministries for a minor modification to a Special Permit for property located at 69 Pearl Street (a/k/a/ MBL 0236-0174-0027), to expand an existing Religious Institution; as shown on plan entitled Site Plan, prepared for The World From Above Ministries, Inc., prepared by Global Tech Design, LLC, dated March 11, 2022 and consisting of one (1) page drawn to a scale of 1"=20'. This resolution of approval is subject to the following conditions:

1. All exterior lighting shall be shielded in such a manner as to prevent the visibility of light source (i.e. filament or other generator of light) from the property onto public rights-of-way and other neighboring properties.
 2. Sanctuary occupancy shall be restricted to not more than 72 people.
 3. All other conditions of approval as outlined in the Zoning Commission resolution of approval, dated March 31, 2013, shall remain in full force and effect.
 4. Prior to the commencement of any work, the applicant shall obtain a Zoning Permit from the City of Waterbury Planning Department along with any and all other requisite approvals from other City departments.
 5. This permit shall not be effective until the applicant files a copy of this approval on the land records in the Office of the Town Clerk of the City of Waterbury.
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5. Approval of Summary Minutes from June 22, 2022 (Regular Meeting).
 6. Approval of Summary Minutes from July 28, 2022 (Special Meeting).

On the motion of Commissioner Hayden, seconded by Commissioner Mannetti, the Commission voted unanimously to APPROVE New Business Item #5 and New Business Item #6 (Minutes from the June 22nd and July 28th Meetings).

COMMUNICATIONS:

1. Correspondence from Atty. Jean Perry-Phillips of Pullman and Comley, LLC concerning the recording of an Environmental Land Use Restriction, 16 Cherry Avenue and 167 Maple Avenue.
2. Correspondence from Elizabeth N. Caron of Shipman and Goodwin, LLP concerning the recording of an Environmental Land Use Restriction, 152 and 276 Chase Avenue.

DISCUSSIONS:

SUPPLEMENTAL ITEMS: (5 votes required to add to agenda)

ADJOURNMENT:

On a motion of Commissioner Brunelli, seconded by Commissioner Hayden the Commission voted to ADJOURN at 8:11 PM.