

SEYMOUR PLANNING & ZONING COMMISSION

Regular Meeting Minutes
February 9, 2012
Norma Drummer Room, Town Hall

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

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

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

1. Request to recommend acceptance of southerly section of Hidden Meadow Road.

Don Smith, 56 Greenwood Circle, Seymour was present representing Baker Residential. He stated that they are making substantial progress on Rolling Hills Subdivision. There are three phases of the project that are in different stages of completion. In December they submitted as-builts drawings and some requests for road acceptances and bond reductions.

Bob Looker presented a map of Section 1 which we are dealing with and it was done in three phases. He stated that they are going to be requesting different bond reductions and road acceptances.

Mr. Smith stated that this item is referencing the southerly section of Hidden Meadow and he pointed out the section of the road that they are asking be accepted.

Mr. Nafis stated that it is in good shape. Mr. Paecht stated that where the road meets they used a liquid seal. Mr. Nafis stated that they did use a liquid seal but he did not feel that this was a big deal since there will still be a performance bond on this road.

MOTION: W. Birdsell/D. Bitso to recommend to the Board of Selectmen the acceptance of the southerly section of Hidden Meadow Road

Mr. Koskelowski stated that he did not like the way the road has been sealed. He was concerned that it will crack wide up and he did not want to have it accepted at this time. He stated that where they overlaid the asphalt it could open up and result in a lot of potholes. He also stated that large trucks are still using that road and could not recommend accepting it at this point. Mr. Baldwin stated that he was in agreement with Mr. Koskelowski regarding the seaming. He stated that he did not see any problems if we indicate that seam and if there are problems it is repaired and blended back in. Mr. Smith stated that Red Oak Lane is paved all the way through and accepted. He stated that if it does open it would be addressed and corrected. Mr. Baldwin stated that he would have no problem recommending this as it is corrected but not with a cold joint. Mr. Koskelowski was concerned that it will open up and there will be maintenance problems for the Town.

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Jeff Micki, project manager for Baker Residential stated that they would be agreeable to any conditions that the Commission would feel are necessary. He stated that the southerly end of Hidden Meadow Road is fully occupied and the acceptance of the road would be beneficial to the homeowners. Mr. Baldwin stated that there will still be a maintenance bond in place. Mr. Koskelowski stated that will go by what the town engineer has stated and since the homes are occupied they deserve to have town services. He would have no problem as long as the maintenance remains in place. The maintenance bond would stay in place for one year and the Commission could require that they come back before the Commission before it is released. Mr. Looker stated that the Commission should make it a condition that final release would have to be approved by the Commission.

Mr. Birdsell amended his motion that the southerly section of Hidden Meadow Road with a condition that the release of the final maintenance bond be approved by the Commission and the seaming of the continuance of the asphalt be a hot seam rather than a cold joint. Mr. Bitso seconded the amended motion. **Motion Carried 5-0.**

2. Request to reduce performance bond for Section 1, Phase 2, Rolling Hills Estates to \$88,500. This includes \$34,000 as maintenance bond for Red Oak Lane and \$17,500 as maintenance bond for Hidden Meadow Road.

Don Smith, 56 Greenwood Circle, Seymour was present representing Baker Residential. Mr. Nafis stated that the amount is fine and the Commission should decide what they would like to do if there are going to be trucks using the road. Mr. Smith stated that they are asking for a reduction in Red Oak and Hidden Meadow. He stated that the maintenance bond for Red Oak would still be there as well as for a portion of Hidden Meadow Road. Mr. Nafis stated that the bond could be reduced to that amount. The bond would be reduced from \$117,500 to \$88,500. Mr. Smith stated that basically all the excavation except for the house foundation itself is completed for this phase. He stated that all the construction on Red Oak and Hidden Meadow south is also complete. He stated that there is construction activity on Fox Run and Hidden Meadow but Red Oak and Hidden Meadow Road should not experience any of that truck traffic.

MOTION: J.Jaffer/W. Birdsell to reduce the performance bond for Section 1, Phase 2, Rolling Hills Estates to \$88,500. This includes \$34,000. as maintenance bond for Red Oak Lane and \$17,500. as maintenance bond for Hidden Meadow Road
Motion Carried 5-0.

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3. Request to recommend acceptance of Forest Hollow Road.

Don Smith, 56 Greenwood Circle Seymour representing Baker Residential was present. Mr. Baldwin stated that there is still a considerable amount of truck traffic on this road. There is a favorable recommendation to accept from the town engineer.

MOTION: D. Bitso/J. Jaffer to recommend to the Board of Selectmen the acceptance of Forest Hollow Road.
Motion Carried 5-0.

4. Request that performance bond for Phase 1, Section 1, Rolling Hills be reduced to \$40,000. This would be the maintenance bond for Forest Hollow Road.

Don Smith, 56 Greenwood Circle, Seymour for the applicant Baker Firestone. Mr. Baldwin stated that he had a concern about this because this is the primary construction road that leads to other buildable areas in other phases. He stated that the recommendation is to reduce from \$160,000. to a \$40,000. Maintenance bond.

MOTION: B. Koskelowski/J. Jaffer to reduce the performance bond for Phase 1, Section 1, Rolling Hills to \$80,000. It would be the maintenance bond for Forest Hollow Road.

Mr. Bitso was still concerned with the amount of construction traffic that will be using that road and wanted to make sure that amount would cover any problems. Mr. Nafis stated that he felt that was sufficient to cover any problems that might occur.

Mr. Koskelowski amended his motion that they have to come back to the Commission for final release of the bond. Mr. Jaffer seconded the amended motion.

Motion Carried 5-0.

5. Request that Section 1, Phase 1, Rolling Hills erosion control bond be reduced to \$16,310.

Don Smith, 56 Greenwood Circle, Seymour stated that Section 1, Phase 1 is complete and they are requesting that this bond be reduced to zero. Mr. Nafis stated that the shoulders are completely done and they would recommend that it be reduced to \$5,000.

MOTION: B. Koskelowski/D. Bitso to reduce the erosion control bond for Section 1, Phase 1, Rolling Hills to \$5,000.
Motion Carried 5-0.

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6. Request that Section 1, Phase 2, Rolling Hills erosion control bond be reduced to \$17,550.

Don Smith, 56 Greenwood Circle, Seymour was present for the applicant Baker Residential. Mr. Koskelowski asked if that amount would be sufficient to cover any problems. Mr. Nafis stated that it would and that everything is pretty much done.

MOTION: B. Koskelowski/W. Bridsell to reduce the erosion bond for Section 1, Phase 2, Rolling Hills to \$17,500.

Mr. Smith noted that he felt that this bond had previously been reduced to \$16,600. and they did not request any further reduction. Mr. Koskelowski then withdrew this motion and Mr. Birdsell withdrew his second.

MOTION: B. Koskelowski/W. Birdsell to table this item to get the current Information.

Motion Carried 5-0.

7. Request that Section 1, Phase 3 performance bond be reduced to \$145,000. (Fox Run and northerly section of Hidden Meadow)

Don Smith, 56 Greenwood Circle, Seymour that this is being reduced from \$553,200. to \$145,000. He stated that the only thing left would be paving and curbing. Mr. Koskelowski stated that he would be more comfortable reducing this in half. Mr. Baldwin agreed with him on the reduction amount.

MOTION: B. Koskelowski/W. Birdsell to reduce the performance bond for Section 1, Phase 3 from \$553,200. to \$276,600. for 336 Roosevelt Drive.

Motion Carried 5-0.

8. Fieldstone Woods Subdivision

(a) Endorsement of record subdivision subdivision plan re: revision of Note 6.

Joe Nesteriak was present and stated that this was already approved but the mylar was never signed. He stated that some of the lots will be serviced by public water and some will have wells. The Note #6 clarifies this.

MOTION: J. Jaffer/D. Bitso to authorize the Chairman and Secretary to sign the mylar.

Motion Carried 5-0.

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8(b). Lot Line revision, Lots 4 & 5.

Joe Nesteriak stated that this is just a lot line revision. He stated that this between 57 and 49 Mountain Road. There is a closing scheduled for next week. He stated that they are going through Wetlands get approval to subdivide Lot 4 into two lots which will make Lot 5 a rear lot but both lots are conforming. He stated that they will have to come back to this Commission after Inland Wetlands approval.

MOTION: J. Jaffer/D. Bitso to approve the lot revision for Lots 4 and 5.
Fieldstone Woods Subdivision
Motion Carried 5-0.

9. Extension of map filing period, Re-subdivision of 176 & 202 Cedar Street.

Chm. Baldwin stated that a letter was received from the applicant requesting a 90 day extension to file the map.

MOTION: W. Birdsell/J. Jaffer to approve the 90 day extension for
map filing period for re-subdivision 176 and 202 Cedar Street.
Motion Carried 5-0.

10. Discussion of proposed Phase II, senior housing, Bank Street and Columbus Street.

Attorney Dominick Thomas, 315 Main Street stated that his is a continuation of informal discussion on this project. He stated that this application requires a site plan. He stated that the parking requirements which are in section 14.7 for the CBD-1 exemption states that existing or new buildings within 300 feet of a municipal lot may include available spaces not dedicated in such lots will meet the parking requirements with the approval of the Planning and Zoning Commission. He stated that the Commission has discretion to set the appropriate number of parking spaces for this project. Chm. Baldwin stated that this is an informal discussion and no application has been filed. Mr. Koskelowski stated that he did not want to comment on anything without an application being submitted. Atty. Thomas stated that he is trying to find out what the intent of the regulation is regarding the parking. Mr. Birdsell stated that he had come before the Commission in 2009 and got the opinion of the Commission at that time. Atty. Thomas stated that he is not asking to comment on any site plan. He is trying to find out if the Commission has discretion regarding the number of spaces required. Chm. Baldwin stated that Planning and Zoning Commission is a legislative action when the interpret the regulations and an administrative action when we follow the regulations. He stated that he would like to speak with the town attorney for an opinion on this. Atty. Thomas stated that it is clear from the regulations that the parking requirements for elderly housing could be reduced. He stated that in downtown areas with small lots a commission can look at other parking.

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Chm. Baldwin stated that last month this issue was discussed and the members are aware of it and looking into it. Mr. Koskelowski stated that the police have not gotten back to him. He stated that the police department is the parking authority. He stated that he did not feel that this was something that should be discussed without an application. Chm. Baldwin stated that the police department did not respond to how many spaces are available total in the Town of Seymour and what is their location. Mr. Baldwin stated that he has looked at some mapping of spaces and some things are changing in Seymour. He stated that another concern is had was that this has been an informal discussion but there have been articles in the newspapers about this and it makes it appear that there is an application. Atty. Thomas stated that informal discussions are good for developers as it gives them an opportunity to find out if there are issues with an application.

Atty. Thomas stated that the only real issue with this project is the parking. He stated that does the applicant reduce the number of apartments in order to comply with parking or because it is in downtown area and there is language in the regulations that you can look at available spaces in the area. Chm. Baldwin asked how do we know what is dedicated and what is not. Atty. Thomas stated that there are no dedicated spaces except for one apartment complex.

Joseph Migani stated that they have done a tally of the parking spaces in the downtown area and presented a breakdown of them. There are 417 total spaces in the downtown area which does not include the 25 spaces in the municipal lot on Broad Street. He also presented pictures of different streets in the downtown area showing the number of cars parked at different times of the day for a number of different dates. He also stated that the real issue with the parking is enforcement which is the responsibility of the police department.

Chm. Baldwin stated that one thing that the Commission really needs to consider is that if the police department are the parking authority they need to communicate with this commission regarding the available spaces. The Commission has no enforcement powers regarding parking. He stated that everyone is looking into this issue and aware of the situation.

11. Housatonic Valley Association, low impact development.

Elaine Labelle, Director of Land Protection, Housatonic Valley Association was present and stated that they received a small amount of funding to look at ten towns in the lower Naugatuck Valley area to look at zoning and wetlands regulations. She stated that they will be hosting two low impact development forums and one will be in Seymour. She stated that the Inland Wetlands Commission and Planning and Zoning Commission have excellent regulations regarding storm water management plans. She asked if the Commission would like to be listed as a co-sponsor of the forum. She will not cost the Commission anything and not involve any work. She stated that if the Commission is interested in doing this, the other Commissions in the Valley area would

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like to hear how the Commission developed the regulations. Chm. Baldwin stated that the Housatonic Valley Association has a very good reputation. He had no objection to the Commission co-sponsoring this forum. Mrs. LaBelle stated that it will be held on March 27, 2012 from 10:00 a.m. to noon and will be at the Land Trust building.

MOTION: D. Bitso/J. Jaffer to approve the Planning & Zoning Commission
Co-sponsor the forum to be held on 3/27/12 with the
Housatonic Valley Association.
Motion Carried 5-0.

12. Zoning Enforcement

Mr. Paecht presented his report for January, 2012. He stated that he has sent out letters regarding the sign regulations to all non-profit organizations and has received a lot of calls regarding the regulations.

Chm. Baldwin asked about the property at 19 Beach Street. Mr. Paecht stated that there is a site plan but they are in violation. He stated that they are storing construction and paving equipment and salt and sand at the location. He has spoken with the property owner. Chm. Baldwin stated that the Town should not allow these violations to continue. He felt that if nothing is done by the next meeting they should be subject to fines. Mr. Paecht stated that he will send a letter that they need to have a site plan submitted within thirty days.

MOTION: D. Bitso/J. Jaffer to add Skate Park Committee report to the agenda
Motion Carried 5-0.

13. Skate Park

Paul Roy, Mike Horbal and Tim Willis, members of the Skate Park Committee were present. Mr. Roy stated that the proposed skate park will be located at the community center. The current skate park will be taken down. They have received a State grant of \$187,000 for a new skate park. He stated that they wanted to make sure that along with the skate park they retain land for a soccer or baseball field. He stated that the plans are moving along and wanted to keep the Commission apprised of what is going on. They will be send out proposals to companies that build skate parks and hopefully out to bid in March. They will be going before other commissions in town to explain the plans to them. He also stated that there will be a BMX bike area at the park. There is a playscape that they will be putting there and a walkway around the park. Mr. Horbal stated that this skate park will be 48% larger than the current one. He also stated that the site is large enough that they will be staying away from the river.

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14. *Minutes Public Hearing and Regular Meeting 01/12/12*

MOTION: W. Birdsell/D. Bitso approve the minutes of the 01/12/12 regular meeting.

Motion carried 5-0.

MOTION: W. Birsell/J. Jaffer to adjourn the meeting.

Motion carried 5-0.

The meeting was adjourned at 9:20 p.m.

Respectfully submitted,

Maryanne DeTullio, Recording Secretary