

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION SPECIAL MEETING HELD IMMEDIATELY FOLLOWING THE 7:30 P.M. PUBLIC HEARING HELD ON MONDAY, SEPTEMBER 9, 2019, IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Sean Stollo, Vice Chairman; Jeff Natale, Secretary

Members: Robert Brucato, S. Woody Dawson, Gil Linder, Louis Todisco.

Alternates: Robert Anderson, Tom Selmont and Donald Walsh

Absent: Earl J. Kurtz, Matthew Bowman, John Kardaras

Staff: William Voelker, Town Planner

Guest: David Veleber, Town Council Liaison

I. CALL TO ORDER

Chairman Stollo called the special meeting to order at 8:01 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 – S.M. Public Hearing 7/22/19 and Regular Meeting of 7/22/19.

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

MOVED that the Planning and Zoning Commission approve the minutes of the Public Hearing and Regular Meeting of 7/22/19 subject to corrections, additions, deletions.

Discussion

Mr. Todisco commented on his opposition vote and his reason that the “abutters should have a setback”.

VOTE The motion passed unanimously by those present.

VI. COMMUNICATIONS

- 1. Letter from Sean M. Kimball, Town Manager, dated 7/18/19
RE: 8-24 Review of the Proposed FY 2019-2020 Five Year Capital Expenditure Plan and Annual Capital Expenditure Budget as Required by Section 7-2 of the Town Charter.**

MOTION by Mr. Dawson; seconded by Mr. Brucato

MOVED that the Planning and Zoning Commission finds that the Proposed Fiscal Year 2019-2020 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 under Section 7-2 of the Town Charter.

Discussion

Mr. Todisco stated he reviewed most of the Plan, and it is not contrary to the POCD. He talked about there being no funding for open space, and the Commission suggesting to the Council that funds be appropriated for open space in the future.

In that regard, Mr. Dawson clarified that the open space funding was reallocated to other capital project needs by the Council.

VOTE The motion passed unanimously by those present.

VII. UNFINISHED BUSINESS

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| 1. Special Permit Application
 <u>Town of Cheshire</u>
 157 Sandbank Road
 Relocation and Enlargement of
 Existing office space. | P.H. 7/22/19
P.H. 9/09/19
MAD 11/13/19 |
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MOTION by Mr. Dawson; seconded by Mr. Natale

MOVED that the Planning and Zoning Commission finds that the proposal to replace the existing 1400 square foot trailer with a 2160 square foot trailer, as shown on plans entitled "Site Plan, Cheshire Bus Depot, 157 Sandbank Road, Cheshire CT" dated July 1, 2019 are consistent with the Cheshire Zoning Regulations and hereby approves this application.

Discussion

Mr. Natale informed the Commission that he was absent from the last meeting, but has familiarized himself with the record of the last meeting, and will take action on the applications.

VOTE The motion passed unanimously by those present.

Chairman Strollo moved agenda item #3 to current status.

3. Special Permit Application
Paul Falco
Wallingford Road
Rear Lot Access

P.H. 9/09/19
MAD 11/13/19

MOTION by Mr. Dawson; seconded by Mr. Selmont

MOVED that the Planning and Zoning Commission finds that the proposed rear lot access as shown on plans entitled "Resubdivision Plan for 360 Wallingford Road, Cheshire CT revised through September 5, 2019" is consistent with the requirements set forth within the Cheshire Subdivision Regulations and hereby approves this application conditioned upon the following:

1. Compliance with comments from the Cheshire Fire Department Dated September 4, 2019.
2. Compliance with comments from the Regional Water Authority dated August 29, 2019.
3. Comments from the Town Engineer dated August 21, 2019.

VOTE The motion passed unanimously by those present.

2. Resubdivision Application
Paul Falco
Wallingford Road
2-lots

P.H. 9/09/19
MAD 11/13/19

MOTION by Mr. Dawson; seconded by Mr. Walsh

MOVED that the Planning and Zoning Commission finds that the proposed resubdivision at 360 Wallingford Road to create an additional building lot as shown on plans entitled "Resubdivision Plan for 360 Wallingford Road, Cheshire CT revised through September 5, 2019" is consistent with the requirements set forth in the Cheshire Zoning Regulations and Cheshire Subdivision Regulations and hereby approves this application conditioned upon the following:

1. Compliance with comments from the Cheshire Fire Department Dated September 4, 2019.
2. Compliance with comments from the Regional Water Authority dated August 29, 2019.

3. Comments from the Town Engineer dated August 21, 2019.

Discussion

Mr. Anderson noted that for both applications, the applicant showed willingness to comply with the regulations, and he will vote in favor of the application.

Mr. Todisco stated the staff report indicates the applicant's compliance with Town requirements and this is helpful to the Commission.

VOTE The motion passed unanimously by those present.

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| 4. Resubdivision Application
 Ricci Construction Group Inc.
 <u>Crestwood Drive</u>
 2-lots | P.H. 9/09/19
MAD 11/13/19 |
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MOTION by Mr. Dawson; seconded by Mr. Brucato

MOVED that the Planning and Zoning Commission finds that the proposed resubdivision at 400 Crestwood Drive to create an additional building lot as shown on plans entitled "Proposed Resubdivision of Lot 3, Royal Crest Estates, 400 Crestwood Drive-MBL:86-85, Cheshire CT" revised through July 30, 2019, is consistent with the requirements set forth within the Cheshire Zoning Regulations and Cheshire Subdivision Regulations, and hereby approves this application conditioned upon the following:

1. Compliance with comments from the Cheshire Fire Department dated September 4, 2019.
2. Compliance with comments from the Regional Water Authority dated August 27, 2019.

Discussion

With the subdivision of these two lots, Mr. Anderson asked if there can be further subdivision.

Mr. Voelker explained that anything to be subdivided must be in conformance with the zoning regulations, and he does not believe these lots are large enough.

VOTE The motion passed unanimously by those present.

VIII. NEW BUSINESS

1. **Special Permit Application**
Ralph Bergamo
266 Sandbank Road
Martial Science Training
SCHEDULED FOR PUBLIC HEARING ON 9/23/19

2. **Special Permit Application**
Milan LLC
120 Commerce Court
Contractor's storage yard for landscaping
Materials and equipment.
SCHEDULED FOR PUBLIC HEARING ON 9/23/19

3. **Special Permit Application**
Brodach Builders Inc.
5 Copper Valley Court
Rear Lot Access
SCHEDULED FOR PUBLIC HEARING ON 9/23/19

4. **Subdivision Application**
Brodach Builders Inc.
Copper Valley Court
4-lots
SCHEDULED FOR PUBLIC HEARING ON 9/23/19

Hartford Health Care Medical Building – Mr. Natale raised the issue on the approval of this project with one of the conditions being a left turn only going down South Main Street. Now, the State is not requiring this condition. He questioned this being a town issue.

Town Planner Voelker informed the Commission that that State has the final “say” on access points on a State highway. The town can make recommendations. He had discussions with State representatives, and their decision is that the left turn out would not be required, and is not warranted. He noted this is not just an opinion, but is based on a traffic analysis. Therefore, there will be not be a left turn only coming out of the site. For the right turn access, there is the angle of the ramp and signage.

The Commissioners continued their discussion, and raised questions on whether the Town can look at this again, appeal the State's decision since the application was approved by the PZC without a left hand turn, public recourse if this turns into a nightmare, whether the State held a public hearing before making a final decision.

Mr. Voelker said that if problems emerge the town can go back to the State and property owner to remedy a situation, i.e. go to State Building Commission and get

something overturned. He explained the State does not hold a public hearing, but has discussions with the applicant (not in a public forum); receives the approved plans from the municipality; and gets information from the local traffic authority – the Police Chief.

Mr. Voelker pointed out that the State has a high level of expertise in these matters. As a result of the State decision, there will be left hand movement out of the site. He said there will never be a traffic signal at the location of this medical building.

IX. ADJOURNMENT

MOTION by Mr. Dawson; 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