

SEYMOUR PLANNING & ZONING COMMISSION

Regular Meeting Minutes
January 14, 2010
Norma Drummer Room, Town Hall

Members Present: Dan DellaVolpe, Bill Paecht, Walt Birdsell, Al Yagovane,
Al Ermer

Others Present: Bob Looker, Town Planner, Atty. Colleen Fries

The meeting was called to order at 7:30 p.m. by Chairman Dan DellaVolpe.

1. Special Permit, ALL C OMM Truck Driving School, Pearl Street

Atty. Fries stated that this matter was head in Court on 12/14/09 where the Town argued against the writ of mandamus. She stated that the Judge made it clear that judgment was entered against the Town. She stated that unfortunately judgment was entered because documents were not filed in court when they should have been. The Town tried to appeal and both courts refused to hear the case. The judgment stands and the Commission was ordered to issue a permit to ALL COMM. She stated that the Comission can talk that conditions to be placed on the approval.

Atty. Dominick Thomas representing ALL COMM stated that they have had some discussions with staff and have tried to address some of the concerns expressed at the public hearings. He stated that there were concerns about landscaping. He also stated that because of economic conditions the demand for his client's services has increased substantially. He stated that they are proposing to square off the building which will give them greater interior storage for equipment. There will be plantings along the side of the property that abuts the road. He stated that all trees will be preserved and if some are taken down the applicant would be willing to meet with staff to determine where plants should be replaced. There will also be some landscape islands on the property. He stated that they are asking for a temporary trailer on the site until 7/31/11. He stated that as a result of the increase in business the hours of operation would be from 7:30 a.m. to 7:30 p.m. Monday through Friday and 7:30 a.m. to 4:00 p.m. on Saturday and Sunday.

Atty. Thomas stated that they have approached Kerite as to the Day Street issue and the matter is not finalized at this time, but if the license is ever lost they would agree that the trucks would go left onto Pearl Street. He stated that they would also be willing to meet with staff or members regarding the façade design of the building.

Mr. Birdsell stated that the was concerned about the proposed Sunday hours and felt that the neighbors should be given some consideration. He felt that the hours should only be until noon. Mr. Ermer agreed about the Sunday hours.

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- MOTION:** Paecht/Birdsell – The Seymour Planning and Zoning Commission hereby approves an application for a special permit for a commercial truck driving school as submitted by Allcomm, LLC on the property at 249 Pearl Street subject to the following conditions:
1. The applicant shall make a good faith effort to secure access to Day Street through the Kerite/Marmon Company property. If such access is secured, all student truck traffic shall access the property from Day Street.
 2. Approved amendments to the site plan as submitted include squaring off the building and including additional landscaping on the island between the two driveways. The temporary trailer shall be removed upon completion and occupancy of the building, but no later than 7/31/2011.
 3. The applicant shall prohibit all student truck traffic from making a right turn upon exiting, and traveling southward on Pearl Street through signs, instruction or other means as necessary.
 4. The Planning and Zoning Commission reserves the right to place reasonable limitations on hours of operation to be determined before a Certificate of Occupancy is authorized and after the issue of access to Day Street has been resolved.

Chm. DellaVolpe asked if the Commission needed to firm up the hours of operation this evening. Atty. Fries stated that the Commission could do it now or has reserved the right to do so at a later date. He stated that the issue seems to be the Sunday hours. Mr. Birdsell stated that he would not like to have them operate past noontime on Sundays. There was some discussion on the hours of operation on Sundays. Atty. Thomas indicated that the applicant would agree to 9:00 to 3:00 on Sundays and would work with the Commission to make sure that the primary use would be the rear fields on Sundays.

Mr. Paecht amended the motion as follows: **Condition #4 would read – The Planning and Zoning Commission will approve hours of operation of 7:30 a.m. to 7:30 p.m. Monday through Friday; 7:30 a.m. to 4:00 p.m. on Saturdays and 8:00 a.m. to 12:00 noon on Sundays provided applicant obtains access to Day Street. If applicant does not obtain access to Day Street, the Planning and Zoning Commission reserves the right to place reasonable limitations on hours of operation to be determined before a Certificate of Occupancy is authorized and after the issue of access to Day Street has been resolved.**

The motion carried 5-0.

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The meeting was recessed at 8:00 p.m. and resumed at 8:10 p.m.

2. Site Plan, Mixed Use, 35 Cogswheel Lane

Donald Priest stated that since last month's meeting both Bethany and Woodbridge have been notified of this application. He stated that the site is 1.79 acres and there is 1.6 acres of upland review area and approximately .1 acre of wetlands. The property is located in the C-2 Zone and slopes upward from the road. He stated that they are proposing two missed use buildings with commercial use on the first floor and one bedroom apartments on the second floor. The entrance will be from Cogswheel Lane and overall lot coverage is 7.5%. There will also be a small commercial pad for future development. The needed parking is 48 spaces and there are 50 on site. There would be a small courtyard and stairway between the buildings which would also act as an accessway to the parking areas. There would be a total of 6 apartments; three in each building.

Mr. Priest explained the drainage on site and stated that there are two detention ponds proposed on site. He has received approval from Inland Wetlands. He also explained the phasing of the project and stated that two temporary entrance ways would be constructed and a wall to protect the wetlands. The second phase of construction would be the two sediment basins and then the final phase would be the completion of the drainage work and construction of the buildings. There is no signage on the upper level and all signs will be on the face of the building. There are no free-standing signs proposed at this time. He also explained the planting plan.

MOTION: Paecht/Birdsell to approve the site plan for mixed use at
35 Cogswheel Lane.
Motion Carried 5-0.

3. Site Plan, Private School, 153 North Street

Mike Horbal was present for the applicant. He stated that this is the former Carousal Gardens restaurant. He stated that they have revised the parking and it has been moved further away from the residences. The storm drainage system has been designed to handle up to a 25 year storm. There will be a series of evergreen trees along both the west side and portions of the northerly border. He stated that portions of the building will be removed. There will be a landscape bed with mixed plantings at the corner of North and Gilyard. He stated that the lighting has been revised and will be shielded from overflowing onto residential neighbors. He stated that the greatest portion of the building will be used as a school and a smaller portion for a beauty salon.

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Chm. DellaVolpe stated that he spoke with the town engineer and he would like an opportunity to do a final review.

MOTION: Paecht/Birdsell to approve the application for 153 North Street
With the condition that Town Engineer review the plans.
Motion Carried 5-0.

4. Bungay Terrace Estates, Extension of Map Filing Period

Attorney Matt Rinelli stated that the subdivision was approved in 2004 and since that time has been in litigation. The matter was resolved in October, 2009 and some issues still need to be resolved with Inland Wetlands. He stated that they are therefore asking for a 90 day extension to file the map.

MOTION: Birdsell/Yagovane, to grant a 90 day extension for map filing for
Bungay Terrace Estates Subdivision.
Motion Carried 5-0.

5. Selection of Regional Planning Agency Member

Mr. Yagovane will be the Regional Planning Agency member from Planning and Zoning Commission.

6. Zoning Enforcement – No report.

7. Budget 2010-2011

Mr. Paecht stated that the budget requests will be reviewed by the First Selectman. He proposed an increase of 10% in the board secretary account and an increase to \$400.00 for training. The proposed total budget would be \$20,420.00.

MOTION: Yagovane/Birdsell to present the proposed budget to the
First Selectman.
Motion Carried 5-0.

9. Minutes

MOTION: Paecht/Yagovane to approve the minutes of the 12/10/09
Regular Meeting
Motion Carried 5-0.

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MOTION: Yagovanel/Paecht to adjourn the meeting at 8:45 p.m.
Motion carried 5-0.

Respectfully submitted,

A handwritten signature in cursive script, reading "Maryanne DeTullio".

Maryanne DeTullio, Recording Secretary