

**MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION REGULAR MEETING HELD IMMEDIATELY FOLLOWING THE 7:30 P.M. PUBLIC HEARING ON MONDAY, JULY 28, 2014, IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410.**

Present

Earl J. Kurtz, Chairman; Sean Stollo, Vice Chairman; S. Woody Dawson; Edward Gaudio, John Kardaras, Vincent Lentini, Louis Todisco.

Alternates: Jon Fischer & Diane Visconti.

Absent: Lelah Campo, Gil Linder; Alternate Leslie Marinaro.

Staff: William Voelker, Town Planner

Mr. Fischer and Ms. Visconti were the alternates for the meeting.

**I. CALL TO ORDER**

Chairman Kurtz called the regular meeting to order at 10:46 p.m.

Mr. Kurtz read the fire safety announcement.

**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 – P.H. 7/14/14 & S.M. 7/14/14**

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

MOVED that the Planning and Zoning Commission approve the minutes of the Public Hearing of 7/14/14 and Regular Meeting of 7/14/14 subject to corrections, additions, deletions.

VOTE           The motion passed unanimously by those present.

**VI. LETTER FROM MICHAEL A. MILONE, TOWN MANAGER, DATED 7/22/14  
RE: 8-24 Review – Proposed Fiscal Year 2014-2015 Five Year Capital  
Expenditure Plan and Annual Capital Expenditure Plan.**

Mr. Voelker read the letter into the record. A copy of the capital budget was forwarded to the Commissioners.

MOTION by Mr. Dawson; seconded by Mr. Lentini

MOVED that the Planning and Zoning Commission finds that the FY 2014-15 Proposed Five Year Capital Expenditure Plan and Annual Capital Expenditure Plan is not in conflict with the Plan of Conservation and Development. This constitutes the Commission's report relative to a review according to Section 8-24 of the Connecticut General Statutes as required under Section 7.2 of the Town Charter.

### Discussion

Mr. Todisco questioned voting on this motion tonight as the Commissioners just received the CEP, have not had time to review it in detail.

Ms. Visconti stated she has not read the CEP and would be more comfortable reading it before voting on the motion.

Mr. Dawson stated that the Commission may not like the CEP, but its action will not change anything.

Other than funding for land acquisition, Mr. Kurtz said there is nothing else the Commission should consider.

Mr. Voelker noted that the Town Council prepares the five year CEP, and it takes time to put this information and document together. He said the CEP has expenditures for many things in the community, including improvements to capital projects, and the 8-24 review refers to the entire CEP.

Following discussion Mr. Dawson and Mr. Kardaras withdrew the motion on the floor.

## **VII. UNFINISHED BUSINESS**

- 1. Site Plan Modification**  
**Bella'gio LLC**  
**835-839 West Main Street**  
**Patio**

**MAD 10/1/14**

Mr. Voelker explained that this is for a patio on the back with a gas fire pit, and the Liquor Control wants a fence or wall or hedge around the entire area, but only if the Town requires it. There are no outstanding comments or issues with this application. The Fire Marshall wants to know where the gas tank will be located as a condition of approval.

Tom Norback represented the applicant, and stated the gas tank was to be buried, now it will be against the side of the building with the okay from the Fire Department and Building Department.

The Commission was told by Mr. Voelker that the Fire Department will place any conditions it deems appropriate.

MOTION by Mr. Dawson; seconded by Mr. Kardaras.

MOVED that the Planning and Zoning Commission finds that the proposed fire pit and patio at Bella'gio, 835-839 West Main Street, is consistent with the Cheshire zoning regulations and hereby approves this application.

VOTE The motion passed 8-0-1; Strollo abstained.

**2 Resubdivision Application**  
**Kathie A. Welch**  
**Reservoir Road**  
**3 (2 new) lots**

**PH 5/12/14**  
**PH 5/27/14**  
**PH 6/9/14**  
**PH 6/23/14**  
**PH 7/14/14**  
**PH 7/28/14**  
**MAD 10/01/14**

MOTION by Mr. Kardaras; seconded by Mr. Strollo.

MOVED that the Cheshire Planning and Zoning Commission finds that the proposed subdivision of Kathie A. Welch to create two additional building lots at 650 Reservoir Road as shown on plans entitled "Welch Property Resubdivision, 650 Reservoir Road, Cheshire CT" revised through July 28, 2014, and prepared by Milone and MacBroom, 99 Realty Drive, Cheshire CT, is consistent with the Cheshire Subdivision Regulations and Cheshire Zoning Regulations, and hereby approves this application subject to compliance with the comments from the Cheshire Fire Department dated July 11, 2014.

Discussion

Ms. Visconti asked about placement of a sign on Reservoir Road which states "hidden driveway".

Mr. Voelker stated the applicant would not object to such a sign, and the Police Department must approve this sign. The applicant must install the sign.

Ms. Visconti also asked about using a large mirror in the driveway.

Mr. Voelker advised that the Commission cannot place this stipulation in the approval.

Regarding the sight line, Mr. Todisco said this was clarified by Mr. McEvoy who pointed out that the location was safe for the driveway, and he explained the rules in determining the general sight line. Also, sight line rules apply directly to a new road being built rather than a driveway to a house. Despite sight lines not being met, the town engineer did not deem this unsafe and this should be clear on the record.

VOTE The motion passed unanimously by those present.

MOTION by Mr. Strollo; seconded by Mr. Lentini.

MOVED that the Planning and Zoning Commission extend the meeting beyond the 11:00 P.M. Curfew until the close of business.

VOTE The motion passed unanimously by those present.

<p><b>3 Zone Map Change Petition</b> <b><u>Ball &amp; Socket Arts Inc.</u></b> <b>493 West Main Street</b> <b>I-1 to S.A.R.D.D. zone</b> <b>To allow existing vacant manufacturing</b> <b>Facility to be used as an arts center with</b> <b>Mixed uses to include restaurant and retail space</b></p>	<p><b>PH 6/23/14</b> <b>PH 7/14/14</b> <b>PH 7/28/14</b> <b>MAD 10/01/14</b></p>
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MOTION by Mr. Dawson; seconded by Mr. Strollo.

At the regular meeting of the Planning and Zoning Commission on July 28, 2014, the following motion was approved:

MOVED that in accordance with Section 45.A.5 of the Town of Cheshire Zoning Regulations, and after due consideration of the entire record and based on the attached findings, the Planning and Zoning Commission approves the petition for a Zone Map Change of Ball & Socket Arts Inc. for a change from I-1 to Special Adaptive Reuse Development District (S.A.R.D.D.) for property located at 493 West Main Street, as shown on the current Assessor's Map No. 49, Lot No. 2, and shown on the following plans entitled: "Zone Change Map Ball & Socket Arts – Phase 1, 493 West Main Street (Route 68 and 70) Cheshire, Connecticut" Scale 1" = 80', Date: May 19, 2014, Revised through July 28, 2014, by Milone and MacBroom and "Ball & Socket Arts – Phase 1, 493 West Main Street, (Route 68 and 70) Cheshire Connecticut Regulatory Submission", May 19, 2014 by Milone and MacBroom Sheets 01 through 11 for the following reasons:

1. The change is consistent with the Plan of Conservation and Development Retail Section, specifically the recommendations found at pages 63-64 which Explicitly discuss the Ball & Socket building is also consistent with the recent improvements to the West Main Street commercial area.
2. The change is consistent with the General Appearance Goals of the Plan of Conservation and Development by improving the overall aesthetics of the Community (page 9).
3. The change is consistent with the Commercial Goals of the Plan of Conservation and Development by allowing a mixture of uses including Retail and food service establishments (page 8),

The "Findings of the Commission" were read into the record by Mr. Voelker.

Discussion

Mr. Kardaras expressed concerns about the limitation of 21% of the building to retail and restaurants which may be a handicap. In the future if this ratio is changed it would be acceptable. He supports the motion on the floor.

Mr. Kurtz commented on this being the perfect building for the proposed use.

VOTE The motion passed unanimously by those present.

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| <b>4</b> | <b>Special Permit Application</b><br><b><u>Ball &amp; Socket Arts Inc.</u></b><br><b>493 West Main Street</b><br><b>Special Adaptive Reuse Development District</b><br><b>And Special Adaptive Reuse Development</b> | <b>PH 6/23/14</b><br><b>PH 7/14/14</b><br><b>MAD 9/10/14</b> |
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MOTION by Mr. Dawson; seconded by Mr. Stollo.

At the regular meeting of the Planning and Zoning Commission on July 28, 2014, the following motion was approved:

MOVED that in accordance with Section 45.A.5 of the Town of Cheshire Zoning Regulations, and after due consideration of the entire record the Commission makes the findings and conclusions attached hereto and approves the application of Ball & Socket Arts Inc. for a Special Permit for a Special Adaptive Reuse Development District as shown on plans entitled: "Zone Change Map Ball & Socket Arts – Phase 1, 493 West Main Street (Route 68 and 70) Cheshire, Connecticut" Scale 1" = 80', Date: May 19, 2014, Revised through July 28, 2014, by Milone and MacBroom and "Ball & Socket Arts – Phase 1, 493 West Main Street, (Route 68 and 70) Cheshire Connecticut Regulatory Submission", May 19, 2014 by Milone and MacBroom Sheets 01 through 11.

VOTE The motion passed unanimously by those present.

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| <b>5</b> | <b>Special Permit Application</b><br><b><u>Consulting and Design LLC</u></b><br><b>905 West Main Street</b><br><b>Renovate existing convenience store</b><br><b>For Dunkin Donuts and Drive Thru</b><br><b>PUBLIC HEARING CLOSED</b> | <b>PH 7/14/14</b><br><b>PH 7/28/14</b><br><b>MAD 10/01/14</b> |
| <b>6</b> | <b>Subdivision Application</b><br><b><u>A.M. Napolitano</u></b><br><b>Cook Hill Road</b><br><b>8-lots</b><br><b>SET FOR PUBLIC HEARING ON 9/8/14</b>   | <b>PH 7/28/14</b><br><b>MAD 10/01/14</b>                      |

- 7. Special Permit Application**  
**Rock Building and Remodeling**  
**1104 Wolf Hill Road**  
**Build an in-law apartment**

**PH 7/28/14**  
**MAD 10/01/14**

MOTION by Mr. Dawson; seconded by Mr. Stollo.

MOVED that the Planning and Zoning Commission finds that the proposal to construct an in-law apartment at 1104 Wolf Hill Road as shown on plans prepared by the applicant is consistent with the requirements of Section 30, Schedule A, Item 5 of the Cheshire Zoning Regulations, and hereby approves this application.

VOTE The motion passed unanimously by those present.

**8. TABLED APPLICATIONS**

- a. Thirty Five Warren Corporation**  
**Warren Street and Willow Street**  
**8-lots**  
**TABLED FOR P.H. TO 9/8/14**
- b. Zone Text Change Petition Application**  
**Sirios Realty LLC**  
**To amend Section 30, Sch. A. Permitted Uses**  
**Para. 36A to allow Commercial Recreation**  
**Facilities in an I-2 Zone.**  
**TABLED FOR P.H. TO 9/8/14**

**VIII. NEW BUSINESS**

- 1. Request to waiver the sidewalk requirement pursuant to Section 11.1**  
**Of the Subdivision Regulations for the Subdivision Application,**  
**Farm Meadows at Cook Hill (A.M. Napolitano).**  
**SET FOR PUBLIC HEARING ON 9/8/14**
- 2. Request to Waive Public Hearing per Section 40.8**  
**Special Permit Application**  
**Kenneth Barker/Southwick**  
**1358 South Main Street**  
**Additional Common Parking Area**

Mr. Voelker explained that the applicant installed 8 illegal parking spaces without a permit; these spaces were not on the original plans; they were in the wrong place; and the Fire Department has problems with the placement of these parking spaces. The staff recommendation is for the Commission to consider this waiver.

MOTION by Mr. Strollo; seconded by Mr. Dawson.

MOVED that the Planning and Zoning Commission grants the waiver of a public hearing for the Kenneth Barker/Southwick application.

VOTE           The motion passed unanimously by those present.

3.     **Special Permit Application**  
      **Kenneth Barker/Southwick**  
      **1358 South Main Street**  
      **Additional Common Parking Area**  
      **SET FOR PUBLIC HEARING ON 9/8/14**
  
4.     **Request to Waive Public Hearing per Section 40.8**  
      **Michael BOE Architect**  
      **1721 Highland Avenue**  
      **Minor addition to rear of building**

The Commission was informed by Mr. Voelker that the applicant requests a wood fired brick oven building enclosure approval in the rear of the building. This is the old Luca restaurant building. It is not an open fire pit; it is in the back of the parking lot; and cannot be seen by the public.

MOTION by Mr. Strollo; seconded by Mr. Kardaras.

MOVED that the Planning and Zoning Commission grants the waiver of a public hearing for the Michael BOE Architect application.

VOTE           The motion passed unanimously by those present.

5.     **Special Permit Application**  
      **Michael BOE Architect**  
      **1721 Highland Avenue**  
      **Wood Fired Pizza Oven/Building Enclosure**  
      **SET FOR 9/8/14 MEETING**
  
6.     **OTHER PLANNING AND ZONING COMMISSION BUSINESS**
  1.     **Monthly Report from Zoning Enforcement Officer**  
      The Commission read and accepted the ZEO Report.

## **IX. ADJOURNMENT**

MOTION by Mr. Dawson; seconded by Mr. Strollo.

MOVED to adjourn the regular meeting at 11:22 p.m.

VOTE           The motion passed unanimously by those present.

Attest:

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Marilyn W. Milton, Clerk