MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION
SPECIAL MEETING HELD IMMEDIATELY FOLLOWING THE 7:30 P.M.
PUBLIC HEARING ON MONDAY, MAY 10, 2010, IN COUNCIL CHAMBERS,
TOWN HALL, 84 SOUTH MAIN STREET,
CHESHIRE CT 06410

Present
Sean Strollo, Chairman; Earl Kurtz, Vice Chairman; Martin Cobern, S. Woody
Dawson, Patti Flynn-Harris, Gil Linder, Louis Todisco
Staff: William Voelker, Town Planner

I. CALL TO ORDER
Chairman Strollo called the meeting to order at 8:50 p.m.

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. ACCEPTANCE OF MINUTES – 4/26/10 PUBLIC HEARING AND
SPECIAL MEETING.

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

MOVED to approve the minutes of April 26, 2010 Public Hearing and Special
Meeting subject to corrections, additions, deletions.

Correction, page 2, should read “Mr. Fisco”.

VOTE The motion passed unanimously by those present.

VI. COMMUNICATIONS

1. Memo from Ron Dischinger, President, Elim Park, dated May 5, 2010
RE: Waiver of Earth Moving Permit Fee (New Application under New
Business)

MOTION by Mr. Cobern; seconded by Mr. Dawson.

MOVED that the Planning and Zoning Commission approves the request of Elim
Park to waive the Earth Removal Permit Application Fee inasmuch as it is a
duplication of the fee required with the initial application of the Riverbend Project. The State requires a fee of $60.00 and the Town requires a public hearing fee of $175.00. The initial fee of $735.00 will be waived and the fee will be $235.00.

Discussion
Mr. Voelker explained that the $235 fee covers the cost of the public hearing and the State fee. There is no significant change in the application.

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

2. CFPZA Quarterly Newsletter – Spring 2010, Volume XIV, Issue 2
Mr. Voelker informed the commission of articles of interest in the newsletter on the affordable housing appeals act.

3. Memo on Bill 199
Mr. Voelker stated that this bill was adopted as a Public Act, and the State is changing the process for adoption of the State Plan of Conservation and Development. The State will get more collaboration between the regions and municipalities; is introducing a process called Cross Acceptance; and the amount of time has been extended for communities to adopt a new Plan of Development. Cheshire’s Plan will be due in 2014. The State is trying to find ways to overcome issues such as the one between Cheshire and Wallingford, looking for more collaboration and cooperation between municipalities. There are State discretionary funds which will be tied to the process.

Mr. Cobern stated it seems to be improvements over the aquifer protection regulations.

VI. UNFINISHED BUSINESS

1. Zone Text Change Petition
Planning and Zoning Commission
To amend and add to Section 32, Prohibited Uses
Section 31.3 (new) Outdoor Wood Burning Furnaces

MOTION by Mr. Cobern; seconded by Ms. Flynn-Harris.

MOVED that the Cheshire Planning and Zoning Commission approves the proposed amendment to create Section 3.13 as amended under Prohibited Uses to prohibit the use of Outdoor Wood Burning Furnaces. The Commission has reviewed the materials submitted and finds that this action will improve the health, safety and welfare of the general public.

Discussion
Mr. Cobern read the information submitted by the industry but did not find it convincing. He has several concerns because this is an unattended furnace
outside somewhere, will be less likely to be property stoked and monitored, which probably means it will burn less efficiently at lower temperatures. It will create more smoke, carbon monoxide, create a nuisance for surrounding homeowners. This is a serious matter to restrict what one may or may not do on one's property, but these rights do not extend to annoying or possible harming neighbors with the smoke and fumes. Mr. Cobern stated his support for the regulation changes as they stand.

Mr. Kurtz stated that there are a few furnaces in Town, and asked if any action is taken against them.

There is no action to be taken against those furnaces in place which are subject to building permits, and Mr. Voelker said it is unsure they have these permits. If someone can submit proof of having a furnace before this regulation goes into effect, there is no problem. There is a requirement to have a special permit because it is a mechanical use to heat the home. The Building Department can force people to get the permit. The State Legislature adopted the DEP regulations, and these wood furnaces do not burn hot enough to get into the air to be disbursed by the wind. This regulation is for residential use.

Mr. Strollo investigated getting a wood furnace but reconsidered due to the safety concerns, and he noted there are major safety factors for the neighbors. This regulation is in the best interests for the public's health, safety and welfare.

VOTE The motion passed 7-0-2; Dawson and Todisco abstained

2. Subdivision Text Change Petition
   Planning and Zoning Commission
   Technical Subdivision Text Changes for Consideration
   Section 6.6.2 Other Regulations
   Section 6.2, 6.5.1C, 6.5.2, 6.7 and 6.8
   Correction to bring regulations more in line with the
   Public Works Department Road and Drainage Standards
   Town of Cheshire.
   CONTINUED TO MAY 24, 2010

3. Subdivision Application
   Linda Podryhula
   PH 4/26/10
   PH 5/10/10
   826 Wallingford Road
   MAD 7/14/10
   2-lots
   CONTINUED TO MAY 24, 2010

4. Zone Text Change Petition Application
   Cheshire Route 10 LLC
   PH 5/10/10
   Mad 7/14/10
   To amend Section 45B.9.1 of Section 45B
   Interchange Special Development District
(I.C.S.D.D.) to allow for orderly and flexible development of a large scale project. CONTINUED TO MAY 24, 2010.

5. Site Plan Application    MAD 6/29/10
Frederick Nuzzo
7-15 South Main Street
Addition and reconfiguration of parking layout

John Torello, Architect, represented the applicant who wants to make a small addition to the rear of the building with approval of the owners, to increase the pizza making process area. There will be addition of more ovens, movement of an outdoor freezer to the rear closer to the barn and enclosure of the intervening space for additional ovens, and enclosure of the cooler. This would be infringing on part of the parking area between the two buildings. The original approval for this building was in 1956, with larger standards for parking spaces. Now, the space is about 10 feet, and with reconfiguration of the parking lot there will be enough spaces for parking under the new standards. The parking area will be striped, and approval has been received from the Historic District Commission.

Mr. Voelker read the approval comments from the Historic District Commission into the record, and read the Fire Department comments.

Mr. Torello stated that the owner plans to make improvements to the building and will continue with them, and the Historic District Commission is pleased with these additions. It is believed there will be another restaurant in the building operated by the property owner. There will be 33 parking spaces. The barn is used by the owner for storage; most of the pizza restaurant parking is in the rear; and the majority of the pizza business is take out and delivery.

Mr. Gaudio commented on the fact that it is very tight in the area behind the restaurant, and he has concerns about another restaurant coming in there. He asked about the fire lanes taking away any spaces.

In response, Mr. Torello said the fire lanes do not take up any spaces, and they are intended to make sure that the access driveway is kept clear so no one parks along the side. The part that is tight is the one directly opposite the door to the pizza restaurant. Those spaces are reserved for take out orders, with regular patrons parking in the rear. This is the only property in this commercial zone.

MOTION by Mr. Dawson; seconded by Mr. Kurtz.

MOVED that the Planning and Zoning Commission approves the site plan application of Frederick Nuzzo for an addition and reconfiguration of the parking layout, property located at 7-15 South Main Street, as shown on plans prepared
by Torello Associates, entitled “Proposed Addition to Grand Apizza of Cheshire, 7 Church Drive, Cheshire CT.”

VOTE  The motion passed unanimously by those present.

6. Subdivision Text Change Petition  PH 5/24/10
   Planning and Zoning Commission
   To amend Section 6.10 Sidewalks
   TABLED TO 5/24/10

VIII. NEW BUSINESS

1. Special Permit Application
   Elim Park Baptist Home, Inc.
   140 Cook Hill Road
   Reconfigure previously approved parking
   And retention areas on-site.
   SET FOR PUBLIC HEARING ON MAY 24, 2010

2. Earth Removal, Filling or Re-grading Permit Application
   Elim Park Baptist Home Inc.
   140 Cook Hill Road

3. Earth Removal, Filling or Re-grading Permit Application
   Peter and Sia Skabardonis
   Prospect Road
   Est. 5,000 cubic yards.
   SET FOR PUBLIC HEARING ON MAY 24, 2010

4. Zone Text Change Petition
   Cheshire Route 10 LLC
   To amend Section 45B.9.1 of Section 45B
   Interchange Special Development District
   (I-C.S.D.D.) to allow for orderly and flexible
development of a large scale project.
   SET FOR PUBLIC HEARING ON JUNE 14, 2010

Before the meeting adjourned, Mr. Cobern reported on the Regional Planning District transit information which is now available by dialing 211. There will be signs posted at the Senior Center on transportation services such as how to get a bus to New Haven or Waterbury, the senior bus, special handicapped services, etc. All information is available by dialing 211. Since has been on the commission, Mr. Cobern said it does not always do what it is supposed to do. There are referrals which come back from the regional planning commission, all
of which are done by their staff. A few months ago there was a recommendation against the Waterbury Transit hub, and this caused a disturbance. Now, the City of Waterbury wants the role of the Regional Planning District clarified. The District is trying to find a way to get all members of the commission to see these applications, and is planning on a unanimous type of consent process. The staff will e-mail the application and their recommendation. If there are no objections within 2 days, the by-laws will be changed to reflect universal consent. It will enable the District group to be a more functioning organization. The Wallingford Town Planner presented information on the new law called Housing CT, which is an alternative to the normal affordable housing appeals process. The town set up a special design district in the center of town which can mix commercial with housing, and it is less restrictive than affordable housing. The plan is for 4 story buildings with commercial/retail on the 1st floor and 3 floors of apartments above it. In principle, the State is supposed to subsidize this, but there is no funding allocated yet. Mr. Cobern informed the commission that the Town Planner of Wallingford was agreeable to coming to a PZC meeting and doing a short presentation on this type of housing.

IX. ADJOURNMENT

MOTION by Mr. Cobern; seconded by Mr. Dawson

MOVED to adjourn the special meeting at 9:17 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk