

**MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION
REGULAR MEETING HELD IMMEDIATELY FOLLOWING THE 7:30 P.M.
PUBLIC HEARING HELD ON WEDNESDAY, OCTOBER 22, 2012 IN
COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE
CT 06410**

Present

Earl Kurtz, Chairman; Sean Stollo, Vice Chairman; Lelah Campo, Martin Cobern, John Kardaras, Gil Linder. Alternates Jim Bulger and Ed Gaudio
Absent: S. Woody Dawson, Tali Maidelis, Louis Todisco and Alternate Leslie Marinaro

Staff: William Voelker, Town Planner

I. CALL TO ORDER

Mr. Kurtz called the meeting to order at 8:36 p.m.

Mr. Kurtz read the fire safety announcement.

II. ROLL CALL

Mr. Stollo called the roll.

III. DETERMINATION OF QUORUM

Following roll call a quorum was determined to be present.

**V. ACCEPTANCE OF MINUTES – Public Hearing – 10/10/12 and
Special Meeting – 10/12/12**

MOTION by Mr. Cobern; seconded by Mr. Kardaras

MOVED to accept the minutes of the Public Hearing of 10/10/12 and Special Meeting of 10/12/12, subject to corrections, additions, deletions.

VOTE The motion passed 7-0-1; Bulger abstained.

VI. COMMUNICATIONS

**1. Letter from Patricia A. Puglisi dated 9/19/12
RE: In-Law Apartment renewal.**

MOTION by Mr. Cobern; seconded by Mr. Bulger

MOVED that the Planning and Zoning Commission grant a five year extension of the approval for the in-law apartment, property located at 9 Old Farms Road, Cheshire CT 06410, Assessor's Map No. , Lot No. , in an R-40 zone.

With the following stipulations:

1. All previous stipulations shall remain in effect.

2. This approval shall expire on October 22, 2017. The applicant may request an extension of the permit by providing the Commission with a notarized statement verifying that the use of the in-law apartment complies with the regulations and that the resident of the in-law apartment qualifies under these regulations.

VOTE The motion passed unanimously by those present.

2. **Letter from Ryan McEvoy, P.E. Milone & MacBroom dated 10/16/12
RE: Request for additional 90 day extension to file final subdivision
Documents for Plank Road – Meadowview Estates Subdivision.**

MOTION by Mr. Cobern; seconded by Mr. Bulger.

MOVED that the Planning and Zoning Commission approves the request of Ryan McEvoy, P.E. Milone and MacBroom, requesting a 90 day extension to file final subdivision documents for Meadowview Estates Subdivision.

VOTE The motion passed unanimously by those present.

**VI. UNFINISHED BUSINESS
(Mr. Kurtz recused himself from applications #1 and #2.)**

1. **Special Permit Application** **PH 10/10/12**
Apex Developers LLC **PH 10/22/12**
725 North Brooksvale Road **MAD 12/26/12**
Rear Lot Accessway

MOTION by Mr. Cobern; seconded by Mr. Kardaras.

MOVED that the Planning and Zoning Commission finds that the rear lot access serving three (3) residential building lots as shown on plans entitled "North Brooksvale Estates, 725 North Brooksvale Road, Cheshire, Connecticut, dated September 11, 2012 and revised through October 22, 2012" prepared by Milone and MacBroom, 99 Realty Drive, Cheshire CT, is consistent with the Cheshire Subdivision Regulations and hereby approves this application.

VOTE The motion passed 5-0-3; Kurtz, Bulger and Gaudio abstained.

2. **Special Permit Application** **PH 10/10/12**
Apex Developers LLC **PH 10/22/12**
725 North Brooksvale Road **MAD 12/26/12**
6-lots

MOTION by Mr., Cobern; seconded by Mr. Kardaras.

MOVED that the Planning and Zoning Commission finds that the proposed six (6) lot residential subdivision as shown on plans entitled "North Brooksvale Estates, 725 North Brooksvale Road, Cheshire, Connecticut, dated September 11, 2012 and revised through October 22, 2012" prepared by Milone and MacBroom, 99 Realty Drive, Cheshire CT, is consistent with the Cheshire Subdivision Regulations and hereby approves this application subject to the following conditions:

1. Compliance with comments from the Cheshire Fire Department dated October 22, 2012.
2. Compliance with comments from the Cheshire Police Department dated October 22, 2012.

VOTE The motion passed 5-0-3; Kurtz, Bulger and Gaudio abstained.

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| 3. Special Permit Application | PH 10/10/12 |
| <u>Matthew J. Bowman</u> | PH 10/22/12 |
| 315 Oregon Road | MAD 12/26/12 |
| Section 30, Sch. A. Para. 1B | |
| Accessory Second Dwelling | |

MOTION by Mr. Cobern; seconded by Mr. Kardaras.

MOVED that the Planning and Zoning Commission finds that the accessory dwelling unit located at 315 Oregon Road is consistent with Section 30, Schedule A, Item 1B of the Cheshire Zoning Regulations and hereby approves of this application subject to the following conditions:

1. Compliance with comments from the Cheshire Fire Department dated October 9, 2012.
2. The accessory structure may only be used as a single family dwelling unit as defined by the Cheshire Zoning Regulations "as a building or part thereof designed for occupancy, and so occupied by one family."

Discussion

Ms. Campo asked whether the Commissioners were supposed to consider this as consistent with the new regulation.

In response, Mr. Voelker stated that is the applicant's burden when they make an application, and Attorney Fazzone reviewed this in his testimony with his handout and comments to the Commission. With a special permit application it is the applicant's burden to convince the Commission that they are compliant with those sections of the regulations.

Mr. Cobern advised that the Commission is free to place any conditions or stipulations on the application, as the Commission sees fit, to be consistent with the regulations.

Although it may be out of the Commission's purview, Ms. Campo asked about a building that is constructed outside of the Town's regulations, and never gets a certificate of occupancy, if this building is assessed for back taxes. She said she is curious as to how this works.;

Chairman Kurtz explained that this would be a matter for the Tax Collector's office, and has nothing to do with this Commission, and it cannot look at this issue or base its decision on a tax issue.

Ms. Campo stated that some of her concerns are not relative to this Commission, but when she remodeled her home she pulled a permit and got a c/o. This application has bothered many people as it is being done backwards, especially with an applicant who is familiar with the Town regulations.

VOTE The motion passed 5-0-3; Campo, Bulger, Gaudio abstained.

4. **Special Permit Modification Application** PH 10/22/12
Elim Park Baptist Home Inc. MAD 12/26/12
140 Cook Hill Road
Two Bldg. Additions to improve
Business operations & resident
Activities and replace & expand existing
Storage building
Section 43.6
CONTINUED TO NOVEMBER 14, 2012.
5. **Earth Removal/Fill/Regrading Permit** PH 10/22/12
Elim Park Baptist Home Inc.
140 Cook Hill Road-Application withdrawn

MOTION by Mr. Cobern; seconded by Mr. Bulger.

MOVED that the Planning and Zoning Commission add the application of Katherine J. Ardesia to the agenda.

VOTE The motion passed unanimously by those present.

6. **Special Permit Application** PH 10/22/12
Katherine J. Ardesia MAD 12/26/12
1785 Cheshire Street
In-law apartment

MOTION by Mr. Cobern; seconded by Mr. Bulger.

MOVED that the Planning and Zoning Commission approve the special permit application of Katherine J. Ardesia for an in-law apartment for property located at 1785 Cheshire Street, in an R-40 zone, as shown on the current Assessor's Map No. 20, Lot No. 18, and shown on the following plans entitled:

Ardesia Residence, Residential Addition. 1785 Cheshire St.
Cheshire CT 06410, dated September 1, 2012.

With the following stipulations:

1. The applicant must comply with comments in a memo from the Fire Department dated October 18, 2012 and attached hereto.
2. This special permit shall expire on October 22, 2017, and may be renewed in accordance with Section 30, Schedule A, paragraph 5(f) of the Cheshire Zoning Regulations.

VOTE The motion passed unanimously by those present.

VIII. NEW BUSINESS

1. **Site Plan Application**
1437 Highland Avenue LLC
1437 Highland Avenue
Conversion of an existing house to office
Space & construction of a 4,950 s.f. warehouse
Facility.
SET FOR PUBLIC HEARING ON NOVEMBER 14, 2012
2. **Zone Text Change Petition**
Marbridge LLC
To amend Section 30, Schedule A,
Permitted Uses, Para. 7, Assisted Living
Convalescent Homes and the like.
SET FOR PUBLIC HEARING ON NOVEMBER 14, 2012
3. **Special Permit Application**
Jack Krudwig
1149 Waterbury Road
Expansion of existing Church and
Associated Parking.
SET FOR PUBLIC HEARING ON NOVEMBER 26, 2012
4. **TABLED APPLICATIONS**

- a. **Special Permit Application**
PT Real Estate Investments LLC
156 North Brooksvale Road
To create (3) lots, two of which are rear
Lots, one existing dwelling
TABLED TO 11/14/12

- b. **Resubdivision Application**
PT Real Estate Investments LLC
156 North Brooksvale Road
3-lots
TABLED TO 11/14/12

- c. **Special Permit Application**
PABCO Inc.
Huckins Road
To create two (2) rear residential lots
Where one (1) now exists
TABLED TO 11/14/12

- d. **Resubdivision Application**
PABCO Inc.
Huckins Road
2-lots
TABLED TO 11/14/12

5. OTHER PLANNING AND ZONING COMMISSION BUSINESS

- A. **Monthly Report from the Zoning Enforcement Officer**
- B. **Other.**

VI. ADJOURNMENT

MOTION by Mr. Cobern; seconded by Mr. Bulger.

MOVED to adjourn the meeting at 8:55 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk

