

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION REGULAR MEETING HELD IMMEDIATELY FOLLOWING THE 7:30 P.M. PUBLIC HEARING ON MONDAY, SEPTEMBER 25, 2017 IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Earl J. Kurtz III, Chairman; Sean Stollo, Vice Chairman; David Veleber, Secretary;
Members: S. Woody Dawson, John Kardaras; Vincent Lentini, Louis Todisco.
Alternate – Jeff Natale
Absent: Edward Gaudio, Gil Linder; Alternates Jon Fisher and Jim Jinks.

I. CALL TO ORDER

Mr. Kurtz called the meeting to order at 7:44 p.m.

II. ROLL CALL

The Clerk called the roll and a quorum was determined to be present.

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 September 11, 2017
And Special Meeting September 11, 2017.**

MOTION By Mr. Veleber; seconded by Mr. Stollo.

MOVED to accept and approve the minutes of the Public Hearing of September 11, 2017, and Special Meeting of September 11, 2017, subject to corrections, additions, deletions.

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

VI. COMMUNICATIONS

- 1. Letter from Anthony J. Fazzino, Esq. dated 8/23/17
RE: Apex Developers LLC – Road Name for approved Coleman
Farm Subdivision.**

Mr. Voelker informed the Commissioners that the letter from Attorney Fazzino was in the meeting packets.

MOTION by Mr. Veleber; seconded by Mr. Natale.

MOVED that the Planning and Zoning Commission hereby approves the requested street name of Conn Court as the name of the cul-de-sac street in the Coleman Farms subdivision in accordance with Section 6.7 of the Cheshire Subdivision Regulations.

VOTE The motion passed 5-3; Kurtz, Kardaras, Todisco abstained.

2. **Discussion RE: The Affordable Land Use Appeals Procedure
PA No. 17-170.**
3. **Discussion RE: Nonconforming Uses, Buildings and Structures
PA No. 17-39.**
4. **Discussion RE: The Requirements for Temporary Health Care
Structures – PA 17-155.**

Chairman Kurtz moved agenda items Communication 2, 3, 4, to the end of the meeting.

VII. UNFINISHED BUSINESS

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| <p>1. Special Permit Application
<u>Cheshire Housing Authority</u>
50 Rumberg Road
Expansion of footprint – 2 units and
Community Building
Parking Expansion</p> | <p>PH 9/11/17
PH 7/24/17
MAD 11/15/17</p> |
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MOTION by Mr. Veleber; seconded by Mr. Dawson.

MOVED that the Planning and Zoning Commission finds that the proposed amendments to the Beachport Housing Complex located at 50 Rumberg Road as shown on plans entitled “ADA Improvements, Cheshire Housing Authority, Beachport, West Main Street, Cheshire CT, revised through July 31, 2017, are consistent with Section 40 (Special Permits) and Section 43.5 (Planned Residential Development Designed Exclusively for Occupancy by Elderly Persons) of the Cheshire Zoning Regulations and hereby approves this application.

Discussion

Mr. Veleber commented on this being a straight forward application, with minor changes to comply with ADA requirements. He said it is important for CHA to be in compliance in order to serve the purpose of the project.

Mr. Dawson and Mr. Todisco stated their agreement with Mr. Veleber’s comments.

VOTE The motion passed 5-3; Kurtz, Kardaras and Lentini abstained.

2. Site Plan Application

Jason Bartlett

2055 Meriden Road

Build a 3,127 S.F. addition to existing building

For office space.

Town Planner Veleber commented on this being a unique application. Correspondence was received from the Wolcott CT ZEO about potential concerns on the amount of parking on the site. A revised site plan was received with six (6) parking spaces in Wolcott, and the town ZEO has approved them with no staff concerns. Mr. Voelker said Cheshire staff has no problems with this application.

Jason Bartlett, 2055 Meriden Road, Bartlett Construction, LLC, explained there are two buildings on the property. The one in front is in Wolcott CT; the parking lot is shared, entrance and exits; the rear building is 1/4th in Cheshire; and he is looking to expand on the Cheshire site, about 3,100 sq.ft. finished area. The spaces will be used for current tenants, office space, and expansion of his construction business office.

On the plans, Mr. Voelker noted it shows a town line through the property, building elevations.

The Commission was informed by Mr. Bartlett that his building is near the gas station, near the Walsh IGA store (2 buildings to the right on Meriden Road), and to the left of the Mountaintop Liquor store.

Stating this is a good application, Mr. Natale said it is also good for Cheshire, and thanked the applicant for expanding his business in town.

Mr. Voelker read comments from the Cheshire Fire Department dated 9/25/17 into the record.

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

MOVED that the Planning and Zoning Commission finds that the site plan for the proposed addition as shown on plans entitled "Site Plan Showing Proposed Addition, Bartlett Headquarters, LLC, 1776 Meriden Road, Wolcott CT and 2055 Meriden Road, Cheshire CT" revised through September 22, 2017, are consistent with Section 41, (Site Plans) of the Cheshire Zoning Regulations, and hereby approves this application conditioned upon compliance with comments from the Cheshire Fire Department dated September 25, 2017.

Discussion

Mr. Veleber is in favor of this application; it complies with all the zoning regulations; it helps keep an existing business in Cheshire; and he expressed thanks to Mr. Bartlett for keeping his business in town.

VOTE The motion passed unanimously by those present.

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| 3. <u>Special Permit Application</u>
<u>Rondo's Realty LLC</u>
1721 Highland Avenue &
1704 Reinnard Road
Expanded Parking Facilities
(revised from previously approved
3,300 S.F. addition in 2016) | PH 7/10/17
PH 9/25/17
MAD 11/29/17 |
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MOTION by Mr. Dawson; seconded by Mr. Strollo.

MOVED that the Planning and Zoning Commission finds that the proposed plans for Phase 1 of improvements to the Viron Rondo Restaurant facility for the construction of parking improvements as shown on plans entitled "Approval Phasing Plan Delineating Phase One Site Improvements and Phase Two Building Expansion for Viron Rondo Osteria, 1721 Highland Avenue and 1704 Reinhard Road, Cheshire CT", dated September 19, 2017, are consistent with Section 40 (Special Permits) of the Cheshire Zoning Regulations and hereby approves this application conditioned upon compliance with comments from the Cheshire Fire Department dated July 14, 2017.

Discussion

Mr. Dawson said he is pleased to see this business grow in Town, and is pleased with the landscaping at the site. He hopes for continued success for the business in Cheshire.

Mr. Todisco has visited this restaurant and commented on parking being impossible, and said this expanded parking is needed.

The possibility of going out to Reinhard Road and the slopes was raised by Mr. Veleber, and he said he pleased with the solution out to Reinhard Road. He said this will alleviate problems from parking perspectives, and ingress and egress.

VOTE The motion passed unanimously by those present.

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| 4. <u>Waiver Request of Clearview Farm Preserve</u>
<u>Mountain Road/Cornwall Avenue</u>
Pursuant to Section 11.1 <u>Variances or Waivers</u> | PH 9/11/17
PH 7/24/17
PH 7/10/17 |
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| | <u>Of Regulations</u> | MAD 11/15/17 |
| | Requesting a waiver of Section 6.5 <u>Intersections</u> | |
| 5. | Waiver request of Clearview Farm Preserve
<u>Mountain Road/Cornwall Avenue</u>
Pursuant to Section 11.1 <u>Variances or Waiver</u>
<u>Of Regulations</u>
Requesting a waiver of Section 6.10.1 <u>Sidewalks</u> | PH 9/11/17
PH 7/24/17
MAD 11/15/17 |
| 6. | Resubdivision Application
<u>Clearview Farm Preserve LLC</u>
Cornwall Avenue/Mountain Road
12-lots | PH 9/11/17
PH 7/10/17
PH 7/24/17
MAD 11/15/17 |

VIII. NEW BUSINESS

1. **Waiver Request of Section 25.5 Subsection
98 and 11 for Earth Removal, Filling, or
Regrading (Waiver Request 25.3.2)
Cheshire Medical Associates LLC
266 and 292 South Main Street
PUBLIC HEARING SET FOR OCTOBER 23, 2017**

2. **Combined application for Zone Change to and
Approval as a Special Development District (S.D.D.)
And Approval of Special Design Project
Westvest Inc.
266 and 292 South Main Street
Cheshire Medical Office Building
PUBLIC HEARING SET FOR OCTOBER 23, 2017**

3. **Special Permit Application
Lori Fine Stapleton
191 Brook Lane
Private Singing Lessons (in-home business)
PUBLIC HEARING SET FOR OCTOBER 11, 2017**

Agenda Items 2, 3 and 4 from Communications were moved to the end of the agenda by Chairman Kurtz.

2. **Discussion RE: The Affordable Land Use Appeals Procedure
PA No. 17-170.**

The Commission was informed by Mr. Voelker that this PA 17-170 came out of the last session of the General Assembly. There is no information on the criteria involved. The General Assembly requires municipalities to come up with an affordable housing plan every five years. The Cheshire PZC made positive recommendations in the Plan of Conservation and Development (POCD) on affordable housing. Mr. Voelker is unsure what to do with this, and he is checking with other municipalities and their Town Planners. Since the issue is discussed in the POCD, Mr. Voelker said it could be taken out of the Plan for appeals use procedure. The public act says every "municipality" shall do this...it does not state every "planning and zoning commission" shall do this. Mr. Voelker said this issue will be taken up at the next POCD meeting.

**3. Discussion RE: Nonconforming Uses, Buildings and Structures
PA No. 17-39.**

Mr. Voelker said this is good legislation; it is interesting; and related to older homes built close to the road. Before the public act was written, our regulations did not allow an older house could to be torn down and built in the same place...it had to be moved further back on a property to be consistent with the regulations. The statute says that the house can be rebuilt in the same place. POCD meetings discussed West Main Street, and concerns about the older buildings to be torn down, and not being able to rebuild there. This legislation takes care of this issue; it does not matter what the zone is; and the use can also be continued. On West Main Street a house would be torn down, moved back, with parking in front, and this is not what the town wanted. This is the same for businesses as well. Now, a building can be torn down and a new one built in the same place. Attorney Schwartz will prepare a memo regarding this public act. Some of the sections of the regulations must be amended, and this will be done so Cheshire regulations are consistent with statutory provisions.

**4. Discussion RE: The Requirements for Temporary Health Care
Structures – PA 17-155.**

Mr. Voelker informed the Commission that this legislation required provision of temporary health care structures, which is an override provision. The temporary structure cost could be up to \$80,000 to \$100,000, and hook-up to the sanitary sewer system. The intent is to have a temporary structure for a family member to live there who has a health issue. Cheshire can opt out of this regulation, if it so chooses. There must be a public hearing, with recommendation to the Town Council for legislative body action. With the structure, if someone no longer lives there, the structure must be removed. The structure can house a family member and health aide. The structure must comply with setbacks; neighbors must be informed; and it would be a modular type structure.

The recommendation of Town Planner Voelker to the Commission is to ignore this public act.

Mr. Lentini recently read about this matter, and said a structure can be rented for just over \$1,100 per month, with hook up to sanitary sewer systems costing about \$10,000. The building is about 600 sq. ft. in size.

It was noted by Mr. Kardaras that this is about the size of a small mobile home.

Mr. Todisco stated that the affordable housing provisions are good, and the Commission has discussed changes in the provisions. There can be adoption or amending the affordable housing plan.

The Commission was informed by Mr. Voelker that Section 8-30(g) includes municipalities adopting specific affordable housing plans, without anything about increasing affordable housing in the community.

It was suggested by Mr. Kardaras that the affordable housing cited in the POCD be reviewed and affirmed...and it appears it would meet the public act requirement.

4. OTHER PLANNING AND ZONING COMMISSION BUSINESS

IX. ADJOURNMENT

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

MOVED to adjourn the meeting at 8:15 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk