

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION SPECIAL MEETING HELD IMMEDIATELY FOLLOWING THE 7:30 P.M. PUBLIC HEARING ON MONDAY, MARCH 9, 2020 IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Earl J. Kurtz III, Chairman; Sean Strollo, Vice Chairman; Jeff Natale, Secretary;
Members: Robert Brucato, John Kardaras, Gil Linder, Louis Todisco.
Alternates: Robert Anderson, Casey Downes, Tom Selmont
Absent: Matthew Bowman
Staff: William Voelker, Town Planner

I. CALL TO ORDER

Chairman Kurtz called the meeting to order at 7:40 p.m.

II. ROLL CALL

The Clerk called the roll.

III. DETERMINATION OF QUORUM

Following roll call, it was determined that a quorum was present.

Commissioner Downes was the alternate for the meeting.

V. ACCEPTANCE OF MINUTES – Public Hearing 2/24/20 and Regular Meeting of 2/24/20

MOTION by Mr. Natale; seconded by Mr. Brucato

MOVED to approve and accept the minutes of the Public Hearing of 2/24//20 and Special Meeting of 2/24/20/ subject to corrections, additions, deletions.

VOTE The motion passed 8-0-1; Mr. Dawson abstained.

VI. COMMUNICATIONS

- 1. Letter from Anthony J. Fazzino, Esq. dated 3/4/2020
RE: Public Hearing Schedule-Zone Text Change Application
Counterweight Brewing Co. LLC.**

Town Planner Voelker read the letter into the record of the meeting.

The public hearing will be opened on April 13th and continued to April 27th pending regional agency comments about this application. Attorney Fazzino will respond to questions from the regional agencies.

VIII. UNFINISHED BUSINESS

- 1. Special Permit Application**
Caroline Dircks
255 Spruce Street
Cottage Food

PH 3/9/20
MAD 6/13/20

MOTION by Mr. Natale; seconded by Mr. Kardaras

MOVED that the Cheshire Planning and Zoning Commission finds that the proposed cottage food home enterprise at 255 Spruce Street, Cheshire CT is consistent with the requirements set forth in Section 30, Schedule A, Item 18B of the Cheshire Zoning Regulations and hereby approves this application conditioned upon satisfaction of comments from the Town Engineer dated March 3, 2020.

Discussion

Mr. Natale commented on this business being good for the community with opening of a new shop in the Watch Factory site.

VOTE The motion passed unanimously by those present.

- 2. Site Plan Application**
James A. Fazzone Developers LLC
1490 Highland Avenue
To add a second floor within a building at
1490 Highland Avenue for Public Storage
Facility (approx. 25,750 S.F.)

MAD 4/28/20

Town Planner Voelker read comments from the Regional Water Authority dated February 26, 2020 and March 9, 2020 into the record; he read comments from the Cheshire Fire Department dated March 9, 2020 into the record.

Attorney Anthony Fazzone represented the applicant, and stated there are no concerns regarding the comments read into the record.

Photographs of 1490 Highland Avenue were submitted for the application. Mr. Fazzone pointed out the subject building as the last building, behind where the driving range was located, and the driveway enters where ION Insurance is located. The building was used as office and warehouse space (Algonquin Energy). The office space was 10,000 S.F. and warehouse storage space was 15,000 S.F. The applicant proposes a second floor; there are no changes to the exterior of the existing building; no modifications to the roof are planned. Precautions went to the RWA because when the original building was approved there were some wetlands behind the parking lot, and some remediation was done. The IWW has determined no application is necessary.

Mr. Strollo asked about the interior height of this building, and if there are still loading docks in the rear.

There is enough for two floors, but Mr. Fazzino did not know the exact number. He said the building can be built to code. There are still loading docks and they will remain.

Regarding the storage facility, Mr. Natale asked about 24/7 security for after hours, and lighting staying the same.

Attorney Fazzino said it is likely someone will be on site but the building will be locked in the after hours. Exterior lighting will remain the same, and there is security lighting on the loading docks.

Mr. Brucato asked about outside parking and storage of vehicles.

The Commission was informed by Mr. Fazzino that will not be a component of what the applicant is offering. In addition to what is in the contract, the property is over the aquifer and RWA was notified. Pursuant to the aquifer regulations, RWA has the right to inspect as they see fit.

Mr. Natale asked if there is anything for remediation, i.e. gasoline or something hazardous on the site.

There will be fire suppressants, and Mr. Fazzino said the applicant is willing to talk to RWA and Fire Marshal to see what is appropriate for the building.

Mr. Voelker advised the building has a sprinkler system, and based on the terms of the agreement...for hazardous materials...the applicant would be responsible. The building was constructed in 2014.

MOTION by Mr. Dawson; seconded by Mr. Brucato.

MOVED that the Cheshire Planning and Zoning Commission finds that the proposed improvements to the existing building located at 1490 Highland Avenue, Cheshire CT, as shown on plans entitled "Proposed Self-Storage, Highland Avenue, Cheshire CT" are consistent with the requirements set forth within Section 41 Site Plans of the Cheshire Zoning Regulations, and hereby approves this application conditioned upon compliance with comments from the Cheshire Fire Department dated March 9, 2020.

VOTE The motion passed unanimously by those present.

Commissioner Dawson recused himself from the Clearview Farm Preserve LLC applications as he was not in attendance during the public hearings.

Commissioner Selmont was the alternate member for these applications.

The Commission agreed to rearrangement of the Clearview Farm Preserve LLC applications on the agenda as follows: #5, #6, #4 and #3.

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| 5. Waiver Request | PH 1/27/20 |
| <u>Clearview Farm Preserve LLC</u> | PH 2/10/20 |
| 947 Cornwall Avenue Extension | PH 2/24/20 |
| 25.3.2 to waive Subsection 9 under | MAD 4/29/20 |
| Section 25.5 | |

MOTION by Mr. Kardaras; seconded by Mr. Stollo.

MOVED that the Cheshire Planning and Zoning Commission finds that the proposed waiver of subsection 9 under Section 25.5 authorized by Section 25.3.2 of the Cheshire Zoning Regulations is warranted under the proposed development plans for Clearview Farms Preserve – Phase 2 as shown on a plan entitled “Site Development Plan, Clearview Farms Preserve – Phase 2, Single Family Residential Subdivision, 947 Cornwall Avenue, Cheshire CT”, and hereby approves this application.

VOTE The motion passed 5-4; in favor – Kurtz, Kardaras, Linder, Stollo, Todisco; opposed – Brucato, Downes, Natale, Selmont.

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| 6. Earth Removal, Filling and/or Regrading | PH 1/27/20 |
| <u>Clearview Farm Preserve LLC</u> | PH 2/10/20 |
| Cornwall Avenue Extension | PH 2/24/20 |
| | MAD 4/29/20 |

MOTION by Mr. Kardaras; seconded by Ms. Downes.

MOVED that the Cheshire Planning and Zoning Commission finds that the proposed earth removal, filling and regrading for Clearview Farms Preserve - Phase 2 as shown on a plan entitled “Site Development Plan, Clearview Farms Preserve – Phase 2, Single Family Residential Subdivision, 947 Cornwall Avenue, Cheshire CT”, amended through March 9, 2020 is consistent with the requirements of Section 25 (Earth Removal, Filling and Regrading) and hereby approves this application.

VOTE The motion passed 5-4; in favor – Kurtz, Kardaras, Linder, Stollo, Todisco; opposed – Brucato, Downes, Natale, Selmont.

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| 4. Resubdivision Application | PH 1/27/20 |
| <u>Clearview Farm Preserve LLC</u> | PH 2/10/20 |
| 947 Cornwall Avenue Extension | PH 2/24/20 |
| 7 Lots, including existing house | MAD 4/29/20 |

MOTION by Mr. Kardaras; seconded by Mr. Todisco.

MOVED that the Cheshire Planning and Zoning Commission finds that the proposed resubdivision of 947 Cornwall Avenue, as shown on plans entitled "Site Development Plan, Clearview Farms Preserve – Phase 2, Single Family Residential Subdivision, 947 Cornwall Avenue, Cheshire CT", as amended through March 9, 2020 are consistent with the requirements of the Cheshire Subdivision Regulations and the Cheshire Zoning Regulations, and hereby approves this application conditioned upon compliance with comments from the Cheshire Fire Department dated February 21, 2020, comments from the Town Engineer dated February 20, 2020, and comments from the Regional Water Authority dated January 28, 2020.

Discussion

Mr. Todisco stated he would vote in favor of this application. He commented on the Commission's review of applications, and the importance of the effect they have on people living around the project. There was testimony from the engineers that there would not be increased runoff from the subject property to the surrounding properties. The Town Engineering staff looked at this issue, asked additional questions about drainage, with responses from the applicant. Additional catch basins were required by the applicant for the cul de sac. Based on the evidence given to the Commission, Mr. Todisco sees no reason to believe there will be damage to surrounding property owners.

With regard to the importance of consideration of public safety, Mr. Todisco said with this project, Cornwall Avenue Extension is not a great road by any means. The increase in traffic is small, 40 trips a day per the traffic report, and this was known based on experience. The road can handle a slight increase in traffic. Section 6.2 of the regulations, Arrangement of Streets, was cited by Mr. Todisco. Based on some of the case law, there cannot be a requirement of changes or off-site improvements, or denial based on Section 6.2. Mr. Todisco disagrees with the "denial" and said the Commission could deny an application if it thought it was right. In the subject case, the project is consistent with the small amount of traffic, and Section .2 could not be used. This is not a great road, but fire trucks and police can get up this road. Mr. Todisco said the project meets the requirements of the regulations.

Mr. Linder stated that Cornwall Avenue Extension is not a road that is up to town standards for a road, and he has made many comments about the condition of this road. He submitted a letter to the Commission in which he asked (if the subject application is approved) that PZC send a letter to the Town Manager and Town Council Chairman requesting improvements to Cornwall Avenue Extension be included in the next capital budget. Mr. Linder reiterated this request to the Commission. Mr. Linder stated he would vote in favor of the application.

With regard to the Commission sending a letter regarding Cornwall Avenue Extension, Mr. Voelker recommended this be a separate item on the next PZC agenda...and not be included in the motion for the subject application.

It was stated by Mr. Linder that the applicant should not be held responsible for off-site improvements. The fact that there is agreement this road is not capable or safe to serve this new development should be the responsibility of the town, not the applicant. This is why Mr. Linder supports sending a letter about Cornwall Avenue Extension to the Town Manager.

Chairman Kurtz will insure the letter about the road from PZC to the Town Manager and Town Council is an agenda item for the March 23rd meeting. Mr. Kurtz also commented on Cornwall Avenue Extension being a town road for many years, but not meeting the standards everyone believes a town road should meet. He said PZC cannot deny the right of the property owner to develop their land in any way that falls within the regulations. He will vote in favor of the application.

VOTE The motion passed 5-4; in favor – Kurtz, Kardaras, Linder, Stollo, Todisco; opposed – Brucato, Downes, Natale, Selmont.

**3. Zone Map Change Petition
 Clearview Farm Preserve LLC
 947 Cornwall Avenue Extension
 R-80 to R-20**

**PH 1/27/20
PH 2/10/20
PH 2/24/20
MAD 4/29/20**

MOTION by Mr. Kardaras; seconded by Mr. Stollo.

MOVED that the Cheshire Planning and Zoning Commission finds that the proposed zone change of a portion of 947 Cornwall Avenue, from Residential 80 (R80) to Residential 20 (R20), as shown on plans entitled “Proposed Zone Change Map, Clearview Farms Preserve – Phase 2, 947 Cornwall Avenue” Single Family Residential Subdivision, 947 Cornwall Avenue, Cheshire CT”, is not in conflict with the 2016 Plan of Conservation and Development and will enable a consistent zoning designation on a proposed lot within the Clearview Farms Preserve – Phase 2 Subdivision and will not enable any increase in the density of this subdivision as the Commission takes note of the restriction on future subdivision offered by the applicant. Based upon these findings, the Commission hereby approves this application.

Discussion

Mr. Stollo commented on the zone map change being clearly explained by staff and the applicant. He said it makes sense for everything to be in one zone.

VOTE The motion passed 8-1; Ms. Downes opposed.

VIII. NEW BUSINESS

1. **Zone Text change Petition**
Counterweight Brewing Company LLC
To add new paragraph 58(a) to Section 30,
Schedule A, Permitted Uses
(a) Breweries, wineries, distilleries and other
Alcoholic manufacturing facilities as licensed by
The State of Connecticut
PUBLIC HEARING SCHEDULED FOR APRIL 13, 2020

2. **Site Plan Application**
Robert Donnelly
400 East Johnson Avenue
Small addition and additional parking spaces
SET FOR APRIL 13, 2020

3. **TABLED APPLICATIONS**
 - a. **Zone Map Change Petition**
Bartlett Headquarters LLC
2055 Meriden Road
R-80 to C-3
TABLED FOR PUBLIC HEARING TO 3/23/20

Before adjournment, Mr. Voelker advised that some PZC members have expressed interest in having a POCD meeting. Due to the meetings schedule, he recommended setting a date in May for POCD. Some of the Commissioners have interest in hearing more about the Plan, having an overview, and where to next take the Plan.

IX. ADJOURNMENT

MOTION by Mr. Natale; seconded by Mr. Brucato

MOVED to adjourn the special meeting at 8:15 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk