

## SEYMOUR PLANNING & ZONING COMMISSION

Regular Meeting Minutes  
September 13, 2012  
Norma Drummer Room, Town Hall

COPY RECEIVED  
DATE: 9/18/12  
TIME: 9:00 AM  
TOWN CLERK'S OFFICE

**Members Present:** J. Baldwin, W. Birdsell, B. Koskelowski, D. Bitso,  
J. Jaffer, T. Lavranchuk, Alt.

**Others Present:** Bob Looker, Town Planner, Bill Paecht, ZEO, Dave Nafis,  
Nafis & Young, Town Engineer

The meeting was called to order at 7:30 p.m. by Chairman, Jim Baldwin.

### ***1. Site Plan, Bank/Columus Street Senior Housing, Phase Two***

Attorney Dominick Thomas, 315 Main Street, Derby was present for the applicant. He stated that a thorough presentation was made at the July meeting. This is a site plan application for a use that is permitted as a matter of right. He stated that the only real issue is with the parking. They will be providing 15 on site spaces. He presented a copy of minutes from the Seymour Housing Authority, which would have a 1% interest in the project and manage it, supporting this phase of the project. Attorney Thomas stated that the plans have been circulated to the Fire Marshal, Fire Chiefs, Police and Town Engineer for their review and comment. He stated that the Fire Marshal would be reviewing the plans for Code issues. He stated that no response was received from the Fire Chiefs or police. Mr. Baldwin asked how the plans were circulated and Atty. Thomas stated that the applicant forwarded them by e-mail. Chm. Baldwin asked that copies of the e-mails be submitted to the Commission.

Atty. Thomas stated that this is an excellent design and will fit well in the downtown area. Chm. Baldwin asked if any response was received from the Parking Authority and it was noted that none has been received. Mr. Migani stated that Chief Metzler indicated that the police are the parking authority and they are monitoring the parking situation in the downtown area but had no further comment on this application. Mr. Looker stated that as a whole the parking supply was ample but not located where needed. Mr. Migani also stated that he made a presentation to the Seymour Economic Development at their last meeting. There have been no comments from them and a copy of the minutes from that meeting were given to the Commission.

Mr. Birdsell noted that the minutes from the Housing Authority did not include the date of the meeting and he asked when it was held. Mr. Migani stated the original resolution was adopted in 2009 and three weeks ago they reaffirmed the resolution to continue their willingness to participate in Phase II of the project. The date of the meeting will be given to the Commission. Chm. Baldwin asked about the A-2 survey of the entire property. Mr. Looker stated that if approved they would have to get an A-2 survey before any permits would be issued. Mr. Nafis stated that from the engineering standpoint the application is fine.

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Chm. Baldwin asked about the parking situation and Mr. Looker stated that the turning radius for the on-site spaces is better but still a bit of a problem. Chm. Baldwin asked if there were any other outstanding issues other than parking and Mr. Looker stated that there were none.

Mr. Bitso asked the number of units and Atty. Thomas stated that it is 26 units. Mr. Looker stated that two spaces per unit are required in the CBD Zone and parking is under the control of the Parking Authority. Mr. Looker stated that the Commission could reduce to one space per unit and the need could be met with the use of available parking in municipal lots within 300 feet of the property. However, there are only two lots that are within 300' and the shortage would have to be made up from spaces in those two lots. Mr. Migani stated that senior housing is the least obstructive use on parking. Chm. Baldwin stated that he is very concerned that there has been no comment from the Parking Authority on this application. Mr. Bitso stated that he has been approached by a lot of people who are concerned with parking in the downtown area and he was concerned that senior housing will take up available spaces.

Mr. Migani stated that the seniors need to have a community room and other amenities which will be provided in this phase of the project. Atty. Thomas stated that the applicant has given an extension to the next meeting. Chm. Baldwin stated that the Commission needs to take into consideration the welfare and safety of the town in making a decision. He stated that there is still time for the Commission to make a decision and could vote on this application tonight or table it to the next meeting.

Mr. Koskelowski stated that the Commission needs to make the right decision for the Town of Seymour and public safety comes first. This application should be looked at very seriously. He stated that Mr. Migani has improved the downtown area and has fixed up dilapidated buildings and made them useable. He has done many positive things for the Town. He also stated that this building would improve the area and make it useable. Mr. Koskelowski stated that he would vote to support it and let the police department handle the parking. He did state that his only concern was with the parking.

Mr. Birdsell felt that the Chairman or First Selectman should go to the police and parking authority and get some response from them on this issue. Mr. Bitso stated that Mr. Migani has done a good job on the building and he is not against it but is very concerned about parking. He stated that he would like to have a report from the Police Department or Parking Authority.

**MOTION:** W. Birdsell/D. Bitso to table to the October meeting in order to get a response directly from the Police or Parking Authority.

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Chm. Baldwin stated that the amount of parking provided on site is approximately 40% of what they need. He stated that any application that would come before the Commission would come under the same scrutiny and guidelines. He stated that he would like to see other commissions weigh in on this if they have been notified properly.

Mr. Koskelowski stated that he contacted an individual at the Police Department a few months ago to get information on the parking situation in the downtown area and he never heard back from him. Mr. Bitso felt that the Commission should not move forward on this until some response is received from the Parking Authority. Mr. Koskelowski stated that there are spaces available in the municipal lots and this is a plus for downtown Seymour.

The motion carried 3 to 2 with Messrs. Baldwin, Bitso and Birdsell in favor and Messrs. Koskelowski and Jaffer opposed.

### ***2. Change in Non-Conforming Use from Well Drilling to Well Drilling and Racing Fabrication, 115 Bungay Road***

Attorney Robert Uskevich was present representing Joseph Waskewicz III. Atty. Uskevich stated that his client received a letter from the ZEO that the use of the property was a change of use and not grandfathered in as a non-conforming use. He stated that his client could come before this Commission and get a new non-conforming use but what they are doing now is what they have been doing for many years so they are really grandfathered in. He stated that a complaint was made and the ZEO asked for a legal opinion from town counsel. He presented copies of the legal opinion which he reviewed and compared to the ZEO's letter. He stated that the ZEO's letter did not provide any factual basis for the decision. Atty. Uskevich stated that the well drilling operation was not really ever done at this location but at other locations. They stored the equipment and parked the vehicles and anything else needed within the structure of the well drilling operation to perform it. The business was started by the family back in 1948 and part of the business was welding which is an integral part of well drilling. The welding use was in conjunction with well drilling.

Joseph Waskewicz, 115 Bungay Road, stated that an individual had to be a welder to drill wells and it has always been that way and a part of the business. He stated that they do other welding jobs for different people over the years. The fabrication work also started back in the late '40's. The property is a little over 10 acres and the building where the work is done is almost 600 feet from the road.

Atty. Uskevich stated that there was an accident in 2005 and they lost a well driller rig. At that time there were other options for them to maintain their livelihood. All the equipment was in the shop and could do welding work. They did welding work in addition to well drilling.

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Joseph Waskewicz IV stated that he does most of the welding at this time. A lot of work over the last few years and been welding vehicle chassis'. Chm. Baldwin asked if any automotive work is done on the property and Mr. Waskewicz stated that none is done. Atty. Uskevich asked his client if they did any welding work for the Town of Seymour and Mr. Waskewicz stated that they have for the Public Works Department and WPCA. He presented letters from the WPCA and Tracy's Garage in Derby stating that welding work has been done for them. Mr. Waskewicz stated that the equipment has been there since the business was started and only he and son do any of the work.

Chm. Baldwin asked if Bungay Well is still in existence and Mr. Waskewicz stated that it is and he does well inspections. Atty. Uskevich stated that the welding work has been done on the property since 1948 and it is not an expansion of any kind. It is the same number of employees and the same equipment.

Atty. Uskevich stated that no action was taken by the ZEO and he was hopeful that after the ZEO heard the testimony this evening would realize that he was wrong in his opinion that it is not a non-conforming use. Chm. Baldwin noted that they are not asking for a change in the non-conforming use. Mr. Paecht stated that he is looking for an opinion from the Commission. The business changed names in 2007.

Chm. Baldwin stated that if only welding is being done and no automotive work he did not see that it was much different from what has always been done there. He did not feel that they were asking for a change in the non-conformity. Mr. Looker stated that the ZEO looked at the property and asked town counsel for some advice since he felt that the fabrication was a new use. Mr. Koskelowski stated that they have done welding since 1949 and he did not feel that this was a new business and just an addition to what they did before.

**MOTION:** B. Koskelowski/J. Jaffer that it was the opinion of the Commission not this is not an expansion of a non-conforming use but within the scope of the non-conformity that existed at this property.  
Motion Carried 4-0-1 with Mr. Bitso abstaining.

### ***3. Proposed Lot 3A, Buckingham Estates Subdivision, Derby***

Attorney Dominick Thomas, 315 Main Street, Derby stated that this is a re-subdivision of property in Derby at the bottom of Buckingham Road near Route 34. The original subdivision is being re-subdivided and the Seymour town line goes through the rear of the property. The proposed house on one of the lots is in Seymour but the driveway is from Derby. Mr. Looker presented a letter outlining his opinion on this matter. His opinion is that this is not allowed as the proposed Lot #3A does not conform to the Seymour Zoning Regulations. He stated that the regulations state that if a parcel contains land in both Seymour and another town, vehicular access must be from Seymour.

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He stated that this lot is landlocked from Seymour. Atty. Thomas pointed out that it conforms to all flag lot regulations in Derby. Mr. Looker stated that there are other Seymour regulations that would pertain to this lot and it does meet those. Chm. Baldwin asked if any work has been done on the property and Atty. Thomas indicated that nothing has been done.

Mr. Looker stated that another big issue is the setback lines and the lot is not large enough under the Seymour regulations. Atty. Thomas stated that one half is in Derby and one-half in Seymour. He stated that he spoke with the Fire Marshals from both towns and they stated that an inter-municipal agreement could be drawn up regarding fire and emergency access.

Chm. Baldwin stated that they could apply for variances in Seymour as the regulations are restrictive. Mr. Looker stated that you cannot apply the Derby regulations to this property. Chm. Baldwin stated that he felt that their best recourse was to go to ZBA and ask for a variance as the regulations are causing their hardship. They looked at the proposed plan and suggested possibly turning the house slightly and that may give them the needed area under the Seymour regulations.

MOTION: W. Birdsell/D. Bitso to table the matter to the next meeting.  
Motion Carried 4-0.

Mr. Koskelowski left the meeting and did not vote on the previous motion.

MOTION: W. Birdsell/D. Bitso to seat T. Lavranchuk as a regular member.  
Motion Carried 5-0.

### **4. Zoning Enforcement**

Mr. Paecht stated that there were two individuals who wanted to speak to the Commission.

Shilpa Mehta, 18 Forest Hollow Road stated that she was still having issues with drainage on her property. Mr. Nafis stated that when they looked at her property the bottom of the slope was soggy and attempts were made to fix the problem. He stated that the owner got their contractor and Baker was going to pay for the work. They wanted a hold harmless agreement from the property owner. Mrs. Mehta stated that she did not want to accept this because it would have waived all her rights in the future if there were problems on her property. She stated that she has had these drainage issues since her c.o. was issued. Chm. Baldwin stated that she could proceed with civil action and she indicated that she was not in a position to do that. She stated that there was always been a water problem and poor drainage on her property. Chm. Baldwin stated that this is on private property and the town does not assume responsibility unless it is shown on the site plan and it was not done properly.

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Mrs. Mehta stated that a permit was given. Chm. Baldwin stated that there is no violation at the property. Mr. Nafis stated that a drain should be put in on her property. Chm. Baldwin stated that someone from Nafis & Young, representing the town along with Don Smith will look at the problem and if they find that it should be corrected they will advise Baker who should fix it.

Rooster Enterprises – Kevin Cox. Mr. Cox stated htat he is looking for an extension on the work that was required to be done on his property. Chm. Baldwin asked why the excavation was stopped. Mr. Cox stated that the only thing not done is the detention basin. He also stated that CL&P has the work order. Mr. Paecht felt that there should be a fence around the detention pond. Mr. Cox stated that he would like a 60 day extension to complete the work.

MOTION: W.Birdsell/D. Bitso to grant an additional 60 day extension from 9/13/12 subject to terms and conditions of letter from Nafis & Young.  
Motion Carried 5-0.

The Commission reviewed Mr. Paecht's report for the period 7/15/12 to 9/5/12. He stated that the Land Trust has done a good job on the work on their property. The Commission discussed the salary for the ZEO.

MOTION: W. Birdsell/D. Bitso to investigate a salary increase for the ZEO.  
Motion Carried 5-0.

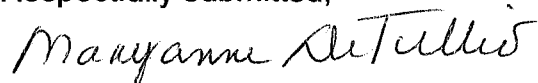
### **5. Minutes – July 12, 2012**

MOTION: W. Birdsell/T. Lavranchuk to approve the minutes of the July 12, 2012 regular meeting ring.  
**Motion carried 3-2 with Mr. Jaffer and Mr. Bitso abstaining.**

MOTION: D. Bitso/W. Birdsell to adjourn the meeting.  
**Motion carried 5-0.**

The meeting was adjourned at 10:10 p.m.

Respectfully submitted,

  
Maryanne DeTullio, Recording Secretary