

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION PUBLIC HEARING HELD ON MONDAY, SEPTEMBER 8, 2014, AT 7:30 P.M. 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, Vincent Lentini, Louis Todisco. Alternates: Leslie Marinaro & Diane Visconti.
Absent: Lelah Campo, John Kardaras and Jon Fischer (alternate)
Staff: William Voelker, Town Planner

I. CALL TO ORDER

Chairman Kurtz called the public hearing to order at 7:31 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. BUSINESS

Town Planner Voelker read the call of public hearing for each application.

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| 1. | Request for Sidewalk Waiver
<u>A.M. Napolitano</u>
Cook Hill Road | PH 9/8/14
MAD 11/12/14 |
| 2. | Subdivision Application
<u>A.M. Napolitano</u>
Cook Hill Road
8-lots | PH 7/28/14
PH 9/8/14
MAD 11/12/14 |

Mr. Voelker read an e-mail communication from Dennis McMorrow, P.E. Berkshire Engineering & Surveying LLC into the record. In the communication, Mr. McMorrow requested the applications be tabled to the next PZC meeting pending resolution and addressing of staff comments.

The Commission approved the request to table the applications to September 23rd.

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| 3. | Resubdivision Application
<u>Thirty Five Warren Corporation</u>
Warren Street & Willow Street
8-lots | PH 9/8/14
MAD 11/12/14 |
|----|---|---|

Matthew Ducsay, P.E. Milone and MacBroom, Cheshire CT represented the applicant.

Mr. Ducsay explained that this property is known as the Devylder Subdivision, located on the west side of Warren Street, east side of Willow Street, south side of West Main Street. The property is located in an R20 zoning district; is abutted by residential properties on all sides; has had agricultural use/greenhouses; slopes east to west; elevation is 191 down to 172, a 27 foot grade change. The site has no wetlands and is not within the regulated 50 foot upland review area; is in the Willowbrook Water Shed; and notification has been given to the Dept. of Health and RWA. Certified copies of the mailing to RWA were submitted for the record.

This is an 8 lot subdivision; 5 lots have frontage on Warren Street; 3 lots have frontage on Willow Street; one lot is the existing house and garage which will remain; and 2 accessory structures will be removed. All lots meet the dimensional requirements for the R20 zoning district. The lots are served by public water and sewer; WPCA feasibility has been approved; and there will be street lateral connections.

Storm water drainage – the site currently has greenhouses, is 73% impervious, and with the development will be 17% impervious. This reduction also reduces the storm water runoff for all storms – 2 through 100. A report on storm water calculations has been submitted to the Planning Department.

Sediment/Erosion control – the site will have standard construction entrances, silt fencing, down grading; each lot will be individually developed as the lots are sold.

Mr. Voelker informed the Commission that the Planning Department is waiting for the RWA response. There are no formal engineering comments, and he has discussed the application with Town Engineer Gancarz. Feasibility was approved by WPCA. Some final design issues will not hold up the PZC process. Impervious surface on the site is substantially reduced. Engineering Department had no issues with this application.

THE PUBLIC HEARING WAS CONTINUED TO SEPTEMBER 23, 2014.

4. Zone Text Change Petition Application
Sirois Realty LL
To amend Section 30, Sch. A. Permitted
Uses, Para 36A to allow Commercial
Recreational Facilities in an i-2 Zone

PH 9/8/14
MAD 11/12/14

Attorney Anthony Fazzone represented the applicant for the application to amend Section 30, Schedule A, Commercial Recreational Use. The regulations currently allow commercial recreational use in C-3 and I-1 zones by special permit, but they are not allowed in an I-2 Zone. The applicant is proposing this use be allowed in the I-2 Zone by special permit.

The Commission was informed by Mr. Fazzone that the commercial recreational use has been allowed back to 1970 when current regulations were adopted. Since that time the regulations have undergone some changes. There is no longer a requirement that this be an individual use on a lot, so commercial recreational use can be along side other uses in the C-3 and I-2 zones. A further change was outdoor activity connected to the commercial recreational use can be outdoors but not on any lot with frontage on Route 10.

Mr. Fazzone reviewed the zoning regulations and table for Section 30, Schedule A, and pointed out the three types of uses allowed.

36A – permits commercial recreational facilities;

36B – permits indoor ice skating facilities;

36C – permits sports training facilities.

B & C are allowed in the I-2 Zone, and indoor skating facilities are allowed by simple site plan approval, and sports facilities are allowed by special permit. An ice skating facility would also come within the definition of a commercial recreational facility.

In looking at the changes that have occurred and public hearings that were not lengthy or comprehensive, Mr. Fazzone noted there was little controversy over the changes. Sometimes Commissioners were curious as to why commercial recreational facilities were not permitted in the I-2 Zone, and no answers have been given. It was more of a rhetorical question of allowing them in the I-1 Zone and why they were not allowed in the I-2 Zone.

Mr. Fazzone stated the staff report covers the issues, and the Plan of Conservation and Development (POCD) does not cover prohibition of the use in the I-2 Zone. The Council of Governments (COG) concluded the proposed change was not in conflict with the state or regional POCD. It was thought it would create business opportunities. In most cases the sites would be large industrial buildings formerly completely occupied, and under utilized today, with the commercial recreational use going into these buildings.

Mr. Fazzone advised that the use from a commercial recreational facility would be benign in nature and not pose any threat to those areas in the I-2 Zone which are over the aquifer. The applicant is the owner of an I-2 Zone property, 540 West Johnson Avenue, which is a large building not totally being utilized at this time. With the zone text change there cannot be identification of a particular use for the property. Mr. Fazzone noted this request does not appear to be a significant distinction between the three types of uses under the regulations which prohibit the commercial recreational facility in the I-2 Zone.

For clarity, Mr. Voelker stated that the commercial recreational facilities proposed by the applicant are allowed, by special permit, in the C-3 and I-1 Zones, but not allowed in the I-2 Zone. Mr. Voelker read an excerpt from the zoning regulations into the record.

Ms. Marinaro asked if there is any history on why the stipulations were made for the I-2 zone.

In prior PZC meeting minutes, Mr. Voelker reported the minutes do not reflect any reasoning in this regard, there are no staff reports; there is no substantive discussion on the record.

Going back to 1970, Mr. Fazzone said that in conjunction with these regulations the Town rezoned 3,000 acres in the north end as industrial, and most was I-2. There were visions that all this land would be occupied by an industrial park, but since then there has been a stagnation of this type of development, with some buildings in the industrial park empty for periods of time.

With regard to the definition of commercial recreational activity allowed in the I-2 Zone, Mr. Voelker said there is no definition. In the I-1 Zone (special permit) and C-3 Zone (site plan), these activities are allowed.

An example was cited by Attorney Fazzone. Without a regulation on skating rinks, the applicant could come before the Commission with a special permit for a rink, and it could be done under commercial recreational facilities.

The issue of definition of a commercial recreational facility was raised by Ms. Visconti who asked about getting a better sense of a definition.

Mr. Voelker said this cannot be done at this meeting, and it is a process onto itself.

In looking at the applicant's desire with the application, Mr. Fazzone said it would involve something like indoor activities such as rock climbing, trampoline park. He always attempts to do something within the regulations without a zone change, and thought the applicant could get in under health and exercise facility. However, the zone text clearly is distinctive for this type of facility.

It was clarified by Mr. Todisco that the only text change is commercial recreational facility by special permit in the I-2 Zone.

Mr. Voelker read comments into the record from the South Central Regional Council of Governments and Regional Planning Commission (COG).

It was pointed out by Mr. Fazzone that when the I-1 Zone was changed the Commission did not want something like batting cages on Route 10.

THE PUBLIC HEARING WAS CLOSED.

VI. ADJOURNMENT

MOTION by Ms. Marinaro; seconded by Mr. Stollo.

MOVED to adjourn the public hearing at 8:00 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk