

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION SPECIAL MEETING HELD IMMEDIATELY FOLLOWING THE 7:30 P.M. PUBLIC HEARING ON MONDAY, SEPTEMBER 8, 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, 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 special meeting to order at 8:03 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 – Public Hearing, 7/28/14 and Regular Meeting, 7/28/14

MOTION by Mr. Todisco; seconded by Mr. Dawson.

MOVED to accept the minutes of the Public Hearing of 7/28/14 and Regular Meeting of 7/28/14 subject to corrections, additions, deletions.

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

VI. COMMUNICATIONS

1. 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 Budget.

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

MOVED that the Planning and Zoning Commission finds that the Proposed Fiscal Year 2014-2015 Five Year Capital Expenditure Plan and Annual Capital Expenditure Budget for the Town of Cheshire is not in conflict with the Plan of Conservation and

Development. This shall constitute the Commission's report relative to a review in accordance with Section 8-24 of the Connecticut General Statutes, as required by Section 7-2 of the Town Charter.

VOTE The motion passed unanimously by those present.

2. Request from Ryan McEvoy P.E. dated 8/20/14 RE: Request for a 90 day Extension to file final subdivision map, 1715 Cheshire Street.

Mr. Voelker read the communication from Mr. McEvoy into the record.

MOTION by Mr. Dawson; seconded by Ms. Visconti.

MOVED that the Planning and Zoning Commission grant a 90 day extension to file a final subdivision map for 1715 Cheshire Street application.

VOTE The motion passed unanimously by those present.

Mr. Voelker informed the Commission that there is a request from Town Council Chairman Slocum to move the next PZC meeting from September 22nd to September 23rd. The request is made to enable the Public Building Commission to meet the special notice requirements for the municipal pool enclosure application. The Commission was told by Mr. Voelker that without the extension the application would be heard in October due to the 15 day notice requirement to abutters. The Town Council and PBC are requesting the date of September 23rd to comply with the zoning regulations, Section 26. If approved this will allow acceleration of the construction schedule for the pool dome before winter sets in.

MOTION by Ms. Visconti; seconded by Mr. Lentini.

MOVED that the Planning and Zoning Commission cancel the meeting of September 22nd, and hold a special meeting on September 23rd to include all the regularly scheduled business of the Commission.

VOTE The motion passed unanimously by those present.

VII. UNFINISHED BUSINESS

(Commissioner Todisco was recused from this application)

1. **Special Permit Application**
Consulting and Design LLC
905 West Main Street
Renovate existing convenience store
For Dunkin Donuts and Drive Thru

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

MOTION by Mr. Linder; seconded by Mr. Strollo.

MOVED that the Cheshire Planning and Zoning Commission finds that the application to renovate the existing convenience store and construct a drive-thru for a Dunkin' Donuts Restaurant as shown on plans entitled "WAREX, 901, West Main Street, Cheshire CT" dated May 15, 2014 and revised through July 28, 2014, satisfies the requirements set forth within Section 40 (Special Permits) of the Cheshire Zoning Regulations, and that the proposed alterations of the existing use are in accord with the public convenience and welfare based upon the Commission's review of the standards set forth in Section 40.4 of the regulations, and hereby approves this application.

Discussion

Mr. Linder stated he was absent for the July 28th meeting, but has reviewed the record of the meeting and viewed the tape several times. Mr. Linder will be voting against this application, and is doing this reluctantly because Cheshire needs economic activity, and this proposal is for more economic activity. The problem is that it is the wrong site/location, and the site does not lend itself to a smooth, safe, flow of pedestrians and vehicles. Mr. Linder has been a customer of this service station for more than 3 years, has viewed how people walk around the property, and said a drive-thru would add to the confusion at the site. One thing which was not brought up at the public hearings is that many cars park in the fire lane in front of the store, so this lane is constantly occupied. The proposed plan does not show any change to the fire lane. The parking spots being created on the Mountain Road side will not be helpful to pedestrians entering the store. The Dunkin' Donut kiosk inside the store will attract people and cause more safety issues at the site. Mr. Linder said public safety is not being served well, and he will vote against the application.

Ms. Visconti stated her agreement with Mr. Linder's comments. She has visited this gas station several times a week, and noted that neighbors spoke against the application. There are worries about pedestrian and motor vehicle safety at the site.

Mr. Gaudio also agreed with comments stated by other Commissioners. He sees the traffic itself as the biggest problem. A number of people testified at the public hearings about various traffic issues at the location. He realizes they are not expert witnesses, but they are neighbors and customers of the service station/convenience store, and see traffic day to day. Mr. Gaudio noted this site was a gas station as the first usage; then the second usage was the convenience store; and now a third use is being added which is a national franchise, Dunkin' Donuts type store. He does not know how many more uses could be in this store, which already sells everything, soup to nuts. Mr. Gaudio said he would be voting against the application.

Mr. Lentini commented on his review of the regulations for a special permit, Section 40.4.5, which deals with traffic congestion and undue hazards of traffic and congestion on the streets. Based on the evidence at the public hearing he feels the impact of adding a drive-thru restaurant in the proposed area will only increase traffic congestion.

He cannot, in good conscience, vote for a special permit until the traffic congestion in this area and intersection is remedied.

Mr. Strollo agrees the biggest issue is traffic. As a business owner in Town, he is a certified traffic manager. By knowing the road and instances that happen on it, his biggest scare is queue traffic out of the drive-thru on to RT 68. Mr. Strollo has worked with accidents on this road for 30 years and knows what is there. He said he cannot vote, as a Commission member, for something that is unsafe.

Ms. Marinaro said she would be voting against this application. She has been waiting for a Dunkin' Donuts drive-thru at the north and west ends of town for a long time. Between the traffic congestion and West Main Street development, there will be increased traffic, danger and hazards. Ms. Marinaro hopes the applicant can find a better site for the community.

Mr. Dawson commented about hearing testimony on both sides and the fact that public safety is important to him. He knows the Police Department closed a street entering in this section of Town. Mr. Dawson said he has public safety reasons for voting against this application.

Chairman Kurtz cited Section 40.4.1. He commented on the size and intensity of the drive-thru in this area of Town. He disagreed with the applicant's statement that the roads and site can handle the drive-thru in this facility. In other Dunkin' Donut locations he has seen backups and queuing, and is uncertain the numbers cited are accurate. Mr. Kurtz will be voting against the application.

VOTE The vote was 8 in opposition; 1 abstention (Todisco)
 THE MOTION FAILED TO PASS 8-0-1

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| <p>2. Request for Sidewalk Waiver
 <u>A.M. Napolitano</u>
 Cook Hill Road
 TABLED TO SEPTEMBER 23, 2014</p> | <p>PH 9/8/14
MAD 11/12/14</p> |
| <p>3. Subdivision Application
 <u>A.M. Napolitano</u>
 Cook Hill Road
 8-lots
 TABLED TO SEPTEMBER 23, 2014</p> | <p>PH 7/28/14
PH 9/8/14
MAD 11/12/14</p> |
| <p>4. Resubdivision Application
 <u>Thirty Five Warren Corporation</u>
 Warren Street & Willow Street
 8-lots
 CONTINUED TO SEPTEMBER 23, 2014</p> | <p>PH 9/8/14
MAD 11/12/14</p> |

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

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

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

MOVED that the Cheshire Planning and Zoning Commission finds that the application to amend Section 30, Schedule A, Paragraph 36, of the Cheshire Zoning Regulations to allow Commercial Recreational Facilities in the Industrial 2 (I-2) Zone will be beneficial to the public interest by enabling the productive use of under-utilized industrial properties and is not in conflict with the 2002 Cheshire Plan of Conservation and Development, and hereby approves this application.

VOTE The motion passed unanimously by those present.

6. Special Permit Application
Kenneth Barker/Southwick
1356 South Main Street
Additional Common Parking Area

MAD 9/30/14

Kenneth Barker, President, Southwick Condo Association, presented the application for additional common parking area the Southwick location. He explained the site has a private road through part of the site with parallel parking spaces which were never on the original plan. The Fire Department does not have enough room to accommodate their equipment. The proposal is to create new parking area for 5 cars by cutting into a grassy area, remark the existing spaces as the fire lane, and create one additional small area for loading and unloading. Mr. Barker said the north end of the property has a narrow road, is a real problem, and this area will be removed and widened, and putting a light on a garage to continue to light the area. In the plans there is existing drainage that led to an on-site retention pond that will be utilized for the water drainage from the newly created parking area.

According to Ms. Marinaro this is a Fire Department safety issue, and without a hardship she sees no problem with this application.

Mr. Lentini asked if this new parking area is along RT 10 or in the rear.

The Commission was told by Mr. Barker that RT 10 parallels the new parking area, and it is behind the front units.

Mr. Voelker said the new parking area is in the back, and the proposal is a minor interior change.

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

MOVED that the Cheshire Planning and Zoning Commission finds that the application to make amendments within the parking areas at the Southwick at Cheshire Residential Community as shown on plans entitled "Improvement Location Survey, Parking Improvements Overall Plan, Southwick at Cheshire, South Main Street, Cheshire CT" dated August 22, 2014, satisfies the requirements set forth within Section 40 (Special Permits) of the Cheshire Zoning Regulations, and that the proposed alterations of the existing use are in accord with the public convenience and welfare based upon the Commission's review of the standards set forth in Section 40.4 of the regulations, and hereby approves this application.

VOTE The motion passed unanimously by those present.

7. Special Permit Application

MAD 9/30/14

Michael BOE Architect

1721 Highland Avenue

Wood Fired Pizza Oven/Building Enclosure

Michael BOE, Architect, Torrington, CT represented the applicant, Viron Rondo. This property is in the I-2 Zone, has been a restaurant since the 1970's, and the new owner will operate an Italian restaurant. The plan is to construct an 8.3' by 15.7' addition to the rear of the existing restaurant for wood fired pizza ovens. It is a one story addition; will remain compliant with the 24 foot aisle width; and there is no increase in water runoff. On the plans, Mr. BOE pointed out the addition to the restaurant.

There were no comments from the Engineering Department. The Fire Department requested a lock box on site and the applicant will comply with this request. The wood will be stored away from the building near the dumpster on the northwest corner of the site. The addition will have cottage style shingles, small chimney area, and stainless steel pipes. The existing handicapped ramp will be continued and wrapped around the building.

Mr. Gaudio raised the question on regulations for outside ovens.

In response, Mr. BOE explained that this is an addition to the building for the ovens which will be constructed of concrete mixture with an insulated blanket on top, insulation system, and the oven(s) are wood/gas burning.

The Fire Department issue was circulation, and Mr. Voelker noted interior issues are under the Building Department.

Mr. BOE stated there is a total remodel of the building. Building Officials and Fire Department staff have seen the drawings, and PZC approval will move the project forward.

Mr. Lentini asked about ash disposal.

The oven(s) burns light wood ash and Mr. BOE said there will be insulation, without a large consumption of ash.

There was a question raised by Mr. Dawson about only two handicapped parking spaces shown on the plans.

Mr. BOE pointed out the existing parking lot, and said they have not added or taken away any parking spaces.

Mr. Dawson commented on the tremendous amount of excavation in the rear of the site, and said the old plan is there, has two handicapped spaces and this is what it will be now.

It was explained by Mr. Voelker that there is no addition to the building other than the ovens, and the site has 56 parking spaces, meets ADA compliance with 2 handicapped spaces. There is no seating area being added to the restaurant, and it is a modification of the building.

Mr. Dawson suggested one more handicapped parking space be added to the parking area.

Mr. Rondo, owner of the restaurant, said he can add another handicapped space if requested and required.

Chairman Kurtz stated that the Commission cannot formally request another handicapped parking space if the applicant is currently in compliance with the regulations.

The Commission was told by Mr. Voelker that adding another parking space must be contingent on the parking count at the site. By code there must be a handicapped accessible ramp. The applicant could lose 1 or 2 spaces with a change in the layout, must remain constant with the required parking count. An analysis will have to be done on the parking count and floor area so parking spaces are not deficient.

Having gone through the records on the site, Mr. BOE saw one point of contention about what was or was not built in the early days. There was lots of information dealing with the parking count, and he has checked on the handicapped parking requirements.

Mr. Dawson commented on the many changes from the 1970's to present time regarding handicapped rules.

Ms. Visconti asked about take out from the restaurant, and if this requires a changing in the parking requirements.

The owner, Mr. Rondo, said there is no take out, and it is a regular sitting in restaurant.

This restaurant serves family style and Mr. BOE noted the owner promotes local produce and meat, and pizza is one aspect of the restaurant. He advised that Mr. Rondo has had a restaurant in Litchfield and Avon CT.

Regarding the parking count, Mr. Voelker stated the applicant is doing nothing which would require modification of this parking lot. The owner is adding an oven in the kitchen. The applicant offered to install another handicapped parking space if this action will not reduce his required parking. The Commission can approve the application as presented in a motion tonight, understanding that the applicant will use his good will regarding the 3rd handicapped space.

Mr. Linder stated the handicapped parking spaces have nothing to do with the subject application. He said there is a motion to vote on the application, and the switch of a regular parking spot to handicapped spot is a secondary issue and not required.

It was stated by Mr. Todisco that the Commission should vote and approve this application. He understands Mr. Dawson's sensitive remark to meet the needs of handicapped people, and the applicant generously said he will look into this.

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

MOVED that the Cheshire Planning and Zoning Commission finds that the application to construct a wood fired pizza oven/building enclosure at 1721 Highland Avenue as shown on plans entitled "Property/Topographic Survey Showing Proposed Addition Prepared for Viron Rondo, #1727 Highland Avenue (Route 10), Cheshire CT" and dated July 18, 2014, satisfies the requirements set forth within Section 40 (Special Permits) of the Cheshire Zoning Regulations, and that the proposed alterations of the existing use are in accord with the public convenience and welfare based upon the Commission's review of the standards set forth in Section 40.4 of the regulations, and hereby approves this application.

Discussion

Mr. Dawson feels his request is reasonable, and 2 handicapped spaces for 56 parking spots is different today than in the past. He sees more handicapped people in Cheshire, and said we must protect public safety and look to the future. Mr. Dawson noted the applicant made an offer of another handicapped space.

Chairman Kurtz commented on the fact that another handicapped space could affect the number of spaces for the size of the building. He said the applicant will do a 3rd handicapped space without affecting the site's parking requirements.

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

VIII. NEW BUSINESS

1. **Special Permit Application**
George Noewatne, Director of Public Works
And Engineering for the Town of Cheshire
520 South Main Street
Section 30, Sch. A. 29A & Sec. 32, Sch. B. Item #7
Tension Membrane Dome to cover the Cheshire
Community Pool
SET FOR PUBLIC HEARING ON SEPTEMBER 23, 2014

2. **Special Permit Application**
Joseph Whitright, Whitright Realty LLC
312 East Johnson Avenue
Section 30, Sch. A. Para 27
CT Florist Association
SET FOR PUBLIC HEARING ON SEPTEMBER 23, 2014

3. **Waiver Request of Section 5.5.B.5 of the Subdivision Regulations**
Estate of Anneliese L. Platt
628 Wallingford Road
SET FOR PUBLIC HEARING ON SEPTEMBER 23, 2014

4. **Subdivision Application**
Estate of Anneliese L. Platt
628 Wallingford Road
3-lots
SET FOR PUBLIC HEARING ON SEPTEMBER 23, 2014

5. **Site Plan Application**
Consolidated Industries Inc.
677 Mixville Road
Enclose internal open air building section
SET FOR SEPTEMBER 23, 2014.

IX. ADJOURNMENT

MOTION by Ms. Marinaro; seconded by Mr. Strollo

MOVED to adjourn the special meeting at 9:00 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk

