

**Seymour Planning & Zoning Commission**

Regular Meeting Minutes

June 11, 2009

Norma Drummer Room, Town Hall

**Members Present: Cliff Strumello, Walt Birdsell, Bill Paecht, Dan DellaVolpe**

**Members Absent: Al Yagovane**

**Others Present: Bob Looker, Town Planner**

The meeting was called to order at 7:30 p.m. by Chairman Cliff Strumello.

***1. Haynes Site Plan, Derby Ave., Request for Renewal Commission.***

Mr. Looker stated that this is a request for a one year extension. It was approved 6/14/01 and they have until 2011. There was no one present regarding this matter.

**MOTION:** Paecht/DellaVolpe to move this item to the end of the agenda.  
In Favor: Strumello, Birdsell, Paecht, DellaVolpe  
**Motion Carried 4-0.**

***2. Lot Line Adjustment, DeAngelis Subdivision, North Benham Road.***

**MOTION:** Paecht/DellaVolpe to move this item to the end of the agenda.  
In Favor: Strumello, Birdsell, Paecht, DellaVolpe  
**Motion Carried 4-0.**

***3. Special Permit, Car Wash, 253 West Street.***

Mr. Strumello stated that the public hearing has been closed on this application.

**MOTION:** Paecht/Birdsell to approve the application for special permit for a car wash at 253 West Street.  
In Favor: Strumello, Birdsell, Paecht, DellaVolpe  
**Motion Carried 4-0.**

***4. ALL COMM Driving School, Pearl Street.***

Mr. Strumello read a memo from Atty. Tim Lee regarding this matter. Atty. Lee stated that the appeal was sustained but the Court did not remand the matter back to the Commission to approve. He stated that the Court did not order the Commission to take any particular action. The applicant requested that the matter be placed on the agenda and no new application or public hearing is required. He recommended that the Planning & Zoning Commission reconsider the application without holding a public

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hearing. He recommended that the Commission review the application and evidence and then have a discussion and decide whether to approve, approve with conditions or deny. He recommended that the Commission review the transcript of the public hearings and be prepared to discuss the matter at the July meeting.

Atty. Dominick Thomas stated that his client has been very patient regarding his application and if the Commission follows the advice of their attorney he will have no choice but to file a motion for contempt and take action. Atty. Thomas presented copies of a Motion for Judgment After Default for Failure to Comply with Motion to Correct Record which was granted by the Court and the appeal is sustained. He stated that he has asked to sit down and have a work session to discuss this matter and resolve it. He stated that they feel that the only issue is where the traffic is going to go. He stated that they will try to go back to Kerite and get a license and they are agreeable to a limitation on where the training track can be. He felt that the opinion given by Atty. Lee was wrong and misrepresents the Court's decision.

Mr. Strumello stated that the Commission has an attorney that the town has hired and it is going to take his recommendation. Atty. Thomas stated that they will take whatever action has to be taken at this point. He asked for open dialogue to discuss the matter. Mr. Strumello stated that he would like to speak with Atty. Lee on how to proceed and the Commission needs to review all the material.

**MOTION:** Birdsell/Paecht to table this matter to the July meeting to review the matter and speak with Atty. Lee.  
In Favor: Strumello, Birdsell, Paecht, DellaVolpe  
**Motion Carried 4-0.**

***5. Proposed Zone Changes, Seymour Economic Development Commission***

Mr. Strumello stated that a public hearing needs to be scheduled for the proposed zone changes recommended by Seymour Economic Development Commission.

**MOTION:** Paecht/DellaVolpe to schedule for public hearing on July 9, 2009 at 7:00 p.m.  
In Favor: Strumello, Birdsell, Paecht, DellaVolpe  
**Motion Carried 4-0.**

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#### **6. Expansion of Elderly Housing, 14-16 Bank Street (Discussion Only)**

Joe Migani stated that in 2006 he presented plans for Phase II for rehabilitation and reuse of the Eckhart Building. The initial proposal did not address parking which was a concern of the Commission. He stated that the new plans would have three stories of structured parking and four stories of senior housing units. There would be one space per unit available. The plans also call for a large community room with support staff. Mr. Migani stated that he felt it was desirable to have this type of development in the downtown area and would solve parking problems. He stated that the first phase of the project has been very successful. He stated that he would like to make formal application but was concerned about the height issue as it is higher than what is allowed by zoning.

Mr. Looker stated that there can be changes made to the regulations. Mr. Paecht stated that he liked the concept and did not see a problem with the height. He was happy to see the parking provided. Mr. Strumello stated that the height issue could be resolved by making it site specific. Mr. Migani stated that they would like to move forward and work with the Commission on the issues. Mr. Strumello stated that the Commission will need to see some specifics on the regulation changes.

#### **7. Zoning Interpretation (Sec. 5.1b), Tattoo Parlor as Personal Service**

Mr. Looker stated that previously the Commission dealt with a tattoo parlor which they were not opposed to but did object to the proposed location. He stated that he did not think that the new location would interfere with pedestrian traffic and the tattoo parlor could fall under the category of personal services in the regulations.

John Henro, professional tattoo artist stated that Seymour has no tattoo parlors at this time. His business would not be any body piercings and he only works with one other person. He stated that he is required to work under the supervision of a doctor and there are procedures from the State of Connecticut that have to be followed. Mr. Strumello stated that the Commission needs to determine if it would fall under personal services.

**MOTION:** Birdsell/DellaVolpe that a tattoo parlor would fall under personal services in the regulations.  
In Favor: Strumello, Birdsell, Paecht, DellaVolpe  
**Motion Carried 4-0.**

**MOTION:** Birdsell/DellaVolpe to go back on the agenda and hear Item #1.  
In Favor: Strumello, Birdsell, Paecht, DellaVolpe  
**Motion Carried 4-0.**

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**1. Haynes Site Plan, Derby Ave., Request for Renewal**

Tom Haynes was present and stated that due to economic circumstances they are asking for a one year extension of the current permit.

**MOTION:** DellaVolpe/Birdsell to grant one year extension to Haynes Site Plan.  
In Favor: Strumello, Birdsell, Paecht, DellaVolpe  
**Motion Carried 4-0.**

**MOTION:** Paecht/DellaVolpe to go back on the agenda and hear Item #2.  
In Favor: Strumello, Birdsell, Paecht, DellaVolpe  
**Motion Carried 4-0.**

**2. Lot Line Adjustment, DeAngelis Subdivision, North Benham Road.**

James DeAngelis was present and presented the map showing the lot line adjustment for the subdivision on North Benham Road.

**MOTION:** Paecht/Birdsell to approve lot line adjustment for DeAngelis Subdivision, North Benham Road.  
In Favor: Strumello, Birdsell, Paecht, DellaVolpe  
**Motion Carried 4-0.**

**8. Zoning Enforcement**

The Commission reviewed Mr. Baldwin's report. Mr. Baldwin stated that he received calls that work was being done on the new Walgreen's on Sunday. He made a copy of the regulations and gave it to the workers. Mr. Strumello stated that no site work can be done on Sundays but work can be done on the building.

Mr. Baldwin stated that there is an individual interested in purchasing 19 Walnut Street and the field card indicates that it is in the R-18 zone. The individual would like to use the property for a heating and air cooling business and would want to park trailers on the site. Mr. Strumello stated that this would be a non-conforming use and Mr. Baldwin stated that the building is not being expanded. Mr. Strumello noted that the regulations allow trailers only for three months. Rick DiMauro stated that he is interested in purchasing the property and needs to keep the trailers on the site and when needed for a commercial job site they are taken there but kept on this property. Mr. Strumello stated that this is considered an existing non-conforming site and it is not in a commercial zone. The regulations stated that trailers can only be on a temporary basis.

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**9. Minutes Regular Meeting - 05/14/09**

**MOTION:** Birdsell/DellaVolpe to approve the minutes of the 05/14/09 regular meeting.

In Favor: Strumello, Birdsell, Paecht, DellaVolpe

**Motion Carried 4-0**

**MOTION:** Paecht/DellaVolpe to adjourn the meeting.

In Favor: Strumello, Paecht, Birdsell, DellaVolpe

**Motion Carried 4-0.**

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Maryanne DeTullio, Rec. Secretary