

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION REGULAR MEETING HELD IMMEDIATELY FOLLOWING THE 7:30 P.M. PUBLIC HEARING ON MONDAY, JULY 25, 2016 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 regular meeting to order at 8:11 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 - P.H. July 11, 2016 and Special Meeting of July 11, 2016.

MOTION by Mr. Veleber; seconded by Mr. Dawson.

MOVED to accept the minutes of the Public Hearing of July 11, 2016 and Special Meeting of July 11, 2016 subject to corrections, additions, deletions.

VOTE The motion passed unanimously by those present.

VI. COMMUNICATIONS

- 1. Letter from Michael A. Milone, Town Manager, dated July 29, 2016
RE: 8-24 Review - Proposed Fiscal Year 2016-2017 Five Year Capital Expenditure Plan and Annual Capital Expenditure Budget.**

MOTION by Mr. Dawson; seconded by Mr. Veleber.

MOVED that the Planning and Zoning Commission finds that the Proposed Fiscal Year 2016-2017 Five Year Capital Expenditure Plan and Annual Capital Expenditure Budget for the Town of Cheshire is not in conflict with the 2016 Plan of Conservation and Development. This shall constitute the Commission's report relative to a review in

accordance with Section 8-24 of the Connecticut General Statutes, as required by Section 7-2 of the Town Charter.

Discussion

Mr. Todisco will abstain as he needs more time to review the CEP.

Mr. Kardaras asked about staff input to the CEP.

Mr. Voelker said staff input is only related to the department proposal, including recommendations for acquisition of open space.

VOTE The motion passed 7-0-2; Strollo recused; Todisco abstained.

VII. UNFINISHED BUSINESS

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

MOTION by Mr. Veleber; seconded by Mr. Kardaras.

MOVED that the Cheshire Planning and Zoning Commission finds that the plans to construct eleven (11) additional parking spaces as shown on plans entitled "Parking and Stormwater Management Plan, Project #012-2016, Prepared for Larry Erwich, 420 South Main Street, Cheshire CT" revised through July 18, 2016 are consistent with the requirements set forth in Section 40 (Special Permits) of the Cheshire Zoning Regulations, and hereby approves this application conditioned upon compliance with comments from the Town Engineer dated July 21, 2016, and the Cheshire Fire Department dated June 8, 2016 as well as receipt of revised plans for the location map shown thereon.

VOTE The motion passed unanimously by those present.

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| 2. Waiver Request of Section 5.5.B16 | PH 7/11/16 |
| Of the Cheshire Subdivision Regulations | PH 7/25/16 |
| <u>Mr. and Mrs. Lentini</u> | MAD 9/28/16 |
| 571 Cook Hill Road | |
| To allow for an accessory structure within | |
| 60 feet from the property line abutting a | |
| Front lot. | |

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

MOVED that the Cheshire Planning and Zoning Commission finds that the applicant has satisfied the requirements set forth in Section 11.1 of the Cheshire Subdivision

Regulations for the construction of a pool house within the 60 foot setback area as shown on plans entitled "Site Plan, Proposed Pool and Pool House, Lentini Parcel, Moon Property Subdivision, 571 Cook Hill Road, Cheshire CT", dated June 20, 2016, and hereby grants this waiver.

Discussion

Mr. Todisco will vote "yes" on the waiver after hearing the additional testimony presented at the public hearing tonight. The situation with this property is different; it is a close case; and the argument was adequately made on the application. For the record, Mr. Todisco noted there may be a precedent in the legal sense, but the Commission tries to treat all these applications the same way. With regard to Section 11.1.2 he said a waiver cannot be granted when there is a significant adverse affect on adjacent property and public health. For the adjacent property affected by the subject waiver, Mr. Todisco said the property owner has indicated he/she does not see an adverse affect and has no issue with the waiver request. The 60 foot requirement is there for a reason. In another situation it could make a difference, and the subject approval would not, necessarily, be precedent setting.

Mr. Dawson feels this is a tough situation; the subdivision application was approved; and now the applicant is asking for a waiver for a pool house. Neighbors did not complain about the application.

VOTE The motion passed unanimously by those present.

VIII. NEW BUSINESS

1. Monthly Report from the Zoning Enforcement Officer

The Commissioners read and approved and accepted the ZEO report.

VI. ADJOURNMENT

MOTION by Mr. Dawson; seconded by Mr. Veleber.

MOVED to adjourn the meeting at 8:30 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk

