

SEYMOUR PLANNING & ZONING COMMISSION

Regular Meeting Minutes
July 11, 2013
Norma Drummer Room, Town Hall

COPY RECEIVED
DATE: 7/22/13
TIME: 11:55am
TOWN CLERK'S OFFICE

Members Present: J. Baldwin, W. Birdsell, P. Thompson

Members Absent: D.Bitso, T. Lavranchuk, B. Koskelowski, D. Scheck, Alt.

Others Present: Bob Looker, Town Planner, Bill Paecht, ZEO, Dave Nafis, Nafis & Young, Atty. Brian Lema

The meeting was called to order at 7:35 p.m. by Chairman, Jim Baldwin.

1. Request to Extend Approval Period, High Ridge Estates Subdivision.

Atty. Bob Borrelli was present and stated that they are asking to have the approval period extended to the maximum allowed under State statute. He stated that would be a five year extension.

MOTION: W. Birdsell/P. Thompson to grant the five year extension which will extend the approval period to 7/25/18.
Motion Carried 3-0.

2. Fawn Woods Estates, Revocation of Subdivision Approval.

Atty. Brian Lema stated that this subdivision was approved by this Commission on May 8, 2003. The subdivision map was recorded in 2003 and a few extensions were granted with the final expiring on April 14, 2012. The road improvements have not been done and the Letter of Credit is no longer in effect; it has expired. Atty. Lema stated that under Connecticut General Statutes Section 8-26c(c) this Commission can determine that the subdivision has expired. He stated that the Commission should take action to put notice on the Land Records that Lots 5 and 6 cannot be conveyed and no longer exist as separate lots until the developer comes before the Commission and get a new approval. These two lots would no longer be legal lots. The attached Resolution was read into the record.

MOTION: W. Birdsell/P. Thompson to approve the Resolution as read into the record.
Motion Carried 3-0.

3. Request to address Commission, Shilpa Mehta, 18 Forest Hollow Road.

Shilpa Mehta stated that she has a drainage issue on her property. She stated that she has brought this matter to the attention of the Commission previously and was to be contacted by the Town Engineer. She stated that Baker Residential agreed to reimburse her for the repair to the drainage but wanted her to sign a release. She did not want to sign the release. She stated that the problem still exists and she has not been contacted by anyone.

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Mr. Baldwin stated that the ZEO and Town Engineer have been to the property and there are no zoning violations on the property. The problem is on her individual property. Mrs. Mehta stated that there are two lots higher than hers and water is running down from those onto her property.

Dave Nafis, Nafis & Young stated that the drainage was always designed the way it is and her lot is lower than the others. He stated that they have been to the lot and the drainage was done the way it was approved.

Mr. Baldwin stated that it appears that this is a civil matter and not a zoning matter. Atty. Brian Lema stated that staff has done a thorough review of the subdivision and it is in compliance. He stated that this is a civil issue between the property owner and the developer. Mrs. Mehta stated that there is undeveloped property that the developer owns and there is a stockpile of material on it which creates a problem. Atty. Lema stated that the developer is required to comply with the regulations and as of today they are in compliance.

Mr. Nafis stated that he was acting as a liaison for the developer and he did have a check to reimburse her but she would not sign the release. Mr. Baldwin stated that this is private property and there is no violation on the part of the developer. Mrs. Mehta asked if the Town makes sure that the developer is in compliance and Mr. Baldwin stated that the Town has inspected and the grading is in compliance. Mrs. Mehta stated that the Town did get involved in the beginning to try and resolve the problem. Mr. Baldwin stated that the Town got involved as courtesy but this is a civil matter. Atty. Lema stated that it is not an issue that the Town has jurisdiction over. Mr. Baldwin stated that the Commission took steps to get an opinion and the Commission does not have jurisdiction over this. The Commission does not have any authority to resolve this. He stated that the Commission has to rely on information from the staff and town engineer and they are stating that it is in compliance.

Mrs. Mehta asked about the property behind her house and what was going on with that. Mr. Paecht stated that is the last phase of the project and it has not been added to the approved list. Mr. Looker stated that the property behind hers is still in the phasing process. Mrs. Mehta asked if the stockpile behind her house should be buffered. Mr. Baldwin explained that the stockpile cannot become unstable but they own the property and can stock pile material there as long as they are in compliance. She stated that there is vegetation growing on the stockpile and the chain link fence is not always locked and people go in there at all times. Mr. Baldwin stated that this is a civil matter and the ZEO and town engineer are monitoring the site. If there is a violation or blight then they would be cited and the Commission notified. Mr. Nafis stated that it is an active construction site. Ms. Mehta asked when the approval expires and Mr. Baldwin stated that the applicant can ask for extensions under State statute and he was not sure of the expiration of the original approval. Mrs. Mehta stated that there is vegetation growing on the vacant lots and the stockpile.

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Mr. Baldwin stated that he would think that the vegetation makes it a more stable condition. He stated that if the developer does not complete the project within the expiration date then the approval is lost. He stated that he would expect that they re actively working on this to finish the project.

4. Zoning Enforcement

Mr. Paecht presented his report. He stated that he has been very busy with the signs that are put up all over town. He stated that some of them do not have an address on them so it is difficult to find the responsible party. He stated that he has spoken with the policy about the problem as a lot of them are put up at night. Mr. Baldwin stated that the police will ask the officers on night shifts to look for individuals putting up signs.

Mr. Paecht stated that he met with the owners of T&M Paving and they are looking for a new site. He stated that the residential use on their property has been discontinued and they are trying to get into compliance.

Mr. Baldwin asked about accessory buildings and Mr. Looker stated that they are defined as buildings that are incidental and subordinate to the main building and there cannot be more than three accessory buildings on a site. Mr. Baldwin stated that he had some concerns with a property on Botsford Road. Mr. Baldwin asked about a property on Skokorat Street that appears to be blighted. Mr. Paecht stated that according to the Building Official it is a construction site and no blight.

Mr. Baldwin asked about the Rooster Enterprises site and Mr. Paecht stated that it needs more seed. Mr. Nafis stated that a letter was sent to the owner that more seed is needed on the site as it is sparse. Mr. Baldwin felt that he should be informed that more seeding should be done within a certain period of time. He stated that this situation was to be monitored by Nafis & Young and if there is no response to the letter than the Commission could take some action.

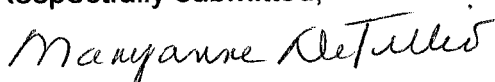
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MOTION: W. Birdsell/P. Thompson to approve the minutes of the June 13, 2013 regular meeting.
Motion carried 3-0

MOTION: W. Birdsell/P. Thompson to adjourn the meeting.
Motion carried 3-0.

The meeting was adjourned at 8:25 p.m.

Respectfully submitted,



Maryanne DeTullio, Recording Secretary

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SUBDIVISION: Fawn Woods Estates Subdivision

PROPERTY LOCATION:

6 Fawn Hallow Drive, Seymour a/k/a Lot #5 on a certain map entitled "Record Subdivision Map Fawn Woods Estates prepared by Audrey J., Alexander, John & Julia W. Belske, Steep Hill Road, Seymour, Connecticut, by Michael H. Horbal, Land Sureyors – Planners" dated February 19, 2003, and last revised to May 19, 2003, which may is on file in the Seymour Town Clerk's Office by the Map No. 2090 (the "Record Subdivision Map").

2 White Deer Lane, Seymour a/k/a Lot #6 on said Record Subdivision Map

RESOLUTION

WHEREAS, the Seymour Planning and Zoning Commission (the "Commission") approved the Fawn Woods Estate Subdivision (the "Subdivision") with conditions on May 8, 2003;

WHEREAS, the Commission endorsed the Record Subdivision Map on June 12, 2003;

WHEREAS, in accordance with Connecticut General Statutes Section 8-26c(c), the failure to complete all Work, as defined therein, within the requisite time period or any extension thereof shall result in the automatic expiration of the approval of the subdivision provided the Commission shall file on the land records of the town in which such subdivision is located notice of such expiration and shall state such expiration on the subdivision plan on file in the office of the town clerk of such town;

WHEREAS, the Work required to be performed in connection with the Subdivision has not been completed and there has been a failure to complete all Work within such time period or any extension thereof;

WHEREAS, the Irrevocable Standby Letter of Credit No. 10025 opened in conjunction with the approval of the Subdivision has expired and no substitute bond or surety has been posted to secure the completion of the Work required in conjunction with the Subdivision.