

**MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION
PUBLIC HEARING HELD ON MONDAY, APRIL 9, 2012 AT 7:30 P.M. IN
COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE
CT 06410**

Present

Earl Kurtz, Chairman; Sean Strollo, Vice Chairman; Martin Cobern, S. Woody Dawson, Gil Linder, Louis Todisco

Absent: Lelah Campo, John Kardaras, Tali Maidelis and Alternates Jim Bulger, Edward Gaudio, Leslie Marinaro

Staff: William Voelker, Town Planner

I. CALL TO ORDER

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

Mr. Kurtz read the fire safety announcement.

II. ROLL CALL

Mr. Strollo 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. BUSINESS

Mr. Maidelis read the call of public hearing for each application.

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| 1. Special Permit Application | PH 4/9/12 |
| <u>Bozzuto's Inc.</u> | MAD 6/13/12 |
| 224 Sandbank Road | |
| Maintenance & repair of trailers & tractors | |
| Accessory to wholesale, warehouse trucking | |
| And shipping facility | |
| 2. Earth Removal, Filling or Regrading Permit | PH 4/9/12 |
| <u>Bozzuto's Inc.</u> | MAD 6/13/12 |
| 224 Sandbank Road | |

Attorney Anthony Fazzone represented the applicant along with Darin Overton, Milone and MacBroom. He introduced representatives from Bozzuto's - Kevin Daly, V.P. General Counsel, Dave Falt, Engineering Department and Bob Hamilton, Operations Dept.

Attorney Fazzone stated that this is an application under Para. 59, Section 30, Schedule A, Warehousing, Wholesale Business and Wholesale Business Warehousing, and Para. 62, Section 30, Schedule A, Permitted Uses.

The primary use will be for tractor and trailer repairs and a maintenance facility as an accessory to the Bozzuto wholesale and warehouse business, with the building used to maintain and repair tractors and trailers. It will not be a public facility. The building's main entrance and frontage is on Sandbank Road. The building was originally occupied by Floral Glass and a subsequent glass company, and was vacant for sometime. The building is leased to Bozzuto's, and the maintenance and repair work is being done at the older Bozzuto facility, off Schoolhouse Road. This facility has become too small for the current size and operation of the business.

An earth removal, filling and regarding permit has been filed. There is some cut and fill to be done to expand the parking lot, and there will be a net increase in the account of fill needed to be brought in.

Darin Overton P.E. Milone and MacBroom reviewed the site plan and regarding application. This is a 5+acre site, a former glass manufacturing facility, in an I-1 zone bounded on the north, east and west by existing industrial uses, and State property.

Existing Conditions – the topography has a gentle slope away from all existing buildings on all sides; undeveloped land to the north drains east to existing depression on site.

Coverage – existing 42,000 s.f. masonry building with paved access on all sides; loading dock on the north side; overhead doors on both sides; office space in front; paved parking areas in front and both sides; two curb cuts to Sandbank Road.

There are no wetlands on the site and this was confirmed by a soil scientist.

Utilities – the site is on a septic system; site has water, gas ETC serve site from Sandbank Road; and existing building has mounted security lighting.

Mr. Overton reviewed the proposed development rendering. The proposed project is to renovate an existing building for use as a vehicle repair facility for Bozzuto's fleet. There will be parking expansion for trailer storage to the rear with tractor spaces on the east side.

Parking -1.5 spaces per employee equates to 10 spaces. There will be 31 passenger car spaces on existing paving near the front of the building. There will be 26 tractor spaces (10x30) and 54 trailer spaces (12x60). A new access will be added on the north side through Atlantic Star facility providing the shortest

route from the current facility. Circulation will be maintained around the building; there will be gate access from Sandbank Road new the midpoint of the building. Existing mounted lighting will be supplemented with new sight lighting.

Required regarding behind the building will provide uniform grade for trailer storage. Earthwork analysis shows that about 2,700 c.y. of material will be brought to the site.

Storm Water Management – three (3) new catch basins will be added in the new paved area in the rear of the building; a sediment chamber oil water separator is provided before discharge to the basin; there is zero increase in runoff; runoff analysis is up to a 100 year storm; all runoff is retained in existing depression to the rear of the site; existing overflow catch basin will remain and it connects to the street drainage in Industrial Ave.

Sewer – the existing septic system will remain with no changes; and a sanitation certificate has been approved by Chesprocott.

Water – existing service to remain and any changes will be coordinated with RWA and the Fire Department.

Gas – the existing gas service on site will be used.

There is existing electrical service and any changes will be coordinated with CL&P.

Sediment and erosion controls are designed in accordance with 2002 DEP guidelines; perimeter controls are provided; an existing depression on the north side will be used as a sediment trap during construction; existing paved drive can be used as construction entrance; and a stone pad is provided at the new entrance on the north side.

There are no outstanding staff comments, and Mr. Overton reported the project has received a Sanitation Certificate from Chesprocott.

Questions and comments

Mr. Strollo asked about the bordering driveway and what property it goes into.

In reply, Mr. Overton said it goes into the Atlantic Star trailer facility.

For the record, Mr. Cobern stated that none of the property overflows into the aquifer, and employees and cars will be using the Sandbank Road entrance and exit, and maintenance vehicles will go into the rear area of the property.

Mr. Overton stated that was correct.

With regard to the 2,700 c.y. of material coming to the site, Mr. Cobern asked how many truckloads that would be.

It is about 150 truckloads and Mr. Overton said the trucks would use the construction access in the rear. The northeast entrance may not be available. The Fire Department will have access to the gates and this has been discussed with the department.

With the loss of the north property access, Mr. Linder asked if trucks will be coming from Sandbank Road.

The Commission was informed by Mr. Fazzone that Bozzuto's leases a building to the north from Atlantic Star, and uses it for repairs and will continue this use. There is a good relationship between the two companies and Atlantic Star does repairs for Bozzuto's trailers, and sometimes sells trailers to Bozzuto's.

For the record, Mr. Fazzone introduced a copy of the arrangement between Atlantic Star and Bozzuto's.

Attorney Fazzone noted that this is a temporary arrangement to be terminated by either party. The application before the Commission can stand on its own using Industrial Avenue or returning trucks with a problem can come right into the Sandbank Road facility. There is frontage on Sandbank Road.

PUBLIC COMMENTS AND QUESTIONS

Ray Ilnicki, 350 Sandbank Road, stated his opposition to this application, but knows this is an I-1 zone and that the application conforms to the regulations. He said Bozzuto's is not a good neighbor, and was given a letter instructing them to work with neighbors regarding noise and they have not done this. Mr. Ilnicki commented on the yard horses used on the site and back up alarms which are above the 90 decibel level. He has contacted OSHA and was told the noise level from the yard horses could be lowered. According to Mr. Ilnicki the company does not maintain all the trucks on the site, and trucks are parked all over Industrial Avenue and on private property. He said the company wants to put in three shifts for the repair business, and jake brakes and air horns exceed the 51 decibel limit. The application is for repairs, and he is glad there will be a rear entrance for the trucks.

Attorney Fazzone said that the intent is for trucks to go directly across and go into the back yard.

Mr. Ilnicki stated his concerns about noise from the third shift, and hearing air tools, tires being changed, etc. He questioned the type of repairs to take place, and hopes there is no noise so neighbors can sleep. Mr. Ilnicki questioned a guarantee from the PZC with a stipulation for Bozzuto's to work with neighbors

and reduce noise levels, and do repairs on the east side rather than on the west side of the property.

It was explained by Mr. Cobern that this was not something the PZC imposed, but was an offer from Mike Bozzuto and not an official part of an application.

Stating he was involved in the prior applications for expansion of the main facility, Attorney Fazzone said that Bozzuto's has worked with the neighbors. One thing which must be understood is that according to State laws with respect to noise, especially noise from an industrial property, is recognition of the difficulty of noise ordinances. Cheshire does not have a noise ordinance. The State recognizes the difficulty of these laws, and they do not apply to motor vehicles, and a tractor and trailer are motor vehicles. Bozzuto's made a concerted effort to replace refrigeration vehicles with quieter units; put up noise barriers on the roof to block the noise of the refrigeration units; and all the repairs at the new facility will be indoors.

Regarding the OSHA situation, Mr. Fazzone said that no one has called Bozzuto's to raise the noise issue. It was brought directly to the Town after this application was filed.

In looking at the building, Mr. Strollo said it is on the side towards the Ilnicki house, with only one garage door on the other side. On the back side there is a smaller door, not a truck access. So, all the trucks will come in through the RT 10 side big door.

Attorney Fazzone said they are putting a door on the north side, on the Industrial Avenue side.

David Falt said the intent is to add two more doors on the north side of the building, and the applicant will provide doors access from the north for each of the bays. On the plans he pointed out the doors; the loading dock will be eliminated; and there will be grade level access. There is a small door for deliveries which will remain.

Attorney Daly commented on the OSHA requirements with respect to the yard horses. He said there will be no storage of product in the trailer, no refrigeration units, just trucks and trailers waiting for repair services. All product being shipped will be on the Industrial Avenue side.

Mr. Daly commented on receiving an e-mail from Mr. Sitko (Cheshire staff) asking about ceasing the use of the alarm systems on the yard horses in off peak hours. His response to Mr. Sitko was that Bozzuto's would not put people at risk on the property when someone is backing up. He also discussed this issue with Mr. Hamilton (Maintenance Dept. Bozzuto's) and he looked into alternatives available to mitigate issues with the neighbors. He found out there is some

technology to bring down the noise levels, and Bozzuto's is willing to commit to this issue and make this adjustment to noise levels.

With regard to the yard horses, Mr. Todisco asked about the noise and where this would be occurring at the new facility.

Mr. Daly explained that this occurs at the Industrial Avenue facility, which is where trailers are backed into the loading docks to be loaded with product.

To the extent that these alarms are offensive to some neighbors, Mr. Todisco asked if this will increase with the new facility, and the need to have the same pretensions for trailers being brought to the new facility.

Mr. Daly said these trailers were being serviced at the Atlantic Star property or at Schoolhouse Road garage, and there will not be traffic added as a result of the new facility.

Mr. Todisco asked if the new facility is closer to the neighboring homes.

On the aerial map, Mr. Fazzone pointed out the new building, neighbors homes, rented property, parking lot, and said some part will be closer to the residential zone. There will be about 20 trailers a day brought to the new facility, and the worse case scenario would be 20 yard horses backing up in this area.

Mr. Todisco asked if this could be changed or not done on the third shift.

If a trailer needs to be repaired, Mr. Fazzone said using a yard horse is the only way to move the trailer. To eliminate a shift would eliminate jobs. The size of the buildings available to do this work are one of the motivating factors to have a third shift. There are five yard horses at the Bozzuto campus, and they are used to move trailers into the loading docks.

The actual repair work to be done was questioned by Mr. Todisco, and he also asked how much is heard outside the facility.

Mr. Daly stated that the new building will be cinder block so it should be quiet outside the building if the doors are closed.

Mr. Ilnicki commented on trucks not being regulated under the law, and said when a motor vehicle is hooked to a power source it is part of the motor vehicle. When it is detached it does not have its own motor and is not considered a motor vehicle but a stationary source. He has checked with the State's Attorney and Town Manager Milone and read a letter from Mr. Milone into the record. Mr. Ilnicki said that Bozzuto's is a Class C emitter, and they can make 51 decibels of noise at night time. He is purchasing a decibel meter to insure there is compliance with the noise levels in the future. Mr. Ilnicki asked about

assurance that the doors will be closed on the west side of the building during third shift; will the drivers coming in from runs parking their personal cars to take trucks parked at the facility or continue to park where they are now.

In response to Mr. Ilnicki's questions, Mr. Falt said the doors to the west side of the facility are for parts receiving and limited access. The tractor trailer doors will be to the north side and east side where the large doors are located.

Karen Weiland, 55 Abby Court, stated that she lives on a cul de sac, and her property abuts Ollie's Garage. She has concerns with the yard horses, and where they are now and where they will be in the future. She hears noise at a low level hum, from Bozzuto's and said the company is a good neighbor. She does not hear the yard horses now and does not want to hear them in the future.

Attorney Fazzone pointed out Abby Court and the location of the working yard horses on the aerial map. 224 Sandbank Road is where the new parking lot will be located.

Mr. Ilnicki commented on there being two different kinds of yard horses. They must be DOT approved; are not considered a motor vehicle; and cannot be driven over 25 mph.

THERE WERE NO FURTHER COMMENTS OF QUESTIONS.
THE PUBLIC HEARING WAS CLOSED.

VI. ADJOURNMENT

MOTION by Mr. Cobern; seconded by Mr. Todisco.

MOVED to adjourn the public hearing at 8:30 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk