

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

Present

Earl Kurtz, Chairman; Sean Stollo, 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 special meeting to order at 8:35 p.m.

Mr. Kurtz read the fire safety announcement.

II. ROLL CALL

Mr. Stollo 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. ACCEPTANCE OF MINUTES

Regular Meeting 3/26/12 and Special Meeting 3/26/12

MOTION by Mr. Cobern; seconded by Mr. Todisco

MOVED to accept the minutes of the Regular Meeting of March 26, 2012 and the Special Meeting of March 26, 2012 subject to corrections, additions, deletions.

VOTE The motion passed unanimously by those present.

VI. COMMUNICATIONS

- 1. Letter from Peter J. Mazano, Airgas-East Inc. dated April 2, 2012.
RE: Request for Modification to Special Permit due to Project
Revision Airgas Branch – 140 Commerce Court.**

Mr. Voelker read the letter from Mr. Mazano into the record and it is on file with the application. In the letter, Mr. Marzano is requesting waiver of a public hearing on his application for an addition to the rear of the building with storage of some tanks. This application will be on the April 23rd agenda.

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

MOVED that the Planning and Zoning Commission waives the need for a public hearing on the Marzano application, and will discuss the application at its meeting on April 23, 2012.

Discussion

Mr. Voelker informed the Commission that the applicant's insurance company and the fire marshal want the tanks to be outside, and this is an amendment to the special permit. The tanks will be on a 102 s.f. pad on the outside of the building.

VOTE The motion passed unanimously by those present.

2. Letter from Richard Jaffe, President-Richard Chevrolet, Inc. dated 4/3/12 RE: Vehicle Parking.

Mr. Voelker read the letter from Mr. Jaffe into the record and it is on file with the application.

Mr. Voelker read the letter from Kevin Daly, Vice President and General Counsel, Bozzuto's Inc. into the record and it is on file with the application.

**VII. UNFINISHED BUSINESS
(Mr. Strollo was recused from this application)**

- 1 Special Permit Application MAD 5/29/12**
Stephen Pustola
1405 Highland Avenue
Richard Chevrolet
Temporary Office Trailers during construction

Mike Trombetta, Pustola Associates, presented the application for Richard Chevrolet. Mr. Trombetta stated that plans have been submitted for review by the Fire Department and Engineering Department and the WPCA. The Fire Department comments were related to having a key box for fire emergency access and provision of circulation of fire apparatus. This is on the plans, sheet SP-2. The site plan shows the location of the trailers and there are comments from WPCA for compliance with sewer hook up. Sheet SP/B shows the current trailer locations and utility hookups. These are temporary trailers for the sales department during construction of the new facility.

MOTION by Mr. Dawson; seconded by Mr. Cobern.

MOVED that the Planning and Zoning Commission finds that the proposed amendment to the Special Permit for Richard Chevrolet at 1405 Highland

Avenue for a temporary sales and service building as shown on plans entitled "Vehicle Circulation Plan, Proposed Building Addition prepared for Richard Chevrolet, 1405 Highland Avenue, Cheshire, Connecticut" dated March 13, 2012 and prepared by Pustola Associates, 185 Meadow Street, Naugatuck, CT 06770, is consistent with the Cheshire Zoning Regulations and hereby approves this application. The Commission takes note that the temporary storage of vehicles on the adjacent property is being done subject to the limits set forth by Bozzuto's Inc. as stated in their letter dated April 9, 2012.

VOTE The motion passed 5-0-1 (Strollo recused)

2 Special Permit Application

PH 4/9/12

Bozzuto's Inc.

MAD 6/13/12

224 Sandbank Road

Maintenance & repair of trailers & tractors

Accessory to wholesale, warehouse trucking

And shipping facility

MOTION by Mr. Cobern; seconded by Mr. Dawson.

MOVED that the Cheshire Planning and Zoning Commission finds that the proposed maintenance and repair facility for trailers and tractors as an accessory to an existing wholesale, warehouse trucking and shipping business to be operated by Bozzuto's Inc. 224 Sandbank Road, Cheshire CT entitled "Bozzuto's Inc. 224 Sandbank Road, Cheshire CT" dated March 19, 2012 and prepared by Milone and MacBroom, 99 Realty Drive, Cheshire CT 06410 are consistent with the Cheshire Zoning Regulations and hereby approves this special permit.

Discussion

Mr. Cobern commented on the 1997 approval for Bozzuto's with a stipulation about ongoing discussions with neighbors regarding noise. He said this could be included as a stipulation to the current application's approval. Mr. Cobern noted that the applicant has indicated a willingness to work with neighbors on the noise level issue.

Mr. Dawson said that Bozzuto's has testified that they have done the best they can to cooperate with the neighbors.

Mr. Todisco stated that he has heard evidence, and does not see where there would be increased noise levels or disturbance from Bozzuto's. There is testimony that the repair work is done inside with the doors closed and this is a reasonable application.

It was stated by Mr. Dawson that the applicant will work to do its best regarding noise levels.

Mr. Cobern amended the motion with the following stipulation:

The applicant will continue to work with the neighbors to reduce noise levels emanating from the property on Sandbank Road.

The amendment to the motion was accepted by Mr. Dawson.

VOTE The amended motion passed unanimously by those present.

3 Earth Removal, Filling or Regrading Permit PH 4/9/12
Bozzuto's Inc. MAD 6/13/12
224 Sandbank Road

MOTION by Mr. Dawson; seconded by Mr. Cobern

MOVED that the Cheshire Planning and Zoning Commission finds that the proposed earth removal, filling and regrading activities to be conducted by Bozzuto's Inc. on property located at 224 Sandbank Road as shown on plans entitled "Bozzuto's Inc. 224 Sandbank Road, Cheshire, CT" dated March 19, 2012 and prepared by Milone and MacBroom, 99 Realty Drive, Cheshire CT 06410, are consistent with the Cheshire Zoning Regulations and hereby approves this special permit.

VOTE The motion passed unanimously by those present.

VIII. NEW BUSINESS

- 1. Special Permit Modification**
ABCO/Peter Marzano
140 Commerce Court
To relocate the storage of flammable gas
On the property.
SCHEDULED FOR PRESENTATION ON APRIL 23, 2012.
- 2. BONDS**
 - a. Maintenance Bond Release**
Prinz Court

MOTION by Mr. Cobern; seconded by Mr. Dawson.

MOVED that in accordance with the memorandum from the Engineering Department dated February 9, 2012, the Planning and Zoning Commission hereby authorizes the release of the Maintenance Bond for Prinz Estates.

VOTE The motion passed unanimously by those present.

IX. ADJOURNMENT

MOTION by Mr. Cobern; seconded by Mr. Dawson.

MOVED that the special meeting be adjourned at 8:57 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk