

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION PUBLIC HEARING SPECIAL MEETING HELD ON MONDAY, APRIL 22, 2019, AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Earl J. Kurtz Jr., Chairman; Sean Strollo, Vice Chairman(entered meeting at 8:30 p.m.); Jeff Natale, Secretary; Members: Matthew Bowman, Robert Brucato, S. Woody Dawson, John Kardaras, Gil Linder, Louis Todisco.
Alternates: Tom Selmont and Donald Walsh; Absent – Robert Anderson
Staff: William Voelker, Town Planner; Town Council Liaison David Veleber.

I. CALL TO ORDER

Chairman Kurtz called the public hearing to order at 7:30 p.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

They group Pledged Allegiance to the Flag.

V. BUSINESS

Secretary Natale read the public hearing notices for the applications.

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| 1. Zone Text Change Petition | P.H. 4/22/19 |
| <u>The Cheshire Housing Authority</u> | MAD 6/26/19 |
| To Delete Existing Section 44A Omnibus | |
| Affordable Housing Development, | |
| Regulation and Add: | |
| Section 44A Affordable Housing Development | |

Attorney Anthony Fazzino, Two Town Center, Cheshire CT, represented the applicant.

For the record, Attorney Fazzino confirmed that the Plan of Conservation and Development (POCD) is automatically a part of the record for the subject application.

The Commissioners were informed by Mr. Fazzino that the Cheshire Housing Authority (CHA) wants to build forty-four (44) units of affordable housing in town. Mr. Fazzino understands clearly, and stated for the record, that the subject application is not for this particular development; it is strictly for the text; and ultimately CHA and other applicants

may come before the Commission to utilize this regulation should it be adopted. The intention is to meet the definition of affordable housing under CGS 8-30g. There is an appeal procedure for denial of an applicant's request to build affordable housing, and the burden of proof is on the town that public interest needs to be protected against a particular affordable housing application. There are only appeals where a community has less than 10% of its housing as "affordable housing".

The current Affordable Housing regulations were adopted in 1996, and are discussed in the 2016 POCD, pages 21-22, with recommendation that Section 44-A be reviewed and revised to become a more effective tool for granting affordable housing applications.

Attorney Fazzone read an excerpt on affordable housing from the POCD into the record.

It was explained by Mr. Fazzone that someone making 80% of the HUD determined median income for Cheshire could live in an affordable housing rental where 30% of the 80% covers rental, utilities, insurance...no cable tv or entertainment. This definition of affordable housing is found in the regulations before the Commission.

Section 44-A has a three (3) step process; it is an overlay zone. The first step is to get a zone map change; next is special permit (detailing storm water drainage, etc.) bringing everything before the Commission; zone map change is more graphic format; the application is in conjunction with Section 40, and requires compliance with Section 43, Planned Residential Development; and then a site plan is filed.

This complex process creates opportunity for mistakes, and Mr. Fazzone said nothing else in the regulations requires this many steps...there are differences in the regulations. The applicant proposes a regulations with a two (2) step process...zone map change and conceptual site plan to include the number of units, traffic pattern/report, sewer disposal, water, utilities etc.

Mr. Fazzone displayed a conceptual plan under the proposed zone map/text change petition (CHA plan).

In the application, Mr. Fazzone pointed out the language changes, use of "potential" rather than "proposed". The applicant presents to the Commission a set of special regulations which apply to the development itself, including proposed zoning with changes to the regulations and affordable housing regulations. The affordable plan is all rentals, and HUD breaks it down to families of 2, 3, 4 5, etc.

The applicant is proposing a density allowance of 10 units per acre. Current regulations cite 2 units per acre in R-80 zone; 3 units per acre in R-40 zone; 4 units per acre in R-20, 20-A, and C zones. In cases where appeals are taken, the density differences are higher than what is being proposed by the applicant. Ten (10) units per acre is used in

the current Cheshire regulations (in-fill zone, R20-A zone, Highland Avenue from Hinman St. to North Brooksvale).

Parking Requirements – Mr. Fazzone cited 1 bedroom unit with 1.5 spaces vs. 2; 2 bedroom unit with 1.75 spaces vs. 3; and a 3 bedroom unit with 2 spaces vs. 3.

There are significant differences listed in the setbacks.

With regard to his representation of the CHA, Mr. Fazzone reported that he does represent CHA. He noted that the proposed regulations and staff report were given to the Commissioners.

Town Planner Voelker read comments into the record as follows: Naugatuck Valley COG, dated 2/9/19 and Capital Region COG dated 4/8/19.

A question was asked by Mr. Linder regarding Attorney Fazzone being hired and paid by CHA, amending regulations for a particular project or for all future projects.

In response, Attorney Fazzone stated he was hired by CHA, which wants to build a project, and current regulations do not fit their needs. He noted that the POCD also recognizes a need to look at affordable housing regulations with certain goals in mind...and one goal was to make opportunity for easier affordable housing projects. Mr. Fazzone said his recommendation to CHA was to propose a change to the zoning regulations, and taking into account others wanting to apply. His recommendation was development of the proposed regulations which would suit CHA needs and the needs of others...the regulation would be there for anyone to come in with an application. CHA did not want to apply and pursue under a CGS 8-30g application, with an eye for filing an appeal which could be turned down.

A question was raised by Mr. Linder about CHA looking for affordable housing, and it being natural for the CHA to govern affordable housing.

Attorney Fazzone explained the mission of CHA is to provide diversity in Cheshire including affordable housing. The statute only requires 30% of the units to be affordable housing, and others being market rate. CHA is interested in 100% affordable housing units. CHA is taking the step same as a developer, and saw that the POCD suggested Section 44-A be modified. They are initiating the process due to their timelines.

Stating 10 units per acre is a higher density for affordable housing, Mr. Todisco asked about the regulation being changed, and this not being the usual number per acre.

Attorney Fazzone said it is not the usual number, but with higher density it offsets lesser amounts of income. It is likely the developer would offset a loss associated with

affordable housing units. Density proposed in the current regulations would be a prime target for an appeal.

The issue of parking spaces cited for the application was raised by Mr. Todisco, who said the idea of reducing spaces is bothersome. There is dependence on where the development is located, and with too little parking, people will park on the streets. He asked for research based on the proposed number of parking spaces as being reasonable, accommodating on-street parking, and is not convinced the number of spaces will accommodate all the housing units.

In that regard, Mr. Fazzino said the Commission has reduced parking spaces over the years, but he will do some research and provide information on parking to the Commission at the next meeting.

Mr. Brucato talked about the applicant's proposed zone change going from three (3) steps to two (2), removal of the special permit requirement (Section 40), and asked about Section 40 in the text change...i.e. trees, lighting etc.

According to Mr. Fazzino, Section 41, Site Plan requirements, is similar to a special permit and covers all the items required. The difference is with a special permit the Commission has more discretion, and standard of proof would be higher under a special permit than site plan approval. He said the applicant should be comfortable knowing that once it receives the zone map change it can show conceptual plan, graphic illustration, parking, traffic/engineering reports, etc. It can go out and do final engineering/architectural work, knowing it must meet the site plan standards. No specific details will be left out. The site plan will be a proposal...not a potential...which is the first step of the process. Some applicants could come in with both steps at the same time...zone change and application specs.

Mr. Bowman has concerns about the parking situation, and agrees there should be more parking and visitor parking spaces. He does like the proposal, and it could work. He asked about the number of affordable housing units in Cheshire.

The Commission was informed by Mr. Voelker that Cheshire's percentage is about 3% of the total standard affordable housing required of 10%. He will confirm that number.

Under the current affordable housing regulation, Mr. Fazzino advised only 20 units have been built, with many waivers of the regulations. Affordable housing does not have to be deed restricted.

Attorney Fazzino outlined the current affordable housing income rate for Cheshire.

2018 – 80% of Cheshire median income family of three (3) = \$57,550; family of four (4) = \$64,750; the family can spend 30% of that income for rental, utilities, insurance etc., and affordable housing applies to both rentals and purchases.

The concept in the proposed regulation of going from 2 or 3 units per acre to 10 units per acre was discussed by Mr. Walsh, who noted this is a big increase. He said there may be reasons why Cheshire has not seen anything in the last few years, and is below the percentage requirement. Mr. Walsh commented on Beachport Housing as the only project under current regulations, the number of parking spaces cited for the proposed application, the red tape for getting things done in town, and he agrees parking should be increased for the number of units.

Other than sign regulations, Mr. Fazzone reported the affordable housing regulations are the longest.

Mr. Natale talked about the PZC having discretion on design standards, and the proposed regulation taking this away...and he asked why.

The design standards are in the proposed regulation, and Mr. Fazzone said adoption of the proposed regulation does not take away design standards. He noted, legally, the standard is higher on appeal for a special permit than site plan.

Mr. Natale asked about removal of the architectural approval from the Commission, and to him, this is taking about discretion from the Commission.

Stating that is not so, Mr. Fazzone said the standards are similar. From the applicant's point of view, it goes from the zone change portion, presenting graphic process, and there should be comfort that design standards are there for approval.

Mr. Selmont commented on going from a three (3) step to two (2) step process at one time, taking away the Commission's discretion and power, and special permit as more stringent approval than a site plan.

The response from Mr. Fazzone was to question why the third step is needed, as an additional site plan application gets nothing that a special permit application gets. Under the current regulations he feels it is draconian for anyone filing an affordable application, with inclusion of an additional step...so why not a site plan.

Density is currently three (3) and Mr. Selmont noted it goes to ten (10) and this makes an application a prime target for appeal. He asked about something less appealable with increased density.

Mr. Fazzone said under current regulations an applicant could present a final plan and get increased density.

In the staff report, Mr. Selmont said it indicates public transportation access...he asked who is responsible to provide this access.

Mr. Fazzone believes this means public transportation is available on the proposed street and this is a positive for a location. It does not mean having to go out and get a bus stop on the road. A site with public transportation should be looked at favorably in granting zone map change.

At the request of the Commission, Attorney Fazzone clarified the difference between affordable housing and low income housing. He also asked if there is a penalty for a town having below 10% affordable housing.

Attorney Fazzone confirmed Cheshire is below the 10% requirement for affordable housing set by Connecticut, but no penalty is in place. It goes back to the philosophy that young people and older citizens are moving out of state. The POCD talks about Section 8-32g, where it applies to Cheshire. Mr. Fazzone said there could be 100 affordable housing units on one acre, in a high rise building, and without 10% compliance an applicant could come in with this type of development.

It was noted by Mr. Linder that the 80% income range applies to local residents and workers, i.e. police officers, teachers. He talked about the development on Jarvis and Moss Farms Road, which has some affordable housing.

It was confirmed by Mr. Fazzone that there are a few affordable houses at that site; they are deed restricted for 40 years; and nowhere near the 30% income level.

Mr. Todisco commented on agreeing that the regulations should not be discouraging to affordable housing, and the difference between special permit and site plan. Site plan proposal meets the requirements of the regulations and must be approved by the PZC. Special Permit talks about public convenience, welfare, etc. and gives the PZC more discretion. He said PZC would like to keep some ability for design on things such as building height, modifications, and this does not happen with the two-step process.

According to Mr. Fazzone the Commission would have that with a zone map change, meeting design standards, and have more discretion than under a special permit. Design building standards under the affordable housing regulations are the same as in a special permit.

Mr. Dawson asked about affordable housing in the proposed plan or any plan, and only so many people in Cheshire to take advantage of the plan. He said not much land is left in town; the Commission will be flooded with affordable housing applications; and the bad land will be purchased for specific reasons.

The Commission was informed by Mr. Fazzone that the primary ingredient of affordable housing is public sewers. Most of the bad land is not on sewer property; and this is the main control of municipalities over affordable housing applications. What is proposed is on a street/area where affordable housing can be built.

It was stated by Mr. Dawson that PZC has the right to hire an outside attorney specializing in affordable housing applications.

Mr. Voelker reported that the Planning Department and PZC is awaiting legal information from the Town Attorney on the subject application.

Mr. Fazzino stated the reason the applicant is here is due to the PZC adoption of the POCD with the recommendation that the affordable housing regulation be looked at and modified. He said it is not unusual for regulations to be advanced to the Commission by private people.

Stating he likes the regulation, Mr. Bowman commented on the aging population in Cheshire over many years; the school system not operating at capacity; there is a need to bring in younger people and keep elderly people. It has been made clear by Mr. Fazzino that under State regulations, if the town turns something down, the burden of proof is on the town, not the applicant. This is a subject which needs to be closely looked at including parking, development of a bus line, and Mr. Bowman looks forward to working with these regulations.

The issue of "low income" levels for Cheshire was clarified by Mr. Fazzino. For a family of four (4), the 80% level is \$71,900, and this is under HUD and State statute. Someone in this income category would be eligible for affordable housing...the gross income would be \$91,900. None of the proposed housing is low income.

It was pointed out by Mr. Fazzino that under State law, affordable housing must be sewered. He will have information for the Commission on parking, affordable housing units, low income stats, etc. for the May public hearing.

With regard to the statistics on low income, Mr. Voelker said he will get this information for the Commission and Attorney Fazzino.

Mr. Kardaras asked about there being a map of eligible areas for affordable housing in Cheshire at the next meeting.

THE PUBLIC HEARING WAS CONTINUED TO MAY 13, 2019

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| 2. <u>Zone Text Change Petition</u>
<u>Miller Napolitano Wolff, LLC and</u>
<u>Tri-Star Development LLC</u>
To Amend Section 45B Interchange
Special Development District (I-C.S.D.D.)
And Amend Section 23 Definitions
Interchange Special Development Project | P.H. 4/22/19
MAD 6/26/19 |
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(Commissioner Bowman was recused from application #2).

Attorney Anthony Fazzino, Two Towne Center, Cheshire CT, represented the applicants.

The applicants own a 110 acre parcel of land in the north part of Cheshire; the subject application covers all of the land in the I-C zone; the parcel has four quadrants; the applicant owns all of the land within the red area shown on the map. This property was the subject of an application going back to 2007, W.S. Development, for a large shopping center and a large section of residential development.

Mr. Fazzino said at the time W.S. Development applied, commercial/retail/housing was not permitted in the I-C zone, and new regulations were adopted for an Interchange Special Development District (I.C.S.D.D.). This provided for the same type of procedure as discussed in the prior public hearing...application for a zone map change under Section 70 of the regulations. This section applies to properties only in the I-C zone, and the application is to have a piece of property changed to an I.C.S.D.D. The I-C zone was created in 1985 with intention to direct high quality development in this area, taking advantage of the interchange with I-691. In 34 years there has been no building in the I-C zone, and in 2015 W.S. abandoned its development plans.

The POCD suggests looking at the I-C zone with smaller sized parcels allowed in the zone. The regulation being discussed at this meeting removes the minimum acreage requirement for parcels considered as I.C.S.D.D. Mr. Fazzino stated there is also a proposal to change the definition of I.C.S.D.D. zone. This would allow mixed use development, large scale development, of 30+ acres or more. Taking out mixed use development does not preclude large scale development being done.

According to Mr. Fazzino, the motivation behind the changes is the applicant's interest in this property for only smaller scale projects. Last summer there was a pre-development meeting between the applicant and PZC with a master development plan rendering. This involved a 110 acre subdivision; it met some of the objectives of the I-C zone; and there is no specific proposal or plan before PZC this evening.

Mr. Fazzino displayed a rendering of a plan for the zone map change. The rendering shows a graphic display, with different lots and different uses. In looking at the concept of having smaller parcels, Section 45-B, it applies to larger scale development, 30 acre minimum. The applicants are looking to change these regulations allowing for smaller scale developments. Mr. Fazzino cited an example...a 100 acre parcel in the I.C.S.D.D. but present projects on a smaller scale throughout. This would involve the two step process. The zone map change requires the applicant to present information, a special set of regulations, applicable to the whole zone, to the Commission. This would insure development on a unified basis and architecturally harmonious to the extent possible...looking at a commercial park with similar design standards throughout.

POCD pages 17-19 – I-C Zone Focus Area – recognizes it is almost certain that the Commission would be presented changes to the regulations.

Attorney Fazzone said the regulation for the zone map change would require taking the parcel, compare what is allowed in the I-C zone. The applicant proposes a set of regulations that would apply to this portion of the I-C zone, and this comes in when the zone map change is proposed.

In the regulation it states “potential” rather than “proposed”. Mr. Fazzone stated you cannot allow something “not allowed in the zone”. Once the zone map change is granted, there must be compliance with the special regulations proposed, which gives a list of types of use allowed. In the subject case, the applicant is talking about a subdivision; it is 100 % certain all of the smaller lots will not be accounted for; there would not be use for them at the same time; applicants would come back to the Commission for a site plan for each of the different parcels within the zone that has been changed. By the time PZC gets an application for a specific lot it is no longer “potential”...it is specific to the particular site, and it can be compared to other sites that have been improved. The regulations go along with the zone map change; every parcel of land in the changed zone must comply with the same set of regulations; and this is the same procedure followed when W.S. Development shopping center was approved.

Mr. Fazzone pointed out that the prior application (W.S.) had a requirement with respect to residential square footage, up to 40% of the square footage allowed in the commercial part of the development (800,000 S.F.). This does not apply to smaller lots as there will not be one big building. This is taken out of the regulation. There is a residential use which requires a market study to show demand for this type of use, and show a fiscal impact on the Town of Cheshire.

Mr. Todisco asked if we have this now.

Stating no, Mr. Fazzone explained the PZC would not have it until the applicant comes in for the zone map change. This is just the regulation to allow presentation of a master plan of the site, broken into smaller parcels of land.

The Commission was told by Mr. Voelker that this is an enabling regulation.

With the two step process rather than three steps, Mr. Natale said there is removal of the requirement for a public hearing. He noted “proposed” is replaced with “potential”; there is removal of proposed architectural design features; and he asked who controls the architect.

Mr. Fazzone replied that with removal of the architectural drawings that will have to be consistent throughout the whole new zone. When PZC approves a zone map change there will be specifics/details references with descriptions.

Town Planner Voelker read specifics and details of elements into the record.

Mr. Voelker referred to Section 45 B.3.2.

Mr. Voelker advised the Commission has three options – approve, approve with conditions or amendments, or deny. We are talking about different scales of use; there must be some harmony between the buildings; there will be different types of definitions and looks; the applicant is requested to include everything in the application to PZC.

Mr. Dawson talked about the I-C zone and large pieces in this area of town. He commented on the plan, the applicant telling PZC what it wants to do, without paying big fees, etc.

Mr. Voelker reiterated that this is not a special permit; it is a zone change; and the same kind of regulation in the S.D.D. There are four quadrants with probable development on two of the quadrants. The applicant is required to develop a set of regulations and what they mean.

The issue of removal of the public hearing requirement was raised by Mr. Natale.

Mr. Fazzone is under the impression the PZC can hold a public hearing with a site plan approval.

It was stated by Mr. Walsh that what is proposed is something for some economic development. He cited Section 45 B-6.0, removal of open space, and questioned who is responsible for open space for public use. The last thing wanted is the town taking care of this open space. He said there should be something included that the town is not responsible for open space.

This can be addressed in the special regulations and Mr. Fazzone said W.S. was one owner of 110 acres with large building, walkways, etc. and responsibility for maintenance. This will be different. With the zone change request these would be addressed in the special regulations.

Mr. Voelker said there could be a statement that the town is not responsible for open space.

There will be passive open space and Mr. Fazzone said it will not require maintenance. The land can go to the Land Trust, or be responsibility of the individual owners. He concurs there should be a statement that the town is not responsible for open space. According to Mr. Fazzone the applicants are trying to make the regulation applicable to smaller parcels, i.e. remove requirements that each district have a restaurant. This should be removed from the zone definition. There is historical architecture on the site, the Ten Mile River, which were focal points of the W.S. project.

Mr. Brucato said this is turning into a subdivision, individual lots with many developers coming in. He does not see control over the area; the applicant is asking to remove the S.D.D. and creation of a subdivision in this area.

The development will be in the S.D.D. and Mr. Fazzone said the regulations for the district must be followed, including limitations, landscaping, architecture, and consistency throughout. There is control under Section 45-B, which requires a special set of regulations for PZC approval, if the zone map change is approved to create the I-C S.D.D. It is an overlay zone; the center of the town is an S.D.D. The applicants can propose their own set of regulations which would apply; they do not get the overlay zone unless the Commission agrees. This is when the schematic master plan comes in with the zone map change and special regulations. Mr. Fazzone said there will be a list of uses; they could be placed on different lots; two lots could be made into one lot; each of the projects must come back to the Commission for approval, which decides whether it complies with the special regulations.

Mr. Linder asked about the conceptual plan as the first step and everything is set to go. The applicant sells parcels or allows developers to develop a particular project, i.e. a gas station. There would be piece meal development of various projects that comply with the overall map...and everything will not be developed at once.

The Commission was informed by Mr. Fazzone that development could be over a six year period...with Tri-Star having control of the developers by regulation and restrictions and be in compliance with the regulations.

Mr. Todisco cited his understanding on how this works...the proposal is to implement regulations for future developers to come in with their own set of regulations. Over time someone comes in, wants to build out a five acre parcel, and Tri-Star owns all the land...so they buy the five acres. He questioned their being bound by different regulations or those proposed for the 110 acre site.

It was explained by Mr. Fazzone that a developer comes in under regulations for the 110 acre parcel. The set of regulations apply to everything within the I.C.S.D.D. area...one lot or 10 lots.

It was noted by Mr. Todisco that the first step is changing the regulations as outlined in the staff report.

Mr. Fazzone reiterated the fact that each quadrant comes in with its own regulations.

It is one I.C.S.D.D. the northwest quadrant, and Mr. Voelker said the other three quadrants are just in the I-C right now. If owners in the south westerly quadrant want to do a special development project, they have to come in with a set of regulations. Every

applicant would have to make their case for their own piece of property. An I.C.S.D.D. could be put on any of the quadrants. Only one quadrant is now I.C.S.D.D. The change is requested due to change in the market place, with regulations modified for flexibility for smaller projects.

Mr. Dawson talked about W.S. having a shopping center, movie theater, housing, bridge, walkways, restaurants, etc. This was under special approval. He said the subject application is confusing, but he has no problem with the concept.

An I.C.S.D.D. can be applied to any of the quadrants, and not just the north westerly quadrant. Mr. Voelker said the southeast quadrant could have a development request, and the Commission can deny an application. Any quadrant needs its own set of regulations.

Stating he understands the new concept, Mr. Dawson said the Commission has no power; the architect has power; he has no problems with this application, but questions what comes after...it keeps snowballing on that piece down there.

Chairman Kurtz questioned why this is being done...i.e. development of 110 acres into smaller pieces. He has no objection as long as the plan and regulations are followed. This will not be built as proposed by W.S. which was building the entire project.

Mr. Fazzone commented on the property owner feeling there is little potential for this to be developed in one piece...and have eliminated that. With approval of the regulations there could be developers wanting to building smaller, and it would come in under the same regulations. If approved, there would be a zone change request, presentation of a set of special regulations, and if approved by PZC, they would come back with specific site plan.

In light of the poor economic conditions of the State, Mr. Linder said this is the way for a number of developers to spread the risk...and allows development.

It was pointed out by Mr. Fazzone that the land owner will have to build a road, and this increases the risk. Once the road is built, the concept gains momentum.

Mr. Brucato talked about having an initial zone map change, regulations agreed upon, and the Commission having control over what happens. Once all of what is proposed is approved and moves forward, it is hands off for the Commission. The property owner will have to make sure each individual parcel owner follows the guidelines.

It was clarified by Chairman Kurtz that each owner must come before the Commission for their approval.

Section 45-B-9 is another third step and Mr. Fazzone said by this time the Commission has seen a plan, showing open space, traffic pattern, potential use of acreage, etc. that

complies with the regulations and must be approved. It is the same for the subject application, and along with that are the special regulations. Someone comes in under Section 45-B.5 with a project, and in addition to the site plan approval, the PZC will have all the details...town engineer, traffic report, etc.

Mr. Selmont stated his issues with striking out the 40% as residential, and asked if it could be changed to total of Interchange to 40% of the gross. He said this has potential for three apartment buildings.

In reply, Mr. Fazzino said he would get a complete market analysis on need for apartments, an impact study, and fiscal impact on Cheshire with a number of apartment buildings.

This is pending approval of special regulations for this area, and Mr. Selmont said the site plan would have to be approved if it fits the regulations. He noted the Commission must be careful how these regulations are worded going forward.

It was pointed out by Mr. Fazzino that 144 residential units were approved with the square footage for W. S. Development.

According to Mr. Voelker there could be other uses in the development which would eat up a lot and quickly.

The residential development concept has a severe impact on the town, and Mr. Fazzino reported that the BOE said 144 units would have no impact on the school system. The Commission can review the fiscal impact study.

Mr. Strollo recalled that a gas station is a prohibited use due to some of the parcels in this area being on the aquifer. Restaurant drive-through windows are not approved.

Chairman Kurtz continued this public hearing to May 13, 2019.

VI. ADJOURNMENT

MOTION by Mr. Kardaras; seconded by Mr. Bowman.

MOVED to adjourn the public hearing at 9:59 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk

