

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION REGULAR MEETING HELD IMMEDIATELY FOLLOWING THE 7:30 P.M. PUBLIC HEARING ON MONDAY, JANUARY 22, 2018, IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Earl J. Kurtz III, Chairman; Sean Stollo, Vice Chairman; Gil Linder, Secretary;
Members: John Kardaras, Vincent Lentini, Jeff Natale, Louis Todisco.
Absent: S. Woody Dawson and Edward Gaudio
Alternates: Robert Brucato and Robert Anderson
Staff: William Voelker, Town Planner

I. CALL TO ORDER

Mr. Kurtz called the regular meeting to order at

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

They group Pledged Allegiance to the Flag.

V. ACCEPTANCE OF MINUTES – Public Hearing 1/8/18 and Special Meeting 1/8/18

MOTION by Mr. Kardaras; seconded by Mr. Stollo.

MOVED to approve and accept the minutes of the Public Hearing of 1/8/18 and Special Meeting of 1/8/18 subject to corrections, additions, deletions.

VOTE The motion passed unanimously by those present.

VI. COMMUNICATIONS

1. *“The Nexus of Development and Land Use Regulation”*
By Michael Ceccorulli and Economic Development & Land Use Regulation – Suggested Best Practices.

Chairman Kurtz reported that the PZC Commissioners were invited to the January 16th meeting of the Economic Development Commission (EDC). He attended the meeting, which he advised was interesting and informative on the future development of the Route 10 and Highland Avenue corridor. The EDC report was included in the meeting packet. On page 12, Mr. Kurtz pointed out the Costco and Kohl’s sites just over the Cheshire/Waterbury Line. He noted that people going to these businesses travel over

Cheshire's roads with the town receiving zero tax benefits. The EDC report will be discussed at an upcoming Commission POCD meeting.

VII. UNFINISHED BUSINESS

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| 1. Waiver Request – Section 11.1
<u>Michael Krasnovsky</u>
867 Ives Row
Section 5.6.1 of the Subdivision Regulations | PH 12/11/17
PH 1/8/18
PH 1/22/18
MAD 3/28/18 |
|---|---|

MOTION by Mr. Todisco; seconded by Mr. Kardaras.

MOVED that the Cheshire Planning and Zoning Commission finds that the applicant has satisfied the requirements set forth within Section 11.1 of the Cheshire Subdivision Regulations and hereby grants a waiver of Section 5.6.1 of the Cheshire Subdivision Regulations to permit construction of an additional dwelling unit on North Timber Lane as shown on plans entitled “Proposed Resubdivision, 867 Ives Row, Cheshire CT”, revised through December 15, 2017. This waiver is granted subject to the following conditions:

1. Compliance with comments from the Cheshire Fire Department dated December 8, 2017.
2. The Commission also accepts the applicant's offer that there shall be no further subdivision of this property.
3. Compliance with comments from the Connecticut Department of Energy And Environmental Protection dated November 8, 2017.
4. Compliance with comments from the Regional Water Authority Dated January 8, 2018.

Discussion

Mr. Todisco stated there was a good staff report from Mr. Voelker, and he sees no harm to anyone with this application. He will vote in favor of the waiver application. This particular piece of property is at the beginning of the street, and the next abutting neighbor supports the application, with no objections. Section 11.1.1 talks about “situations which exist...”, and Mr. Todisco read an excerpt from the regulation into the record. He is comfortable that the subject situation fits the regulation. This is a dead end street; it is not a real cul de sac; and there are not many similar situations in the area of a dead end street with 17 houses. Without harm to anyone with enforcement of the regulation, and undue hardship to the applicant, Mr. Todisco will vote in favor of the application.

MOVED that the Cheshire Planning and Zoning Commission finds that the applicant has satisfied the requirements set forth within Section 11.1 of the Cheshire Subdivision Regulations and hereby grants a waiver of Section 5.6.1 of the Cheshire Subdivision Regulations to permit construction of an additional dwelling unit on North Timber Lane as shown on plans entitled "Proposed Resubdivision, 867 Ives Row, Cheshire CT", revised through December 15, 2017. This waiver is granted subject to the following conditions:

1. Compliance with comments from the Cheshire Fire Department dated December 8, 2017.
2. The Commission also accepts the applicant's offer that there shall be no further subdivision of this property.
3. Compliance with comments from the Connecticut Department of Energy And Environmental Protection dated November 8, 2017.
4. Compliance with comments from the Regional Water Authority Dated January 8, 2018.

Discussion

Mr. Natale asked about clarification on no further subdivision of this property. If the house is built, he said there is no lot available for another house. It was stated by Mr. Voelker that the house location is the proposed location. The applicant is showing two lots and where the custom house would be constructed. This owner has stated that creation of the additional lot is the last one. He cannot subdivide again without permission from the property owner, Commission approval and another waiver.

Chairman Kurtz said he drove by the property, and the applicant is doing things to clean up the area. The Cheshire Fire Department is okay with the application.

VOTE The motion passed unanimously by those present.

2. Resubdivision Application
Michael Krasnovsky
867 Ives Row
2-lots

PH 12/11/17
PH 1/8/18
PH 1/22/18
MAD 3/28/18

MOTION by Mr. Kardaras; seconded by Mr. Stollo.

MOVED that the Cheshire Planning and Zoning Commission finds that the applicant has satisfied the requirements of the Cheshire Subdivision Regulations (Section 5.6.1

notwithstanding) and the Cheshire Zoning Regulations for a two lot Resubdivision as shown on plans entitled "Proposed Resubdivision, 867 Ives Row, Cheshire CT", revised through December 15, 2017, and hereby approves this application subject to the following conditions.

1. Compliance with comments from the Cheshire Fire Department dated December 8, 2017.
2. The Commission also accepts the applicant's offer that there shall be no further subdivision of this property.
3. Compliance with comments from the Connecticut Department of Energy And Environmental Protection dated November 8, 2017.
4. Compliance with comments from the Regional Water Authority Dated January 8, 2018.

VOTE The motion passed unanimously by those present.

**3. Waiver Request of Section 25.5 Subsection 9 PH 1/22/18
 For earth removal, filling or regrading MAD 3/28/18
 (Waiver Request 25.3.2)
 Kurtz Realty LLC
 1621 and 1631 Peck Lane
 PUBLIC HEARING CONTINUED TO FEBRUARY 13,2 018**

**4. Earth Removal, Filling, or Regrading Permit PH 1/22/18
 Kurtz Realty LLC MAD 3/28/18
 1621 and 1631 Peck Lane
 PUBLIC HEARING CONTINUED TO FEBRUARY 13,2 018**

VIII. NEW BUSINESS

1. **Other Planning and Zoning Commission Business.**

IX. ADJOURNMENT

MOTION by Mr. Linder; seconded by Mr. Mr. Kardaras

MOVED to adjourn the special meeting at 8:05 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk