

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION PUBLIC HEARING HELD ON MONDAY, DECEMBER 10, 2018, AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Earl J. Kurtz, Chairman; Sean Stollo, Vice Chairman; Gil Linder, Secretary; Members: Matthew Bowman, Robert Brucato, W. Woody Dawson, John Kardaras, Jeff Natale, Louis Todisco.

Alternates: Robert Anderson, Donald Walsh

Staff: William Voelker, Town Planner

I. CALL TO ORDER

Chairman Kurtz called the public hearing to order at 7:31 p.m.

Chairman Kurtz read the emergency public service notice.

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.

Mr. Linder read the public hearing notice for the application.

1. Zone Map Change Petition

AJ Waste Systems LLC

1276 and 1280 Waterbury Road

From C-3 to I-2 Zone

Uses that are more in line with permitted

Uses in an industrial zone rather than a

Commercial Zone.

PH 12/10/18

MAD 02/13/18

Mr. Bowman was recused from this application.

Mr. Anderson was the alternate member.

Attorney Joseph Bowman represented the applicant who is seeking a zone map change on two properties located at 1276 and 1280 Waterbury Road from a Commercial 2 (C-2) to Industrial 2 (I-2). On the map, Mr. Bowman pointed out the two parcels which are adjacent to the Town Garage parcel. The two parcels combined are just over one acre. The zone change from C-2 to I-2 is requested to cover a non-conformity and to make modifications to the parcels, including the existing building. The I-2 zone is better for the overall parcel.

According to Mr. Bowman, some of the area is C-2 zoned for the parcel and surrounding areas, and it has been like this since the beginning of zoning in Cheshire. The subject property is in a business district, with frontage on Waterbury Road. The former Town landfill is in this area and zoned R-40; across the street is zoned R-40; Consolidated Industries location is zoned industrial, and has been so zoned for many years, as a factory and industrial parcel.

The subject parcel was acquired by the Wallinger Family in 1970. They constructed buildings on the parcel to operate their business, which is storage of refuse trucks, maintenance of containers, painting, welding etc. Both of these uses continue today. The applicant wants to make some adjustments to the parcel and is requesting the Commission make the parcels I-2 Zoned.

Mr. Bowman stated the applicant has looked at the overall comprehensive plan for the Town, historical maps and regulations in place, and the proposal is consistent with the industrial zone design and considerations. This regulation was put in place in May 2017, and it is clear the Commission wanted to look at certain specifications for industrial zones moving forward and design needed there.

This section of the zoning regulations talks about industrial uses contained within a well designed building and landscaped site. They are to be promoted for such development which is consistent with the Plan of Conservation and Development (POCD) and support the economic base.

It was stated by Mr. Bowman that The Commission has modified Section 32, Schedule B, for allowable sizes of different lots in different zones. The I-2 zone had a reduction in lot size from 120,000 SF to 40,000 SF, and lot coverage up to 35%. In order for the zone change to be approved, the Commission must state on the record that the findings are consistent with current regulations and in compliance with the POCD.

Mr. Bowman talked about the POCD, stating that this zone change is consistent with this Plan. The POCD states the Town is looking to promote industrial facilities and expansion within the Town, and further to continue to build Cheshire's strong industrial base for the betterment of the Town. The applicant's overall plan to convert from C-2 to I-2 zone complies with the vision of the Town.

Mr. Dawson commented on the applicant meeting the POCD and future building of the Town, and this ideal application fits all the requirements. He agrees with the applicant.

Chairman Kurtz asked about the Town/municipal property in this area as part of a zone change.

The Commission was informed by Mr. Voelker that the applicant approached the Town and Town Council before amendments were made to the I-2 regulations. The Council

agreed to this. He noted it does not matter what the municipal property is zoned because the change would not limit its future use. Once the regulations were amended from I-2 to I-1 match, it makes sense for the applicant to come forward with an I-2 Zone request. In order to include municipal property, the matter would go back to the Council for approval of inclusion. From the Town's perspective, there is no advantage or disadvantage to have the properties zoned as they are.

Mr. Todisco confirmed the fact that the current use of the property is not changing with this zone change, and said this is significant. At the present time it is a non-conforming existing use. The zone change would then become a conforming use.

According to Mr. Voelker the use would become conforming with Commission approval and would be permitted. The use is not changing. The PZC is charged with whether the use would be problematic as far as location goes. This information is cited in his staff report. Any change in use would require a site plan, and future use could be subject to Commission approval.

There were no further questions or comments. Chairman Kurtz closed the public hearing.

V. ADJOURNMENT

MOTION by Mr. Kardaras; seconded by Mr. Natale

MOVED to adjourn the public hearing at 7:50 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk