

**MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION PUBLIC HEARING HELD ON MONDAY, JULY 25, 2016 AT 7:30 P.M. IN COUNCIL CHAMBERS, 84 SOUTH MAIN STREET, CHESHIRE CT 06410**

Present

Earl J. Kurtz, Chairman; Sean Stollo, Vice Chairman; Members: S. Woody Dawson, Edward Gaudio, John Kardaras, Gil Linder, Louis Todisco, David Veleber, and Alternates -Jon Fischer, James Jinks, Jeff Natale  
Absent: Vincent Lentini  
Staff: William Voelker, Town Planner

**I. CALL TO ORDER**

Mr. Kurtz called the public hearing to order at 7:31 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. BUSINESS**

Secretary Veleber read the call of public hearing for all the applications.

- |   |                    |
|---|--------------------|
| <b>1. Special Permit Application</b>                  | <b>PH 6/13/16</b>  |
| <b><u>420 South Main Street Condominium Assn.</u></b> | <b>PH 7/11/16</b>  |
| <b>420 South Main Street</b>                          | <b>PH 7/25/16</b>  |
| <b>Expand Parking</b>                                 | <b>MAD 9/28/16</b> |

Steve Trinkaus, P.E. Southbury CT, represented the applicant.

Mr. Trinkaus explained that the property is currently a medical office building, with a proposed chiropractic service on the first floor.

Most of the parking is located east of the site, and the applicant wants to expand parking in the front of the building for easier access to the chiropractic office. The plan is for 11 new parking spaces. The plans show the grade of the existing building, parking to the south of it, landscape berm plantings to hide the parking lot on the road area, underground system to provide the zero increase in runoff to the 100 year event, catch basin on South Main Street.

If the application is approved Mr. Trinkaus will contact the DOT office in Hamden CT for approval to connect to this catch basin. DOT wants local approval of applications prior to their looking at plans. There are no changes to the parking lot to the east of the site.

All work will be done in front of the south side building/door; there is already a ramp there that does not meet ADA requirements of a 1 to 12 pitch; this area will be leveled in front of the door; the ramp will be extended out to the east along the existing sidewalk. People can come in on the sidewalk, come up the ramp to a level platform at the front door, and enter the building. Those are the only changes proposed to this site.

Town Planner Voelker stated the site plan has been reviewed by Engineering Department, and read the comments dated July 21, 2016 into the record.

The applicant will comply with the Engineering Department comments.

In response to a question from Mr. Todisco on the number of new spaces, Mr. Trinkaus said they are looking for 11 more parking spaces; 8 are pulled in from the west to east plus 3 parallel spaces. There are 32 spaces in the back; 11 in front; and some are used by employees of the building.

Town Planner Voelker informed the Commission that these spaces are more than the minimum required under the regulations.

Due to having a separate business on the 1st floor, Mr. Trinkaus said the additional spaces are required. On the plans, he pointed out the driveway sloping up, the parking lot sloping back, and the proposed parking is convenient for people using the new chiropractic office.

#### PUBLIC COMMENTS AND QUESTIONS

Dr. James Grenon stated it is not only the issue of convenience of parking, which is important, but there is a slope in the parking lot in winter time which is a slip and fall issue. He said he is a busy chiropractor, sees 80 to 100 patients a day. The issue is not having minimum requirements, but needing these parking spaces...convenience, proximity to the front door and the need for parking.

Mr. Voelker read Fire Department comments into the record.

THE PUBLIC HEARING WAS CLOSED.

**2. Waiver Request of Section 5.5.B16  
Of the Cheshire Subdivision Regulations  
Mr. and Mrs. Lentini  
571 Cook Hill Road  
To allow for an accessory structure within  
60 feet from the property line abutting a  
Front lot.**

**PH 7/11/16  
PH 7/25/16  
MAD 9/28/16**

Ryan McEvoy, P.E. Milone and MacBroom represented the applicants.

Mr. McEvoy reviewed the merits of the application for a waived request. The property is at 571 Cook Hill Road, part of an approved 2009 subdivision, with the subject house constructed in 2009. He pointed out the property on the plans; property is 8000 sq.ft. in size; there is an existing house (tan) with a septic system; it is served by rear lot access way along an easement on 569 Cook Hill Road. As part of the approved subdivision a 60 foot front set back was demonstrated along 563 Cook Hill and 569 Cook Hill Road.

Mr. McEvoy said the applicants are seeking a waiver of Section 5.5B.16 of the Subdivision Regulations to construct a detached accessory structure (pool house) within the required 60 foot setback line on a rear lot. The owners want an accessory structure to be located within the 60 foot line but outside of the 40 feet.

There are specific reasons for seeking a waiver for the structure to be located within 60 feet of the front lot, and Mr. McEvoy cited them. First - is the location of the house and existing septic system - that requires the separation from those particular structures to the pool (currently under construction), which forces the location of the accessory structure either to the side or to the rear along the wooded area which has deep slopes. The area proposed is buffered from front properties, and the location is in an area with gentle slopes not requiring any difficult grading.

According to Mr. McEvoy, the applicants (Mr. and Mrs. Lentini) have approached the owner of 563 Cook Hill Road and there is no opposition to the application. 563 Cook Hill is the only property within 60 feet of the proposed accessory structure.

It was noted by Mr. McEvoy that Commissioners were invited to visit the subject property. Mr. Dawson visited the property, and after seeing it has no problem with the application.

Mr. Veleber asked about the neighbor 563 Cook Hill Road still in agreement with the waiver request.

In response, Mr. McEvoy stated the neighbor has no opposition to the application.

Mr. Todisco said the house could have been built closer to the rear lot access way, with more room in the back.

It was stated by Mr. McEvoy that the shape of the lot meets development requirements, and the house must be located behind the 200 foot line.

When you have conversion lot lines, Mr. Voelker said the lot must show 200 feet of setback line.

Mr. Todisco commented on the house being as far up as it could be, and given where it has to be, the septic system is where it had to be located.

Given the wetland location, steep slopes, necessary clearing and grading in the area, Mr. McEvoy said the house is where it should be. The pool and accessory structure were not planned when the house was built in 2009.

For the record, Mr. Todisco asked about whether or not these conditions are applicable to other land in the area, i.e. the rear slope on this property being more than others in the area.

Mr. McEvoy said it is an 8,000 sq.ft. lot. There is a significant buildup that is within what is normally allowed, and a portion is covered by steep sloped areas. The subdivision regulations recommend not having structures on slopes over 15% or more. The subject property is covered by these steep slopes which is unique to this property. There are other properties with steep slopes. In the subject case there is a relatively flat area, and the location of the structure cannot go near the septic system.

In the regulation Mr. Todisco said it talks about "the area". He said the Commission is being told that other land in the area is not subject to the same types of slopes.

Mr. McEvoy said it is unique for the subject property; it is steep in nature; and other rear lot properties do not have the same significant setback. Taking everything into consideration he said the situation is unique.

The back side of the lot is all an open space parcel, and Mr. McEvoy said it is 15 to 20 acres in size. He pointed out the 250 foot line on the plans, and another portion is 116 feet along the open space.

Mr. Linder asked about the owners of 569 that is a rental, and if there has been a response from them about the application.

Mr. McEvoy said they have not responded.

If this is approved, Mr. Todisco asked if it only affects this particular structure...and no other structure closer to the rear lot access way that could affect 569.

Mr. Voelker said it is not a blanket waiver.

A question was asked about the distance from the pool to where the land starts to go down, and Mr. McEvoy said it is about 20 feet.

THE PUBLIC HEARING WAS CLOSED.

## **VI. ADJOURNMENT**

MOTION by Mr. Kardaras; seconded by Mr. Dawson.

MOVED to adjourn the meeting at 8:10 p.m.

VOTE           The motion passed unanimously by those present.

Attest:

---

Marilyn W. Milton, Clerk