

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION SPECIAL MEETING HELD ON WEDNESDAY, NOVEMBER 14, 2018 AT 7:30 P.M. IN ROOM 207-209, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Earl J. Kurtz, Chairman; Gil Linder, Secretary; Members: Matthew Bowman, Jeff Natale, Louis Todisco.

Alternates: Robert Anderson, Robert Brucato, Donald Walsh

Absent: Sean Strollo, John Kardaras and S. Woody Dawson.

Staff: William Voelker, Town Planner

I. CALL TO ORDER

Chairman Kurtz called the meeting to order at 7:31p.m.

Chairman Kurtz read the emergency public service notice.

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

PUBLIC HEARING, 10/10/18 AND SPECIAL MEETING 10/10/18

MOTION by Mr. Walsh; seconded by Mr. Natale.

MOVED to accept the minutes of the Public Hearing of 10/10/18 and Special Meeting of 10/10/18 subject to corrections, deletions, additions.

VOTE The motion passed 6-0-1 (Todisco abstained)

VI. COMMUNICATIONS

**1. Letter from Kenneth Stellar dated 10/11/18 Re:
In-Law Apartment renewal for 62 Clearbrook Place.**

MOTION by Mr. Bowman; seconded by Mr. Anderson.

MOVED that the Planning and Zoning Commission grant a five-year extension of the approval for the in-law apartment, property located at 62 Clearbrook Place with the following stipulations:

1. All previous stipulations shall remain in effect.
2. This approval shall expire on **November 14, 2023**. The applicant may request an extension of the permit by providing the Commission with a notarized statement verifying that the use of the in-law apartment complies with the regulations, and that the resident of the in-law apartment qualified under these regulations.

VOTE The motion passed unanimously by those present.

2. **Letter from George Noewatne dated 10/22/18
RE: Crestwood Drive Extension Road Acceptance,
Royal Crest Estates.**

MOTION by Mr. Anderson; seconded by Mr. Natale.

MOVED, that in accordance with the October 22, 2018 letter from George Noewatne, Director of Public Works and Engineering, the Planning and Zoning Commission recommends that the Town Council accept Crestwood Drive Extension as a Town road as shown on a map entitled "Subdivision Record Plan Prepared for Ricci Construction Group Inc: Royal Crest Estates, Sperry Road & Crestwood Drive, Cheshire, Connecticut"; Scale 1"=50', dated 3/26/13, Revised to 7/29/13, prepared by Connecticut Consulting Engineers, One Prestige Drive, Suite 110, Meriden CT 06450 .

Furthermore, we recommend that the public's right to enter the former turning circle area over developer lots nos. 4 & 5 as depicted on Cheshire Town Clerk Record Map #624 (and referenced in T.C. Volume 151, page 451) be formally extinguished due to a lack of continued necessity.

Acceptance by the Town Council should be conditioned upon the recording of the warranty deed for the roadway, and drainage easement as approved by the Town Attorney. Pursuant to Subdivision Regulation Sect. 10.13 a maintenance bond in the amount of \$11,500 will be retained through April 2019, at which time a final inspection will be made.

Discussion

Mr. Voelker stated that a maintenance bond is held for 12 months.

VOTE The motion passed unanimously by those present.

3. **Letter from Ryan McEvoy, P.E. dated 11/7/18
RE: Permit Extension Request – PRD – 138 Highland Avenue.**

MOTION by Mr. Natale; seconded by Mr. Bowman.

MOVED that the Cheshire Planning and Zoning Commission hereby grants a 5-year extension for the In-Fill residential project regulated under Section 30, Schedule A, Item 6G and Section 43.8 of the Cheshire Zoning Regulations and approved at 138 Highland Avenue as shown on plans entitled "Proposed Residential In-Fill Development, 138 Highland Avenue, Cheshire CT" originally approved on March 23, 2015 and hereby extended to March 23, 2025.

Discussion

Mr. Voelker informed the Commission that this is the property next to Cheshire Academy. Some demolition has been done. The extension is requested due to the soft market and project costs being higher than anticipated.

Mr. Bowman commented on starting the infrastructure now...it not being finished...and developer unable to recoup upfront dollars.

A question was raised by Mr. Todisco about doing the extension. He cited the property by Cheshire Academy and the funeral home, and tying the property up for several years.

According to Mr. Voelker, nothing is being tied up. The developer can decide on not doing the project now or in the future, or doing something else. Regarding the time limits, he noted these are special permit uses; there is an extra level of review; and this is why time limits are allowed for special permits.

Mr. Todisco sees a difference between a project already being worked on and getting an extension and a project with nothing done. Something may be a good idea in 2015 but not in 2023.

VOTE The motion passed unanimously by those present.

**4. Letter from Ryan McEvoy, P.E. dated 11/7/18
 RE: Permit Extension Request – PRD infill Development
 589 South Main Street.**

MOTION by Mr. Natale; seconded by Mr. Walsh.

MOVED that the Cheshire Planning and Zoning Commission hereby grants a 5-year extension for the In-Fill project residential project regulated under Section 30, Schedule A, Item 6G and Section 43.8 of the Cheshire Zoning Regulations and approved at 580 South Main Street as shown on plans entitled "Proposed Residential In-Fill Development, 580 South Main Street, Cheshire CT" originally approved on April 28, 2014 and hereby extended to April 28, 2024.

Discussion

Mr. Linder asked about a 2nd extension and this being common.

Mr. Voelker advised it is up to the Commission on whether to grant an extension, and every single request is discretionary.

VOTE The motion passed unanimously by those present.

VII. NEW BUSINESS

1. **Zone Map Change Petition**
 AJ Waste Systems, LLC
 1276 and 1280 Waterbury Road
 From C-2 to I-1 Zone
 Uses that are more in line with permitted uses
 In an industrial zone rather than a commercial zone.
 SET FOR DECEMBER 10, 2018

2. **Site Plan Application**
 1008 South Main Street LLC
 1008 South Main Street
 Medical Office Use
 SET FOR NOVEMBER 26, 2018.

Mr. Voelker noted the 1008 South Main Street LLC application (Rlcci) must go before Inland Wetlands and Watercourses Commission.

3. Other Planning and Zoning Commission Business

1. **Plan of Conservation and Development**
 - a. **Discussion of proposed revisions to Section 30, Schedule A, Item 5 (In-Laws Apartments)**

The revisions to the In-Law Apartment regulations were reviewed by Mr. Voelker with the Commissioners. They were reviewed as follows:

- b. The **accessory** apartment...
 ...floor area of 900 square feet (net) excluding ramps and any other structural alternations needed to achieve barrier free design where necessary as defined within these regulations.

- f. **Special Permits for accessory apartments shall remain valid provided that the owners of the property submit a notarized statement to the Zoning Enforcement Officer once every five (5) years verifying that the accessory apartment complies with the requirements of this section. Said permit shall also remain valid when a property is transferred from One owner to another provided that the new owner also verifies to the Zoning Enforcement Officer that the property remains in conformance with these regulations.**

Add to Section 23 (Definitions)

Barrier Free Design: Design for those with physical or other disabilities, requiring the provision of alternative means of access including ramps and/or lifts (elevators), or other structural modifications needed to provide equal access for those with disabilities.

The Commissioners discussed the proposed revisions. Under the current regulations, an in-law apartment does not transfer to the new property owner. In the proposed regulations, this would come under the ZEO for an apartment to remain in compliance. Without an affidavit from the property owner, the ZEO can deny the “accessory” apartment. Any and all disputes would go to the Zoning Board of Appeals.

Following discussions, the Commissioners agreed to increasing the accessory apartment size to **950 square feet**.

It was clarified by Mr. Anderson that for an already built in-law/accessory apartment the renewal goes through the ZEO. To build a new accessory apartment, the application must go to the Planning and Zoning Commission.

There was a brief discussion on informing property owners with in-law apartments on the regulation changes.

Stating that is correct, Mr. Voelker said a new application goes to the PZC, and five years is part of the original approval.

Regarding notification to property owners with an approved in-law apartment, Mr. Voelker said a system can be in place to notify them about extension requests going through the ZEO.

Mr. Voelker advised these are zoning regulation changes and must go to a public hearing. He must also send them to the regional agencies. The public hearing could be scheduled for the first PZC meeting in January 2019.

b. Discussion of proposed Highland Avenue Design District.

Mr. Voelker and the Commissioners reviewed the draft amendment for new Section 37 Highland Avenue Design District. It was pointed out by Mr. Voelker that he put in more design criteria; building coverage is 35% and consistent with industrial regulations; the regulations are written to be a “design as you go” approach based on a master plan subject to preliminary review, neighborhood review, and public hearings. All the properties have unique and individual challenges, enabling design in accordance with broad standards. The definition of “contact sensitive design” is included in the

regulations. On the west side of Highland Avenue, the properties are generally smaller; the larger scale properties are on the easterly side; the problem is severe topography and lots of wetlands. Everything before the Commission is discretionary, without requirement to approve everything presented. The way to go is with an overlay district to enable design based on the unique circumstances and limitations of the individual properties. The district starts (on both sides of the road) at Creamery Road to East/West Johnson Avenues. A narrative was written on road segments, and maps are included based on the POCD.

Mr. Voelker requested Commissioners to review the design criteria, ask questions and make comments.

5 – Minimum Design Standards (c) – discussion on this section. Minimum lot size is three (3) acres. For smaller contiguous parcels, there could be parcels added on with Commission approval. A major portion of the project must touch Route 10.

When it comes to the three (3) acres, Mr. Anderson said there are smaller parcels.

Mr. Voelker came up with the minimum lot size because we are looking at redevelopment, mostly on the west side. This enables a developer to purchase individual parcels in a row, each less than three (3) acres, and meet the minimum acreage requirement. They can put in a row, redeveloped, which means demolition and new development in accordance with the standards set forth in these regulations. It was noted by Mr. Voelker that this approach is not to turn Highland Avenue into a commercial strip, with new commercial tenants going into old buildings.

Mr. Natale talked about the regulation in place for someone to put in a restaurant, traffic lights...and asked if the new regulation takes care of this.

This new regulation changes that, and Mr. Voelker said the reason this was written was to preclude highway commercial restaurants from popping up on Highland Avenue. Section 40 was written a long time ago.

On page 3 of the information submitted, Mr. Bowman commented on the NVCOG map, showing Industrial Avenue line, south and north, and jogging. He asked why it is not straight across.

Mr. Voelker replied this is based on property lines.

It was clarified by Chairman Kurtz that under the proposed regulation, a piece of the property has to touch Route 10.

Commissioners will review the information submitted, and any questions or comments will be referred to Mr. Voelker.

VIII. ADJOURNMENT

MOTION by Mr. Walsh; seconded by Mr. Natale

MOVED to adjourn the special meeting at 8:20 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk