

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION SPECIAL MEETING HELD ON MONDAY, MAY 11, 2015, IMMEDIATELY FOLLOWING THE 7:30 P.M. PUBLIC HEARING IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410.

Present

Earl J. Kurtz, Chairman; Edward Gaudio, Secretary; Members: John Kardaras, Vincent Lentini, Gil Linder, Louis Todisco. Alternates - Leslie Marinaro and Jon Fischer. Absent: Sean Strollo, S. Woody Dawson, David Veleber; Alternate: Diane Visconti. Staff: William Voelker, Town Planner

I. CALL TO ORDER

Chairman Kurtz called the special meeting to order at 7:41 . p.m.

II. ROLL CALL

The clerk called the roll.

III. DETERMINATION OF QUORUM

Following roll call a quorum was determined to be present.

**IV. ACCEPTANCE OF MINUTES - Public Hearing 4/27/15
And Regular Meeting 4/27/15.**

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

MOVED to accept and approve the minutes of the Public Hearing of 4/27/15 and Regular Meeting of 4/27/15 subject to corrections, additions, deletions.

VOTE The motion passed unanimously by those present.

VI. COMMUNICATIONS

- 1. Letter from Anthony J. Fazzone, Esq. dated 5/5/15 RE: Cheshire Route 10 LLC - Earth Removal, Filling and Regrading Permit - Request for additional one (1) year renewal of the permit Including waivers to July 26, 2016.**

Town Planner Voelker read the letter into the record.

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

MOVED that the Cheshire Planning and Zoning Commission hereby extends the existing Earth Removal, Filling and Regrading Permit Application of Cheshire Route 10 LLC granted in conjunction with the approval of the Interchange Special Development Project known as The Outlets at Cheshire, including waivers, for a period of one year from the date of public notice of approval to July 25, 2016.

Discussion

Attorney Anthony Fazzino, representing the applicant, stated that there is no limit for extensions. Underlying permits for the shopping center expire in 2017. Earth removal permits are only good for one year and PZC can extend them for one more year, and after that time an extension would require a public hearing.

With regard to the subject property, Mr. Voelker stated it is for sale to the original applicants, and this waiver relates to their possible start of construction in the early Fall of 2015.

VOTE The motion passed unanimously by those present.

Commissioner Linder stated, for the record, that he has familiarized himself with the record (audio and video and minutes) of the applications and is prepared to act on them.

VII. UNFINISHED BUSINESS

Chairman Kurtz rearranged the Apex applications on the agenda.

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| <p>3. Waiver Request: 920 Jarvis Street
<u>Apex Developers LLC</u>
920 Jarvis Street
Requesting waiver of subsections (3) and (9)
of Section 25.5 Earth Removal, Fill or
Regrading Permit</p> | <p>PH 2/23/15
PH 3/23/15
PH 4/13/15
PH 4/27/15
MAD 7/1/15</p> |
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MOTION by Mr. Todisco; seconded by Mr. Gaudio.

MOVED that the Cheshire Planning and Zoning Commission finds that the applicant's request for waivers of the requirements of Section 25.5 subsections (3) and (9) of the Cheshire Zoning Regulations as shown on and limited by Site Development Plans 1 and 2 revised through April 9, 2015 will not pose any unreasonable risks to public health or safety and hereby grants these waivers.

VOTE The motion passed unanimously by those present.

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| <p>4. Earth Removal, Filling/Regrading Permit
<u>Apex Developers LLC</u>
Jarvis Street</p> | <p>PH 2/23/15
PH 3/23/15
PH 4/13/15
PH 4/27/15
MAD 7/1/15</p> |
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MOTION by Mr. Gaudio; seconded by Mr. Lentini.

MOVED that the Cheshire Planning and Zoning Commission finds that this application plans entitled "Cedar Crest Subdivision (Planned Residential Subdivision Development) 920 Jarvis Street, Cheshire CT" dated January 6, 2015, and revised through April 9, 2015, prepared by Milone and MacBroom, 99 Realty Drive, Cheshire CT 06410 satisfies the requirements set forth within Section 25 of the Cheshire Zoning Regulations (Earth Removal, Filling and Regrading) and hereby approves this application.

VOTE The motion passed unanimously by those present.

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| 1. Planned Residential Resubdivision Development | PH 2/23/15 |
| Application | PH 3/23/15 |
| <u>Apex Developers LLC</u> | PH 4/13/15 |
| Jarvis Street | PH 4/27/15 |
| 15 Lots | MAD 7/1/15 |

MOTION by Mr. Lentini; seconded by Mr. Gaudio.

MOVED that the Cheshire Planning and Zoning Commission finds that the proposed 15 lot Planned Residential Subdivision as shown on plans entitled" Cedar Crest Subdivision, (Planned Residential Subdivision Development) 920 Jarvis Street, Cheshire CT" dated January 6, 2015, and revised through April 9, 2015, prepared by Milone and MacBroom, 99 Realty Drive, Cheshire CT 06410 are consistent with the standards set forth within Section 44 of the Cheshire Zoning Regulations (Planned Residential Subdivision Development) and hereby approves this application subject to the following conditions:

1. The two affordable housing units will not be located side by side, but Will be disbursed within this development.
2. Driveways on the cul-de-sac for proposed lots 6, 7, 8and 9 will be Located as shown on the plans to facilitate snow removal. This stipulation Is to be noted on each lot on plans that will be recorded on the Cheshire Land Records.
3. Compliance with comments from the Cheshire Fire Department dated February 10, 2015.
4. Compliance with comments from the Cheshire Police Department dated February 20, 2015.
5. Compliance with any outstanding comments from the Town Engineer dated March 19, 2015.
6. Compliance with the requirements and recommendations of the Connecticut Department of Energy and Environmental Protection, Bureau of Natural Resources, Wildlife Division, dated February 11, 2015.

Discussion.

At the public hearing the issue of turtles on the site was raised, and Mr. Todisco asked about there possibly being a regulation regarding wildlife on a site. The applicant(s) would have to state their intent on what they would do, i.e. fencing, moving turtles to other locations, etc. He said this puts the applicant on record with implementation of the regulation.

Mr. Voelker noted that the applicant for the subject application has already made his intentions part of the record of the application.

Ms. Marinaro commented on environmental information becoming part of applications, and the impact of the Commission to require a report during the application process.

According to Mr. Voelker this could be tied to the permit process, with assurances of compliance with the regulations.

VOTE The motion passed 6-0-2; Kardaras and Lentini abstained.

2. Special Permit Application	PH 2/23/15
 <u>Apex Developers LLC</u>	PH 3/23/15
 920 Jarvis Street	PH 4/13/15
 A 15 lot PRRD with 3 affordable units	PH 4/27/15
 Sections 44 and 40	MAD 7/1/15

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

MOVED that the Cheshire Planning and Zoning Commission finds that the proposed 15 lot Planned Residential Subdivision as shown on plans entitled " Cedar Crest Subdivision, (Planned Residential Subdivision Development) 920 Jarvis Street, Cheshire CT" dated January 6, 2015, and revised through April 9, 2015, prepared by Milone and MacBroom, 99 Realty Drive, Cheshire CT 06410 are consistent with the standards set forth within Section 40 of the Cheshire Zoning Regulations (Special Permit Applications) and hereby approves this application subject to the following conditions:

1. The two affordable housing units will not be located side by side, but Will be disbursed within this development.
2. Driveways on the cul-de-sac for proposed lots 6, 7, 8and 9 will be Located as shown on the plans to facilitate snow removal. This stipulation Is to be noted on each lot on plans that will be recorded on the Cheshire Land Records.
3. Compliance with comments from the Cheshire Fire Department dated February 10, 2015.

SCHEDULED FOR PUBLIC HEARING ON MAY 27, 2015

7. **Waiver Request of Section 6.10.1 Sidewalks
Clearview Farm Preserve
Mountain Road
Requesting waiver of sidewalks on the south/west
Side of the proposed street.**

SCHEDULED FOR PUBLIC HEARING ON MAY 27, 2015

IX. ADJOURNMENT

MOTION by Mr. Gaudio; seconded by Mr. Kardaras.

MOVED to adjourn the special meeting at 8:01 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk