

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION REGULAR MEETING HELD IMMEDIATELY FOLLOWING THE 7:30 P.M. PUBLIC HEARING ON MONDAY, JANUARY 23, 2017 IN COUNCIL CHAMBERS, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Earl J. Kurtz III, Chairman; Sean Strollo, Vice Chairman; David Veleber, Secretary.
Members: S. Woody Dawson, Vincent Lentini, Gil Linder, John Kardaras, Louis Todisco.
Alternates - Jon Fischer, Jim Jinks
Absent: Edward Gaudio and Jeff Natale (Alternate)
Staff: William Voelker, Town Planner

I. CALL TO ORDER

Chairman Kurtz called the meeting to order at 8:09 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. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

V. ACCEPTANCE OF MINUTES: PUBLIC HEARING 1/9/17 AND SPECIAL MEETING 1/9/17

MOTION by Mr. Veleber; seconded by Mr. Dawson.

MOVED to accept the minutes of the Public Hearing of 1/9/17 and Special Meeting of 1/9/17 subject to corrections, additions, deletions.

VOTE The motion passed 7-2; Todisco recused; Lentini abstained.

VI. COMMUNICATIONS

**1. Letter from Mary E. Thompson-Kelly dated January 17, 2017
Re: In-law apartment renewal for 12 Heath Court**

MOTION by Mr. Dawson; seconded by Mr. Veleber.

MOVED that the Planning and Zoning Commission grant a five year extension of the approval for the in-law apartment, property located at 12 Heath Court, Assessor's Map No. 48, Lot No. 98 in an R-20 zone with the following stipulations:

With the following stipulations:

1. All previous stipulations shall remain in effect.
2. This approval shall expire on January 22, 2022. The applicant may request an extension of the permit by providing the Commission with a notarized statement verifying that the use of the in-law apartment complies with the regulations and that the resident of the in-law apartment qualifies under these regulations.

VOTE The motion passed unanimously by those present.

- 2. Request from JAD Partners LLC dated 1/18/17
Re: Five Year Extension for the second building to be built
At 435 Highland Avenue.**

MOTION by Mr. Veleber; seconded by Mr. Dawson.

MOVED that the Cheshire Planning and Zoning Commission hereby grants a five year extension for the Special Permit to JAD Partners, LLC, for the construction of a second building at 435 Highland Avenue in accordance with the approved plans. This extension is given as authorized under Section 40 of the Cheshire Zoning Regulations.

Discussion

Mr. Voelker explained the approval was for two 15,000 sq. ft. buildings; one has been constructed; and another will be constructed.

VOTE The motion passed unanimously by those present.

VII. UNFINISHED BUSINESS

**Commissioner Todisco was recused from applications #1 and #2.
Mr. Fischer was the alternate.**

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|---|--------------------|
| 1. Waiver Request | PH 12/12/16 |
| <u>Whitney Watts</u> | PH 1/9/17 |
| Tamarack Road | PH 1/23/17 |
| Requesting waiver of Section 5.5.1 | MAD 3/29/17 |
| The Subdivision Regulations | |

MOTION by Mr. Dawson; seconded by Mr. Strollo.

MOVED that the Cheshire Planning and Zoning Commission finds that the applicant has satisfied the requirements of Section 11.1 of the Cheshire Subdivision Regulations and hereby grants a waiver for the installation of a driveway for the sole purpose of providing access to the single family home with accessory dwelling unit located at 825 Wallingford

Road conditioned upon completion of comments from the Cheshire Fire Department dated December 8, 2016 and from the Cheshire Engineering Department dated November 30, 2016.

Discussion

Mr. Strollo stated he believes this is a safety issue and opens the Town up to liability per Cheshire Fire Department recommendation.

The issue of who maintains the access was questioned by Mr. Kurtz, and he asked if this can be part of the motion.

Town Planner Voelker advised the maintenance of the access to Wallingford Road will be maintained as stated by the applicant. This needs to be on the Resubdivision plan to be filed on the land records. He recommended this statement be added to the motion.

Addition to motion on the floor, approved by Mr. Dawson and Mr. Strollo.

The maintenance of the access to Wallingford Road will be maintained as stated by the applicant. This is to be noted on the Resubdivision plan to be filed on the land records.

Mr. Linder stated he would vote against this waiver request, and his decision hinges on hardship and safety. With regard to hardship, Mr. Linder said the only hardship is the applicant has a long driveway and desires a shorter driveway to the road. He does not see this as compelling enough reason for a hardship. The hardship did not exist when the house was built in 2013, so it has not existed for almost 4 years, and it does not strike him as being a compelling reason. As far as safety is concerned, the Fire Department made two comments...improves accessibility and public safety, and allows the home to be within 1000 feet of a fire hydrant. Mr. Linder said creation of the driveway does not allow the house to be within 1000 feet, so a driveway would not create this condition. There are degrees of safety. If you go down and look at the house it is closer to the Tamarack cul de sac; a fire truck can stop at the end of the cul de sac; they would have direct access for hoses to the house; ambulances and EMTs have ways to get people out of a house and down a long driveway. Mr. Linder restated he would vote against the waiver application.

Mr. Veleber said he would be voting against the waiver application. He understands the desire to have a shorter driveway and more convenient access. He is not sure it is good to break up the Tamarack access. This is not a hardship...it is more of a convenience which is nice. He does not want to break up the regulation regarding the access through the right-of-way or through the existing subdivision.

Chairman Kurtz stated this is not a traditional cul de sac. There are already 26 or 27 houses on the road, and to him one more driveway to the street should not be denied because this is a cul de sac. He does not see this as a cul de sac. Mr. Kurtz cited another reason which is the Fire Department statement about emergency situations and

wanting to have the driveway. He does not go against the experts in the Fire Department, and will not do so this time either. Mr. Kurtz will vote in favor of the application.

VOTE The motion failed to pass 5-3. In favor (5) - Lentini, Kardaras, Strollo, Kurtz, Fischer. Opposed (3) - Linder, Veleber, Dawson.

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|-----------|----------------------------------|--------------------|
| 2. | Resubdivision Application | PH 12/12/16 |
| | <u>Whitney Watts</u> | PH 1/9/17 |
| | Tamarack Road | PH 1/23/17 |
| | To modify the Town R.O.W. | MAD 3/29/17 |

3. TABLED APPLICATIONS

- | | | |
|-----------|--|--------------------|
| a. | Special Permit Application | PH 11/14/16 |
| | <u>Charles Nicholls</u> | PH 1/23/17 |
| | 1572 South Main Street | MAD 3/29/17 |
| | Parking improvement and addition of new | |
| | Entry element | |
| | (TABLED UNTIL FEBRUARY 15, 2017 AT REQUEST OF THE | |
| | APPLICANT) | |

VIII. NEW BUSINESS

- 1. Special Permit Application**
CMMS LLC
405 Maple Avenue
Mixed Use, Office Space/two apartments
SCHEDULED FOR FEBRUARY 27, 2017

- 2. Other Planning and Zoning Commission Business**
 - a. Monthly Report from the Zoning Enforcement Officer**
The Commissioners reviewed and accepted the report.

IX. ADJOURNMENT

MOTION by Mr. Kardaras; seconded by Mr. Dawson.

MOVED to adjourn the meeting at 8:20 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk

Chairman Kurtz reconvened the Regular Meeting at 8:21 p.m. to take action on the Resubdivision Application of Whitney Watts.

2. Resubdivision Application
Whitney Watts
Tamarack Road
To modify the Town R.O.W.

PH 12/12/16
PH 1/9/17
PH 1/23/17
MAD 3/29/17

MOTION by Mr. Veleber; seconded by Mr. Kardaras.

MOVED that the Cheshire Planning and Zoning Commission finds that the proposed Resubdivision to locate a private driveway within the right-of-way dedicated for highway purposes as shown on plans entitled "Proposed Driveway Connection to Tamarack Road, Watts' Property, Cheshire Assessor's Map No. 80, Lot 2, Tamarack Road, Cheshire CT" dated November 21, 2016 for the sole purpose of providing access to the single family home with accessory dwelling unit located at 825 Wallingford Road will not impair public safety or be in conflict with the provisions of the Cheshire Subdivision Regulations, Section 5.6.1 notwithstanding, and hereby approves this application conditioned upon completion of comments from the Cheshire Fire Department dated December 8, 2016 and from the Cheshire Engineering Department dated November 30, 2016.

Discussion

In light of the denial of the waiver request, Mr. Veleber said this application is not passable.

VOTE The motion failed to pass by a vote of 7-1; In favor (1) Kardaras;
 Opposed (7) Kurtz, Stollo, Veleber, Dawson, Lentini, Linder, Todisco.

MOTION by Mr. Dawson; seconded by Mr. Veleber.

MOVED to adjourn the meeting at 8:28 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton