

**MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION
REGULAR MEETING HELD IMMEDIATELY FOLLOWING THE 7:30 P.M.
PUBLIC HEARING ON MONDAY, DECEMBER 10, 2012 IN COUNCIL
CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410**

Present

Earl Kurtz, Chairman; Sean Strollo, Vice Chairman; Lelah Campo, Martin Cobern, John Kardaras, Gil Linder, Louis Todisco. Alternates: Jim Bulger, Edward Gaudio, Leslie Marinaro

Absent: S. Woody Dawson and Tali Maidelis

Staff: William Voelker, Town Planner

I. CALL TO ORDER

Mr. Kurtz called the regular meeting to order at 8:28 p.m.

Mr. Strollo 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. ACCEPTANCE OF MINUTES – P.H. 11/26/12 and S.M. 11/26/12

MOTION by Mr. Cobern; seconded by Mr. Kardaras.

MOVED to accept and approve the minutes of the Public Hearing of 11/26/12 and Special Meeting of 11/26/12 subject to corrections, additions, deletions.

VOTE The motion passed 8-0-1

VI. ELECTION OF OFFICERS

CHAIRMAN

MOTION by Mr. Strollo; seconded by Mr. Cobern.

MOVED that the Planning and Zoning Commission elect Earl Kurtz as Chairman.

Other nominations were called for three times. There were no other nominations.

MOTION by Mr. Cobern; seconded by Mr. Kardaras

MOVED that nominations be closed.

VOTE The motion passed 8-0.

VOTE The motion to elect Earl Kurtz as Chairman was passed 8-0.

VICE CHAIRMAN

MOTION by Ms. Campo; seconded by Mr. Cobern.

MOVED that the Planning and Zoning Commission elect Sean Strollo as Vice Chairman.

Other nominations were called for three times. There were no other nominations.

MOTION by Mr. Cobern; seconded by Mr. Linder.

MOVED that nominations be closed.

VOTE The motion passed 8-0.

VOTE The motion to elect Sean Strollo as Vice Chairman was passed 8-0

SECRETARY

MOTION by Mr. Cobern; seconded by Mr. Strollo.

MOVED that the Planning and Zoning Commission elect Tali Maidelis as Secretary.

Other nominations were called for three times. There were no other nominations.

MOTION by Mr. Cobern; seconded by Mr. Linder.

MOVED that nominations be closed.

VOTE The motion passed 8-0.

VOTE The motion to elect Tali Maidelis as Secretary was passed 8-0

VII. APPROVAL OF 2013 MEETING DATES

MOTION by Mr. Cobern; seconded by Mr. Bulger.

MOVED that the Planning and Zoning Commission approve the calendar for 2013 meetings as presented.

VOTE The motion passed unanimously by those present.

VIII. COMMUNICATIONS

- 1. Letter from Dennis C. Lanzoni, Esq. dated 11/6/12 RE: Kathie A. Welch, 650 Reservoir Road/Request for Release of Sidewalk Covenant.**

MOTION by Mr. Cobern; seconded by Mr. Kardaras.

MOVED that the Planning and Zoning Commission has reviewed the opinion of the Town Attorney dated December 6, 2012, and hereby agrees to recommend to the Cheshire Town Council that the sidewalk covenant required for a former subdivision of property at 650 Reservoir Road be released in accordance with that opinion.

Discussion

Mr. Voelker stated that the Town Attorney gave an opinion that the Commission can recommend to the Town Council that the sidewalk covenant be released.

VOTE The motion passed unanimously by those present.

- 2. Letter from Anthony J. Fazzone, Esq. dated 12/5/12 RE: Site Plan Modification Application – PZ Realty Associates, LLC 839 West Main Street.**

(Mr. Stollo was recused from this matter)

Attorney Fazzone submitted copies of the site plan to the Commission. He said that the gray area is what is being added to the footprint for what was there before the last approval. The architect did not conform to the site plan approval, and the green line on the plan shows what the Commission approved. Now, the pavilion is to be 35 ft. x 29 ft. (from 38 ft. x 25 ft.). There is 26 s.f. of additional space, and addition of the concrete pad in the back. There is a revised storm water drainage plan, without comment from the Town Engineer.

Mr. Voelker commented on this being a minor revision, and staff has no concerns or comments.

To clarify the location of the property, Mr. Fazzone said it is the former farmer's market and ice cream store on West Main Street. The plan is for a seasonal hot dog stand by the driving range, making one building.

MOTION by Mr. Cobern; seconded by Ms. Marinaro.

MOVED that the Planning and Zoning Commission approves the modification to the site plan for restaurant construction at 839 West Main Street, Cheshire CT, as shown on plans entitles "PZ Realty IV LLC, 839 West Main Street, Cheshire

CT” revised through December 3, 2012, and prepared by NET Engineering LLC, 660 Moss Farms Road, Cheshire CT 06410.

VOTE The motion passed 9-0

IX. UNFINISHED BUSINESS

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| 1. Zone Text Change Petition | PH 11/14/12 |
| <u>Marbridge LLC</u> | PH 11/26/12 |
| To amend Section 30, Schedule A | PH 12/10/12 |
| Permitted Uses, Para. 7 Assisted | MAD 2/13/13 |
| Living, convalescent homes and the like. | |

(Mr. Todisco was recused from this application)

MOTION by Mr. Cobern; seconded by Mr. Kardaras.

MOVED that the Cheshire Planning and Zoning Commission has reviewed the legislative history of the evolution of regulations regarding assisted living, convalescent homes and the like, and finds that the proposed amendment will overcome a legislative oversight and enable owners of existing facilities that have been affected by those changes to apply to the Commission for expansion and/or modifications to their facilities. The Commission also finds that the proposed regulation is not in conflict with the 2002 Cheshire Plan of Conservation and Development and hereby approves the proposed regulations with those amendments recommended by the Town Attorney with an effective date of December 28, 2012, at 12:01 a.m.

VOTE The motion passed 9-0

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| 2. Special Permit Application | PH 11/14/12 |
| <u>PT Real Estate Investment LLC</u> | PH 11/26/12 |
| 156 North Brooksvale Road | PH 12/10/12 |
| To create (3) lots, two of which are | MAD 2/13/13 |
| Rear lots; one existing dwelling | |
| Tabled to 1/14/13. | |
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| 3. Resubdivision Application | PH 11/14/12 |
| <u>PT Real Estate Investments LLC</u> | PH 11/26/12 |
| 156 North Brooksvale Road | PH 12/10/12 |
| 3-lots | MAD 2/13/13 |
| Tabled to 1/14/13. | |
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| 4. Request Pursuant to Section 11.1 | PH 11/14/12 |
| Variances or Waiver of | PH 11/26/12 |
| Regulations – | PH 12/10/12 |

PABCO Inc.
Huckins Road
Requesting waiver of Section 5.5 Rear
Lots Subsection B12.

MAD 2/13/13

MOTION by Mr. Cobern; seconded by Mr. Kardaras.

MOVED that the Cheshire Planning and Zoning Commission finds that the proposal to create a separate building lot on the property shown as Lot 5 in the Saddlebrook Farms Subdivision, Huckins Road, as shown on plans entitled "Saddlebrook Farms Subdivision, Lot 5, Resubdivision, Huckins Road, Cheshire CT" dated February 23, 2010, and revised through June 30, 2010, and prepared by Milone and MacBroom 99 Realty Drive, Cheshire CT, satisfies the requirements of Section 11.1 of the Cheshire Subdivision Regulations and hereby grants this waiver. This approval includes the condition agreed to by the applicant that no further waivers of the subdivision regulations will be requested.

VOTE The motion passed unanimously by those present.

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| 5. Special Permit Application | PH 11/14/12 |
| <u>PABCO Inc.</u> | PH 11/26/12 |
| Huckins Road | PH 12/10/12 |
| To create two (2) rear residential lots | MAD 2/13/13 |
| Where one (1) now exists. | |

MOTION by Mr. Cobern; seconded by Ms. Marinaro

MOVED that the Cheshire Planning and Zoning Commission finds that the proposal to create a separate building lot on the property shown as Lot 5 in the Saddlebrook Farms Subdivision, Huckins Road, as shown on plans entitled "Saddlebrook Farms Subdivision, Lot 5, Resubdivision, Huckins Road, Cheshire CT" dated February 23, 2010, and revised through June 30, 2010, and prepared by Milone and MacBroom 99 Realty Drive, Cheshire CT, is not a substantial or material change to the rear lot access way approved in 2010 and hereby grants this modification.

VOTE The motion passed unanimously by those present.

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| 6. Resubdivision Application | PH 11/14/12 |
| <u>PABCO, Inc.</u> | PH 11/26/12 |
| Huckins Road | PH 12/10/12 |
| 2-lots | MAD 2/13/13 |

MOTION by Mr. Cobern; seconded by Mr. Kardaras.

MOVED that the Cheshire Planning and Zoning Commission finds that the proposal to create a separate building lot on the property shown as Lot 5 in the Saddlebrook Farms Subdivision, Huckins Road, as shown on plans entitled "Saddlebrook Farms Subdivision, Lot 5, Resubdivision, Huckins Road, Cheshire CT" dated February 23, 2010, and revised through June 30, 2010, and prepared by Milone and MacBroom 99 Realty Drive, Cheshire CT, is consistent with the Cheshire Subdivision regulations including the waiver of Section 5.5 B.12, and hereby approves this subdivision.

VOTE The motion passed unanimously by those present.

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| 7. Special Permit Application
<u>Jack Krudwig</u>
1146 Waterbury Road
Expansion of existing Church
And Associated Driveway
Tabled to 1/14/13. | PH 11/26/12
PH 12/10/12
MAD 2/13/13 |
| 8. Resubdivision Application
<u>A.M. Napolitano LLC</u>
575 Mountain Road
3-lots | PH 12/10/12
MAD 2/13/13 |

(Mr. Strollo was recused from this application)

MOTION by Mr. Cobern; seconded by Mr. Kardaras.

MOVED that the Planning and Zoning Commission approves the subdivision of property located at 575 Mountain Road into 3 individual building lots as shown on plans entitled "Napolitano Subdivision, Prepared for A.M. Napolitano, LLC, 575 Mountain Road, Cheshire CT" revised through December 7, 2012, and prepared by Berkshire Engineering & Surveying, LLC, 143 Bantam Lake Road, Bantam, CT 06750.

Discussion

Town Planner Voelker requested that there be a condition to the motion to read as follows:

This is conditioned upon placement of the comments of the Regional Water Authority letter dated 12/6/12 on the Subdivision Map.

Mr. Cobern and Mr. Kardaras accepted the amendment to the motion.

VOTE The amended motion passed 9-0

9. TABLED APPLICATIONS

- A. **Subdivision Application**
Pinnacle Land Development LLC
650 Oak Avenue
3-lots
Tabled for Public Hearing on 1/14/13.

10. BONDS

1. Road Acceptance – Colton Lane (off Oregon Road)

MOTION by Mr. Cobern; seconded by Mr. Kardaras

MOVED that in accordance with the December 7, 2012 letter from George Noewatne, Acting Director of Public Works, the Planning and Zoning Commission recommends that the Town Council accept Colton Lane, in its entirety, as a Town Road. All as shown as Colton Lane on a map entitled "Subdivision Map, Sunrise Farm Subdivision, South Meriden Road (Route 70) and Oregon Road, Cheshire, Connecticut" Dated: March 23, 2012, Scale 1"-40' prepared by Milone & MacBroom, Cheshire CT.

Acceptance by the Town Council should be conditional upon recording of the warranty deed for the roadway.

At the time of acceptance, the existing performance bond may be released and a maintenance bond in the amount of \$12,000.00 should be posted. The road "as-built" map and the monument and lot pin certifications have been submitted to the Engineering Department. The warranty deed for Colton Lane has been submitted and reviewed by the Engineering Department.

VOTE The motion passed 9-0

X. NEW BUSINESS

- 1. **Site Plan Modification**
PZ Realty IV LLC
839 West Main Street
Modification to the pavilion and added patio
- 2. **Other Planning and Zoning Commission Business**
 - 1. **Monthly Report from Zoning Enforcement Officer**
 - 2. **Other.**

VI. ADJOURNMENT

MOTION by Mr. Cobern; seconded by Mr. Strollo

MOVED to adjourn the regular meeting at 8:44 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk