

**MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION REGULAR MEETING HELD ON MONDAY, OCTOBER 26, 2015, AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410.**

Present

Earl J. Kurtz, Chairman; Sean Strollo, Vice Chairman; Members: John Kardaras, Vincent Lentini, Gil Linder, Louis Todisco  
Alternates - Diane Visconti and Leslie Marinaro  
Absent: S. Woody Dawson, Edward Gaudio, and Jon Fischer (alternate)  
Staff: William Voelker, Town Planner

**I. CALL TO ORDER**

Chairman Kurtz called the regular meeting to order at 7:35 p.m.

**II. ROLL CALL**

The clerk 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 - PUBLIC HEARING 10/14/15 and SPECIAL MEETING 10/14/15.**

MOTION by Mr. Strollo; seconded by Mr. Lentini

MOVED to approve the minutes of the Public Hearing, October 14, 2015 and Special Meeting October 14, 2015 subject to corrections, deletions, additions.

VOTE The motion passed unanimously by those present.

**VI. COMMUNICATIONS**

**VII. UNFINISHED BUSINESS**

Chairman Kurtz was recused from applications 1 and 2, Apex Developers LLC.

Ms. Marinaro did not participate in the meeting as an Alternate Member.

Vice Chairman Strollo was acting Chairman.

**1. Sidewalk Waiver Request  
Apex Developers LLC  
Coleman Road  
Scheduled for November 9, 2015**

**PH 9/16/15  
PH 9/28/15  
PH 10/14/15  
MAD 12/18/15**

- 2. Subdivision Application** **PH 9/16/15**  
**Apex Developers LLC** **PH 9/28/15**  
**Coleman Road** **PH 10/14/15**  
**7 lots (6 new; 1 existing)** **MAD 12/18/15**  
**Scheduled for November 9, 2015.**

Town Planner Voelker informed the applicant and public present that a "waiver" request requires an affirmative vote of seven (7) Commission members. With Mr. Kurtz and Ms. Marinaro recused, there would only be six (6) members voting. The mandatory action date (MAD) is 12/18/2015, but the application can be placed on the PZC agenda of November 9, 2015.

Attorney Phillip Ricciuti represented the applicant in the absence of Attorney Fazzone.

Following a brief discussion with the Commission and Town Planner, Attorney Ricciuti stated that the applicant wants both applications voted on at the same meeting. The applicant agreed to action on the applications for November 9, 2015.

Chairman Kurtz moved agenda item #4 to current status.

- 4. Site Plan Application** **MAD 12/29/15**  
**Vagmar LLC**  
**1718 Highland Avenue**  
**To add 2,780 SF new pavement for minor**  
**Expansion of existing parking lot and**  
**Regrading of the detention basin.**

David Hughes, P. E. represented the applicant, Vagmar LLC (also known as Power Station) of 1718 Highland Avenue. Mr. Hughes explained that the applicant is requesting approval for a minor expansion of the existing parking lot and minor regrading of the detention basin.

Site Plan - The site plan was approved by the Commission 11 months ago for a building addition, and Mr. Hughes pointed out the addition on the plan (brown colored), and enclosure of a former open area. The gray area is the repaving; olive area is for new parking; the parking area is being squared off; and the detention basin was pointed out on the site. The original site plan had employee parking which will not work with the loading area. Mr. Hughes stated he talked with his client about this last year, but no changes were made, and now his client realizes more room is needed for parking and the loading dock area. Adjustments have been made to the detention basin; the operation will be in the same location; spill way is in the same location; and there is increased volume for additional runoff on the parking area. The site is in an I-2 Zone.

There was a brief discussion about the area, the I.C.S.D.D. zone which is in the northwest quadrant of the outlet center property. Mr. Voelker informed the

Commissioners there is plenty of room for what the applicant plans to do, and it will not change the setbacks.

The Commission was informed by Mr. Hughes that there is a variance approval for the building. Sheets C-1 and S-1 show the building foundation and dimensions off the property line.

Mr. Voelker stated the variance was granted for a 33 foot side yard, and the building expansion has already received PZC approval. The applicant's request at this meeting is a minor adjustment to last year's approval.

MOTION by Mr. Kardaras; seconded by Ms. Visconti.

MOVED that the Cheshire Planning and Zoning Commission finds that the proposal to add 2,780 SF of new pavement for a minor expansion of the existing parking lot and to regrade the detention basin, property located at 1718 Highland Avenue, as shown on plans entitled "Building Addition Site Plan #1719 Highland Avenue (a.k.a. CT Route #10) Cheshire, Connecticut" dated November 3, 2014, revised October 9, 2015, is consistent with the requirements of the Cheshire Zoning Regulations and hereby approves this application.

VOTE The motion passed unanimously by those present.

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|--|---------------------|
| <b>3. Zone Text Change Petition</b>            | <b>PH 7/13/15</b>   |
| <b><u>Fredric M. Kudish</u></b>                | <b>PH 9/16/15</b>   |
| <b>Section 30, Schedule A</b>                  | <b>PH 9/28/15</b>   |
| <b>Subsection 23C-to permit outdoor events</b> | <b>PH 10/14/15</b>  |
| <b>On a working farm.</b>                      | <b>MAD 12/18/15</b> |

Mr. Voelker explained that the proposed amendments to Section 30, Schedule A, Permitted uses, Subsection 23C were on the Commissioners' desks. A copy of the proposed amendment is attached to these minutes, with changes and additions highlighted in red print.

With the proposed amendments/changes, Mr. Voelker stated it is the responsibility of the property owner that there is control as an active agricultural farm. This reduces the speculative investment for particular events.

Mr. Voelker cited the new last paragraph which states that special permits are granted for two years initially; multiple extensions may also be granted for a period of five years each; approvals for extensions may be applied for in the second year of the initial permit and fourth year of any extension. If an extension is not granted the permit owners can complete all events on the list through October 30 of the calendar year within which the permit will expire. Mr. Voelker expressed his hope that everyone will comply with the regulations, will do the right thing, and a good job. He noted enforcement power is limited; the Town cannot do noise compliance; and the new paragraph maintains some

measure of control. The events are seasonal; the time frame is May 1st to October 30th; this is the time and season for private organization outdoor functions and events.

Mr. Strollo stated his satisfaction with the extensions and time frames.

Ms. Visconti also stated her satisfaction with the additions and changes for time frames and extensions.

The Commission was told by Mr. Voelker that Commissioner Linder worked with him on the language for the extension, and he expressed his appreciation to Mr. Linder.

MOTION by Mr. Kardaras; seconded by Mr. Todisco.

MOVED that the Cheshire Planning and Zoning Commission finds that the petition to amend Section 30, Schedule A, to add Subsection 23C to permit outdoor events on a working farm for non-agricultural uses on farms on a seasonal basis including weddings, on-farm banquets and special events will help sustain working farms within Cheshire, and thereby contribute to the protection of these farms and the many acres of open space that they contain.

The Commission also finds that this amendment includes sufficient safeguards to protect the public health, safety and welfare, and that this application is not in conflict with the Cheshire Plan of Conservation and Development, and hereby approves this application, as amended through October 26, 2015.

The effective date of this amendment is November 13, 2015.

#### Discussion

Mr. Strollo raised the issue of a farm leasing neighboring property and if this would be okay under the regulation.

Farm leasing has been ongoing for many years for farm purposes, and Mr. Voelker said this would be a valid interpretation. The intent is to honor farms with farming activity. Timing on the extension is important. It holds things to a reasonable expectation that the Commission may or may not approve the special permit for an extension.

It was pointed out by Mr. Kardaras that farming noises can be more disturbing than a farm event.

VOTE           The motion passed unanimously by those present.

## **5.    TABLED APPLICATIONS**

- a.    **Zone Text Change Petition Application**  
      **Airgas USA LLC**  
      **To add Section 32.7.2 to Section 32.7 Outside**

**Storage.**  
**TABLED FOR PUBLIC HEARING 11/9/15**

**VIII. NEW BUSINESS**

1. **Special Permit Application**  
**CK East Johnson North LLC**  
**16 and 456 East Johnson Avenue**  
**Earth Regrading for Agricultural Use**  
**SCHEDULED FOR PUBLIC HEARING ON NOVEMBER 9, 2015**
  
2. **Earth Removal, Filling or Regrading Permit**  
**CK East Johnson North LLC**  
**16 and 456 East Johnson Avenue**  
**And Waiver Request of Subsection 3.9**  
**And 11 under Section 25.5**  
**SCHEDULED FOR PUBLIC HEARING ON NOVEMBER 9, 2015.**
  
3. **Other Planning and Zoning Commission Business**

**a. Monthly Report from Zoning Enforcement Officer**  
The Commissioners reviewed and accepted the ZEO report.

Mr. Strollo commented on the ZEO having problems with stipulations on a deed. There was a weight restriction and need for clarification on the classification of the vehicle.

**IX. ADJOURNMENT**

MOTION by Mr. Kardaras; seconded by Mr. Lentini.

MOVED to adjourn the regular meeting at 8:09 p.m.

VOTE The motion passed unanimously by those present.

Attest:

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Marilyn W. Milton, Clerk