

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION PUBLIC HEARING HELD ON MONDAY, JANUARY 11, 2021 AT 7:30 P.M.

VIA VIDEO TELECONFERENCE (PER EXECUTIVE ORDER OF THE GOVERNOR OF CONNECTICUT)

Public access made available through live streaming on YouTube at https://www.youtube.com/channel/UC4_xey3QjJmwe57R_6K94Dw

Public comments accepted at Comments@cheshirect.org and by voice message prior to the meeting at 203 271-6638.

Video will be available on Channel 14 and on demand at www.cheshirect.org as soon as possible.

Present

Earl J. Kurtz III, Chairman; Sean Stollo, Vice Chairman; Jeff Natale, Secretary; Matthew Bowman, Robert Brucato, S. Woody Dawson, John Kardaras, Gil Linder, Louis Todisco.

Alternates: Robert Anderson, Casey Downes, Tom Selmont

Staff: William Voelker, Town Planner; Suzanne Simone, Environmental Planner

I. CALL TO ORDER

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

II. ROLL CALL

Secretary Natale called the roll.

III. DETERMINATION OF QUORUM

Following roll call, it was determined that a quorum was present for the public hearing.

IV. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

Secretary Natale read the call of public hearing.

Commissioner Stollo was recused from application #1.

V. BUSINESS

1. Zone Text Change Petition

Bozzuto's Inc.

Section 48 Interchange Zone Regulation:

To delete Section 48.2b (2) last paragraph

Storage, warehouse uses and distribution centers

are prohibited except as incidental to a permitted use.

Truck terminals are prohibited.

PH 01/112021

MAD 03/17/2021

NEW: 48.2 Permitted Uses:

**Add: Section 48.2h) Storage, Warehouses and Distribution Centers
With trucking facilities incident to the main use.**

Town Planner Voelker read comments into the record from Naugatuck Valley Council of Governments dates December 11, 2020 and Regional Water Authority dated December 11, 2020.

Attorney Anthony Fazzino, One Towne Center, Cheshire CT represented the applicant.

The applicant seeks to amend Section 48 Interchange Zone of the Cheshire Zoning Regulations, delete Section 48.2b 2), last paragraph, and add Section **48.2 h)** to allow storage, warehouses and distribution facilities with trucking facilities incidental to the main use by Special Permit. The current section prohibits use as proposed by the applicant.

The Interchange Zone was developed in 1985 for major development...corporate headquarters, large office buildings, research centers...but this type of development never came to Cheshire. There are four (4) quadrants in the IC-Zone...which is at the intersection of I-691 and Highland Avenue.

The 2016 Plan of Conservation and Development (POCD) reviews and has a narrative on the IC Zone, the inability to attract any kind of development. Mr. Fazzino read an excerpt from POCD, Page 18...and stated the applicant is requesting a change in the zone.

The applicant, Bozzuto's Inc. is a well known company in Cheshire on Industrial Avenue, and needs space. Bozzuto's acquired the southwestern quadrant of the site that runs from Highland Avenue to Dickerman Road on the north side of West Johnson Avenue.

One of the comments in the POCD refers back to the 2002 POCD and Mr. Fazzino read a quote from this document into the record. *"The Commission will be encouraged to support and enable existing industrial facilities to expand in town"*.

Within the regulations, warehousing and distribution are included in the definition of industrial use. The proposed change to a regulation could be applied in any of the four quadrants of the IC Zone. One quadrant will come before the Commission for modification, but has been changed to an Interchange Special Development District. One of the quadrants is owned by a successor of Duke Energy, with no interest in developing the site. In the past the owner wanted to use the site as a pump station with pipes to get natural gas to Long Island and underneath the water. This was stopped by a federal department in its final stages.

Across West Johnson Avenue from the main part of the subject property is the large Waterbury Farrell Manufacturing facility, which has changed to a warehouse, distribution facility. The proposed operation in the subject application would be similar activity as Whole Foods on East Johnson Avenue, one mile from Highland Avenue.

Mr. Fazzone stated the impetus for the request is the applicant's need to expand its facility and wants to expand in Cheshire.

The following comments were cited by Mr. Fazzone.

- Any proposed use or application within the IC-Zone is by special permit.
- The applicant is aware of the fact that it cannot engage in servicing vehicles in the area over the aquifer.
- Whole Foods warehouse has agreements under the supervision and agreement with RWA; truck are washed by a company that collects and removes the water off site.
- Warehouse and distribution is active industry at this time
- Amazon is building warehouses and distribution centers in Connecticut, with one in North Haven
- He has researched the Walgreen's facility in the north part of Connecticut
- It was pointed out that all the rack packing is considered personal property and taxes are almost as good as real estate taxes.

Mr. Brucato asked what the "trucking facility" entails...i.e. washing and servicing trucks, storage, etc.

Attorney Fazzone responded that the applicant wants to make sure the Commission and zoning regulation would understand that trucks related to warehousing would be located on site, parked on site when they are unloaded. This does not, necessarily, mean servicing trucks, and the original regulation pointed out that trucks terminals are prohibited. But, the intent was warehousing trucks, with respect to the actual use, would be parked on site.

Mr. Brucato asked if this means the trailers or tractors.

Attorney Fazzone said it would both.

Mr. Voelker expects there would be both, but there can be no servicing...cannot fuel, clean, repair or service the trucks. The applicant has enough trucks to support the distribution operation...the principal use.

It was stated by Mr. Brucato that this must be clear...and was not clear what "facility meant.

Most of this property is not over the aquifer on this particular site. Mr. Fazzone explained the aquifer is on the east of Highland Avenue. Where the site is not over the aquifer, it could be subjected to going before the Aquifer Protection Agency to establish this fact. There may be some servicing of trucks in that area. The applicant has a full department that services its trucks. The main reason for no servicing in the subject area is due to no servicing over the aquifer.

It was noted by Mr. Voelker that Bozzuto's has a facility for servicing its trucks.

In this regard, Mr. Brucato commented on needing more clarity about servicing, and just parking trucks overnight and storing them there. To him, this should not be a servicing area.

Chairman Kurtz raised the issue of "what is considered servicing a truck"...and from Bozzuto's current operation a truck comes in, get loaded up, might sit overnight and then go out. He noted Bozzuto has a service center on Sandbank Road, and he never saw a truck serviced...this would be in the way of warehouse loading and procedures. Mr. Kurtz does not believe the applicant would do oil changes and other major work in an area where there is loading and unloading trucks. The definition of "servicing trucks" should be clarified.

With the main Bozzuto warehouse, Mr. Fazzone said there was minor work (oil changes) done until the Sandbank Road service center was built. The applicant is not asking for service in this proposed area...it would be part of any special permit application.

Mr. Voelker stated the public hearing will be left open, and the question of "servicing trucks" can be dealt with in the next public hearing. He noted the Commission is saying it does not want to see servicing, and awaits what happens with a special permit within the context of the regulations. There must be clarification to satisfy the Commission.

Mr. Bowman said this should be part of the site plan application and not in the subject application. He commented on there being half the trucks; outside trucks drop off materials for distribution and trucking to their final destination...this is a warehouse.

According to Mr. Voelker, the testimony from Mr. Fazzone is not very clear as to what the applicant might want to do...and this must be refined in the regulation.

Regarding the amount of the property in the aquifer zone, Mr. Voelker will get this information for the Commission. He displayed a screen shot showing how much and where the aquifer lies within each of the four quadrants.

Mr. Linder stated this is a generic text change, and it has nothing to do with this specific property.

Mr. Todisco said it does have something to do with the text change. A trucking facility includes the concept of cleaning and repairing...and does apply to this property.

It was explained by Mr. Voelker that a trucking facility is an accessory to the principal use, which is warehouse and storage. Nothing is proposed in the regulation for this to be a truck stop regulation...it is meant to be warehousing and storage with the truck part to support the principal use which is really warehousing and distribution.

The language is important for this particular site and Mr. Todisco asked if it was a 24/7 operation.

According to Mr. Fazzone it would be a 24/7 operation.

Residential Area and Neighbor Issues – The Commissioners and Mr. Fazzone discussed this issue...i.e. trucks running all night and bright lights in this area. Mr. Fazzone advised the only residence on West Johnson Avenue is owned by Bozzuto's and the house will probably be demolished. The entire property length, on the west side, is I-691; Waterbury Farrell property on the opposite side of the road; and then down into the Industrial Zone; there is no residential area in proximity to the proposed location. This a good location for this type of facility. The highway system and intersection at Highland Avenue is adequate; with a special permit it must shown that it is adequate and see what the State wants done. The entire area has lots of trucking going on. It is unknown if this use will have an impact on the special development district. The right-of-way for 691 is wide; the subject site would be a buffer; noise from passing trucks would be more noise than trucks from the subject site.

Any quadrant in this area is already there and Bozzuto's is half a mile away. Mr. Kurtz said this is a perfect spot for this type of activity.

Aquifer Area – Mr. Natale asked what could be built in this area. Mr. Voelker stated it would be office buildings, corporate headquarters, and other activity along these lines.

In response to a question from Mr. Natale about servicing trucks for large companies, Mr. Voelker said no servicing is permitted in the IC Zone.

With this being a special permit, if approved, Mr. Natale commented on the Commission having a say on vegetation and how the building will look...as this is the gateway to Cheshire. He believes the applicant would work well with the Commission.

The special permit regulations are broad and Mr. Voelker said this language is incorporated in the POCD with anticipation of a project of scale. The respect for good conceptual design would be appreciated, and would be asked with this plan.

Mr. Dawson talked about the development progressing well in this area, working with the POCD for development in this area. There were plans for this area for hotels etc. and this will not happen.

For the record, Attorney Fazzone requested that the public hearing be held open to January 25, 2021.

There were no public comments.

Chairman Kurtz continued the public hearing to January 25, 2021.

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| 2. Earth Removal, Filling or Regrading Permit
<u>Nosal Properties of South Main Street LLC</u>
944 South Main Street
Waiver Subsection 9 under Section 25.5
TABLED FOR PUBLIC HEARING ON 01/25/2021 | PH 01/11/2021
MAD 03/17/2021 |
| 3. Special Permit Application
<u>Nosal Properties of South Main Street LLC</u>
944 South Main Street
Coffee shop with drive-thru
Section 30, Sch. B Para. 40a and Section 40
TABLEDFOR PUBLIC HEARING ON 01/25/2021 | PH 01/11/2021
MAD 03/17/2021 |

VI. ADJOURNMENT

MOTION by Mr. Kardaras; seconded by Mr. Dawson

MOVED to adjourn the meeting at 8:10 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk