

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION PUBLIC HEARING SPECIAL MEETING HELD ON TUESDAY, MAY 28, 2013 AT 7:30 P.M. 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, Edward Gaudio, John Kardaras, Gil Linder, Louis Todisco.

Absent: Lelah Campo and Alternates James Bulger and 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. Kurtz 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. Voelker read the call of public hearing for each application.

(Mr. Stollo and Mr. Todisco recused themselves from applications #1 and #2 due to possible conflict of interest).

1. Zone Text Change Petition

Bozzuto's Inc.

To add Paragraph 59B to Section

30, Schedule A.

Permitted Uses

"Warehousing, wholesale business and...

PH 5/28/13

MAD 8/01/03

Attorney Anthony Fazzone represented the applicant for the application to add a new Section 59B to Section 30, Schedule A, Permitted Uses, and stated there is no change to any existing zoning regulation.

Attorney Fazzone presented the application stating that the existing regulations limit a building height to 65 feet high in the I-1 and I-2 zones if the set back in all directions is increased by 2 feet for each 1 foot of additional height over 50 feet. The proposed regulation seeks to increase the height up to 100 feet, only in the I-1 and I-2 zones.

The proposed regulation would require the same additional setbacks of 2 feet in every direction for every 1 foot of additional height up to 65 feet, and an additional setback of 1 foot in every direction for every foot of additional height up to 100 feet. There would be a total of 65 feet in setback for that portion of the building that is 100 feet high. Mr. Fazzino stated that for a building with an office structure in front not meeting warehouse standards, this building would still be within the regular setbacks. But, the 100 foot portion would have to be in the increased setback.

The application states that technology and equipment improvements have made it feasible, structurally and economically, to create warehouse space to the heights proposed. The benefit is that the building footprint and ground coverage is drastically reduced.

Mr. Fazzino cited an example. A traditional steel frame building, 40 feet high, 126,000 sq. ft. building, the comparable amount of a 90 foot building to store the same amount of equipment and pallets would be 36,000 sq. ft. – which is 25% of the coverage on the standard steel frame building. With this type of building there is less environmental impact, ground coverage would be less, energy consumption would be less.

The Commission was given an exhibit by Mr. Fazzino.

Exhibit – Rack supported building information, articles and summary and photographs; pages from the Plan of Conservation and Development. Attached to the minutes.

This exhibit is a summary of the benefits to be gained with Rack Supported Buildings, two articles on these buildings, photographs and related data. Mr. Fazzino said that there is a photo of a rack supported building, 165,000 sq. ft. and to build a conventional steel structure building having the same capacity, it would be 750,000 sq. ft.

It was stated by Mr. Fazzino that the Plan of Conservation and Development (Plan) was reviewed, and photocopies of pages from the Plan are included in the exhibit (page 8 and page 71). He read excerpts from these pages into the record. If the Commission adopts the zone change, Mr. Fazzino cited examples of other town buildings which could fit the rack type of structure – the old Waterbury Farrell building and Bloomingdale's/Macy building. Page 71 of the Plan talks about expansion in the industrial zones and incorporated the terms "manufacturing and warehousing".

In looking at the photographs, Mr. Fazzino pointed out the types of construction utilized. The rack system is the frame of the building, supports the building, and there is no superfluous or surplus materials such as in a regular steel supported building. The first article talks about selection guidelines on when to use a steel frame building and when to use a rack supported building. One primary reason is where land is at a premium; lessening square footage has a direct impact on wetlands and need for management of storm water; and there is a direct environmental benefit to the rack building.

Mr. Fazzone pointed out that the regulation speaks for itself and what the applicant is seeking permission to do, and it would all be by special permit in the I-1 and I-2 zones. The special permit regulations give the Commission discretion versus a site plan approval which is ordinarily allowed in the I-2 zone.

Commissioner Cobern commented on seeing the advantage of this design for both the town and the company. He questioned the applicant being a good neighbor, as this is a 100 foot tall building, and requested consideration to add two other requirements to the special permit. Mr. Cobern cited them. One is showing architects renderings of what the structure would look like from the closest home, as the views of ridges/mountains etc. should not be blocked. Second, the applicant should do a balloon flight, similar to those done for a cell tower, so neighbors can see where the top of the building would be. This would allay some of the neighbor's fears about what this building will do to their environment and neighborhood.

According to Mr. Fazzone the architect's drawings are required under Section 40.

Mr. Cobern said his request would be a view from about ¼ mile away. We know the Bozzuto site is in a hollow, and a 100 foot building could start down low and not be as terrible as people imagine. People could get a clear picture of what the structure would do to their views.

A balloon flight was done by Bozzutos and Mr. Fazzone said information was gathered about these issues, and if an application is filed, this information will be submitted. The applicant would be willing to re-do the flight, and the rendering is part of the application.

Mr. Voelker stated that the application submitted tonight would give the applicant the right to apply to the Commission. The applicant should expect to provide views from neighborhoods, surrounding areas, and this can be photo-shopped with a realistic rendering from angles, observation points, neighborhoods, using a computer. This would be in addition to the balloon flight, which the applicant should expect to undertake.

With the AT&T tower on Higgins Road, Mr. Fazzone said they wanted to build a cooling station, and after the building of this tower, Autumn Court was built. There was a photo shop elevation done with the proposed landscaping area for what would be seen from this road. This can be done with this application.

Mr. Dawson requested the location of where the proposed 100 foot building would be located.

In response, Mr. Fazzone said this would be permitted in any I-1 or I-2 Zone by special permit, with a totally new application with a designated piece of property. If approved, Bozzuto's intention would be to build off Industrial Avenue.

This is a 100 foot high building and Mr. Gaudio asked about length and height of the building as far as the regulations are concerned.

The Commission was told by Mr. Voelker that the building can be any size; there is no proposal on any piece of property; and the subject application is for the ability to submit an application for a building 100 feet high. We do not know the length and width of any proposed building.

Mr. Fazzone explained that in an I-1 or I-2 zone, the maximum building coverage is 25%. With a 10 acre site the building could be 2.5 acres; with a 20 acre site the building could be 5 acres.

Regarding occupancy, Mr. Gaudio asked about occupancy at the 100 foot level.

In reply, Mr. Fazzone said this has been discussed with the police and fire departments, and restrictions would be incorporated into the proposal that there would be no continuous human occupancy above the 65 foot level.

In that regard, Mr. Voelker reported that there have been meetings with the fire department and the only time people would be above the 65 foot level would be for maintenance needs.

Mr. Cobern asked whether this would include emergency escapes for people on the top doing maintenance work, such as tunnel slides or a pulley system. This would be for the safety of workers.

According to Mr. Fazzone there are stairways, roof exits, and further systems would be investigated and reported to the Commission.

PUBLIC

John Jauchler, 94 Landsdowne Road, commented on the proposed zone change to 100 feet height for a building, which is equivalent to a 10-story building. Mr. Jauchler said his house is on the hill above Bozzuto's Industrial Avenue facility, and he gets noise, backup beeping, air-conditioning sounds from the trucks. By going to 100 feet high, he said there will be visual implication, more traffic and noise, lighting pollution, etc. and this is a huge concern for him. Lighting pollution is a major concern. With a 100 foot structure and spotlights on a roof, there will be a substantial impact on his property and its value. The Commission was informed by Mr. Jauchler that Bozzutos is in the process of completing a truck maintenance facility on Sandbank Road, with a parking lot and more spotlights, and this can be clearly seen from his house. For a building of the size proposed, he recommended visiting the Walgreen's warehouse in Windsor CT, which is massive, dominates the landscape, and this is not what we want in Cheshire.

Ray Ilnicki, 365 Sandbank Road, asked if the proposed 100 foot high building will be built at 400 Industrial Avenue location. He wanted specificity on the answer.

Chairman Kurtz said that, if approved, the property would be in the I-1 or I-2 zone and would require a special permit.

Mr. Ilnicki questioned the purpose of the 100 foot building, and if the produce/perishable operation would be moved back to Cheshire from the North Haven site. He questioned the internal workings of the actual operation and what it entails, i.e. conveyor belts inside the building, as this affects another aspect of what neighbors can expect. This would be chaotic for the neighborhood if approved.

In response to the questions posed, Mr. Fazzino said that the immediate plan would be to have the zone text change apply to 400 Industrial Avenue. This is not to say that if Bozzuto acquired another I-1 or I-2 property that lent itself to this type of application and they were going to expand in Cheshire, they might come before the Commission with respect to this other piece of property. The intention is to move the perishable/produce back to Cheshire. This is an expansion with the intention of additional growth. For the building there is no use of conveyors; there are electrical cranes moving pallets up and down.

According to Mr. Ilnicki the reason Bloomingdale's building on Knotter Drive was turned down for the same thing was because of a turtle and a tree. He commented on the manner in which the public notice was published in the newspaper, stating it was misleading to the public, and many people perceived the notice as something different. Mr. Ilnicki read an excerpt from the public notice into the record. He also noted that issues from past meetings regarding noise, fumes, lighting, etc. have never been improved by Bozzutos. Mr. Ilnicki read a prepared statement into the record about the regulations and direction of the regulations, and amendment changes belonging in large cities, not in Cheshire.

Mr. Ilnicki stated that Bozzuto has 13 tractor/trailer parking spaces, yet these trucks back into Industrial Avenue. He questioned the expertise and experience of Commissioners on building heights, and said there should be a comprehensive study to look at all angles and problems which this application will impose. In the past, he worked with Mr. Fisco, a local developer, who constructed everything according to the regulations, both local and state.

The 400 Industrial Avenue property was already prepared for a specific weight without something bad happening, and no more weight can safely be added to this building. This height building will be close to a residential area and will decrease property values and aesthetic value. Mr. Ilnicki noted there is an ammonia cooler on the top of the existing building, and a break in the line of the cooler would require evacuation of the surrounding areas. He also commented on the Cheshire Fire Department having only one ladder truck, and a fire or emergency, pumping water causing problems in the future, and possibly requiring purchase of another ladder truck.

The track record of Bozzutos was also raised by Mr. Ilnicki, including the regulatory change to permit the tent for employee and company use. He said the tent is used for

many outside fund raising events, increases traffic, noise, etc. and this was not what the intended use of this tent. If there is an amendment change, he requested the change read as follows: *Any amendment change shall not negatively affect the environment, ambiance, and surroundings of its location. Any activity of nuisance by the land owner shall not bring hardship onto a surrounding land owner. Quality of life under the Connecticut General Statutes and Town Regulations must be maintained.*

The new garage on Sandbank Road has an access by Industrial Avenue and Mr. Ilnicki said it has not been used yet on a steady basis. But, Bozzuto has already put up gates with the intention of going through the access but they intend to go down Sandbank Road instead. He requested Bozzuto get tractor trailer trucks off the road. The Police Department has been called many times to respond to this issue, and it takes 45 minutes for a response. He asked that Bozzuto be responsible for all aspects of their operation, provide space for these trucks, so they do not park on private property. He commented on Bozzuto's purchase of 59 acres in the north end of town, and he would like the perishable operation at this site, and grocery operation on Industrial Avenue.

With respect to the issues cited by Mr. Ilnicki, it was stated by Mr. Cobern that these complaints, concerns and violations should be given to the Zoning Enforcement Officer, who will investigate them and take appropriate action. These things do not apply to the subject application as we are talking about a change to the regulations for future applications to be submitted. When there is an application all the issues – affect on neighbors, lighting, noise, etc. will be considered at that time. Current violations should be reported to the ZEO who will investigate, get results, or impose a fine.

Mr. Dawson said that the I-1 and I-2 zones being talked about by Mr. Ilnicki as one location may not be the location, and it could be better or worse.

Attorney Fazzone discussed the Bloomingdale's application and non-approval, stating that the footprint would have gone into the wetlands areas. If the building had been retrofitted they could have come back to the PZC for approvals.

Mr. Voelker stated that aesthetic and emergency amendments to the application will be looked at related to fire protection. The Fire Department has the ability to make comments to the Commission when an application is submitted.

THE PUBLIC HEARING WAS CONTINUED TO JUNE 10, 2013.

2. Special Permit Application
Dalton Enterprises, Inc.
71 Willow Street
Alternate Truck Access

PH 5/28/13
MAD 8/1/13

David Carson, OCC Group, represented the applicant, and Will McPhee, Operations Manager, Dalton Enterprises Inc. was also present.

Mr. Carson explained that the application is for approval of a secondary/alternate truck access off Willow Street (dark gray on the map). This would eliminate conflict with the extension of the Linear Trail out to West Main Street, as well as the pending sale of the Ball and Socket property owned by Dalton Enterprises.

One year ago a warehouse facility shown on the map (light brown) was approved by the Commission and IWW for 71 Willow Street. In 2001 the company began exploring various alternate truck access routes in the vein of trying to accommodate planned expansion of the facility. This subject application truck access route was one of the first alternates, was approved by IWW in 2001, but was never pursued through PZC. Alternates were looked at throughout the years, principally involving the potential extension of the trail along the railroad tracks.

On the map, Mr. Carson pointed out Dalton's outside storage area, truck access along the old railroad right-of-way crossing Railroad Avenue, up to Route 10. With the extension of the trail it would necessitate crossing of the trail with tractor trailer traffic. This is something which neither the town, state, or Dalton looks upon favorably. There have been numerous meetings with the town and state looking at alternate ways to safely cross the trail to continue access to Railroad Avenue. None have proved to be viable and functional in terms of safety concerns. Attention was turned to access the railroad right-of-way across the Ball and Socket property to Willow Street. Scenarios were looked at which required demolition of significant portions or total buildings to get through the Ball and Socket property with a tractor trailer truck.

There have been recent negotiations with the Cheshire Arts Council for the potential sale of the Ball and Socket property, including looking at going through this property and review of possible ways to do this. It was discovered that there was a need for acquisition of additional property adjacent to Ball and Socket, and/or demolition of all or portions of the old coal house in the rear. This brought things back to the first option of 12 years ago as the last remaining viable option. Mr. Carson said the warehouse building will be starting construction.

Regarding the access, Mr. Carson advised that IWW approval has been received for the crossing of the Farmington Canal with the lowest profile possible, using dual culverts rather than one large culvert. The applicant has the design detail, engineering and technical details for the crossing. The driveway has been kept beyond the property setback; landscaping berm has been incorporated along the northern property line; and this is adjacent to existing residential dwellings. A rain garden has been included to take care of any increase in storm water runoff.

The plan has been reviewed twice by the Engineering Department, once for Wetlands, and again for the PZC. The Fire Marshal has also commented on the plan. The applicant is prepared to comply with all staff comments. This particular plan has been annotated to add gate access by the Fire Department, and rebuilding the catch basin on Willow Street to accommodate tractor trailers driving over it.

On the plans, Mr. Carson pointed out the Dalton facility, main access, location of the loading docks, stating that the intention is to have a circular driveway pattern. The driveway has been designed to 30 feet width to accommodate turning movement of the trucks and potential for out of state vehicles unfamiliar with the site.

Mr. Voelker stated that during peak months of the year there would be elimination of all trucks coming out Railroad Avenue. They would go down Willow Street, be filled or emptied, and come out and down this street with all egress and ingress on Willow.

Mr. Carson said this was correct.

The number of trips during peak hours was asked by Mr. Voelker.

In response, Mr. McPhee said that the average is 15 to 20 trips, and in peak times it could be up to 30 trips maximum.

Mr. Carson said information on the various alternatives will be brought to the Commission at the next hearing. If permitted to cross the trail, Mr. Carson said things would continue as now. This was the reason why this was not pursued in 2001, and the trail has a long history since that time. IWW approved the option at that time, and Dalton was convinced it was viable engineering wise and conservation wise, and continued to pursue the potential of having truck traffic and the trail co-exist. The only common interest is safety. Dalton could find no practical way of having the volume of tractor trailers cross the trail at unknown times with people using the trail and unaware of the vehicles crossing.

Mr. Dawson questioned the bridge and passage way being eliminated, or if they will stay on top of this.

If the trail as proposed is constructed, Mr. Carson said there would be a fence along the trail, and no way to cross out to Railroad Avenue. The trail is in the final design process by the State of Connecticut. Dalton has granted an easement for the trail. But, there is no agreeable solution to cross the trail. The only viable option is the one being proposed by the applicant.

On the plans, Mr. Carson pointed out the proposed trail route.

Mr. Cobern asked about Dalton included in the right-of-way acquired in 1989. He requested that the application and minutes from 1989 be entered into the record of the subject application.

Mr. Voelker will make this information available to the Commission for the packets of the next meeting.

Stating his understanding correctly, Mr. Dawson said the Dalton operation will go with the way it is, without a problem, and is doing this to accommodate getting the trail through for residents to pass through.

Mr. Carson said that was correct.

A question was raised by Mr. Linder on the description of the current track traffic, percentage of trucks entering and exiting using the Willow Street cut; and whether these trucks are currently crossing the trail; and how does the traffic balance in the current operation.

The Commission was told by Mr. Carson that at the present time all incoming traffic comes down Willow Street into the main entrance and exists up the old railroad right-of-way out Railroad Avenue.

Mr. Linder asked about the possibility of trucks exiting onto Willow Street.

According to Mr. Carson this would be too difficult for truck maneuvering.

The Police Department will review this application and provide comments.

THE PUBLIC HEARING WAS CONTINUED TO JUNE 10, 2013.

VI. ADJOURNMENT

MOTION by Mr. Cobern; seconded by Kardaras

MOVED to adjourn the special meeting/public hearing at 8:50 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk