MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION
PUBLIC HEARING HELD AT 7:30 P.M. ON MONDAY, SEPTEMBER 27, 2010,
IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET,
CHESHIRE CT 06410

Present
Sean Strollo, Chairman; Earl Kurtz, Vice Chairman; Tali Maidelis, Secretary;
Martin Cobern, Gil Linder, Sylvia Nichols, Louis Todisco.
Alternates: James Bulger and Ed Gaudio.
Absent: S. Woody Dawson, Patti Flynn Harris, Leslie Marinaro.
Staff Present: William Voelker, Town Planner

I. CALL TO ORDER
Chairman Strollo called the public hearing to order at 7:31 p.m.

Chairman Strollo read the fire safety announcement.

II. ROLL CALL
Mr. Kurtz 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
Mr. Voelker read the call of public hearing for each application.

1. Special Permit Application
   Cheshire Development Co. LLC.
   PH 9/13/10
   1151 South Main Street
   MAD 12/01/10
   Mixed Use development w/Medical
   Office and residential units.

Matt Duscay, P.E. Milone & MacBroom, represented the applicant. Mr. Duscay
provided updated information and revised plans to address questions and
concern about the application. There are minor architectural changes and the
revised plans were submitted for the record. An 80 sq. ft. area has been added
to each building with one additional parking space also added. The revised plan
depicts 36 spaces; 29 will be constructed; and 7 spaces are requested to be
defered (19% of the parking requirements). Speed bumps have been added at
the access and exit points to eliminate cars cutting through the property and for a
calming measure. There are additional landscape changes to accommodate the
new building footprints and egress points, and there will be a small retaining wall
near the existing structure to provide ADA access to the building.
Stating that she visited the location, Ms. Nichols asked about the current driveway curving around and whether this is the same for both plans proposed for the development.

Mr. Duscay said it is the same.

Ms. Nichols noted that she supports saving trees, but does not believe there is enough room for the parking spaces. There are several other trees, besides the large maple tree, to be removed from the lot.

Under the current scenario, Mr. Duscay said they are trying to save as many trees as possible, but a number of trees will be cut down.

Ms. Nichols commented on the number of small parking spaces, and the need for spaces for the lower level medical office employees in the buildings.

For the medical offices there is one parking space for each 159 sq. ft. and Mr. Duscay said that with 4 total offices the overall parking is based on the square footage and not the number of offices.

Having recently visited a doctor’s office, Ms. Nichols said there were 6 people in the office, 7 staff and the doctors. The number of parking spaces proposed for this development seems low to her.

According to Mr. Duscay the number of parking spaces is in excess of the number that is actually required, and they are adequate for the proposed use.

Mr. Duscay said one large tree will be cut down in the deferred parking area, but it will remain until these spaces are built.

Mr. Todisco asked for the distance from the driveway on RT 10 to the corner where King Road intersects.

Town Planner Voelker stated it is about 300 to 400 feet.

The category of the traffic level on RT 10 was questioned by Mr. Maidelis.

Mr. Duscay believes it is level B service. Most traffic will use the King Road exit point.

In looking at this traffic area, Mr. Todisco said coming down RT 10 south to get onto King Road this lot would be a cut through.

Mr. Duscay does not see this as a cut through, and said the fire department has a straight driveway. With the speed bumps he does not think anyone will use this property as a cut through.
Regarding the speed bumps, Mr. Cobern does not think they are in the best possible place on the lot. By putting them close to the entrance there is a long run between the two bumps. Making a turn from RT 10 into the property, and braking for the speed bumps there is potential for an accident. Mr. Cobern suggested putting the speed bumps 2 or 3 car lengths from the entrance keeping the speed lower through the property. Mr. Cobern also recommended that there be a “No Left Turn” sign at the exit to RT 10 because turning would be difficult. There is a concern about the northbound traffic using this property as a cut through, and this should not be encouraged.

Mr. Maidelis stated he still has a problem with this area of RT 10 as a category B level. He believes it is a C, D or E level of service. It cannot be assumed that people from Town will be the only ones using these roads.

The area where the 7 deferred spaces would be was clarified by Mr. Duscay, with 3 near the South Main access point and 4 deferred in the area of the large tree adjacent to King Road intersection. There are 30 spaces for 3 buildings.

With the current plan, Mr. Todisco commented on there being 4 medical offices and professional offices in the existing building, along with 2 dwelling units. He questioned the size of this lot.

Mr. Duscay said it is a one acre lot.

In that regard, Mr. Todisco stated this is a one acre lot with 5 business and 2 residential apartments. He questioned whether the use must be that intense for the developer. With smaller buildings, one business in each, there would be reduced traffic and it will handle some of the problems.

Attorney Matt Hall, 555 Highland Avenue, Cheshire CT, was present to represent the applicant. Mr. Hall said that the applicant has proposed a use that recognizes the current economic situation with as much flexibility as possible. The four offices in the new buildings will be small, with the possibility of one tenant using both office spaces, and having one or two employees. This will alleviate the traffic concerns. The applicant wants flexibility in the market and this may dictate one tenant user in each building.

Mr. Cobern noted that the square footage is 1685 sq.ft. and divided by 2 this equals a 30 x 30 office area. It is unlikely any traditional medical practice could fit into this small space on the lower floors, but it could be a single practice.

Mr. Hall believes there is a market for these small offices.

In certain small parcels, Mr. Maidelis said the commission has limited the number of businesses per parcel, particularly if they are different businesses. With a
small one acre parcel, the businesses must be congruent to each other and must match.

Mr. Hall said that the small medical office lends itself to some congruence, and this will be promoted and marketed as medical office buildings.

PUBLIC COMMENTS AND QUESTIONS
Mike Durso, 60 Pace Drive, informed the commission that a petition was submitted from the residents on King Road and Pace Drive in opposition to this application. He requested that the PBC not approve this development for the reasons cited in the petition. Mr. Durso does not see the need for this development when there are so many buildings empty in this area of town. There are concerns about traffic, cut throughs to King Road, safety of the children in the area who play, cross the street, catch the school bus, and the additional traffic will cause more unsafe conditions. The children who reside on King Road were present and introduced to the commission. If the application is approved, Mr. Durso asked that there be no exit onto King Road.

At the last public hearing there was a statement that the fire department needs full access on both roads and is a priority. Mr. Durso said he spoke with Chief Casner and this not what he was told by the Chief. He was told it was not required, and not a priority for the fire department since there are many developments in town with only one entrance on one road. This proposal was never put to the Chief with having only one entrance, and was never looked at from that perspective. If presented to him with one entrance, the Chief would look at it in a different light due to different requirements, and it would be more costly for the developer who will have to make changes, putting a fire hydrant on the property, etc.

Regarding the extra traffic on RT 10 Mr. Durso said there is no signal or crossing and the area near the stop sign is dangerous with more people crossing and more cars coming up RT 10 south onto RT 42. Anyone coming out King Road will end up on RT 10 and there will be more traffic on RT 10. There are many exists onto RT 10 without traffic control. King Road was not designed for traffic which is there today. With this development there will be +150 cars on King Road. There are children crossing the street getting onto school buses, and this is not a safe environment. With the King Road exit closed more people will park on the street.

In 1980 Mr. Durso reported that the current owner of this property asked for access onto King Road and the PBC denied it for the same reasons being discussed at this hearing – traffic and safety. He submitted information on the 1980 application for the record. The concerns of the residents are the added traffic, cut through, speed bumps, and safety issues.

With regard to the existing cut throughs, Mr. Kurtz asked which exit is used more.
There is more cut through on RT 10 to King Road, and Mr. Durso this is from traffic going north.

Mr. Todisco said that people traveling north would not use this as a cut through, and there are already cut throughs in the area and this would be #3. People traveling south would use it more as a cut through.

This would be #3 and Mr. Durso said it would be most convenient. People get a ticket for cutting through the fire station property. There would be an increase in traffic on Pace Drive and there are many children on this street who have activity on King Road with friends, getting on the school bus, walking on the sidewalk on the street. With this development kids will have to walk with 100 to 150 more cars on the road.

Sean O’Conner, King Road, suggested that Commissioners come to the site during rush hour. He noted that speed is very fast on King Road, with no one following the speed limits. With more cars speeding on the street it will be too much for the residents, particularly the young children and families.

Matthew Fisher, 1006 King Road, pointed out that we are talking about a narrow street, with one sidewalk on one side, and there could be more serious issues with parking on the street when the parking lot is full. With cars parked there now other cars are forced to go around, in the other lane, and there will be more traffic issues.

Rachel Barnett, 1005 King Road, stated opposition to the exit on King Road due to excess traffic and safety hazards. On the road cars drive fast and come out of nowhere, and cars go through the fire station to make a quick turn onto King Road. Ms. Barnett said that residents from other streets use King Road as a loop for walking. She has been passed by other cars while driving her car on the road, and it is dangerous for her to get out of her driveway.

Larry Barnett, 1005 King Road, stated that the road is narrow and this is an access problem. People throw garbage on the road. When stores in the area have full parking lots, people park on King Road. He asked if the apartments would be college student residents, and if so, there will be more noise. For him, the cut through is the major issue for safety reasons. Mr. Barnett believes there will be 4 cars for the residential units, and with the medical offices, there will be 19 cars parked on the property.

Chris Herskowitz, 1141 King Road, stated opposition to the development, noting that her kids are not permitted to cross the street due to the traffic and safety concerns. King Road has 4 school bus stops and does not need more traffic.
Cindy Ratchelous, 1023 King Road, expressed concerns about the blind spots on King Road. When she takes a left into her driveway, people speed by her, and she has concerns about the traffic issues.

Rich Massella, 1062 King Road, stated his concerns about the speeding, road rage, and other issues. With this development’s driveway exiting onto King Road people will speed and it is dangerous, especially for the safety of the children. He noted that people get mad when they have to wait for the kids getting off the school bus, and with another 100+ cars from this parking lot the safety issues will increase. Mr. Massella believes that the employees from the buildings will park on King Road.

Jill Durso commented on the fire department/station cut through as being dangerous, and when crossing King Road cars are moving very fast. At the firehouse cut through when she walks on the road, cars speed fast and cannot be seen. There is a sidewalk on only one side of the street, and there should be no cut throughs because it is dangerous and can cause accidents.

Chairman Strollo commented on everyone talking about the same issue and the PZC has no jurisdiction on the traffic. People should call the police department and report the problems to the traffic authority.

Mr. Cobern thanked everyone who spoke for coming to the point, and expressing concerns which will be considered in review of the application. One misinterpretation is the 15 cars per hour and Mr. Cobern noted this was during peak hours not the average throughout the day. In his area of town, Cheshire Street, the speed limit is 25mph and no one observes it.

Judy Dembowitz, 1071 King Road informed the commission she was a 40+year resident of King Road. At the intersection of RT 42 and King Road cars must wait as cars cut through in a long line. She is opposed to the proposed development and does not want more buildings on the street. There are too many empty buildings in the area.

Sue Zentek, 1145 King Road, stated her opposition to the development on King Road. She noted that the 1980 application was denied because of concerns about traffic and safety and people parking on King Road. There could be accidents and collisions, and some cars have been hit on the road. Regarding the tree buffer line between the fire station and the development, Ms. Zentek asked about doing a buffer line on the back of King Road to hide the view of this development.

Jim Fox, 1076 King Road, 32 year resident of the road, opposed the 1980 development and this development. The main concern is the safety of the road, egress onto King Road, and the extra traffic should be considered. People speed on King Road. The issues on RT 10 are State problems and not town
problems. There are concerns about kids playing on King Road. He mentioned the noise factors, noting the dumpsters behind Everybody’s are very noise. There should also be consideration of increased traffic on RT 42. The fire station cut through is used regularly. Mr. Fox said this development should have egress only onto RT 10. As the residents of this area get older, houses will be sold to younger families and there will be another dozen kids on King Road, and there are safety issues to be considered.

Wade Barocci, 1090 King Road, commented on the sidewalk being on the curve, no grass strip, because the road is so narrow. He has two cars, does not park on the street, and both of his cars have been hit on the road in the last 2 years. There are problems getting the mail due to traffic volume on the road, and his kids cannot visit friends across the street due to the traffic.

The commission was informed by Mr. Maidelis that when the Everybody’s Plaza project was being considered there was a screening plan for the Kings Road people, with a fence, lighting specifications, etc. He would like to talk about this as a requirement for this application.

Attorney Hall said there was some screening planned as part of the application and he will review this at the next hearing.

Mr. Cobern said that the applicant should consider a plan without a driveway onto King Road. One requirement is consideration of the effect on adjoining roads and traffic and there has been much testimony about this at this hearing.

Mr. Fox said there was a workable plan with Everybodys when they tried to put an egress on King Road.

The public hearing was continued to OCTOBER 13, 2010.

2. Special Permit Application

Lynnette M. Guida
15 Aspen Drive
In-home business

Ms. Guida resides at 960 Bunker Hill, Waterbury CT, and said she purchased the house at 15 Aspen Drive, with closing next week on the property. She has applied for a permit for a home enterprise. She is a naturopathic physician and acupuncturist. Ms. Guida will see a maximum of 5 patients, 2 days a week, 6 to 8 hours each day, and has adequate parking for patients. Each session is 45 minutes, with 15 minutes between sessions for people to leave and others to park. There are two parking spaces and she can extend to 2 or 3 more spaces.

Regarding signage, Ms. Guida said she has no immediate plans for a sign, but could have one in the future. She will have ads in the papers and references
from patients. She will be using 240 sq. ft. on the first floor of the Cape style house.

Mr. Voelker informed the commission that Ms. Guida has met all the requirements for an in-home business, and there were no department comments. There was notification to abutting neighbors about this application.

The public hearing was closed.

3. Zoning and Subdivision Regulations
   To amend Sections 41.5 and 41.6 of the Zoning Regulations (per CGS to lengthen Expiration date) and to add Section 3.3 to the Subdivision Regulations (Expiration of Approved Subdivision and Extension of Expiration Date).
   MOVED TO END OF THE AGENDA

3. Special Permit Application
   Saddlebrook LLC
   Huckins Road
   Construction of (2) dwellings on a rear lot.

This application is before the Inland Wetlands Commission and Mr. Voelker advised it must be held open pending IWW decision.

Matthew Duscay, P.E. Milone & MacBroom, represented the applicant. This is lot #5 Saddlebrook Farms, and it was created as part of the original subdivision approved by the PZC in July 2009. The lot is 2.34 acres, in R-40 zone, and the proposed use is for two dwellings on one residential lot. Cuff Brook is in the read; there is a rear lot access way; there is sewer and water service on the lot; and there are rain gardens to mitigate runoff. Drainage computations have been sent to the Engineering Department for review. This is a permitted use in Section 30, Item 1A. There will be three dwellings served by the rear lot access way. The proposed house will be a walk out access property because the property slopes west to the east. House #2 will utilize the existing structure on the site, with a portion removed and converted to a patio, and remainder to a dwelling unit (same as lot #2). At the next hearing he will provide photographs of the property.

Mr. Cobern asked about the ownership and maintenance of the property by two individuals and how this will be done.

According to Mr. Duscay, it will be done in a condominium format. The rain garden ownership and responsibility is shared between the two homeowners. There will be an agreement between the owners on the property maintenance.
Mr. Cobern stated there should be a formal agreement between the property owners.

Mr. Voelker believes there will be a formal agreement because this is a substantial investment by the owners and they would want to protect it. There is also resale potential to be considered.

Mr. Todisco said that both structures would be in about the same location as was proposed for the separate lots.

In that regard, Mr. Duscay said the setback requirement is 60 feet apart to meet the regulations, and this is 81.6 feet between the two lines.

Mr. Voelker informed the commission that the application has met the requirements. The regulations state there must be the same distance as there would be for two houses.

Mr. Cobern read an excerpt from the regulations “provided all requirements of the regulations shall be met for each dwelling unit as though each were on an individual rear lot.”

The public hearing was held open to OCTOBER 13, 2010.

(Mr. Maidelis left the meeting)

4. Subdivision Application
   Peter and Sia Skabardonis
   Prospect Road
   1-lot

Paul Bundvich, P.E. represented the applicants, stating that the proposal before the commission was the subject of an earth removal permit which was denied for many reasons.

Town Planner Voelker clarified that the applicant withdrew the application.

Mr. Bundvich said this is a one lot subdivision taking the property in Prospect, with 3.44 acres in Cheshire, to be split off along town lines. The 3.44 acres is to create one building lot in an R-80 zone, and it meets all the requirements. There will be a private well and septic system installed on the site, and there is Chesprocott approval with a sanitation certificate. DOT has approved the driveway curb cut on Prospect Road, with some conditions required to improve the sight line to the west towards Prospect with some grading along the property of 1197 Prospect Road. This property is owned by the applicant’s son. DOT approved the drainage, and calculations have been submitted to the Town
Engineer. There is “0” increase in runoff no the site to the drain in Prospect Road.

Mr. Cobern said this is a better application than what was presented before.

According to Mr. Voelker the town engineer has concerns about the bank and what will occur.

There will be some backyard for the homeowner and Mr. Bundvich said there is some minor re-grading and retaining wall to be installed. One of the engineering comments is about the stability of this wall.

Mr. Voelker read the Engineering Department comments into the record.

Mr. Voelker advised that revised plans have come into the Town. He talked to the applicant about the drainage issue, and the swale on the site.

The State DOT requires a minimum 15 inch size pipe into the roadway and Mr. Bundvich said the swale is to protect the property owner of the house from drainage coming off the slope. Calculations have been submitted to Mr. Disbrow, with his comments to be returned.

On the site plan it shows the town lines of Cheshire and Prospect, the Mexican restaurant, and other structures on the lot. The plans will be submitted for approval. Mr. Bundvich pointed out the rise in the rear of the lot which is about 100 feet; the slope is about 400 to 500 feet deep, and the slope percentage varies. They are only grading to 30 to 40 feet behind the house. Nothing will be done on the slope.

The public hearing was continued to OCTOBER 13, 2010.

5. Special Permit Application
Mariusz Zankowski
420 Wallingford Road
In-law apartment
Section 30, Sch. A. Para. #5

Mr. Zankowski stated that this is an application for an in-law apartment, 697 square feet in size. The house is on the left side of Wallingford Road across from Meadowbrook Place. The in-law apartment will be occupied by his mother-in-law. There is a connection between the two properties, and the apartment has a door.

The public hearing was closed.
3. **Zoning and Subdivision Regulations**
To amend Sections 41.5 and 41.6 of the Zoning Regulations (per CGS to lengthen Expiration date) and to add Section 3.3 to the Subdivision Regulations (Expiration of Approved Subdivision and Extension of Expiration Date).

Town Planner Voelker explained that these are amendments to comply with PA 09-181, Section 41.5 And 41.6, and to add Section 3.3.

The public hearing was closed.

**VI. ADJOURNMENT**

MOTION by Mr. Cobern; seconded by Mr. Kurtz.

MOVED to adjourn the public hearing at 9:20 p.m.

VOTE The motion passed unanimously by those present.

Attest:

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Marilyn W. Milton, Clerk