

COPY RECEIVED
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TOWN CLERK'S OFFICE

**Seymour Planning and Zoning Commission
Regular Meeting**

**Minutes
Thursday November 12, 2009 @ 7:30pm
Norma Drummer Room – Town Hall**

Members Present: Cliff Strumello, Bill Paecht, Dan DellaVolpe, Walt Birdsell, Al Yagovane (joined the meeting in progress).

Others Present: Bob Looker Town Planner, Dave Nafis Town Engineer, First Selectman Elect Paul Roy, Michael H. Horbal, Don Smith, Tim Lee Town Attorney, and others.

The Meeting was called to order at 7:30pm by Chairman Cliff Strumello.

Everyone saluted the flag and recited the Pledge of Allegiance.

1. Zone Text Changes, CBD-1 District.

Bob Looker states that the changes requested seem to be reflecting what is there already

- ✚ Present requirement front setback is 10 feet, proposal to reduce back to no requirement.
- ✚ Present lot coverage requirement is 50%, proposal is to reduce to no requirement.
- ✚ Increase the required building height from 50feet to 65feet.
- ✚ Add sentence to CBD-1 extension which would state the parking requirements for elderly apartments, as required by the Seymour Housing Authority, would be reduced to one space per apartment unit.

Town Planner states the requirements for setback only reflect what is downtown already. The actual coverage downtown is about 95% and not 50. The fire department did not have any issues with the requested height from 50 to 65 feet. Some people have expressed concern with the parking. Town Planner does not foresee any problems with the changes. He suggests not expanding the CBD district in the future but he does not foresee any problems as of right now.

Bill Paecht states the downtown businesses are concerned with the parking situation as well.

MOTION: to have Town Planner draft an approval motion with the proposed changes to the District CBD-1 to be acted on at the next regular meeting.

Bill Paecht/Dan DellaVolpe

Vote: Yes-5 No-0 Abstain-0 Absent-0

Motion carries.

Mr. Migani submitted the resolution from the Seymour Housing Authority endorsing this project. This letter was requested by the Board at the last meeting.

2. William Lane Estates

The Wetlands Commission is concerned about the William Lane Estates project and at the last meeting asked Planning and Zoning to pull their bonds. Town Planner Bob Looker states that they still have two years left and P&Z does not have the authority to pull the bond. P&Z has the authority to expand the bond but not to make it shorter. The bond expired in May 2011. Town Planner did not consult with Town Council but he believes the Commission does not have the

statutory authority to pull the bond. Town Planner is recommending the Commission to deny the request to reduce the bond for lack of authority.

MOTION: to leave the bond in place.

Bill Paecht/Al Yagovane

Vote: Yes-5 No-0 Abstain-0 Absent-0

Motion carries.

3. Special Permit, Signs, CVS Pharmacy, 253 West Street.

Gary McCoy is here to represent CVS pharmacy.

Town Planner Bob Looker explains that CVS is asking for signage. Most of the signage is in conformance with zoning. In two instances it's not.

- ✦ Regulation only allows one attached sign per building and they are requesting two.
- ✦ Proposal for animated sign. Town regulations don't allow animated/flashing signs to avoid distractions. A non conforming sign can be approved by special permit, as in this situation. A public hearing needs to be set-up.

MOTION: to schedule the Public Hearing for December 10, 2009 at 7pm in the Norma Drummer Room.

Dan DellaVolpe/Walt Birdsell

Vote: Yes-5 No-0 Abstain-0 Absent-0

Motion carries.

Mr. McCoy will resubmit revised drawings to Bob Looker for the December meeting.

4. All Comm Driving School, Pearl Street.

Attorney Tim Lee, representing the Town explains he previously advised the commission to deny the application from All Comm Driving School. In the interim the applicant filed a Mandamus, with the purpose to ask the court to impel the Town to approve their application. The Mandamus has two stages: first stage is a preliminary stage, second stage is a permanent stage. The judge during the preliminary stage ordered the Town to grant a temporary permit to All Comm Driving School. Attorney Lee advised the Board to grant the temporary permit until the court renders its final decision. The commission can impose conditions on the temporary special permit.

Chairman Cliff Strumello asks what temporary means.

Attorney Cohen, representing All Comm Driving School, from Dominic Thomas office states that a decision from the court has been made and the Commission was ordered and is required to grant the special permit for the site plan and has no discretion based on the judgment of the court which has already been issued. The plaintiff has a clear right to the permit and will except all conditions if the resolution is passed tonight. If it is not they will seek a permit without any conditions, which they are entitled to. Attorney Cohen urges the Commission to pass the resolution tonight and to follow court order.

MOTION: to grant temporary special permit to All Comm Driving School, 249 Pearl Street to be valid until the court renders a final decision on the full Mandamus application. Commissioner Dan DellaVolpe read the following resolution into record:

The Seymour Planning and Zoning Commission hereby approves the temporary special permit for a commercial truck driver's school at 249 Pearl Street subject to the following condition.;

- 1. The applicant will make a good faith effort to secure an easement or right of way from its property to Day Street. Thereafter, all truck traffic shall access the property from Day Street*
- 2. If the above condition can not be met, the applicant shall prohibit all truck traffic from making a right turn and traveling southward on Pearl Street through signs, instruction and other means as appropriate.*
- 3. Hours of operation shall be 7:30am through 5:30pm, Monday through Friday and 7:30am through 3:00pm Saturday and Sunday. There shall be no off site truck traffic on Sunday.*

The permit shall be valid until court renders final decision on the merits of the full Mandamus application.

Dan DellaVolpe/Bill Paecht

Vote: Yes-5 No-0 Abstain-0 Absent-0

Motion carries.

5. Site Plan Amendment, Rooster Enterprises, New Haven Road.

Michael H. Horbal, Registered Land Surveyor, with office at 52 Main Street, Seymour CT, representing Rooster Enterprises, asking for modification to site plan. Site located on New Haven Road across from Webster Bank. Commission approved original plans about a year ago. He's asking for two minor revisions:

1) Revise the grading to lower the front portion of the site to make a 4% slope lowering the proposed elevation about three feet from the highway line, creating a slightly downhill slope. This comes at the request of the owner and developer after talks about how future commercial buildings will look like.

2) By lowering the grade 3 feet the amount of yardage to be removed increases by about 8,000 cubic yards.

All other measures remain the same.

MOTION: to approve revised site plan for Rooster Enterprises dated November 5, 2009 contingent upon the approval of Town Engineer.

Dan DellaVolpe/Bill Paecht

Vote: Yes-5 No-0 Abstain-0 Absent-0

Motion carries.

6. Bond Reduction, Rolling Hills Estates.

Don Smith, 56 Greenwood Circle representing the applicant, Rolling Hills Estates, requesting to reduce the bond.

MOTION: to refer to Town Counsel to have recommendations for next meeting in December.

Dan DellaVolpe/Al Yagovane

Vote: Yes-5 No-0 Absent-0 Abstain-0

Motion carries.

7. Zoning Enforcement.

Zoning Enforcement Art Baldwin not present at the meeting. The Monthly Report from the Zoning Enforcement Officer was submitted to the Commission (see attached).

No action taken.

8. Minutes, Public Hearing and Regular Meeting, October 8, 2009.

Commissioner Al Yagovane is marked as absent from the meeting. Revise the minutes to reflect Commissioner Yagovane was present.

MOTION: to approve minutes from the Public Hearing held on October 8, 2009 with the following correction: showing Al Yagovane as being present for the meeting.

Bill Paecht/Al Yagovane

Vote: Yes-4 No-0 Absent-0 Abstain-1 (Cliff Strumello)

Motion carries.

MOTION: to approve minutes for the Regular Meeting held on October 8, 2009.

Walt Birdsell/Bill Paecht

Vote: Yes-4 No-0 Absent-0 Abstain-1 (Cliff Strumello)

Motion carries.

Chairman Cliff Strumello announces to everyone present that he will not be seeking reappointment.

Member Dan DellaVolpe wishes the chairman good luck and thanks him for his services.

Member Bill Paecht agrees.

Member Al Yagovane states that Cliff Strumello has been one of the finest Chairman on the Planning & Zoning Commission.

MOTION: to adjourn the meeting at 8:20pm.

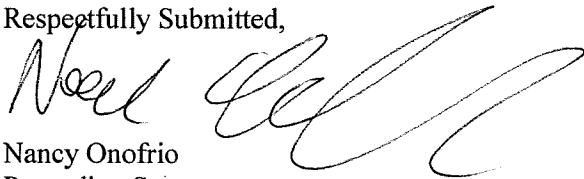
Bill Paecht/Dan DellaVolpe

Vote: Yes-5 No-0 Abstain-0 Absent-0

Motion carries.

The meeting was adjourned.

Respectfully Submitted,



Nancy Onofrio
Recording Secretary