

**MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION REGULAR MEETING HELD IMMEDIATELY FOLLOWING THE 7:30 P.M. PUBLIC HEARING ON MONDAY, JUNE 24, 2019, IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410**

Present

Earl J. Kurtz Jr., Chairman; Sean Strollo, Vice Chairman; Jeff Natale, Secretary;  
Members: Matthew Bowman, S. Woody Dawson, John Kardaras, Louis Todisco.  
Alternates: Robert Anderson, Tom Selmont, Donald Walsh  
Absent: Robert Brucato and Gil Linder.  
Staff: William Voelker, Town Planner; George Noewatne, PW Director  
Guest: David Veleber, Town Council liaison

**I. CALL TO ORDER**

Chairman Kurtz called the meeting to order at 8:31 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**

The group Pledged Allegiance to the Flag.

Alternate Members Mr. Selmont and Mr. Walsh were seated for the regular meeting.

**V. ACCEPTANCE OF MINUTES – Public Hearing 6/10/19 and Special Meeting 6/10/19**

MOTION by Mr. Natale; seconded by Mr. Kardaras

MOVED to approve and accept the minutes of the Public Hearing of 6/10/19 and Special Meeting of 6/10/19, subject to corrections, additions, deletions.

VOTE The motion passed unanimously by those present.

**VI. COMMUNICATIONS**

**VII. UNFINISHED BUSINESS**

- |    |  |                     |
|----|--|---------------------|
| 1. | <b>Waiver Request of Section 25.3.2</b>          | <b>P.H. 5/29/19</b> |
|    | <b>Subsection 9 – for earth removal, filling</b> | <b>P.H. 6/10/19</b> |
|    | <b>Or regrading within 50 feet of the street</b> | <b>P.H. 6/24/19</b> |

**Robert Donnelly**  
**400 East Johnson Avenue**

MOTION by Mr. Bowman; seconded by Mr. Dawson.

MOVED that the Planning and Zoning Commission finds that the proposed regrading within 50 feet of the street line and side property line on 400 East Johnson Avenue is reasonable and necessary for the importing of materials, thereby reducing the impacts from this activity onto East Johnson Avenue and the surrounding area, and hereby approves this request.

Discussion

Mr. Dawson said the company, Whole Foods, has a good track record with the Town and the application is reasonable.

Mr. Todisco noted there is no unreasonable risk to public health and safety as a result of this waiver.

Mr. Natale commented on the applicant not having to bring in materials, and doing everything with what is on the site.

VOTE           The motion passed unanimously by those present.

<b>2.    Earth Removal, Filling or Regrading</b>	<b>P.H. 5/29/19</b>
<b>    Permit</b>	<b>P.H. 6/10/19</b>
<b>    <u>Robert Donnelly</u></b>	<b>P.H. 6/24/19</b>
<b>    400 East Johnson Avenue</b>	<b>MAD 8/29/19</b>
<b>    To regrade</b>	

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

MOVED that the Planning and Zoning Commission finds that the proposed regrading of 400 East Johnson Avenue as shown on plans entitled "Site Plan for Regrading, Whole Foods Market, Inc, Earthwork Permit, 400 East Johnson Avenue, Cheshire CT" dated May 6, 2019 are consistent with the requirements of Section 25 (Earth Removal, Filling and Regrading) of the Cheshire Zoning Regulations and hereby approves this application conditioned upon the following:

1. Compliance with comments from the Regional Water Authority  
Dated May 23, 2019.
2. Compliance with comments from the Cheshire Fire Department dated  
June 24, 2019.

VOTE           The motion passed unanimously by those present.

3. **Site plan Application** **MAD 8/27/19**  
**400 East Johnson Avenue**  
**Warehouse addition with associated**  
**Parking and utilities.**  
**PUBLIC HEARING HELD OPEN TO 7/8/19.**
4. **Special Permit Application** **P.H. 6/24/19**  
**Maria Mazzacane Perez** **MAD 8/29/19**  
**920 South Main Street**  
**Barber Shop**  
**Section 30, Sch. A. #46**

MOTION by Mr. Dawson; seconded by Mr. Natale.

MOVED that the Planning and Zoning Commission finds that the proposal to establish a barber shop in the rear of 920 South Main Street as shown on plants presented by the applicant is consistent with the requirements of the Cheshire Zoning Regulations and hereby approves this application conditioned upon compliance with comments from the Cheshire Fire Department dated June 24, 2019.

VOTE The motion passed unanimously by those present.

Mr. Strollo was recused from application #5; Mr. Anderson was seated as the Alternate.

5. **Special Permit Application** **P.H. 6/24/19**  
**John Mazzella** **MAD 8/29/19**  
**1322 Waterbury Road**  
**Parking/Additional Repair License**

MOTION by Mr. Kardaras; seconded by Mr. Walsh.

MOVED that the Planning and Zoning Commission finds that this application is consistent with the requirements set forth in Section 30, Schedule A, Item 43, of the Cheshire Zoning Regulations and hereby approves this application conditioned upon the following:

1. Compliance with comments from the Town Engineer dated June 24, 2019.
2. Compliance with comments from the Cheshire Fire Department dated June 24, 2019.

Discussion

Mr. Dawson stated the record should show the applicant said there will be a certain number of tow trucks and later stated something different.

In that regard, Town Planner Voelker informed the Commissioners there could be condition #3 in the motion to read:

3. *No more than five (5) registered tow trucks can be operating from the property at any given time.*

Mr. Voelker pointed out this is the Commission making a decision based on the record and #3 can be added to the motion.

Mr. Selmont said we do not want to turn this into a trucking company, and he agreed with adding #3 to the motion on the floor.

If the applicant wanted more tow trucks, Mr. Voelker explained he would have to come back to the Commission and make the request. The Commission's decision is based on the testimony presented. The Zoning Board of Appeals cannot modify the motion approval.

Under Section 30, Schedule A, Item 43, Mr. Voelker stated the applicant meets all the minimum standards of this regulation.

The Commission agreed to add compliance item #3 to the motion the floor.

Mr. Kardaras and Mr. Walsh agreed to the amendment to their motion.

**#3 - No more than five (5) registered tow trucks can be operating from the property at any given time.**

VOTE            The motion amended passed unanimously by those present.

(Mr. Kardaras left the meeting at 8:39 p.m.)

Mr. Anderson was seated as the Alternate to replace Mr. Kardaras.

<b>6.</b>	<b>Special Permit Application</b>	<b>P.H. 6/24/19</b>
	<b><u>George Noewatne, Director, Public Works</u></b>	<b>MAD 8/29/19</b>
	<b>1300 Notch Road</b>	
	<b>Bathroom improvements at Mixville Park</b>	

MOTION by Mr. Bowman; seconded by Mr. Todisco.

MOVED that the Planning and Zoning Commission finds that this application is consistent with the requirements set forth in Section 30, Schedule A, Item 40 of the Cheshire Zoning Regulations and hereby approves this application.

VOTE The motion passed unanimously by those present.

- 7. **Zone Text Change Petition** **P.H. 6/10/19**  
**Planning and Zoning Commission** **P.H. 6/24/19**  
To amend and add new Section 36,  
Highland Avenue Design District  
Regulation and Amend Section 23  
Definitions-Context Sensitive Design  
And Design Narrative  
**PUBLIC HEARING HELD OPEN TO 7/8/19**

**VIII. NEW BUSINESS**

- 1. **Subdivision Application**  
**Miller Napolitano Wolf, LLC and Tri-Star  
Development LLC.**  
1953 and 2037 Highland Avenue  
I-691 and Dickerman Road  
8-lots  
**PUBLIC HEARING SCHEDULED FOR 7/8/19**
  
- 2. **Application for Zone Change to Interchange  
Special Development District**  
**Miller Napolitano Wolf, LLC and Tri-Star  
Development LLC.**  
1953 and 2037 Highland Avenue  
I-691 and Dickerman Road  
**PUBLIC HEARING SCHEDULED FOR 7/8/19**
  
- 3. **Waiver of Request of Section 25.3.2 Subsection  
3, 9 and 11 of Section 25.5**  
**For Earth Removal, Filling or Regrading Permit**  
**Miller Napolitano Wolf, LLC and Tri-Star  
Development LLC.**  
1953 and 2037 Highland Avenue  
I-691 and Dickerman Road  
**PUBLIC HEARING SCHEDULED FOR 7/8/19**
  
- 4. **Earth Removal, Filling or Regrading Permit**  
**Miller Napolitano Wolf, LLC and Tri-Star  
Development LLC.**  
1953 and 2037 Highland Avenue  
I-691 and Dickerman Road  
**PUBLIC HEARING SCHEDULED FOR 7/8/19**

5. **Zone Map Change Petition**  
**Miller Napolitano Wolf, LLC and Tri-Star Development LLC.**  
1953 and 2037 Highland Avenue  
I-691 and Dickerman Road  
From Interchange Zone (I-C S.D.D.) zone  
To Interchange Special Development District  
**PUBLIC HEARING SCHEDULED FOR 7/8/19**

6. **TABLED APPLICATIONS**

- a. **Zone Text Change Petition**  
**The Copper Valley Club, Inc.**  
To amend Section 30, Schedule A,  
Permitted Uses, Para. 33b. Change  
Parking setback for Clubs for golf, tennis,  
Swimming and similar activities from 150'  
To 25' with adequate screening.  
**TABLED FOR PUBLIC HEARING TO 7/8/19**
- b. **Zone Text Change Petition**  
**Core Development LLC**  
To amend Section 43.8.2.c  
Planned Residential Infill Development  
**TABLED FOR PUBLIC HEARING TO 7/8/19**

**VI. ADJOURNMENT**

MOTION by Mr. Dawson; seconded by Mr. Bowman

MOVED to adjourn the meeting at 9:00 p.m.

VOTE           The motion passed unanimously by those present.

Attest:

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Marilyn W. Milton, Clerk