

## SEYMOUR PLANNING & ZONING COMMISSION

Regular Meeting Minutes  
October 12, 2017  
Norma Drummer Room, Town Hall

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

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

The meeting was called to order at 7:30 p.m.

MOTION: J. Ziehl/J. Holly to add to the agenda discussion regarding  
regulations for solar panels.  
Motion Carried: 5-0.

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

### **2. Public Comment.**

There was no one from the public wishing to speak.

### **3. Minutes, Public Hearing and Regular Meeting, September 14, 2017.**

Mr. Birdsell noted that J. Vasas has resigned from the Commission and should not be listed in the minutes.

MOTION: W. Birdsell/J. Hanewicz to approve the minutes of the 9/14/17  
regular meeting with the noted correction.  
Motion Carried: 5-0.

MOTION: W. Birdsell/J. Hanowicz to approve the minutes of the 9/14/17  
Public hearing.  
Motion Carried: 5-0.

### **4. Zoning Enforcement.**

Mr. Paecht presented his report for the period 9/12/17 to 10/11/17. He stated that he has been receiving a lot of calls realtors and attorneys for property closing.

**5. Re Approval of Special Permit, Phase Two, Great Oak Residential Community (Report Attached).**

Atty Marino stated that he received an e-mail from Atty. Chris Smith who represents the applicant for this project that Inland-Wetlands denied the application and they are filing an appeal. He stated that the applicant wants to discuss with them modifications with what was previously approved. If that is approved, it would have to come back for approval. The applicant has asked to have the matter tabled while the Inland Wetlands issue is being dealt with. The applicant has also agreed to waive any time restrictions.

Mr. Nesteriak stated that if any modifications are done the applicant would have to start the process again because the public hearing was closed.

MOTION: J. Hanewicz/J. Holley to table the matter to the 11/9/17 meeting.  
Motion Carried: 5-0.

**6. Use Variance, 46-100 Roosevelt Drive.**

Mr. Ziehl recused himself from hearing this item.

MOTION: T. Lavranchuk/J. Hanewicz to have W. Birdsell act as  
Temporary chairman.  
Motion Carried: 5-0

MOTION: J. Holly/J. Hanewicz to seat J. Niezelski as a regular member.  
Motion Carried: 5-0.

Matt Niski, Georgina Associates stated that the RC Zone does not allow residential/commercial buildings but two other zones in Town do allow this. They will be asking for a variance to allow residential/commercial at this property.

Atty. Marino stated that the Commission needs to determine that this use is not inconsistent with the regulations. Mr. Niski noted that there is a section in the regulations that if the use is allowed in another zone someone could ask for a variance to allow it in the zone that does not allow it. Atty. Marino stated that if the Commission finds that it is not inconsistent, they could make a favorable referral to the ZBA. He stated that the alternative would be for the applicant to come in with a text amendment, which would require a public hearing.

Mr. Birdsell stated that he spoke with Bob Looker about this and Mr. Looker felt that it should be as it is.

Mr. Hanewicz asked about the text amendment and Atty. Marino stated that if they went with a text amendment it would be for the entire zone. Mr. Birdsell stated that he looked at this property and this would be a big change. He felt that it should not be allowed.

Mr. Niski stated that they would be proposing a two story building with residential on the upper floor and commercial on the first floor.

Atty. Marino stated that the Commission will be voting on whether to favorably refer this to the ZBA.

Mr. Nesteriak stated that this is not an engineering issue but a zoning issue. The Commission would be giving the ZBA the ability to make a decision to allow this project to go forward. If approved by the ZBA they would still have to come back to this Commission.

Mr. Paecht noted that the ZBA would have a public hearing on the matter.

MOTION: T. Lavranchuk/J. Holly to favorably refer this to the ABA for review.  
Motion Carried: 4-1 with Mr. Birdsell opposed.

#### **7. Lot Line Revision, Phyllis Ann Subdivision Jacko Drive.**

Michael Horbal, 52 Main Street, Seymour was present representing Jachimowski. They are revising the lot lines so that a pond will be on Mr. Jackhimowski's property. There are no revision to the subdivision and no construction involved. All lots are conforming to zoning and this was reviewed by Mr. Looker. Mr. Horbal stated that Section 5.3 required approval for the lot line revision. All the land involved is owned by Stanley Jachimowski. He presented a map showing that Parcels A, B and C will go to 17 Jacko Drive and Parcel D will be transferred to 29 Mannweiler; all lots will be conforming.

MOTION: T. Lavranchuk/W. Birdsell to approve the lot line change and have the Chairman and Secretary sign the mylar.  
Motion Carried: 6-0.

#### **8. Subdivision 144 Grand Street.**

Michael Horbal, 52 Main Street, Seymour was representing Mr. and Mrs. Byszkowiecki. They would like to create a three lot subdivision on Grand Street. They are living at 144 Grand Street. They have received approval from Inland Wetlands and WPCA. A strip of land along Wood Street will be given to the Town to widen the road if they want to. The lots will be serviced by sewer and water. He submitted a letter dated 10/12/17 requesting a waiver of the fee for open space. He stated that they will be giving some land to the Town and also removing trees along Grant Street. They will be regrading

Grand Street and will grant an easement for storm drainage. They have removed the old barn on the property and planted grass. There will be no large excavation done. Mr. Ziehl asked the amount of the fee and Mr. Horbal indicated that it would be \$2,900.00.

Mr. Nesteriak stated that he reviewed this when it went to Inland Wetlands and the subdivision regulations require that the front yard be widened so that the road is wider. He stated that the drainage along Grand Street was discussed during the Inland Wetlands review and was revised to include a drainage structure. They would like the Town to maintain the level spreader and Mr. Nesteriak stated that he did not think that the Town should do that. He felt that the maintenance should be the responsibility of the owner. Atty. Marino stated that if the owner failed to do the maintenance, the easement would allow the Town the ability to access the property for maintenance. Mr. Nesteriak also felt that there should be a bond covering the drainage improvements. Mr. Ziehl asked what in addition to the widening and the easement would be appropriate to grant the waiver.

Mr. Horbal stated that the remaining property will be building lots and an increase in tax revenue to the Town. He stated that the improvements to the drainage will be better than what is there now.

MOTION: J. Hanewicz/T. Lavranchuk to table for further review and discussion.  
Motion Carried: 6-0.

### ***9. Discussion of Fines for Zoning Violations.***

Atty. Marino stated that a fine ordinance would be referred to the Board of Selectmen for consideration and adoption. The citation process would allow the ZEO to issue a citation to anyone in violation and establish a monetary fine and also provide for the appeal of the citation. A notice of violation would be issued and the property owner would be given a specific amount of time to allow for compliance. Once that time period expired and it is not in compliance then the fines would start and continue until it is in compliance.

Mr. Birdsell stated that nothing has been done with the Allen property on Silvermine Road. Mr. Lavranchuk felt that the Town has enough information on this property and the violations. Atty. Marino stated that he can review the Town file and draft a complaint listing the violations. Mr. Ziehl felt that the Attorney should be authorized to examine the evidence and start the process. Atty. Marino stated that he will review everything and get it into the court.

MOTION: W. Birdsell/J. Hanewicz to authorize the town attorney to seek relief on the property owner of 78 Silvermine Road.  
Motion Carried: 6-0.

Atty. Marino stated that he will draft an ordinance regarding fines for review by the Commission.

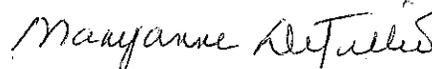
***Regulations Regarding solar panels.***

Mr. Paecht stated that there are a lot of applications for solar and need to have some regulations regarding those. This will be reviewed and discussed further at the next meeting.

MOTION: W. Birdsell/J. Holly to adjourn the meeting.  
Motion Carried: 6-0.

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

Respectfully submitted,



Maryanne DeTullio