

SEYMOUR PLANNING & ZONING COMMISSION

COPY RECEIVED  
DATE: 9/21/2017  
TIME: 11:07 AM  
TOWN CLERK'S OFFICE

Regular Meeting Minutes  
September 14, 2017  
Norma Drummer Room, Town Hall

**Members Present:** J. Ziehl, W. Birdsell, J. Hanewicz, T. Lavranchuk,  
J. Niezelski

**Members Absent:** G. Vasas, J. Holly

**Others Present:** Bill Paecht, ZEO, Brian Nesteriak, Town Engineer,  
Atty. V. Marino

The meeting was called to order at 7:45 p.m.

**1. Seating of Alternates, if necessary.**

**MOTION:** T. Lavranchuk/W. Birdsell to seat J. Niezelski as a  
regular member.

**Motion Carried 5-0.**

**2. Public Comment.**

Jamie Brennan, 424 Bungay Road asked for a copy of the agenda.

**3. ReApproval of expired Special Permit, Phase Two, Great Oak Residential Community.**

Atty. V. Marino stated tht the Commission has 65 days from the close of the public hearing to render a decision. He stated that he would recommend that the Commission table any action until a report is received from Inland Wetlands..

**MOTION:** J. Hanewicz/W. Birdsell to table to the next meeting.

**Motion Carried 5-0.**

**4. Report on Use Variance, 46-100 Roosevelt Drive.**

Mr. Ziehl stated that he is recusing himself from hearing this item

**MOTION:** T. Lavranchuk/J. Hanewicz to have W. Birdsell  
act as chairman.

**Motion Carried 5-0.**

Zach Georgina, representing Tony Marvuli stated that they are requesting a mixed use development with apartments and commercial space. He stated that there is a regulation in Seymour that when there is a use that is allowed in the Town but not in a particular zone, the Commission determines if the use is appropriate for the zone. Mr. Birdsell stated that there are no sewers in that area and it is also the aquifer area. Mr. Nesteriak stated that he did not think that the aquifer area is an issue. Mr. Paecht stated that this would not affect the aquifer.

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Mr. Georgina stated that the RC3 Zone does not allow for apartments and commercial use but other commercial zones allow this type of development. He stated that the Commission needs to determine if apartments fit and would be appropriate in this area.

Mr. Lavranchuk asked how many apartments they are considering. Mr. Georgina stated that it would be eight units with ten bedrooms. Mr. Birdsell stated that he would like more information about the aquifer area and how this can be permitted without sewers.

Atty. Marino stated that he would have to look into this and the regulation that the applicant is relying on. He stated that he did not know how this Commission could make a finding without acting inappropriately. He stated that if the subject use is not permitted then it would be contradictory. The Commission could make a finding that it is not contradictory. He stated that he has not reviewed the Plan of Conservation which requires the Commission to make a finding that it is not contradictory to the Plan.

Mr. Georgina stated that in speaking with the Town Planner this has never been done. He stated that the use is allowed in the Town of Seymour and fits in commercial zones; as other commercial zones allow it. He stated that it is not an adverse change.

Atty. Marino stated that the question is the procedure and process. He stated that he does not know the intent of the regulation and could potentially open up something for future applicants. He stated that the applicant could ask for a text change amendment which would require a public hearing.

Mr. Georgina stated that there is a regulation in place so that the Zoning Board of Appeals could not just approve a use change. The Commission would be making a decision that it is acceptable use and the applicant has to go to ZBA for a variance. The public would be notified of the ZBA meeting and would have a change to comment at that time. The Commission should look at this use in this zone and whether it fits the comprehensive zoning plan for Seymour. He stated that this parcel abuts residential and would be a small residential development with apartments and commercial.

Mr. Birdsell felt that the matter should be tabled so the attorney can do more research. Atty. Marino stated that he would like to know why this commercial zone is different than other commercial zone. Mr. Lavranchuk stated that the ZBA needs a report from this Commission before they make a decision. Mr. Geogina stated that it needs to be a favorable report.

**MOTION:** J. Hanewicz/T. Lavranchuk table this item.  
**Motion Carried 5-0.**

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**MOTION:** W. Birdsell/T. Lavranchuk to have J. Ziehl as Chairman.  
**Motion Carried 5-0.**

***5. Minutes, Public Hearings (2) and Regular Meeting, August 10, 2017***

**MOTION:** T. Lavranchuk/W. Birdsell to approve the minutes of two public hearings and regular meeting August 10, 2017  
**Motion Carried 5-0.**

***6. Minutes Public Hearing and Regular Meeting June 8, 2017.***

**MOTION:** W. Birdsell/J. Hanewicz to approve the minutes of public hearing and regular meeting June 8, 2017  
**Motion Carried 5-0.**

***7. Zoning Enforcement.***

Mr. Paecht presented his report and stated that he has been receiving a lot of calls about fences and trees. Mr. Ziehl asked about the issue with Allen's Plumbing and Mr. Nesteriak stated that and Atty. Marino have been discussing the matter and are trying to look at ways to handle this situation.

***8. Public Comment.***

Jamie Brennan stated that regarding Item #3, Great Oak Residential Community the developer should complete Phase 1 at this time. He stated that regarding Item #4, it abuts residential but the proposed development would be multi-family and that should be considered.

***9. Commissioner's Public comment.***

Mr. Ziehl stated that the Commission has discussed the fine structure and enforcement. Atty. Marino stated that there are different ways of enforcing regulations and the regulations can be changed but this type of regulation requires a certain process. He stated that there is a time period for remediation of a violation and also an appeal period. He stated that he will get some information together regarding this for the next meeting.

Mr. Lavranchuk that regarding Great Oak the Commission needs to make sure that the work is done.

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**MOTION:** T. Lavranchuk/J. Hanewiczl to adjourn the meeting  
**Motion Carried 5-0.**

The meeting was adjourned at 9:10 p.m.

Respectfully submitted,

*Maryanne DeTullio*  
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