

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION REGULAR MEETING HELD IMMEDIATELY AFTER THE 7:30 P.M. PUBLIC HEARING ON MONDAY, NOVEMBER 24, 2014 AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Earl J. Kurtz, Chairman; S. Woody Dawson, Edward Gaudio, Vincent Lentini, Louis Todisco. Alternates – Leslie Marinaro and Diane Visconti.

Absent: Lelah Campo, Sean Strollo, Gil Linder, John Kardaras and Alternate Jon Fischer.

Suzanne Simone, Environmental Planner

I. CALL TO ORDER

Chairman Kurtz called the regular meeting to order at 7:37 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. 10/27/14 and Regular Meeting of 10/27/14.

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

MOVED that the minutes of the Public Hearing of 10/27/14 and Regular Meeting of 10/27/14 be approved subject to corrections, additions, deletions.

Correction: Regular Meeting 10/27/14, page 2, Item #1, under Discussion...should read are **not** generally applicable.

VOTE The motion passed 6-0-1; Marinaro abstained.

VI. COMMUNICATIONS

- 1. Letter from Jacqueline Wrinn dated 11/10/14 RE: In-law apartment Renewal 770 Allen Avenue.**

MOTION by Mr. Dawson; seconded by Mr. Gaudio.

MOVED that the Planning and Zoning Commission approves the request for renewal for the in-law apartment property located at 770 Allen Avenue, Cheshire CT 06410, as generally shown on Assessor's Map No. 30, Lot No.31 in an R-40 zone.

With the following stipulations:

1. All previous stipulations shall remain in effect.
2. This permit shall expire in five (5) years after publication of the legal notice of Approval (November 2019) or at the time of sale or transfer of property, which ever comes first. The applicant may submit a request for extension of the permit along with a notarized statement verifying that the use of the in-law apartment complies with the zoning regulations.

VOTE The motion passed unanimously by those present.

VII. UNFINISHED BUSINESS

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| 1. Waiver Request of Section 5.5.B.5
of the Subdivision Regulations
628 Wallingford Road | PH 9/23/14
PH 10/15/14
PH 10/27/14
PH 11/10/14
PH 11/24/14
MAD 1/28/15 |
| 2. Subdivision Application
<u>Estate of Anneliese L. Platt</u>
628 Wallingford Road
3-lots | PH 9/23/14
PH 10/15/14
MAD 12/19/14
PH 10/27/14
PH 11/10/14
PH 11/24/14
MAD 1/28/15 |
| 3 Special Permit Application
<u>Estate of Anneliese L. Platt</u>
628 Wallingford Road
Rear Lot Access | PH 10/15/14
PH 10/27/14
PH 11/10/14
PH 11/24/14
MAD 1/28/15 |

Agenda items 1, 2 and 3 were withdrawn.

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| 4. Site Plan Application
<u>Vagmar LLC</u>
1718 Highland Avenue
To enclose an existing roof structure and
Add a loading dock and storage space. | MAD 1/13/15 |
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Attorney Matthew Hall, 195 South Main Street, Cheshire CT, and David Hughes P.E., Bloomfield Connecticut represented the applicant.

Attorney Hall stated that the Power Station business operates a media/audio-visual/multi-purpose business in Cheshire for the last 10 years. The applicant (the business) acquired the subject property in 2014, and has received variance approval from the Zoning Board of Appeals for the side yard setback to construct the addition (storage space, loading dock and coverage of existing structure).

David Hughes, P.E. submitted copies of the revised plan showing minor adjustments that were made based on discussions with Town Planner Voelker.

#1 – Fire Department wants an emergency key box; #2 – Town Planner wants existing trailer (shown on the survey plan) removed from the site.

It was pointed out by Mr. Hughes that the existing trailer is shown on sheet S-1, and it will be removed from the proposed plan because it does not comply with the zoning regulations. For it to be left on the site would require a separate permit. At this time, Mr. Hughes was uncertain when the trailer would be removed from the subject property.

With regard to “trailers” Mr. Dawson said he is waiting for the trailers/containers to be removed from the current location of Power Station, and noted it has been a 5 year wait. He asked for a commitment on when these containers would be removed. Mr. Dawson said the applicant is requesting additional storage space for the new building so the storage in the containers can be moved to the new storage space.

On the plans, Mr. Hughes pointed out the tan building as the existing storage area. He said the owner wants to enclose the car port, build an addition in the rear to include a loading dock and covered loading area, with construction to begin in spring 2015. A side yard variance approval from the ZBA was received by the applicant.

Other modifications to the site will include new paved areas to get to the loading docks. There is plenty of parking on site; the front will be manicured and land scaped area; all drainage calculations are completed with no comments received from Town staff. The building has gas with a track feeding meter; the dumpster will be relocated but will not be enclosed; there are handicapped parking spaces existing under the front car port area. The business will have 16 employees. Drawing C-1 shows the parking calculations.

Ms. Marinaro asked about the limousines on site, where they will be located, and if they are allowed for in the parking lot.

There are double the required parking spaces per the regulations, and Mr. Hughes pointed out the area on the side parking lot which will accommodate the limousines.

According to Mr. Dawson there are more than 2 limousines on site and he visited the site and saw 3 limousines.

Mr. Gaudio visited the site and saw 2 limousines.

Mr. Hughes informed the Commission that the applicant owns only 2 limousines. He also advised there is no increase in non-conformity with the application, and the addition is 4,150 square feet. The maximum lot coverage in the zone is 25% and the site is under 17% lot coverage.

The operation of the business was questioned by Ms. Visconti who asked about renting limousines, bringing media to parties and events.

Mr. Hughes explained that there is a separate operation of the company with renting of limousines. The company has a dee-jay service, and provides service for corporate events and has a full package wedding services (flowers, dee-jay, limousines). This is one business – Power Station Events LLC.

With regard to the limousine portion of the business, Mr. Hughes stated there is no mechanical service to these vehicles on site.

Mr. Dawson asked when the company will be in the new location full time.

Alfred Vagnini, owner of Power Station Events LLC, expects to move the office operation into the building by December 1st. The technical operation awaits development of the building, new addition, etc. He advised that all the contents of the containers/storage units at Highland Avenue property will be removed and stored in the new storage area at 1718 Highland Avenue. Mr. Vagnini could not state a definite or committed date for this to happen, but noted he wants the storage containers emptied and sold as soon as possible.

Mr. Vagnini started his business in Cheshire, wanted to stay in Cheshire, and this property became available and he now owns it.

Stating he wished the applicant good luck, Mr. Dawson said the applicant is breaking the law. He again asked for a commitment on when the containers will be removed from the Commerce Court area site.

Attorney Hall explained that the acquisition of the 1718 Highland Avenue was tricky for the applicant as there were multiple lien holders, including the Town of Cheshire. It took over 9 months from conversation to closing, and now Mr. Vagnini is ready to get the construction started. In discussions with Town Planner Voelker, the Town Attorney, and ZEO Kehoss, Mr. Hall said everyone was kept apprised of the closing process for this property. If the application before the PZC is approved, Mr. Vagnini will have storage space at the new building, empty the contents of the containers at the old site, and have them removed.

On behalf of the applicant, Mr. Hall expressed appreciation for the Town's patience regarding the containers at Commerce Court. He reiterated the fact that the applicant cannot give a committed date for removal of these containers, but it will be done as soon as there is storage space at the Highland Avenue site.

Ms. Simone read staff comments into the record from the Engineering Department dated 11/19/14, Fire Department dated 11/17/14, Police Department dated 11/18/14, and a letter from the Regional Water Authority dated 10/7/14.

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

MOVED that the Cheshire Planning and Zoning Commission finds that the application to construct a 4,150 square foot addition to the existing building at 1718 Highland Avenue as shown on plans entitled "Powerstation Events, 1718 Highland Avenue, Cheshire CT, Layout Plan dated November 24, 2014" is consistent with the Cheshire Zoning Regulations and hereby approves this plan conditioned upon removal of the trailer in the rear of the property and compliance with comments from the Cheshire Fire Department dated November 17, 2014.

VOTE The motion passed unanimously by those present.

5. Site Plan Application

MAD 1/13/15

Mark Cipriano

10 Knotter Drive

Site improvements to facilitate on-site snow

Plowing and removal of snow from tops

Of trailers.

Matthew Duscay, P.E. Milone and MacBroom represented the applicant. The subject site is located on the east side of Knotter Drive adjacent to the Southington/Cheshire town line, is 1.32 acres in size in an I-2 Zone. In January 2007 the site plan was approved, and one modification was approved in 2007 for a generator. Mr. Duscay distributed information and a photo of the snow removal machine to be used to remove snow from the tops of trailer trucks. The machine will be located on the east side of the building; trailers drive up to the machine; the snow is removed; and the truck can go out Knotter Drive. There will be pavement improvements on the site with the addition of two impervious areas, and a gravel access area will be paved. These paved areas were counted for in the original storm water management design.

Mr. Duscay explained that the applicant needs for more trailer spaces for the current fleet, and the increase in pavement will help with movement of trailers around the property and with the snow removal. He informed the Commission that if a truck does not have snow removed and is out on Connecticut roadways a \$1,250 fine is imposed.

A question was posed by Mr. Dawson about drainage changes.

According to Mr. Duscay there is no change to the design of the overall storm water management on the plans. A report was submitted to the Engineering Department which signed off on the calculations.

In the first approval Ms. Visconti asked if there was a stipulation about this facility not moving closer to neighbors.

There was no such stipulation and Mr. Duscay noted there is no building expansion, no additional encroachment on the neighbors. The applicant has provided berm and landscaping along the property line as part of the original design to provide screening to the residents, and their approval.

The issue of noise requirements was raised by Ms. Visconti.

Ms. Simone read information and an excerpt from the original approval into the record of the meeting. There is a stipulation that a base line noise survey will be conducted by the applicant, and according to town records this has been done.

There is no change to the base line, and Mr. Duscay said improvements are being made to provide snow removal. There are no additional noise levels coming from the property.

Ms. Visconti commented on neighbor complaints about trucks idling and noise from these trucks.

This is difficult for him to discuss and Mr. Duscay said he cannot state an increase in the decibel levels, and he does not have a noise study.

There was a Commission discussion about the four (4) additional parking spaces, and inclusion of language in a current motion similar to the prior motion.

In response to a question on how much closer the 4 parking spaces will be to the neighbors, Mr. Duscay said they will be 60 feet from the property corner.

Ms. Simone read staff comments into the record. Engineering Department, 11/19/14; Fire Department 11/17/14 and Police Department 11/18/14. She also read a letter regarding the subject application from Robert and Stella Pellagano, 83 St. Joseph Street.

Regarding the staff comments, Mr. Duscay said the applicant is aware of the clean-up of the Home Depot access and the improvements will re-establish this access. The snow removal equipment is portable, and when not in use will be located to the side of the site.

Ms. Marinaro understands residents' concerns regarding the trucks parking and snow removal machine. She asked if any other options can be undertaken.

On the site plan Mr. Duscay pointed out the location of the snow removal machine. He stated that with the expanded fleet the applicant needs additional parking on the site. There were not many other options or the applicant would have explored them, and the expanded pavement is needed to move the trailers on site. Mr. Duscay pointed out that this is an I-2 Zone and the uses are permitted in the zone.

Mr. Todisco stated that the Pellagano letter was reasonable, with acknowledgement of Mr. Cipriano acting appropriately as a business man. He said it would be a nice gesture for the owner (Cipriano) to talk further with the Pelleganos to learn if anything more can be done.

It was suggested by Ms. Marinaro that there be a stipulation in the motion that no refrigerated trucks could be parked near the Pellagano home area.

Chairman Kurtz stated he is not sure the PZC can put in such a stipulation as food distributors have refrigerated trucks because they contain food. The applicant is well within the regulations, and the Commission cannot stipulate what kind of vehicles can be in parking spaces.

With the understanding Cheshire does not have a noise ordinance, Ms. Visconti asked what happens when the noise level is above the decibel limit.

Mr. Duscay stated that with approval of the subject application any improvements exceeding the threshold would not be permitted. If the extra 4 spaces increase the decibel levels parking in the area would not be permitted.

It was noted by Mr. Todisco that the previous stipulations did not have a decibel stipulation, only that a noise study would be conducted.

Ms. Simone said it was a base line noise survey to define noise levels, but there is nothing on what is permissible.

Mr. Todisco said there is need for a commitment from the owner to discuss issues with neighbors, and he said the Town cannot put a decibel limit.

Both residential and industrial areas are zoned I-2...the St. Joseph Street and the Napoli property, and Mr. Duscay stated that everything on the plan meets the use of the zone and complies with the regulations. The PZC action can include encouragement of communication between the applicant and the neighbors. Mr. Duscay does not believe the PZC has the authority regarding a threshold of decibel levels.

Ms. Visconti asked about the Commission's ability to have the applicant construct a noise fence, and she said diesel fumes are also an issue.

Chairman Kurtz stated the Commission cannot put in a stipulation to build a fence. In the prior application the applicant agreed to landscaping and a berm, and if the applicant agrees to a fence then it can be built.

There is an existing berm and landscaping installed and Mr. Duscaj explained the neighbors wanted it cut back to 6 feet tall.

Mr. Lentini questioned the 4 parking spaces being on the original plans and not as close to the property line as they are now, and why they were left there.

Chairman Kurtz did not recall the spaces being on the original plans.

The reason for the additional 4 spaces was cited by Mr. Duscaj who explained that the fleet has grown and these spaces are needed.

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

MOVED that the Cheshire Planning and Zoning Commission finds that the application to revise portions of the site including the elimination of curbed bump out areas in the parking and loading area along the southerly portion of the property, the construction of 4 additional parking spaces in the southeast corner of the parking area, and the installation of trailer top snow removal equipment along the easterly side of the building as shown on plans entitled "Napoli Foods, Proposed Distribution Warehouse, Knotter Drive, Cheshire CT" revised through November 6, 2014 are consistent with the Cheshire Zoning Regulations, and hereby approves this plan, conditioned upon compliance with comments from the Cheshire Fire Department dated November 17, 2014.

With the following stipulation:

Per verbal agreement with the applicant's engineer a base line noise survey will be conducted by the applicant.

Discussion

Mr. Lentini stated his opposition to the motion because neighbors have put up with a lot of things living close to this facility. He is not satisfied with the 4 parking spaces closer to the property line, and refrigerated trucks and diesel fumes will not be pleasant for the neighbors.

Mr. Gaudio stated his agreement with Mr. Lentini's comments, and said the parking spaces can be put somewhere else.

Stating his agreement with the comments made, Chairman Kurtz commented on the fact that the use is allowed in the zone and is a matter of right, and within the zoning regulations.

Before voting, Ms. Marinaro said she wants to look at the prior application minutes because there is no evidence the 4 parking spaces were discussed.

Mr. Dawson commented on the prior application and approval, and the matter being beat to death, with the PZC working hard for the neighbors.

There was a brief discussion about the motion on the floor -- removing the 4 parking spaces from the motion, having a base line noise study report to the town, and/or withdrawing the motion.

If there is withdrawal of the 4 parking spaces from the motion, Ms. Simone said it is her recommendation to hold the application over to December 8th.

Regarding anything in the prior approval about 4 extra parking spaces, Mr. Duscay said this would have come up with staff review. He also noted there is no fence on top of the berm at the property line. Mr. Duscay said the applicant wants to get the snow removal equipment operational as winter and snow season approach.

Chairman Kurtz read an excerpt from the 2007 motion into the record of the meeting.

Ms. Simone read an excerpt from staff comments, November 14, 2014, into the record. She said no reports have been submitted to the town.

Mr. Duscay said the Napoli property is about 100 to 110 feet to the Pellagano house. Regarding delay of the vote on the application before the Commission, he said this is a site plan application that has met all the regulations and there is not much discretion in terms of the vote.

The Commission was informed by Ms. Simone that to deny the application, which meets all of the regulations, the decision would not stand up in court.

Mr. Todisco said the noise study can be done again, and Mr. Duscay will encourage the applicant to meet with the neighbors and work out issues to the extent possible.

VOTE The motion passed 5-2; Gaudio and Marinaro opposed.

VIII. NEW BUSINESS

1. **Special Permit Modification**
 Richard Chevrolet
 1410 Highland Avenue
 Parking Vehicle Inventory
 SET FOR PUBLIC HEARING ON DECEMBER 8, 2014

2. **Special Permit Application**
 Cheshire Food Pantry LLC

**175 Sandbank Road
New Building for Cheshire Food Pantry
SET FOR PUBLIC HEARING ON DECEMBER 8, 2014**

- 3. Earth Removal/Fill/Regrading Permit
Cheshire Food Pantry LLC
175 Sandbank Road
SET FOR PUBLIC HEARING ON DECEMBER 8, 2014**
- 4. Special Permit Application
Pinnacle Land Development LLC
6 Edith Place
In-law apartment
SET FOR PUBLIC HEARING ON DECEMBER 8, 2014.**
- 5. Other Planning and Zoning Commission Business**
 - a. Monthly Report from the Zoning Enforcement Officer
The report was accepted by the Commission.**

IX. ADJOURNMENT

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

MOVED to adjourn the regular meeting at 8:58 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk