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DATE: 1/17/08
TIME: 11:20 AM
TOWN CLERK'S OFFICE

Seymour Planning & Zoning Commission

Regular Meeting Minutes

January 10, 2008

Norma Drummer Room, Town Hall

Members Present: Cliff Strumello, Dan DellaVolpe, Al Yagovane, William Paecht, Walt Birdsell

Members Absent: Elaine Buckley

Others Present: Bob Looker, Town Planner, Art Baldwin, ZEO, Dave Nafis, Town Engineer

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

1. Proposed Zone Change, R-40 to RC-3, 10.7 Ac., 336 Roosevelt Drive

Chm. Strumello stated that the public hearing has been closed.

MOTION: Paecht/Birdsell, to discuss the application and act on it.
In Favor: Strumello, DellaVolpe, Yagovane, Paecht, Birdsell
Motion Carried 5-0.

Mr. Yagovane stated that he was in favor of the proposed zone change and stated that he is concerned about the future of Seymour and the fact that the Town needs more tax base. Business needs to be promoted and the taxpayers need help in reducing their taxes.

Mr. Birdsell stated that he was against the zone change. Mr. Strumello stated that zone changes are very difficult. He stated that when a property is sold the purchaser knows what the zone is and relies on that zoning. This particular site has had several applications in the past.

MOTION: Paecht/Birdsell, to vote on the application.
In Favor: Strumello, DellaVolpe, Yagovane, Paecht, Birdsell
Motion Carried 5-0.

MOTION: Yagovane/DellaVolpe, to approve the application for zone change for the following reasons:

1. There are few residential properties that are near enough to be adversely affected by these changes.
2. Evidence has been provided that states that a truck driving school operated by the applicant has not caused problems in an adjacent municipality.
3. The Plan of Conservation and Development recommends that present economic areas be maximized.

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4. The proposed change represents an expansion of an existing commercial area and does not establish an entirely new commercial district.

Mr. Strumello asked about the petition that was submitted and Mr. Looker stated that it was not valid and a simple majority is needed to pass the motion.

In Favor: DellaVolpe, Yagovane, Opposed: Strumello, Paecht, Birdsell

Motion Failed 3-2.

2. Proposed Amendment, Sec. 5.2, Private Business School in RC-3.

Chm. Strumello read the proposed amendment. Mr. Looker stated that if an applicant can show that he meets all requirements in the zoning regulations, the Commission has very little discretion in the approval process. If the application falls under the special permit process then a public hearing is required and it gives more flexibility and discretion to the Commission. Mr. Strumello stated that he would not like to see any amendments that take away discretion from the Commission.

MOTION: Paecht/Birdsell, to deny the proposed amendment.

In Favor: Strumello, DellaVolpe, Yagovane, Paecht, Birdsell

Motion Carried 5-0.

3. CVS site plan, 215-223 West Street.

Mr. Looker stated that the applicant has requested that it be continued to the next meeting. He stated that he has not received the 65 day extension request in writing but since they asked to have it continued to the next meeting it would appear that they are willing to grant the extension. Mike Horbal, agent for CVS stated that he knows that they want to have the hearing continued and they will grant the extension.

MOTION: Paecht/DellaVolpe, to table the matter.

In Favor: Strumello, DellaVolpe, Yagovane, Paecht, Birdsell

Motion Carried 5-0.

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4. Form of Surety, High Ridge Estates Subdivision.

Mr. Looker stated that a letter of credit is the preferred form for surety but a performance bond may be accepted. The applicant in this case would prefer a performance bond. After discussion it was decided to table the matter for further information from the applicant.

MOTION: DellaVolpe/Yagovane, to table the application.
In Favor: Srumello, DellaVolpe, Yagovane, Paecht, Birdsell
Motion Carried 5-0.

5. Request for Bond Reduction, Rolling Hills Acres Subdivision.

Mike Horbal stated that a significant amount of work has been completed and preliminary as-builts submitted. They would like to have the Phase 1 Bond which is \$1,317,000. reduced to \$270,000.; \$27,000. of the remaining bond identified as maintenance bond for Skokorat Street. The Phase 1 soil and erosion control bond which is \$97,860. reduced to \$16,310. They would also like the Commission to make a recommendation to the Board of Selectmen that they accept the improvements to Skokorat Street including sanitary sewer pump station. Mr. Nafis stated that he reviewed the amounts and would recommend the reduction of the bonds.

MOTION: DellaVolpe/Paecht, to approve reducing the Rolling Hills Acres Bonding as follows: Phase 1 from \$1,317,000. to \$270,000.; \$27,000. of the remaining bond identified as maintenance bond for Skokorat Street; Phase 1 soil and erosion control bond reduced from \$97,860. to \$16,310.; and the Commission recommend to the Board of Selectmen that they accept the improvements on Skokorat Street including sanitary sewer pump station.
In Favor: Srumello, DellaVolpe, Yagovane, Paecht, Birdsell
Motion Carried 5-0.

6. Shardon Site Plan, 336 Roosevelt Drive (5 yr. period expired 10/10/07)

The site plan that was originally submitted and approved was for a convenience Store and that has expired. The rule is that it is null and void since the plans Have changed. There are other issues with having the site restored to a condition that is acceptable to the Commission. Mr. Nafis stated that they have made some progress on the site and are getting close to what the slope is suppose to be. Mr. Baldwin stated that he inspected the site and there was little progress. Mike Horbal stated that according to their estimates which are based on the most recent grading there is approximately 15 to 20 cubic yards of material left to be removed and most of that is ledge.

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Mr. Strumello asked how much more time they needed to complete this. Vincent Mairorano stated that he does not have an answer from DOT on the drainage and would like nine months contingent upon resolution with DOT. He stated that they will need to blast and crush and will have to work all day long.

Stephen Walsh, abutting property owner asked what the Commission was giving them an extension on since they had five years to complete the work. He also stated that no one knows what is going on there.

Mr. Strumello stated that the extension is to stabilize the site and bring it to grade as originally submitted in the site plan. The Commission would like to see the site stabilized.

MOTION: Yagovane/DellaVolpe, to grant them a 9 month extension contingent upon approval from State of Connecticut DOT for the purpose of completing grading shown on original site plan and stabilize site.
In Favor: Strumello, DellaVolpe, Yagovane, Paecht, Birdsell
Motion Carried 5-0.

7. Proposed Zoning Amendment, Sec. 5.2, C-1 Re: Detached Single Family Units in MF District.

Mr. Horbal stated that the section does not allow single family units to be constructed where only buildings with two to six units are allowed. This does not increase the number of units that can be built and there are only two sites left in Seymour where this would apply. Mr. Looker stated that this has to be referred to the regional planning agencies and a public hearing scheduled.

MOTION: Paecht/DellaVolpe to schedule for public hearing at 7:00 p.m. on March 13, 2008.
In Favor: Strumello, DellaVolpe, Yagovane, Paecht, Birdsell
Motion Carried 5-0.

8. Budget, 2008-2009.

Mr. Paecht felt that there should be a line item for training in the budget. Mr. Yagovane asked Mr. Baldwin if he had records of his mileage because he was concerned that there was not enough budgeted for this. He also felt that there should be funds for education. Mr. Strumello suggested to Mr. Baldwin that he keep more accurate records of his mileage use to substantiate the amount he receives for mileage.

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MOTION: Paecht/DellaVolpe to adopt the proposed budget as presented with the addition of \$600.00 for training/education and increase in travel to \$800.00

In Favor: Strumello, DellaVolpe, Paecht, Yagovane, Birdsell -

Motion Carried 5-0.

9 Zoning Enforcement

The members reviewed Mr. Baldwin's report. There was a discussion on 149 Main Street and Mr. Baldwin stated that he inspected and it is now vacant and no one living there. The members suggested that he follow up and make sure that it is vacant. Mr. Paecht asked about the Migani building and stated that the stores are open with no certificates of occupancy. Mr. Baldwin stated that they have been rented but not opened. Mr. Strumello asked that he check into this situation.

10. Minutes Public Hearing and Regular Meeting - 9/13/07

MOTION: Paecht/Birdsell to approve the minutes of the 11/08/07 Public Hearing

In Favor: Strumello, DellaVolpe, Paecht, Yagovane, Birdsell

Motion Carried 5-0

MOTION: Paecht/Birdsell to approve the minutes of the 11/08/07 regular Meeting.

In Favor: Strumello, DellaVolpe, Paecht, Yagovane, Birdsell -

Motion Carried 5-0.

MOTION: Paecht/DellaVolpe to adjourn the meeting.

In Favor: Strumello, DellaVolpe, Paecht, Yagovane, Birdsell

Motion Carried 5-0.

The meeting was adjourned at 8:35 p.m.

Respectfully submitted,


Maryanne DeTullio, Rec. Secretary