

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION REGULAR MEETING HELD ON MONDAY, JULY 24, 2017 IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Earl J. Kurtz III, Chairman; Sean Stollo, Vice Chairman; David Veleber, Secretary; Members: S. Woody Dawson, Edward Gaudio, John Kardaras, Vincent Lentini, Gil Linder, Louis Todisco.

Alternates – Jon Fischer, Jeff Natale and Jim Jinks.

Staff: William Voelker, Town Planner

I. CALL TO ORDER

Chairman Kurtz called the special meeting to order at 7:32 p.m.

II. ROLL CALL

The clerk called the roll.

III. DETERMINATION OF QUORUM

Following roll call a quorum was determined to be present.

IV. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

V. ACCEPTANCE OF MINUTES – June 26, 2017 Public Hearing and June 26, 2017 Regular Meeting; July 10, 2017 Public Hearing and July 10, 2017 Special Meeting

MOTION by Mr. Veleber; seconded by Mr. Dawson.

MOVED that the Planning and Zoning Commission approves and accepts the minutes of June 26, 2017 Public Hearing and June 26, 2017 Regular Meeting, subject to corrections, deletions, additions.

VOTE The motion passed 6-0-3; Kurtz, Kardaras, Todisco abstained.

MOTION by Mr. Veleber; seconded by Mr. Dawson.

MOVED that the Planning and Zoning Commission approves and accepts the minutes of July 10, 2017 Public Hearing and July 10, 2017 Special Meeting, subject to corrections, deletions, additions.

VOTE The motion passed 8-0-1; Veleber abstained.

VI. COMMUNICATIONS

Letter from Michael A. Milone, Town Manager, dated 7/17/17
RE: 8-24 Review-Proposed Fiscal Year 2017-2018 Five Year Capital Expenditure Plan and Annual Capital Expenditure Budget.

MOTION by Mr. Dawson; seconded by Mr. Todisco.

MOVED that the Planning and Zoning Commission finds that the Proposed Fiscal Year 2017-2018 Five-Year Capital Expenditure Plan and Annual Capital Expenditure Budget for the Town of Cheshire, is not in conflict with the Plan of Conservation and Development. This shall constitute the Commission's report relative to a review in accordance with Section 8-24 of the Connecticut General Statutes, as required by Section 7-2 of the Town Charter.

VOTE The motion passed 8-0-1; Strollo abstained.

VI. UNFINISHED BUSINESS

- 1. **Site Plan Application** **MAD 9/12/17**
Ricci Construction Group
986 South Main Street
Redevelopment from Citgo Station
Into commercial office use

Matt Duscay, P.E. Milone and MacBroom, 99 Realty Drive, Cheshire CT, represented the applicant, Ricci Construction Group. The property at 986 South Main Street is on the east side of Route 10, across from the Mobil Station on the west side of Route 10. Previously, it was the home of a Citgo gas station. The site has been environmentally remediated. The site is .43 acres, in a C-3 zone, rectangular in shape, 125' x 150'. It has flat topography; the Mill River abuts the rear, running north to south, 20' away from the rear line; there is a flood plain associated with the river that is off the property and does not encroach on the property at any location. The property is within the South Cheshire Aquifer; notification to Regional Water Authority (RWA) has been given about this application; and their comments are included in the Commissioner's packet.

The proposed use is a two-story building; 4,300 sq.ft.; 84' x 32' dimensions; property is rectangular shape, 125' x 150'; prior use was grandfathered in because it was existing, nonconforming; the building envelope is a 50' front setback and 40' rear; there is 90' of setback, 125' lot, leaving a building envelope of 35' deep. The site requires 22 parking spaces, and there will be 23 parking spaces, plus one ADA space adjacent to one of the egress points. The building will have public sewer and water; existing curb cuts remain; no work is proposed in the Route 10 right-of-way; and all improvements will be located at the street line.

Engineering storm water management report was submitted and reviewed, with no further comments.

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Storm Water Management System – there will be dry wells on the front of the property; they will be connected to overflow pipes; they will feed into a stone trench with a perforated pipe in back. One of the challenging aspects of this site is it being flat, and it is difficult to collect, convey and discharge storm water, as this takes elevation. The applicant designed dry wells, an overflow trench in back...in a larger storm event, this trench fills up, spills over towards the Mill River. The system has been reviewed by the Engineering Department, and there are no further comments.

The application received IWW approval.

The building will have some light associated with it, over the egress points in front, side and one to the rear. They are full cut off light fixtures.

Cheshire Fire Department requires outfitting the building with a key box, and the applicant agrees with this request.

Mr. Voelker read comments from the Cheshire Fire Department dated 7/14/17 and Regional Water Authority dated July 11, 2017 into the record.

On the plans, Mr. Duscay pointed out the proposed improvements, and noted improvements from the prior use on the site.

A rendering of the building was displayed. Mr. Duscay noted the Route 10 front elevation, and the side elevation. He informed the Commission that the applicant plans to move his business into the building.

Mr. Todisco asked about tremendous remediation necessary with conversion from the gas station to the proposed use.

In response, Mr. Duscay said it depends on whether there was spill history on the property. Much is ongoing monitoring of wells, and it is a case by case basis depending on the spill history, i.e. leak in the tank when it was removed.

Mr. Voelker reported that the tank came out a few years ago, 2015, with no leaks. The site was then taken off the aquifer registry.

Mr. Todisco asked about rain water draining into the river.

[MOTION by Mr. Dawson; seconded by Mr. Veleber.](#)

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MOTION by Mr. Dawson; seconded by Mr. Veleber.¶
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MOV¶
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MOVED that the Cheshire Planning and Zoning Commission finds that the proposal to construct a 4,300 sq.ft. office building, as shown on plans entitled "Redevelopment of Gas Station Property, 986 South Main Street, Cheshire CT" revised through July 1, 2017, are consistent with Section 41 (Site Plans) of the Cheshire Zoning Regulations and hereby approved this application based upon the following:

1. Compliance with the recommendations of the Cheshire Fire Department dated July 14, 2017.
2. Compliance with the recommendations of the Regional Water Authority Dated July 11, 2017.

Discussion

Mr. Dawson commented on this proposed use being a great improvement over what was previously on this property.

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VOTE The motion passed unanimously by those present.

- 2. Special Permit Application** **PH 7/24/17**
Cheshire Housing Authority **MAD 9/27/17**
50 Rumberg Road
Expansion of footprint – 2 units and
Community Building
Parking Expansion
TABLED TO SEPTEMBER 11, 2017

(Commissioners Kurtz, Kardaras and Todisco were recused from the Apex Developers LLC applications)

(Alternate members Fischer, Jinks, and Natale were present for the Apex applications)

- 3. Waiver (partial)** **PH 6/12/17**
Apex Developers LLC **PH 6/26/17**
Coleman Road **MAD 8/30/17**
Section 6.10.1 Cheshire Subdivision
Regulations; Sidewalks to be constructed
On the north side of roadway only

MOTION by Mr. Lentini; seconded by Mr. Natale.

(Copy of the motion is attached to these minutes)

Discussion

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Mr. Veleber stated it makes sense for Lot #7 not to be burdened with a long sidewalk, and the waiver makes sense for the project on that side of the road.

Mr. Natale, Mr. Lentini, Mr. Jinks agreed with having the sidewalks on one side of the street.

VOTE The motion passed unanimously by those present.

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4. **Subdivision Application**
Apex Developers LLC
Coleman Road
7 Lots (6 new; 1 existing house)
Coleman Farm Subdivision

PH 6/12/17
PH 6/26/17
MAD 8/30/17

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MOTION by Mr. Kardaras; seconded by Mr. Natale.

(Copy of the motion is attached to these minutes)

Discussion

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Mr. Natale stated the applicant has done a good job in protection of the environment, has shown concern with the sidewalk waiver request, and the application should be approved.

Mr. Linder cited Section 6.6 which requires the Commission determine if a right-of-way extension is appropriate based on the adjoining properties that abut the right-of-way extension they extend to. This is what the past few meetings have been about. He said Attorney Beckerman summarized Section 6.6 succinctly by mentioning it is the duty of the Commission to determine if land that abuts the right-of-way is suitable. The only way to determine this is to consider evidence or testimony presented to the Commission. The Commission cannot determine that suitability on its own. The Commission did listen to testimony and evidence.

Mr. Linder said the applicant presented a preponderance of testimony that showed it was not appropriate to have a right-of-way extension. The abutter's (Watts) attorney, Ms. Malloy, testified that she should not be required to provide evidence; that it was not her client's responsibility to do that. But, there would have been no other way for the Commission to determine whether it was suitable or not. Ms. Malloy did bring up an engineer who testified that the land could be developed, but this is all that was presented. Based on the preponderance of evidence he received, it is appropriate that there should not be a right-of-way extension. Mr. Linder will vote in favor of the motion.

Mr. Jinks said he would vote in favor of the subdivision. If the only issue was the grade problem with the abutting property, he might be attempted to vote against the motion.

But, there is a significant area of water shed for Meriden water supply, and Mr. Jinks said we must be concerned about that.

VOTE The motion passed unanimously by those present.

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5. TABLED APPLICATIONS

- a. **Waiver Request of Clearview Farm Preserve** PH 7/10/17
Mountain Road/Cornwall Avenue PH 7/24/17
Pursuant to Section 11.1 MAD 9/27/17
Variances or Waivers of Regulations
Requesting a waiver of Section 6.5 Intersections
TABLED TO SEPTEMBER PER REQUEST OF APPLICANT

- b. **Waiver Request of Clearview Farm Preserve** PH 7/10/17
Mountain Road/Cornwall Avenue PH 7/24/17
Pursuant to Section 11.1 MAD 9/27/17
Variances or Waivers of Regulations
Requesting a waiver of Section 6.10.1 Sidewalks
TABLED TO SEPTEMBER PER REQUEST OF APPLICANT

- c. **Resubdivision Application** PH 7/10/17
Clearview Farm Preserve, LLC PH 7/24/17
Cornwall Avenue/Mountain Road MAD 9/27/17
12-lots
TABLED TO SEPTEMBER PER REQUEST OF APPLICANT

- d. **Specialty Permit Application** PH 7/10/17
Rondo's Realty LLC PH 7/24/17
1721 Highland Avenue & 1704 Reinhard Road MAD 9/27/17
Expanded Parking Facilities & 4,100 S.F. Building
Addition (restaurant)
Revised from previously approved 3,300S.F. addition
In 2016.
TABLED TO SEPTEMBER PER REQUEST OF APPLICANT

VIII. NEW BUSINESS

- 1. Other Planning and Zoning Commission Business

IX. ADJOURNMENT

MOTION by Mr. Veleber; seconded by Mr. Kardaras.

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| MOVED to adjourn the meeting at [8:20 p.m.](#)

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk