

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION SPECIAL MEETING HELD IMMEDIATELY FOLLOWING THE 7:30 P.M. PUBLIC HEARING ON WEDNESDAY, OCTOBER 16, 2019 IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Earl J. Kurtz III, Chairman; Jeff Natale, Secretary.

Members: Matthew Bowman, S. Woody Dawson, John Kardaras, Gil Linder, Louis Todisco.

Alternates: Robert Anderson, Tom Selmont and Donald Walsh

Absent: Robert Brucato and Sean Strollo

Staff: William Voelker, Town Planner

I. CALL TO ORDER

Chairman Kurtz called the special meeting to order at 8:46 p.m.

II. ROLL CALL

The Clerk called the roll.

Mr. Anderson and Mr. Walsh were the Alternate Members for the meeting.

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.

Chairman Kurtz stated he read the minutes and is familiar with the record of the September 23rd meeting.

**V. ACCEPTANCE OF MINUTES – SM Public Hearing 9/23/19
And Regular Meeting 9/23/19.**

MOTION by Mr. Natale; seconded by Mr. Bowman.

MOVED that the Planning and Zoning Commission approve and accept the minutes of the Public Hearing of 9/23/19 and Regular Meeting of 9/23/19 subject to corrections, additions, deletions.

VOTE The motion passed unanimously by those present.

- 1. Letter from Anthony J. Fazzino Esq. dated 10/10/19
Re: Miller Napolitano Wolff LLC and Tri-Star Development LLC-
North End Parcel - Requesting an extension of the ninety (90) day
period to file the Subdivision Map with the Town Clerk as authorized
in Section 8-25.**

Town Planner Voelker read the letter into the record of the meeting.

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

MOVED that the Planning and Zoning hereby authorizes a 90-day extension for the filing of the subdivision maps for the approved subdivision at 1935 Highland Avenue, 2037 Highland Avenue, and Assessor's Map and Block 3-51, as authorized under Section 3-25 of the Connecticut General Statutes.

VOTE The motion passed unanimously by those present.

Chairman Kurtz moved New Business #2 to current status on the agenda.

- **1. Approval of the street name for the approved subdivision on Fenn Road (Ricci Construction Group Inc.)**

MOTION by Mr. Bowman; seconded by Mr. Anderson

MOVED that the Cheshire Planning and Zoning Commission hereby approves the proposed street name of Mill Crossing Court for the approved street for Ricci Construction on Fenn Road.

VOTE The motion passed unanimously by those present.

VII. UNFINISHED BUSINESS

1. **Special Permit Application**
Brodach Builders Inc.
5 Copper Valley Court
Rear Lot Access

PH 9/23/19
PH 10/16/19
MAD 12/20/19

MOTION by Mr. Walsh; seconded by Mr. Natale.

MOVED that the Cheshire Planning and Zoning Commission finds that the proposed rear lot access for the proposed three lot subdivision at 5 Copper Valley Court, as shown on plans entitled "Copper Valley Club Subdivision, 5 Copper Valley Court, Cheshire CT" revised through October 7, 2019, is consistent with the requirements set forth within the Cheshire Subdivision Regulations and Section 40 of the Cheshire Zoning Regulations (Special Permits) and hereby approves this application. This approval is conditioned upon compliance with the following:

1. Comments from the Town Engineer dated October 15, 2109
2. Comments from the Cheshire Fire Department dated October 16, 2019.

Discussion

Mr. Linder stated that when he received the application he knew the focus was on three (3) lots with a driveway for Commission vote, which is the legal way to proceed. However, it went beyond that with questions about the other lot (tennis courts), and got additional information from the tennis court association representatives and neighbors. From his standpoint, Mr. Linder said this cleared up his questions with more positivity on how he will vote.

For the record, Mr. Kardaras said he would disregard anything he heard applicable to the tennis club, and will vote on the three lot subdivision application.

Mr. Natale and Mr. Bowman stated their agreement with Mr. Kardaras' statement.

Mr. Todisco has difficulty with this application and will not vote in favor. He read Section 5.5 Section A-2 of the Subdivision Regulations into the record.

Mr. Anderson said there is a major improvement in terms of the drainage moving towards the river as opposed to the property. He had reservations, but will vote in favor of the application.

Chairman Kurtz commented on the fact that Engineering and Fire Departments are okay with the application, and in looking at the plans, a town road would ruin the area. The rear lot and private driveway is the way to go, and he will vote in favor.

Mr. Dawson is not happy to hear the club turning over its land to whoever or a charity. As a former organization board member, he said one board decides one way and a new board and president have differences of opinion. He is uncomfortable stating things will not happen or change, and will vote against the application.

VOTE The motion passed 7-2; Mr. Dawson and Mr. Todisco opposed.

2. Subdivision Application
Brodach Builders Inc.
Copper Valley Court
4-lots

PH 9/23/19
PH 10/16/19
MAD 12/20/19

MOTION by Mr. Bowman; seconded by Mr. Walsh.

MOVED that the Cheshire Planning and Zoning Commission finds that the proposal to create three (3) residential building lots at 5 Copper Valley Court, as shown on plans entitled "Copper Valley Club Subdivision, 5 Copper Valley Court, Cheshire CT" revised through October 7, 2019, is consistent with the requirements set forth within the

Cheshire Subdivision Regulations and Section 40 of the Cheshire Zoning Regulations (Special Permits) and hereby approves this application. This approval is conditioned upon compliance with the following:

1. Comments from the Town Engineer dated October 15, 2109
2. Comments from the Cheshire Fire Department dated October 16, 2019.
3. Inspection of the pavers by Cheshire Fire Department prior to issuance of a Certificate of Occupancy on lot #1.
4. Revised grading of lot #1 to facilitate drainage away from abutting properties.

Discussion

Mr. Todisco questioned Section 5.5 provisions not being part of the motion.

Mr. Voelker said they are only relevant to the special permit. Once the special permit for a rear lot access way is approved the subdivision stands on its own. The Commission approved a rear lot access way and is not looking at the subdivision application.

With regard to this application, Mr. Todisco asked if it was correct that the balance of the subdivision regulations have been met by this application.

Town Planner Voelker said “yes”...they have been met. He further stated that the responsibilities of the staff is to get an application in good shape, how it will impact the neighborhood, if it will function properly...and this has been done with the subject application. Additional Commission concerns, which were raised during the public hearing, are incorporated into the motion, and are also helpful.

VOTE The motion passed 8-0-1; Mr. Dawson abstained.

VIII. NEW BUSINESS

1. **Special Permit Application**
Town of Cheshire Parks and Recreation
518 and 520 South Main Street
New Shed and relocation of existing sheds
PUBLIC HEARING SET FOR November 13, 2019
2. **Other Planning and Zoning Commission Business**
 - **1. Approval of the street name for the approved subdivision on Fenn Road (Ricci Construction Group Inc.)**

IX. ADJOURNMENT

MOTION by Mr. Walsh; seconded by Mr. Kardaras

MOVED to adjourn the special meeting at 9:07 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk