

SEYMOUR PLANNING & ZONING COMMISSION

Regular Meeting Minutes
September 13, 2018
Norma Drummer Room, Town Hall

Members Present: J.Ziehl, W. Birdsell, J. Niezelski, J. Brennan, C. Bowen ((7:40)

Member Absent: T.Lav ranchuk

Others Present: Bill Paecht, Bryan Neseriak, J. Baldwin Colleen Kochan

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

4. Public Comment

There was no one from the public wishing to speak.

5 Approval of Minutes, June 14, 2018

J. Ziehl noted that on Page 2, the members did not review the draft regulation for solar panels and that was removed from the minutes.

MOTION: W. Birdsell/J. Niezelski to approve the minutes with the noted correction.

Motion Carried 4-0.

6. 46 & 100 Roosevelt Drive Multi-Use Site – Phase 2 Sit Plan Consideration.

J. Ziehl recused himself from hearing this matter. Ther was no one present regarding the application.

MOTION: J. Brennan/J. Niezelski to table this matter.

Motion Carried 5-0.

7. 52 Skokorat Street – Bunting Express Trucking Company continuance of non-conforming use, Reference Section 11 of the Zoning Regulations.

Subsection 11.5:

• A nonconfirming use may be changed to a conforming use. A Non-conforming use may be changed to another nonconforming Use following a finding by the Planning and Zoning Commission That the new use has either the same or a lesser degree of non Conformity. In making such determination, the Commission Shall consider similarity of use as specify in Section 5.1b) potential Off-site effects, and the classification of uses as set forth in the Table of Permitted uses. The Commission may impose reasonable Conditions or limitations to assure the same or a lesser degree of Nonconformity.

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Atty. Dominick Thomas, 315 Main Street, Derby was present for the applicant, LeClaire plumbing. He stated that his client is under contract to purchase the property. He presented photos of the site and stated that it is currently a non-conforming use and will be replaced with another non-conforming use. He stated that the trucking company that was at this site was there since the 1940s' and has had up to 50 vehicles on the site. He also stated that repairs of the trucks was done on the property and fuel oil stored on site.

Atty. Thomas stated that an environmental study was done and remediation will be done to remove the fuel oil tanks. He stated that his client is currently located in Seymour and they would like to stay in Seymour. They have several service trucks and there would be up to seven on the property. Only minor repairs will be done and all other repairs are done off site and no fuel oil tank will be on the property. He stated that it will be environmentally more sound.

Atty. Thomas stated that under Section 11.5 the Commission can make the determination that this is an appropriate non conforming commercial use to replace the one currently there.

J. Ziehl asked how many trucks they will have and Atty. Thomas stated that it will be less than what is there now and the maximum would be seven. J. Brennan asked if there will be any retail sales and Atty. Thomas stated that there will not be and all work is done off site. He stated that there will be no fuel on site and no work on the trucks there. The tanks will be removed and fuel oil will not be stored on the trucks that are parked there.

Atty. Thomas stated that under Section 11.5 the Commission can allow the transfer of a similar or less non conforming use from what is there now. J. Niezelski asked about the trucks leaving the site. Atty. Thomas stated that they would leave in the morning and then come back. There would not be a constant flow of trucks all day. The only weekend work is emergency service.

B. Nesteriak stated that he had no issues with the application.

MOTION: W. Birdsell/J. Niezelski to approve the application
for 52 Skokorat Street.

Motion Carried: 5-0.

8. Zoning Enforcement Officers Report.

B. Paecht presented his report for the period 7/12/18 to 9/13/18. Mr. Paecht stated that he spoke with the attorney regarding Allen's Plumbing. Atty. Dominick Thomas stated that a status conference was held with the engineers and attorneys to resolve the

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wetlands issues. He stated that there are issues in the town engineer's report that need to be addressed. He stated that the site plan will be re-designed to address the wetlands issues and the Fire Marshal's concerns. He stated that there will be another status conference and they will file the P&Z application once they are in agreement on the issues. He stated that they are moving along the goal is to have the application for the October meeting.

MOTION: J. Brennan/J. Niezelski to hear under the ZEO report
638 South Main Street.
Motion Carried: 5-0.

The owner of the property was present and stated that he would like to turn this into a parking lot for his business. He stated that he would like to have the cease and desist removed and be able to clean up the property.

Jim Baldwin stated that the Commission approved a use change to allow residential in the C-2 Z one. The site plan had five parking spaces which would have been for the Take-out use only. He stated that what they did without permission was to dig into the hill and when notified of the excavation work the cease and desist was issued. He stated that there is a main sewer line on the property with an easement in favor of the Town of Seymour. He stated that they want to add parking and were told that they need a site plan revision. They also want to add more seating to the restaurant. This had previously been a take out only restaurant. He also stated that the slope was reseeded and stabilized.

C. Bowen asked how the digging began. J. Baldwin stated that they wanted extra seats in the restaurant and needed extra parking. J. Ziehl stated that they did work that was not in the original plan. Mr. Ang, the applicant, stated that he wanted to clean up the site and make it look nice. J. Ziehl stated that if the plan changes they need to submit another site plan. J. Baldwin stated that the revised site plan would show the parking spaces. J. Ziehl stated that the Commission cannot change the regulations and there is a limit on what they can do. He stated that they need to comply with the cease and desist and speak with staff on what needs to be done.

9. Solar Panel Regulations

J. Ziehl stated that something needs to be done regarding solar panels. He stated that they have tried to have it considered the same way as an accessory structure and have staff deal with it. He stated that there needs to be a more comprehensive plan regarding this issue. W. Birdsell stated that every piece of property is different. J. Baldwin stated that a public hearing can be held and then it could be introduced into the regulations. W. Birdsell stated that he did not see any problem if someone wants to put the panels on their front lawn. J. Ziehl stated that sheds, pools and fences are now regulated and he felt that some parameters should be given for the panels.

C. Bowen felt that we are going into the winter months and there is time to have a public hearing and make a decision on this matter. B. Nesteriak suggested have a public hearing and presenting it to the public and getting feedback from the public.

Leon Sloat stated what if someone on the main road puts these right on the property line which could be a safety issue. J. Brennan stated that he has spoken to many people on this and no one sees it as an issue.

J. Baldwin stated that most are mounted on houses and he stated that if someone presented an application for a ground array of panels how would staff determine the application. At this time there is nothing that governs this.

C. Bowen felt that the Commission had time to consider this matter. J. Ziehl stated that we want to avoid a situation where someone puts them anywhere they want. He felt that there needs to be specific regulations for this. He felt that it should be looked at as an accessory structure and allow staff to make a determination and issue a permit. J. Baldwin stated that it can be put into the regulations and allowed as a special permit which would give the Commission an opportunity to modify it.

11. Correspondence

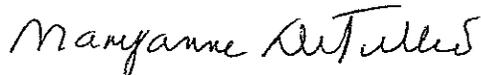
Mr. Ziehl stated that there was no correspondence to review.

MOTION: J. Brennan/W. Birdsell to adjourn the meeting.

Motion Carried: 5-0.

The meeting was adjourned at 8:25 p.m.

Respectfully submitted,



Maryanne DeTullio, Recording Secretary