

**TOWN OF HADDAM  
PLANNING AND ZONING COMMISSION  
PUBLIC HEARING/MEETING  
TOWN HALL  
21 FIELD PARK DRIVE, HADDAM, CT 06438  
THURSDAY, 7 SEPTEMBER 2023  
APPROVED MINUTES  
*Approved as Submitted at the 19 October 2023 Meeting***

**ATTENDANCE**

X	Gina Block
X	Steven Bull, Secretary
X	Michael Farina
X	Jamin Laurenza, Vice Chairman
X	Wayne LePard
X	Dan Luisi
X	Edward Wallor, Chairman
X	Alan Chadwick, Alternate
A	Larry Maggi, Alternate
X	Tim Teran, Alternate
X	Bill Warner, AICP, Town Planner
X	Bunny Hall Batzner, Recording Clerk

**1. Call to Order**

Mr. Wallor, Chairman, called the meeting to order at 7:00 p.m.

**2. Pledge of Allegiance**

The pledge was recited.

**3. Attendance/Seating of the Alternates**

Attendance was taken and all regular members were seated.

Mr. Bull notified the Commission that he was no longer a resident of Haddam. Mr. Wallor asked what address was on his license with Mr. Bull responding Haddam. Mr. Wallor stated he had researched the matter; and as long as Mr. Bull's license indicates Haddam as his address, he was still allowed to participate on the Commission. Mr. Bull thanked Mr. Wallor for researching the matter.

**4. Additions/Corrections to the Agenda**

There were no additions/corrections to the agenda.

**5. Public Comments**

There were no comments from those in attendance.

**6. Public Hearing/Public Meeting**

**a. Review of an Application for a Zone Change to Rezone Property Located at 1556 Saybrook Road, Map 49, Lot 67. The Proposal Will Rezone the Eastern Portion of the Property with Frontage on Camp Bethel Road from R2A to Tylerville Village District. Applicant/Agent: MCAP Sabine Pointe, LLC/Attorney John W. Knuff**

John W. Knuff, Esq. and Kevin Willis, Senior Vice President of Development, MCAP Advisors, representing MCAP Sabine Pointe, LLC, were present.

**Hearing:** Mr. Wallor opened the public hearing at 7:02 p.m.

Mr. Knuff submitted into the record the Affidavit of Posting Notice of Public Hearing signs on Camp Bethel Road and Saybrook Road as well as photos of signs at both locations (Exhibit A, 6 photos – 4 Camp Bethel Road and 2 Saybrook Road) and a Letter of Notice, dated 24 August 2023, as well as the Certificates of Mailing/Certified Mail with (Exhibit B). Mr. Knuff noted that the letters were sent to property owners within 200 and 500 feet of the subject application.

Mr. Knuff reported MCAP is the owner of 1556 Saybrook that consists of 12.29 acres with frontage on both Saybrook Road on the west and Camp Bethel Road on the east. Using the zone map, Mr. Knuff pointed out the western portion of the property (7.64 acres), shown in orange, noting that it is located within the Tylerville Village District. The balance of the site to the east, shown in green, is 4.84 acres and is located in the R2A Zone. The property to the north, which is not the subject of tonight's application, at 1548 Saybrook Road is also owned by MCAP (this parcel is also shown in orange). Mr. Knuff clarified that the purpose of tonight's application is to change the parcel shown in green from R2A to Tylerville Village District (orange).

Mr. Knuff stated that the western portion contains the Commonwealth Senior Living in Haddam (formerly known as the Saybrook at Haddam) which was approved in 2001; the property was acquired by MCAP in 2009; and the application proposes simply to change the zone of the 4.84 acre portion.

Mr. Knuff stated the application before the Commission is a not a Special Permit or a Site Plan application (none is pending); and if the application were to be approved, it does not authorize MCAP the ability to construct anything on the property without coming back before the Commission with Special Permit and Site Plan applications. Mr. Knuff offered to speak to the neighbors at any time about the process.

Mr. Knuff stated a narrative was submitted explaining the reason for the zone change. It's simply to expand the current offering of housing options to include active adults or those 55 years of age and older in attractive single story town houses and these will fulfill many of the provisions found in the Plan of Conservation and Development (POCD) for housing alternatives as well as reinforcing this area as a town center. Mr. Knuff stated he hoped the Commission had the opportunity to read the narrative and a couple of provisions within the POCD.

Mr. Knuff stated he and Mr. Willis had a couple of concept plans just to give an idea of what may take place. Again, these are preliminary and a Special Permit would be required. Mr. Knuff stated he understands it's difficult for the Commission to look at a zone map and visualize what's being planned if the change is approved.

Mr. Knuff and Mr. Willis distributed copies of (Exhibit C – 4 pages). Using the first concept plan, Mr. Knuff noted that it's an aerial photograph of the existing facility (1556 Saybrook Road), the property to the north (1548 Saybrook Road), and the parcel that fronts Camp Bethel Road. On this plan, they show one concept of 14 town homes on 1548 Saybrook Road and Camp Bethel Road and the same for the property to the north as well as a clubhouse (game room, community room). The second concept plan (Site Development Plan D – Additions and Renovations, Saybrook at Haddam, Dated 08/21/23, Prepared by WMC Consulting Engineers, Wengell, McDonnell & Costello, 87 Holmes Road, Newington, CT 06111, for Commonwealth Assisted Living, 534 East Main Street, Suite B, Charlottesville, VA 22902) although similar to the first plan, shows a very modest type of development providing an opportunity for residents of Haddam or nearby to downsize from their single family home (units shown in orange). Mr. Knuff reviewed two different elevations of the buildings noting that the first elevation (11 inch x 14 inch sheet) is probably the most accurate; however, the two (2) provide a visual of what's being considered. Mr. Knuff stated the units will be two (2) bedrooms, all living area on one (1) floor with a shared garage.

Mr. Bull asked Mr. Knuff to clarify that all that was being request at this time was a zone change. Mr. Knuff stated yes, only a zone change. Mr. Bull stated it appears the parcel to the north in already in the Tylerville Village District; and asked if it was undeveloped. Mr. Knuff stated there is an existing single family house on the site, but it's not developed in a manner they intend to keep. Mr. Willis stated the 1548 Saybrook Road property may be better known as the Condil property. Mr. Bull stated MCAP could construct anything the Village District regulations would allow on both the northern and eastern portions. Mr. Knuff stated yes.

Mr. Knuff clarified that the larger parcel is split into two different zones (Tylerville Village District and R2A). Mr. Bull stated the northern parcel (1548 Saybrook Road) could have been developed without coming before the Commission. Mr. Knuff stated yes. Mr. Bull asked Mr. Knuff why they did not do that. Mr. Knuff stated they wanted to do it in a more holistic fashion and join it to the main parcel. Mr. Bull asked Mr. Knuff to confirm that he was speaking of the eastern parcel. Mr. Knuff stated correct. Mr. Knuff also stated it makes more sense in terms of providing a community, providing the residences with a clubhouse, and to develop both the 4.8 acre portion of the main parcel at the same time as the 1548 parcel. Mr. Willis stated they would rather not confuse everyone by showing the two, but it is just the eastern parcel that's the subject of the rezoning. Mr. Willis also stated they did want to show both parcels and the entire concept so they were not in any way hiding the ball in regard to the ultimate goal or intention.

Mr. Chadwick asked if on the eastern portion if it would be necessary to come out onto Camp Bethel Road. Mr. Knuff stated they are aware that is the elephant in the room, that it was a topic when this was first proposed in 2001, and staff has been fielding calls from neighbors. Mr. Knuff stated they would be happy to have a conversation, but he could not tell the Commission that it would absolutely be required. Mr. Knuff stated he would like to discussion with the fire department and police the type of access they would want, so he could not promise that they would definitely want it or not. Mr. Knuff promised that there would be continued discussions with the neighbors, town staff, particularly the fire department, and the matter will be figured out as it moves along. Mr. Knuff stated he has driven Camp Bethel, realizes it is a narrow road, that there are people, dogs, and kids who walk the road, and is aware of the sensitivity of curb cut in the area. Mr. Knuff stated he did not believe the Commission could approve a zone change with the condition that there not be a curb cut.

Mr. Warner stated it needs to be understood that that decision, whether it be an open access, no access, or gated access (probably the most logical), is up to the Commission and not the applicant. Mr. Knuff stated that would be the next application. Mr. Warner stated there is no regulation requiring it to go out to Camp Bethel Road.

Mr. Chadwick asked if the septic system would be capable of handling the proposed townhouses. Mr. Knuff stated they have been in discussions with DEEP and are aware of the septic issues. Mr. Knuff also stated the proposal is not totally formed, that they're still in the process, and they know they'll have to demonstrate the system can handle the effluent from both the existing facility and the proposed. Mr. Willis stated specific to the eastern portion they do know that the septic system is capable of handling the effluent. They have worked with DEEP and through the calculations, and preliminary findings have been received somewhere in the neighborhood of 28 additional bedrooms (approximately what is being shown in the concept plans). Mr. Willis stated they are still working on the Condil piece that was a single family residence and still need to figure out what the capacity is. In regard to the rezoning, a significant amount of leg work has been done with DEEP.

Mr. Farina asked the square footage of the townhouses. Mr. Willis stated the conceptual drawings are the extent of the design at this time; however, in the 1,400 square foot +/- maybe leaning more toward the 1,600 range with some being smaller to provide a little bit of variety and price. Mr. Willis stated they conducted a focus group, held at a local restaurant, in order to get feedback from the community. Mr. Willis stated there was strong interest in the product and received a lot of good information regarding the size of the units (which pushed the square footage to the higher side). They are steering away from the triplex units because people do not want the middle unit has it has two less windows. These are the things that are still being sorted out.

Mr. Bull stated when asked about approving a zone change or commercial building, the Commission tends to focus too much on what's going to happen with it; and believes the Commission should focus on what can be done with the property once it is changed to Village District. Mr. Bull read some of the uses outlined in the regulations and noted that the Commission needs to be asked if there's sufficient septic, water, frontage for each one of the uses, etc. Mr. Bull noted he was not speaking against the proposal. Mr. Wallor agreed. Mr. Bull stated the Commission needs to focus on the zone change.

Mr. Knuff stated he did not disagree and that there could be a greater danger with a parcel with no development on it as opposed to this site (existing senior facility) and that the likelihood of some of the other uses are unlikely. Mr. Willis and Mr. Knuff stated they would have to come back before the Commission. Mr. Bull stated the housing market could tank, the parcels sold off and rezoned, and one of the uses previously mentioned goes on the property. Mr. Knuff stated he didn't disagree with Mr. Bull, but the Commission has a lot of discretion with the next application. Mr. Bull addressed the Commission asking if the zone change would be good for Tylerville and if it was something the Commission wanted to do.

Mr. Chadwick asked how the existing buildings were constructed in two (2) different zones; and if not going ahead with the request, would the Commission need to draw a new border line. Mr. Wallor stated to the best of his recollection when former Town Planner Liz Glidden set up the Tylerville Village at that point the green parcel was not included within the district. Mr. Wallor stated if more thought had been put into it, as the parcel is owned by the same entity, it should have been included to begin with. Mr. Willis stated he believes it was all C-1. Mr. Laurenza stated when the Commission developed the Village Regulations; they wanted them to stay on state roads. Mr. Laurenza questioned whether the Commission had previously put the Condil parcel into the Village District. Mr. Knuff stated that is what the POCD talks about.

Mrs. Block stated by Special Permit the regulations allow "Housing for elderly and/or physically handicapped persons." (Section 6 – Residential Zones – Section 6.5 I.) Mrs. Block asked Mr. Warner for clarification if 55 or older housing would fall under that umbrella or would it be a separate issue. Mr. Warner stated no, and that it was looked at and the density that is allowed under the residential wouldn't allow it. Mr. Willis stated they see the 55 and over fitting into the senior housing as it's the federal fair housing standard definition of senior housing; but to Mr. Warner's point, and the reason why the applicants are before the Commission, is the density restriction on residential is very narrow. Mr. Warner stated the Commission needs to remember they already have the Saybrook at Haddam on the parcel.

Mr. Knuff stated there's a lot of residential overlap between the residential zone and the Tylerville Village District Zone – height and setback requirements. In terms of impacts to neighbors, they would be essentially similar if not identical because what they see and experience is going to be the same under both zones. The only difference is density and if the Commission was to look at the POCD for this area, that's exactly what it is asking for – density. Mr. Knuff stated he does not believe anyone would look at the concept plans and find them too dense. The concept is modest and there are enough to create a boost to the area.

Mr. Teran stated the big issue on the table is will the concept fit and does there have to be access on Camp Bethel Road. Mr. Knuff agreed. Mr. Teran stated there would be less discussion if the Commission could determine whether there's a need for the access and could assure the neighbors they will not be disturbed. Mr. Laurenza stated that would be done later during their second application and at that point the Commission would have the power to say "emergency gate" or "break chain". Mr. Warner stated they have already spoken to the fire marshal and he's fine with that – no issue.

Mr. Bull stated he's not sure about senior housing in a residential zone. Mrs. Block stated there's a whole section that details housing for elderly and/or handicapped. Mr. Bull questioned Mr. Willis's comment regarding the density being too high. Mr. Willis stated the density is too restrictive. Mr. Knuff stated under the existing zone (Section 13 – Senior Housing) is stricter in terms of coverage and density. Mr. Knuff stated the idea is that they would have to comply with many of the bulk requirements and the Tylerville Village District Regulations have greater architectural and environmental requirements and a

greater sense of place that the residential zone does not have, but it does allow the ability to build more units which is consistent with the POCD.

Mr. Warner stated the Commission allowed about 100 units of assisted living on one parcel and now they cannot build something else on the residential parcel. Mr. Warner also stated to use the residential zoning they would have to subdivide it and then apply the regulations – not to exceed six (6) two (2) bedroom units (Section 13A.3) on at least five (5) acres (Section 13A.13). Mrs. Block stated under Section 13.D “No building shall contain more than eight (8) dwelling units and there shall be no more than 96 bedrooms per development.” And under Section 13.E “The maximum number of bedrooms in each dwelling unit shall be two (2).”

Mr. Knuff referenced Table 1, Schedule of Area, Height, Bulk and Placement Regulations (setbacks and height), having compared the two between the R2A Zone and the Tylerville Village District as well as the senior housing, and there being a difference in some respects yet some are very similar (in terms of setback and height). Mr. Knuff stated yes, they would be allowed to build more units and that’s the fundamental reason. Mr. Willis stated the density would still be constricted not by the zoning but by the septic.

Mr. Warner stated the Commission would be dividing off the septic for the assisted living and putting residential on top of that and that would not work. Mr. Warner also stated when the Commission created the zone with the assisted living facility already there and a DEEP septic system, the Commission caused the problem with the new zoning.

Mr. Bull asked Mr. Knuff if he could build what he wants to build if it were zoned residential. Mr. Knuff stated no, not under the current zone. Mr. Wallor stated no, and that’s what Mr. Warner just said. Mr. Wallor stated the leaching fields for the Saybrook at Haddam are in the green parcel. Mr. Warner stated he believes what Mrs. Block has read required a five (5) or ten (10) acre minimum. Mrs. Block stated five (5) acres. Mr. Warner stated there isn’t enough land; and then the density would need to be figured out with the 100 units from the facility. Mr. Warner stated the only way to do it is with the Tylerville Village District Zoning.

Mr. Knuff stated the proposal would comply with the height requirement of 35 feet, the side yard setbacks of 20 feet, but there will be fewer units. Mr. Warner stated the village district statute gives the Commission the most power than any other zone. Mr. Wallor stated it would have to go before the Architectural Review Committee (ARC). Discussion followed with Mr. Knuff noting that they are aware that it will be a long process and that he is willing to speak to anyone with concerns about the matter.

Mr. Chadwick asked if it were possible for the 30 foot setback from Camp Bethel Road to be made into open space. Mr. Knuff stated it could be a condition of approval that the uses have to be residential. Mr. Wallor stated if a gas station were proposed on Camp Bethel Road, the Commission could deny it. Discussion followed.

Mr. Laurenza asked if the applicant could start the proposed building without changing the zone first or whether it would be an all or other. Mr. Knuff stated he hadn’t considered it; however, when mobilizing a construction crew you like to do all of the work at one time. Mr. Willis stated it wasn’t something they had thought about as they only recently purchased the Condil property and that they were only looking to work the back. Mr. Wallor stated the Commission did cut the property. Mr. Warner stated it’s been a long process with the DEEP.

Mr. Laurenza asked if they had a letter from DEEP indicating they could put in the units. Mr. Willis stated they have a letter stating they have theoretical capacity for 140 bedrooms. Mr. Laurenza asked if it is a treatment facility or standard leaching fields. Mr. Willis stated standard leaching fields. Mr. Knuff stated it’s not a package treatment plant.

Mr. Chadwick asked if the current facility was at capacity. Mr. Willis stated they are not 100 percent full. Mr. Chadwick asked if they would ever want to expand the system and use the parcel for that. Mr. Willis

stated he believes it's a complimentary use, they have 100 units, they've been in the 90 to 95 percent occupied rate, and obviously, COVID set everyone back; however, they are now coming back from that. Mr. Willis stated it's about providing a continuum of care and an opportunity at another missing link in the ability to age in place. Mr. Willis stated they have a lot of communities that are assisted living and memory care, a handful of communities that are assisted living, memory care, and independent living on the front end, but this would be active adult living (another step prior to assisted living). Mr. Willis also stated they have had some feedback that some people would like some services, but a la carte.

Mr. Wallor opened the hearing to questions/comments from the public and asked that they pertain to the zone change only.

Douglas Dole, 96 Camp Bethel Road, asked when the zoning request would be voted on. Mr. Wallor stated the zone change would be voted on tonight. Mr. Dole stated the Commission should know whether the R2A Zone cannot accommodate what the applicant is looking for on 4.5 acres rather than 5 acres (Mrs. Block read Section 13.5A – "Minimum Lot Area: five [5] acres). Mr. Dole used High Meadows as an example asking how many units on how many acres.

Mr. Dole stated once the zone is changed, the applicants do not have to build what's being proposed; and spoke in regard to Cocomo's proposal of a nursing home on the back of the property 22 years ago. Mr. Dole stated his question at that time was that it didn't make any sense and the nursing home should be on the Route 154 side and the assisted living on the back half of the property. Mr. Dole stated once the Commission changes the zone, the applicants can put in anything.

Mr. Dole asked if the units would be hooked up to public water because one of the concerns previously was what might all of the water being drawn off the aquifer by the Saybrook at Haddam do to the plume for the toxins in the aquifer. Mr. Dole stated it's his understanding that 1556 Saybrook Road is on public water. Mr. Warner confirmed it is. Mr. Dole asked if the future proposal would be required to be on public water. Mr. Warner stated yes.

In regard to the septic, Mr. Dole asked what the proposal would do to the ability of the area to absorb the septic. Mr. Dole asked why a 55 and over community wouldn't be allowed in the R2A Zone. Mr. Dole stated an entrance onto Camp Bethel Road is an issue to him and that it may be necessary for the density proposed. Mr. Dole stated he would prefer not seeing a nursing home or another assisted living facility or an addition to the assisted living facility placed on the site or any other dense development. Mr. Dole asked why change the zone now.

Mr. Wallor reported that the Commission was in receipt of a letter from the Artkops, 63 Camp Bethel Road (Exhibit D), and they are also opposed to the zone change.

Mr. Knuff asked for the opportunity to respond to Mr. Dole's comments. Mr. Knuff stated they are aware that access is an issue and are willing to talk to Mr. Dole as well as anyone else with concerns; in terms of septic, there is a very elaborate process that will need to be gone through; and although they have an initial indication of approval, they still need to demonstrate their fully engineered plans will comply; and yes, they do use public water.

As there were no further questions/comments from the public, applicant, or the Commission, Mr. Wallor closed the public hearing at 7:50 p.m.

**Recording Clerk's Note:** Copies of all submissions are on file with the minutes in the Town Clerk's Office and in the Land Use Office).

**Meeting: SEATED: Block, Bull, Farina, Laurenza, LePard, Luisi, and Wallor.**

Mr. Wallor advised the Commission that the sole purpose of the meeting is to discuss the proposed zone change and noted that the applicant already owns the property and that the Commission divided the

property in the beginning. Mr. Wallor stated he doesn't believe the Commission, at that time, considered that they should have added the entire property into the Tylerville Village District and believes it is unfair to the applicant that it was zoned outside of the District. Mr. Wallor stated it was his opinion that it should have always been included.

Mr. Bull stated he thought it was good that the parcel would be added to the District giving the Commission ultimate control at the highest level of scrutiny. Mr. Wallor stated this would be in line with the POCD. Mr. Bull stated the reason why the Commission did not include the entire parcel within the Village District was due to not wanting traffic going on Camp Bethel Road and believes the Commission should find a way to continue honoring that thought. Mr. Bull stated there needs to be some connection to the Village and no access on Camp Bethel Road.

Mr. LePard stated it is his opinion that the Commission may not have a say in the matter if the emergency services officials require an access point in the event of an emergency. Mr. Bull stated an emergency access only.

Mr. Warner stated from the beginning, the applicants were made aware no access from Camp Bethel Road and they understand it. Mr. Bull asked why the proposed access. Mr. Warner stated it is a concept.

Mr. Laurenza spoke in regard to the Commission approving a chain gated emergency access way at the top of Gunger Hill Road. Mr. Wallor stated the Commission did the same thing on Park Road. Mr. Wallor again reminded the Commission the purpose of tonight's meeting is a zone change and not access. Mr. Laurenza stated from a developer's standpoint, extend the parking lot to the road and you've got two (2) accesses if something is blocked. Mr. Wallor stated the area is already connected. Mr. Warner reminded the Commission that they have public water, fire hydrants, and sprinklers in the buildings.

Mr. Laurenza stated the concept is for active adult; and asked does the Commission want to say they do not care (should they vote it down). Mr. Wallor noted that is not the application before the Commission. Mr. Laurenza stated the Commission has an opportunity to protect and give aging people with lesser resources such as health, financial, sudden death, etc., an opportunity to stay in town; and asked if the Commission was willing to force them out of town. Mr. Laurenza stated he's not okay with that; and if he's on the Commission when the application comes through, he will not approve it with any other kind of access other than a fire access onto Camp Bethel.

Mr. Wallor stated if phasing is asked for then the Commission would be asking the applicant to do two projects, double the money. Mr. Luisi stated it wasn't fair that their property was cut in half to begin with; and with the Village Regulations, the Commission will have much more control than R2A.

Mr. Farina stated if and when something is constructed on the site, at some point in time it will be a lot easier for the applicant to get material through Camp Bethel Road rather than circumventing the entire facility and disturbing the residents. Mr. Farina also stated he likes the concept, he can understand why the neighbors are going to be upset, but that's not why the Commission is here tonight.

**MOTION:** Jamin Laurenza motioned to approve an application for a zone change to rezone property located at 1556 Saybrook Road, Map 49, and Lot 67. The proposal will rezone the eastern portion of the property with frontage on Camp Bethel Road from R2A to Tylerville Village District. **Conditions:** Subject to comments. Dan Luisi second. Motion carried unanimously.

## **7. Approval /Correction of Minutes**

**MOTION:** Ed Wallor motioned to approve the 27 July 2023 special public hearings/meeting minutes as submitted. Jamin Laurenza second. Motion carried unanimously.

## **8. New Business**

Mr. Warner reported there will be an application concerning the house across the street from Haddam Elementary School (HES) in October.

## **9. Chairman's Report**

Mr. Wallor reported it was nice to see everyone and thanked them for coming out in the heat.

## **10. Scheduling of Hearings**

Mr. Warner reported that there are no hearings scheduled at this time.

## **11. Town Planner's Report**

### **a. Review the submission of technical information concerning a proposal to construct wireless telecommunications facility at 124 Ague Spring Road, Haddam (Haddam Neck), CT**

Mr. Warner distributed coverage maps and reported that this will be the most significant help to the town in terms of cell phone coverage. Mr. Warner reviewed the maps explaining that the black dot represents the proposed location, yellow - minimal coverage, and blue - excellent coverage. Mr. Warner stated almost all of Route 154 will have excellent coverage. The application is before the Connecticut Siting Council and Verizon has agreed to locate on the proposed tower (very significant that they have agreed to do this). Mr. Laurenza asked if they would come before the Commission. Mr. Warner stated no. Mr. Warner noted that the third page of the maps indicates where the tower will be visible all the time; therefore, the application has been sent to the Gateway Commission for their review. Mr. Warner stated that under federal law they are required to fill communication gaps and there's no way this will be denied. Mr. Warner stated the proposed tower will be 150 feet high (unrealistic to make it look like a tree) and would be located on 13 acres on the Danaher's property. Mr. Warner stated the town has a 90 day review period in which to submit comments to the Siting Council and the Commission has no jurisdiction over the matter.

### **b. 105 Bridge Road Modification of Approved Special Permit to Allow 44 Units**

Frank Leone, Esq., representing 105 Bridge Road, LLC, was present.

Mr. Leone stated he did not handle the special permit hearing and that he's representing his client concerning his construction financing. In doing so, it came to their attention that the special permit as issued by the Commission was for 42 units; whereas, the plans that were submitted in support of the special permit application actually shows 44 units and the approval received from the health district is also for 44 units. The error of 42 units appears in the zoning table on the plans that were submitted and that error was mistakenly carried forward in not only the application for the special permit but also in the narrative and support thereof and in the hearing that evening. Mr. Leone stated the error was a mistake on the part of his client and not the Commission. Mr. Leone stated the actual scope and density of the project was accurately displayed in the plans, but not in the narrative. Mr. Leone stated there will be no change in the density or the development envelope that is depicted in those plans. Mr. Leone stated that they are requesting that the permit be amended or revised to allow for the 44 units bringing the plans and the permit in conformity. In doing so, it would not have an adverse effect on traffic, public health, or the general welfare of the community.

Mr. Leone pointed out that the parking that's shown on the plans will also not be affected. Mr. Leone stated Will Walter, P.E., Alfred Benesch & Co., thoroughly addressed parking in his narrative. Section 21 sets forth a suggested parking ratio for dwelling/multi-family as two spaces per unit which for 44 units would call for 88 parking spaces; however, Section 21.6 Waivers & Exceptions for Parking allows the Commission to give special consideration for projects located in the Tylerville Village District. In applying



the standards of the Institute of Transportation of Engineers, Mr. Walter pointed out that a 42 unit project would require parking of 40-59 spaces and apply to the increased size (44 units) would yield 62 parking spaces; therefore, 75 parking space will more than adequately cover the parking.

Mr. Leone requested that the special permit be correct to reflect 44 units noting that it was 42 units with three (3) double bedroom units and now it will be 44 with three (3) double bedroom units.

Mr. Warner showed the approved plan; and stated if the Commission were to count, there are 22 units on each side equaling 44 units. Mr. Warner stated the approved plan is for 44 units. Mr. Warner stated somehow the engineer pickup on 42 units.

Mr. Bull asked about the Commission attempting to cut back parking spaces. Mr. Warner stated the Public Act states one (1) space per bedroom. Mr. Laurenza stated the only request being made is to change the number of units on the special permit. Mr. Bull asked if the Commission could change the parking. Mr. Warner stated the applicant already has an approved plan.

Mr. Leone asked Mr. Walter to reach out to the one neighbor that expressed an interest in the project to let her know that he would be before the Commission and that there will be no change to the buffering, the plans, or the number of units as planned; and she responded thank you.

Mr. Leone stated the reason why this matter came to light was due to the Certificate of Special Permit having not been recorded; and upon obtaining a duplication Certificate, he saw the 42 units. Mr. Leone noted that the bank is aware that the financing is for 44 units.

Mr. Laurenza stated the Commission merely needs to amend a typo of 42 units to 44 units.

**MOTION:** Jamin Laurenza motioned to approve 105 Bridge Road LLC's request for modification of approved special permit to allow 44 units. **Conditions:** Subject to comments. Dan Luisi second. Motion carried unanimously.

## **12. Adjournment**

**MOTION:** Steve Bull motioned to adjourn. Ed Wallor second. Motion carried unanimously.

The meeting was adjourned at 8:22 p.m.

Respectfully Submitted,  
*Bunny Hall Batzner*  
Bunny Hall Batzner  
Recording Clerk

**The next meeting is scheduled for Thursday, 21 September 2023.**