MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION
PUBLIC HEARING HELD AT 7:30 P.M. HELD ON MONDAY, NOVEMBER 8, 2010, IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

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

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

Mr. Kurtz read the fire safety announcement.

II. ROLL CALL
Mr. Linder 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. Subdivision Application
   Diversified Cook Hill LLC
   Plank Road
   14-Lots
PH 10/25/10
PH 11/8/10
MAD 01/12/11

Mr. Voelker read a letter from the applicant dated November 8, 2010, requesting the public hearing be continued to the next hearing date. The application was continued to November 22, 2010.

2. Special Permit Application
   Ruth A. Podgwaite
   353 Mount Sanford Road
   3-lots (2 lots to be accessed from rear lot)
PH 10/25/10
PH 11/8/10
MAD 01/12/11

3. Subdivision Application
   Ruth A. Podgwaite
PH 10/25/10
PH 11/8/10
Attorney Anthony Fazzone represented the applicant, noting that the public hearing was continued for two main points of consideration. The first is the street line and regulation requirement that the street line be established to criteria, and in this case it is 25 feet from the center line of the road. The applicant requested a waiver from complete compliance because the distance was minimal, and she can provide 24+ feet from the center line of the road. In a memo from the town engineer there is indication that there is satisfaction with the applicant providing this distance at this time. The town engineer has asked that this be noted on the subdivision map, especially in the area of the house. If the house is ever moved or demolished the applicant would have to provide the 25 foot street line, and this will be noted on the land records.

Regarding the barn, the applicant can establish a 25 foot distance.

There are two new details on the map. One is detail “B” which shows the area to be conveyed. It would be an angled street line; the barn would be conforming; this would require deeding 65 square feet to the Town of Cheshire.

Detail “A” was noted as a point in front of the house. The town engineer has asked, and the applicant is willing, to do a radius of 15 feet to be pulled back to what the radius would be in the future if the house were to be moved and/or demolished. It will always be a 15 foot radius, the proper alignment, and this will be done immediately.

The other issue is with respect to the waiver of the requirement of a public road, and whether or not the applicant should be required to put in a public road. Under Section 5.5 this was discussed regarding land characteristics. Mr. Fazzone read an excerpt from Section 5.5…

"The commission shall not approve a rear lot access way unless the commission finds that the land characteristics and physical site conditions make the creation of rear lots practical and desirable."

This subdivision will only serve two lots, and a 35 foot road, as opposed to a 50 foot wide paved area, seems to be more appropriate. If the commission determines there is no logical or feasible alternative to an accepted town road…and the applicant submits and proposes that the rear lot access way is certainly a logical and feasible alternative to a public road.
The town engineer has written a memo describing the potential expense to the town in maintaining and replacing a public road. This expense would be avoided with the rear lot access way granted. The barn is conforming, and the house is non-conforming.

On the plans, Ms. Flynn Harris said there is a note about two new lots having rain gardens, with the responsibility on the lot owner for the construction and maintenance of these gardens with the correct plantings. She wants to make sure that the property owners will have the guidelines to construct the new rain gardens and that they meet the standards required.

Mr. Fazzone said this note would be added to the plans. He advised that Mr. Michaelangelo has requested a notation so the rear lot owners know that the access way may become a public street in the future.

Mr. Todisco asked what was across the street from the subject property and if the properties are further back from the street line. He asked if they are in Cheshire or Hamden.

Across the street there are residential homes, and Mr. Fazzone said they are further back, beyond 25 feet from the street line. On the plans, Mr. Fazzone pointed out the Cheshire/Hamden town line, and advised that these homes are in Cheshire.

Town Planner Voelker noted that this is a typical R80 setting, and setbacks are typical for this zone.

There were no further comments or questions. The public hearing was closed.

4 Special Permit Application
Donald J. Ciampi Sr. and Lucille D. Campi
2278 Waterbury Road
To modify previously approved parking lot
Deferral of two parking spaces

Attorney Anthony Fazzone represented the applicant, along with Mr. Pat Hackett, the engineer for the project.

In June 2009 the commission approved the special permit for expansion of the office building in an R-20A zone, 2278 Waterbury Road. This approval provided 20 parking spaces; 17 were required based on the square footage allotment; and the significant aspect is that 8 of these spaces were deferred future spaces along the front area, and some on pavers in the back.

A combination of factors has caused the applicant to return to the commission. One is the change in the regulations, which requires one space per 200 sq. ft. of
space, and this reduces the number of spaces required for this type of building. There are costs associated with the grass paver type of construction, and some minor topography issues also played into the applicant returning for a revision of the special permit.

Mr. Fazzone stated that the applicant owns the adjacent property, in Cheshire, but it is owned under a different entity. The applicant is proposing to have access to the adjacent property with 14 spaces required under the new regulations, as opposed to the 17 spaces previously required. The proposal is to immediately construct 12 spaces, the same as required under the previous application, asking that 2 spaces be deferred.

Pat Hackett, Engineer for the applicant, informed the commission that the 2009 approved application had reserve parking in the front. This was not desirable but met the regulations. The grading caused some slopes in order to have circulation of the traffic. With the reduction of 5 spaces (3 spaces and 2 reserved spaces), the applicant could not get the layout with the 150 sq. ft. requirement, or allowable grading on the parking area, and they ran out of room in this one area. This is why the parking was proposed in 2009 in the front. The revised layout is much better; the storage basin can provide 3 times the amount of storage; and the applicant has a rain garden layout for this basin area.

The layout documents were submitted to the commission.

For the rain garden there are 18 different types of plants; the rain garden is 25 ft. by 10 ft.; and it traverses the basin location.

Ms. Flynn Harris noted that the last proposal shows the traffic pattern in front of the building with the proposed parking, showing a traffic pattern going in front of the building where the spaces were to be held. She asked about what is being done now, which shows no traffic flow, if the flow is changing, and location of the entrance and exits to the property.

In response, Mr. Hackett said there is existing parking on the property now on the east side. There are no proposed changes to the traffic circulation in that location. There is a small turn around in this parking area. The prior issue was in the front parking in order to keep it behind the setback. It forced the traffic circle to go around.

Ms. Flynn Harris asked if the additional lot is supposed to be used for egress to the property.

According to Mr. Fazzone this is just for the entrance and exit, and the driveway will go over the adjacent property. The parking will be on the subject lot, and there are two driveways.
On the plans, Mr. Hackett pointed out the existing driveway in the front of the building. The applicant is proposing to use the access point only to get to the proposed parking spaces. There is the existing entrance which will remain. They will not connect.

Mr. Fazzone said the original plan with the deferred spaces not being built, all the parking spaces were accessed through the northern driveway, without circulation around the building. Now, there are 5 spaces accessed by the north driveway, and the 7 spaces will access through an easement over the adjacent property.

Mr. Voelker asked about the advantages to the property owner with this particular flow.

In reply, Mr. Fazzone said this is a residential neighborhood. The potential of building the parking lot completely in the front yard and having the traffic pattern through was a major consideration in coming back to the commission. The applicant does not need 17 or 20 parking spaces. The business has clients coming in to be serviced; there are not a lot of people waiting for service; and there is not much traffic in and out.

Regarding the rain gardens, Mr. Fazzone said this came about in the last engineering memo received a few days ago. This is why it is being submitted at this meeting. The engineering department made a suggestion/recommendation, but it is not something required. However, it makes sense to do it and the applicant is willing to do it.

Mr. Gaudio noted that the applicant wants 2 deferred spaces, and he asked where they are located on the site. He also asked why spaces were being deferred.

Mr. Fazzone pointed out spaces #13 and #14 on the plans as the ones to be deferred. These spaces are not necessary for the business, and the number is the same as the commission stated in 2009 based on the testimony for this business.

Mr. Todisco asked if there is a residence on the site or if it is just a business building, and how many cars are on the site at one time.

PUBLIC
Donald Ciampi, applicant, informed the commission that the number of spaces on a typical day is 5 cars. The business is a tax planning business, and it is seasonal. During February, March, April there is more traffic. Much of the business is now down on the internet, so there is less traffic coming through. The expansion is needed because more people are required to do the work. There are 4 full time and 2 part time employees now, and the staff will be expanded for the busy season.
Mike Ciriello, property owner of 2281 Waterbury Road, stated that the Ciampi business is a good neighbor, and requested that the commission approve the application. Mr. Ciampi has enhanced his property and its value, as well as those of the neighbors.

There were no further comments or questions. The public hearing was closed.

5 Special Permit Application
Cheshire Fitness Zone
716 South Main Street
Physical Therapy & Women’s Fitness Gym

Darin Overton, P.E. Milone and MacBroom represented the applicant for the change of use application. He presented the map/site plan and rendering showing the main features of the site – entrance drive, parking and building.

Mr. Overton stated the property is at 716 South Main Street, across from the RT 10 and Higgins Road intersection. The property is 1.8 acres, in an R-20A zone. It is abutted to the west by RT 10, to the east by Chapman Farm, and to the north and south by existing commercial properties.

There are two commercial buildings on the property, 714 South Main Street and 716 South Main Street, and it managed under a condominium. There are 53 paved parking spaces on the site; main access to the parking and uses is at the intersection with RT 10, intersecting with the traffic light on Higgins Road.

716 was previously used as a professional office, and this application is for a change of use for the property, with no proposed site improvements. The new owner wants to relocate an existing business, Cheshire Fitness Zone. This business is a pediatric physical therapy business with a small gym. The use is allowed by special permit, per Section 30. The proposed use has 8 full time and 6 part time employees, but some work in the school system, not in the office full time. The site has 53 paved parking spaces.

Under Section 33, the parking for the use is characterized under business and professional office, under 33.1.7 with one parking space required for every 200 sq. ft. in the building. The existing building has 8400 sq. ft. of usable office space, which equates to 42 parking spaces. The owner monitored their parking needs at the current location for one week, and the peak parking demand is about 25 spaces. The peak occurs early in the morning and after 6 p.m. Monday through Thursday.

Mr. Overton summarized the change of use application, stating that this application is only for change of use, with no proposed site improvements, no site work. The new use has the same parking requirements as the prior use under
the regulations. The actual parking demand for the new use is less that what is required under the regulations.

Mr. Todisco asked about the nature of the former professional office and other business in the building.

The commission was informed by Mr. Overton that Milone and MacBroom, Inc. a professional engineering firm, was the prior use of this space. The space has been vacated for 5 years. There are other businesses on the site at 714 South Main Street, the building in front. They are a software company and foot doctor.

Mr. Todisco asked how these businesses factored into the overall parking situation.

In that regard, Mr. Overton said the change of use was looked at for the proposed application. He has visited the property several times in the last 5 years, and has never seen more than 10 cars parked in the front. The actual use at the 716 building is less than what is required under the regulations, and the peaks are different than the uses in front.

Mr. Todisco asked if the testimony is based on experience of going to the property and there being no more than 10 cars in the 53 space lot, and the new business will require 42 spaces.

Under the regulations, one space equates to 200 sq. ft. of office space, and Mr. Overton said this is what he focused on. If the use worked before under the regulations and parking requirements are not different, the new use did not even meet the demand of the regulations.

On the fitness center, Mr. Gaudio asked whether classes such as aerobics, zumba, pilates, would be held on site.

Mr. Overton believes there will be some organized classes held. The physical therapy use has much equipment on site, and there is a full range of equipment to support a gym. There is membership to utilize the gym with workouts in the morning or after work hours. This is why the parking has a spike at 6 or 7 a.m., with the largest peak at 6 p.m. There are organized classes.

Regarding the monitoring of cars at the current use, 25 cars, Mr. Gaudio asked if this included the part time and full time staff, and if this number was correct.

Based on the current use in the current location, Mr. Overton said the peak requirement on a weekly basis was 25 cars. You cannot add the two peaks together for the patient and class uses. The big use is at the peak hours of 6 a.m. to 7 a.m. and 6 to 7 p.m. When there are these peaks, the employees have left, and there are no physical therapy patients. There is a difference in the peak
use between physical therapy and professional office, and they are not added together.

With other gyms, Mr. Gaudio said the parking lots are filled to capacity for classes.

Ms. Flynn Harris said the peak calculations were based on the current location, and the business is moving into a larger space, and she asked if usage will be increased.

PUBLIC
Craig Goldstein, owner and applicant, explained that the therapists work in the school systems and at an aquatic center for physical therapy and aquatic therapy in the mornings and evenings, so they are not all on site at the same time. There are 14 employees; the billing person works at home, so all staff is not in the office at the same time.

Regarding growth, the existing office is small and cramped for space, and Mr. Goldstein wants to expand and own a building for his pediatric therapy service. As a result of the pediatric therapy, many mothers came with their children, and they wanted a space to work out. This is how the women’s fitness center came about. It was not meant to compete with a large fitness center. The gym is open 7 days a week, 6 a.m. to 8:30 p.m. Monday through Friday, and 8 am. to noon on Saturday and Sunday. The 14 employees are split over 7 days per week.

Attorney Kevin Hecht was present to represent Dave Brzozowski, owner of Medacist Solutions Group. He explained that Mr. Brzozowski and his wife purchased unit #2 at 714-716 office park condominium, which is the other building on the property. They are of the opinion that parking is scarce in the two unit condominium. 716 has 8,400 sq. ft. of finished space; 714 has 4,400 sq. ft. of finished space, of which 1,400 sq. ft. are a medical/foot doctor office, and Brzozowski has 3,000 sq. ft. of professional space. His total needs are 25 spaces to accommodate these uses. This leaves 28 spaces left.

Mr. Hecht asked about the intensity of the new use and nature of the business so his client has not further parking conflicts. The building south of 716, Osterman Building, already has parking overflow onto the Brzozowski parking area.

In reply, Mr. Goldstein said it is 90% a pediatric physical therapy business and the fitness center is an ancillary service that is offered. He has a therapist on site, 9 a.m. to noon each day, seeing 7 clients a week…4 on Monday and 3 on Thursday. The other days the therapists work in the schools.
The peak usage for the gym 6 a.m. and 7 a.m. classes; one class at 9:15 a.m. three days a week; classes at 5:15 p.m. to 6 p.m.; 20 people maximum per class; and there will not be expansion of the fitness center in the new location.

Attorney Hecht asked questions about the square footage of the current site, the web site for the business, other commercial activities held (i.e. parties) which conflict with the professional office use, if these activities will be continued, and future growth of the business and how this will happen.

In the 6 p.m. peak Mr. Hecht said there are 25 clients and 10 employees, and this totals 35 people.

Mr. Goldstein said he now has 6,500 sq. ft. of space; the new site is 8,400 sq. ft. of space; birthday parties are held on weekends for special needs children from 12:30 p.m. to 2 p.m. and 2:30 p.m. to 4 p.m.; 60 parties have been held this year. The possible peak usage is 25 people between the gym and physical therapy and staff members.

Regarding memberships, Mr. Hecht asked if they are sold and limitation on the number of memberships which would impact the number of people using the gym at any one time, over which Mr. Goldstein would have no control.

At the present time Mr. Goldstein said the fitness center has 150 members, and at the current smaller space there has been no problems. Other gyms in town have much larger memberships.

Ms. Nichols commented on the 150 members, and the center not having enough equipment to service all at the same time. She asked the maximum number of people working out at the same time.

According to Mr. Goldstein, the maximum number of people would be 25.

With classes having up to 20 people per class, Mr. Todisco asked how many employees would be in the gym during classes.

In the morning classes, Mr. Goldstein said there would be 2 or 3 employees; and in the later classes, there would be 6 to 7 employees; and this would be at the highest peak for class participation. On Monday, 5 p.m. to 6 p.m. there would only be 5 employees; on Friday evening there would be 3 employees on site.

In response to a question about current parking at the Watch Factory site, Mr. Goldstein said there are no designated parking spaces.

Mr. Todisco asked Attorney Hecht about the hours of operation for his client, and the type of business his client operates.
Mr. Hecht said they are 8 a.m. to 5 p.m. and these are the same for the foot doctor. His client has a basic software/computer business.

It was stated by Mr. Todisco that it would seem that some of the higher volume hours of the new tenant’s use would not conflict with Mr. Hecht’s clients business.

Dave Brzozowksi, 714 South Main Street, has 12 spaces occupied at the current time and he expects growth of one-third more in his building. Vendors come in now and then; the foot doctor has about 5 cars for staff, and 4 to 5 patient cars parking on the right side of the building. This is about 25 spaces during the day occupied, 8 a.m. to 6:30-7 p.m.

From this statement, Mr. Todisco said the commission is being told that the Brzozowksi business occupies about 25 spaces from 8 a.m. to 6 p.m.

According to Mr. Brzozowksi the Osterman building parking is spilling over into his parking lot, occupying 5 or 6 spaces on any given day. This is an issue, and he needs additional room to expand, and needs space for his staff, the foot doctor, and his potential growth. He cannot have people taking over his parking spaces.

With regard to the Brzozowksi business growth, Mr. Todisco asked how many parking spaces he needs.

Stating he expects to grow one third more, Mr. Brzozowksi said the doctor has 4 or 5 employees and patient cars.

Mr. Todisco noted that this is about 26 parking spaces maximum from 9 a.m. to 5 p.m.

With the influx from the Osterman building, Mr. Brzozowksi said they are coming onto his parking area and filling his spaces.

Mr. Gaudio asked if there was any cross parking easement for parking between these buildings.

Mr. Hecht said people from 680 South Main Street are coming to the lot at 716 South Main.

Mr. Kurtz asked Mr. Overton about his figuring both buildings into his calculations, with both open 8 a.m. to 6 p.m. and the number of spaces he would come up with.

Until this meeting, Mr. Overton was not aware of the square footage in the 714 building. His research had conflicting information about 714 South Main Street.
He said if Brzozowski needs 25 spaces, and the applicant's proposed use is 25 spaces, this is 50, and there are 53 spaces. He does not understand the conflict of the parking. Regarding the Osterman building using parking spaces, this is not allowed, and it should not be allowed because there is no shared parking agreement. This is not an issue for this application.

There may or not be a conflict of parking but Mr. Todisco said the commission must look at the concerns raised by the other property owner, but it must be looked into by the commission.

Ms. Flynn Harris asked if the applicant could submit documentation they have used for traffic trips, number of cars, schedules, etc.

Mr. Overton said the actual usage counts were submitted with the letter. But, if not, he will submit this information to the commission.

Mr. Todisco commented on the commission having to determine whether there is an issue with both property owners utilizing parking spaces.

The public hearing was continued to November 22, 2010.

6. Special Permit Application  PH 11/8/10  
Cornwall Properties LLC  MAD 01/12/11  
500 Cornwall Avenue  
Building Addition, parking lot extension,  
Relocation of accessory structure, and addition  
Of secondary structure for storage.

Christopher Juliano, Juliano Associates, represented the applicant, stating that this is a one acre parcel in an I-1 zone on the north side of Cornwall Avenue, just west of the Linear Trail.

The property is a rear lot accessed by an easement over the Arisco property. There is an existing building and parking around the south, east and north sides and an accessory structure. The applicant is requesting permission to expand the existing facility, with an addition to be built on the east side of the property on top of the existing parking area. This will result in a 1200 sq. ft. addition, loss of two parking spaces, and reconfiguration of the parking. The existing accessory structure/garage is in violation of the setbacks, and the structure must be relocated to the side of the property. The applicant is requesting a 2nd structure which will conform to the setbacks.

Based on the number of employees the parking requirement is 1 space per 1.5 employees. The applicant has 40 employees, which equates to 27 parking spaces, and this is what there is on site at this time. With the expansion the
applicant will be able to employ additional people and parking would be 33 spaces for 49 employees.

The application is for the addition on the easterly side, with two parking lot expansions, and relocation of the accessory structure and a new accessory structure.

The intention of the applicant was to request permission to use 7 spaces currently leased to the Town of Cheshire. However, Mr. Voelker informed Mr. Juliano that the commission could not legally allow these 7 spaces to be included in the plan. Therefore, Mr. Juliano said this request is no longer part of the plan.

Town Planner Voelker noted that the parking there supports the Linear Trail. The applicant has enough parking on the site, and the commission cannot bless people laying claim to parking which supports the Trail. This is public parking. There is a modification to the front yard setback, which is now a 30 foot setback and allows for the addition. Only the front yard abuts Cornwall Avenue.

Mr. Todisco clarified that the 7 spaces leased by the Town are not included in the required spaces.

In response, Mr. Voelker said these 7 spaces are extra spaces. They are not needed by the applicant, and he cannot lay claim to them for his property. Also, the commission cannot approve these parking spaces for the applicant.

Regional Water Authority comments were received today by the Town and the applicant. The applicant will address these comments.

Ms. Flynn Harris asked about the garage being used as a garage, and the two new accessory structures being used as garages or another use.

According to Mr. Juliano the existing garage is a pre-built structure with a door, but no motor vehicles are parked in this garage. It is used for storage of overruns, additional merchandise and catalogs used for the business. There are no hazardous materials stored on site. The applicant is asking approval to move the existing structure and add a new structure. Access to the structure is outside, without attachment to a building, and it is a pre-built structure on blocks. It can be picked up and moved.

There were no further questions or comments. The public hearing was continued to November 22, 2010.

VI. ADJOURNMENT

MOTION by Ms. Flynn Harris; seconded by Ms. Nichols.
MOVED to adjourn the public hearing at 9:01 p.m.

VOTE The motion passed unanimously by those present.

Attest:

_______________________________________
Marilyn W. Milton, Clerk