

SEYMOUR ZONING BOARD OF APPEALS

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TOWN CLERK'S OFFICE

Public Hearing Minutes

October 4, 2018

Norma Drummer Room, Town Hall

Members Present: R. Demko, Paula Chapla. J. Hanewicz, T. O'Neil

Members Absent: B. Seale, C. Aliman, P. Wilhelmy

Also Present: Jim Baldwin, Colleen Kochan

The public hearing was opened a 7:00 p.m.

R. Demko read the notice of the public hearing as follows:

The Seymour Zoning Board of Appeals will conduct a public hearing on September 6th 2018 at 7:00 pm in the Norma Drummer Rood; Seymour Town Hall 1 First Street, Seymour, CT 06483 for the following application:

27 French Street – Application to allow an increase of building area from 15% to 18% to add an in-law apartment to their existing residence.

The hearing was opened at 7:15 p.m. Joseph Mihalcik, 27 French Street addressed the Board and presented a survey map prepared by Horbal & Judson showing the proposed addition to the rear of the home. He explained that the addition will be used as an in-law apartment for his mother-in-law. The lot is an existing undersized lot that does not allow for the required lot coverage. Mr. Mihalcik requested that the variance be granted to allow a 3% increase to the 15% regulation for a total of 18% coverage due to the fact that this is an existing under sized lot which creates a hardship to the property. Mr. Demko asked about adequate parking and the entrance to the addition. Mr. Mihalcik stated that the driveway will be increased in width to 27 feet to accommodate three parking spaces.

There was no public comment on the application. The public hearing was closed at 7:25 p.m.

132 Silvermine Road – Application for special permit; Section 12.0 earth removal, filling and regarding.

Garrett Griffin was present for this application and stated that they will be using rock crushing equipment in the back area of the property. He stated that soil and erosion controls and a silt fence will be put up. He stated that they are leasing the land. There will be no digging; mostly a recycling process. He stated that they will only be processing what is on their own property. He stated that it might be done once a week. He stated that it will not be a large quarry operation. The hours of operation will be Monday to Friday from 7:00 a.m. to 4:00 p.m.; and Saturday from 8:00 a.m. to 12 noon.

R. Demko asked how the parcel will be left when the work is completed. Mr. Griffin stated that it will be left as it was in the staging area. R. Demko stated that signage should be posed around the area when the crushing will be done. Mr. Griffin stated that the equipment will be hundreds of feet away in a secluded area and there is a

wooded buffer. T. O'Neil asked what type of material will be crushed and G. Griffin stated that it is large rock which will be crushed and used in the driveway and road. T. O'Neil stated that they must abide by all regulations and Mr. Griffin stated that they will. T. O'Neil asked how secluded the area is and Mr. Griffin stated that it borders the transfer station. He stated that they will be working one week at a time and are trying to make large stockpiles. Mr. Hanewicz asked if it will be longer than a year. G. Griffin stated that they would have to reapply after a year and he is not sure how long they will be at this location. T. O'Neil asked about dust control and Mr. Griffin stated that the equipment comes with dust controls and they just need to hook it up to water. P. Chapla asked about the ponds and Mr. Griffin stated that they are downhill from those.

R. Demko asked for any public comment. Irene Budzik, Silvermine Road stated that there are a lot of trucks going in and out of this property and she was concerned about noise. Mr. Griffin stated that the equipment is stored on the property. Irene Budzik stated that the machines are noisy and dusty. Mr. Griffin stated that this is a small operation. R. Demko stated that these are portable equipment. Mr. Baldwin stated that this type of equipment is used throughout the industry and they will be following the regulations. T. O'Neil asked about the impact to the neighborhood. J. Baldwin stated that the standards take that into consideration. I. Budzik asked how long it will take and G. Griffin stated that it will be off and on for this year. He stated that they will work one week a month every few months. J. Baldwin stated that the regulations require that they reapply after a year. T. O'Neil stated that we do not know how much this will impact the neighborhood which seems to be a concern of the public. G. Griffin stated that they currently own and operate a construction company out of this property which is zoned industrial. He stated that they are asking to operate crushing equipment; the truck traffic is what has been going on there. He stated they are setting up the equipment at the end of the property and it is completely at the other end. J. Baldwin noted that the Town has a noise ordinance.

Richard Budzik, Silvermine Road asked where the materials will be coming from. Mr. Griffin stated that they currently own and operate a small construction company and the materials come from sites that they are working on. Mr. Budzik stated that contractors can haul materials. Mr. Griffin stated that it is not open to the public and is only for their own use.

Robert Leggio, 84 Colony Road stated that his family has developed this property. He stated that there are wetlands and ponds there as well as a small nursery school. Mr. Griffin stated that they have not gone to Inland Wetlands yet. R. Leggio stated that this is a serious matter and could be a disaster. R. Demko stated that it does not appear that the ponds are near the crushing area. Mr. Leggio stated that he developed this property and he did not think this was a good idea for this operation.

Atty. Fred Stanek, representing Leggio Family stated that they have no objection to the application and consent to the application. The public hearing was closed at 8:00 p.m.

22 Progress Avenue – Application for special permit; Section 12.0 earth removal, filling and regarding.

The public hearing was opened at 8:10 p.m. Chris DeAngelis was present and stated that the permit was issued in July 2016 and they are asking for an update to the permit.

SEYMOUR ZONING BOARD OF APPEALS

Public Hearing Minutes
October 4, 2018
Norma Drummer Room, Town Hall

He stated that Basement Systems bought the property to store materials and received the permit in 2016. He stated that the site is 1.61 acres and they are asking to extend the area. There will be an additional 20,000 yards of material. He stated that this is a five year plan. There are a series of ponds on the site and has been an ongoing operation for many years. R. Demko stated that the units are already in existence. Mr. DeAngelis stated that they are developing a more permanent structure. T. O'Neil stated that all the drainage goes through the wetlands and asked if they are complying with the regulations. He asked about the expanded area. Mr. DeAngelis stated that an additional two acres. They are very shallow ponds and because of the slope of the land could not build one large pond. There are no wetlands on the property. T. O'Neil stated that this the same materials that were approved before and they are just making the area larger. P. Chapla stated that as long as the fill is clear she had no concerns.

Irene Budzik, Silvermine Road stated that they will be going by her house. Mr. DeAngelis stated that there will not be anymore trucks. The public hearing was closed at 8:20 p.m.

130 Silvermine Road – Application for a variance to Section 5.2 table of permitted uses of the Seymour Zoning regulation: To permit an automotive repair in an LI-1 Zone and automotive sales in an LI-1 Zone.

Robert Leggio stated that they are seeking the variance to get some tenants for a used Car lot. He stated that the property is completely fenced in. R. Demko asked if the variance is approved on L-1 Zone will it change it to G1-2. J. Baldwin stated that it will not; it is not permitted in the LI Zone. T. O'Neil noted that the next parcel is zoned G2.. J. Baldwin stated that most of the area is zoned G1 and in order to change the Zone they would have to go to Planning and Zoning and then come back to this Board for the variance for sales and repairs. He stated that the operation has been there for many years. The variance would allow the sale of automotive parts and vehicles. P. Chapla noted that this is the only lot that is L1 and she asked if it would make sense to have it G2. R. Demko asked if they were considering getting a zone change. Mr. Leggio stated that they have thought about it. J. Baldwin noted that automotive sales are not allowed in either zone.

Atty. Fred Stanek representing Family Family LLC stated that the adjoining property owner has no objection to the application. He stated that there is an easement between Liggio Family LLC and Mr. Leggio which resulted in some dispute and litigation. He stated that they would like a condition that the easement area is left clear and a strip 10 feet wide adjoining on the southerly side of their building clear. He stated that there is a vehicle parked there now. Atty. Stanek stated that they have no objection to the application if the condition is on that the areas are left clear. T. O'Neil asked if it is in the easement how is it enforced. Atty. Stanek stated that the ZEO could go and see if there is a violation to the terms of the variance. R. Demko

stated that it appears that here is a violation of the original easement. R. Leggio stated that it is a storage bin and all equipment is in there. Atty. Stanek stated that they are asking for the easement area to be left clear and also No. 6 of the easement agreement.

Irene Budzik, 131 Silvermne Road asked if it will be rented and R. Leggio stated that it will not be. The public hearing was closed at 8:45 p.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Maryanne DeTullio". The signature is written in a cursive, flowing style.

Maryanne DeTullio, Recording Secretary