

## SEYMOUR PLANNING & ZONING COMMISSION

Regular Meeting Minutes  
August 12, 2010  
Norma Drummer Room, Town Hall

**Members Present:** A. Yagovane, W. Birdsell, A. Ermer, J. Jaffer, D. Bitso  
**Others Present:** Bob Looker, Town Planner, B. Paecht, ZEO, Dave Nafis,  
Town Engineer

The meeting was called to order at 7:30 by Acting Chairman, Al Yagovane.

Mr. Yagovane read a letter from Dan DellaVolpe resigning from the Commission.

**MOTION:** Birdsell/Jaffer to accept the letter of resignation from Dan DellaVolpe.  
**Motion Carried 5-0.**

**MOTION:** J. Jaffer/W. Birdsell to seat Mr. Bitso as a regular member.  
**Motion Carried 5-0.**

**MOTION:** W. Birdsell/D. Bitso to nominate Al Yagovane for Chairman.  
**Motion Carried 4-0-1.**

### ***1. Section 8-24 Referral, Sale of Town Property at 36 Pershing Avenue.***

Mr. Looker explained that the Board of Selectmen is looking for a favorable recommendation from the Commission regarding the sale of town property at 36 Pershing Avenue.

**MOTION:** A. Ermer/W. Birdsell to recommend the sale of 36 Pershing Avenue to the Board of Selectmen.  
**Motion Carried 5-0.**

### ***2. Special Permit, Ten Town House Units, Old Drive and George Street.***

Mr. Bitso asked for a definition of special permit. Mr. Looker stated that with site plans and subdivisions the Commission is acting in an administrative capacity. He stated that with special permits the Commission is acting in a legislative capacity and has more discretion in their decisions. The Commission should look at the requirements of the zoning regulations and also Section 10.0. The Commission should consider that an application is generally compatible to the neighborhood; is suitable for the site; the effect on neighborhood property values; the adequacy of the streets to handle the traffic. They should also consider whether the site satisfies the general and specific conditions of the zone. Mr. Bitso asked if the project met all the zoning

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regulations. Mr. Looker stated that it meets all the specific conditions but the Commission needs to review whether it is suitable for the site and if it has the ability to provide fire protection.

Mr. Yagovane stated that he has been to the property several times and has some concerns about fire trucks getting up there. He stated that there has not been any reports submitted from the Fire Department regarding this. He was also concerned with construction trucks entering and leaving the site. He also stated that there is litigation pending regarding blasting from the previous project in the area and did not know how that would effect blasting with this project. Mr. Looker stated that blasting is under a separate set of regulations and once the Board makes a decision on an application it loses control over blasting.

**MOTION:** W. Birdsell/A. Ermer, to deny the application for ten town house Units, Old Drive and George Street because it does not conform to Section 10.0 of the zoning regulations concerning access, Suitability and ability to provide municipal services.  
**Motion Carried 3-0-2** with Mr. Jaffer and Mr. Bitso abstaining.

### **3. Site Plan, Retail Building, 172 North Street.**

Atty. Joe Cubik was present and stated that they have been attempting to contact the adjacent property owner regarding the trimming of the trees. He stated that he lives in Florida and they have not heard back from him at this time. There is the issue with the sight line and if the trees are trimmed it would help the situation. He asked that the Commission table the application to the next meeting and hopefully they will have heard from the property owner by then.

**MOTION:** W. Birdsell/D. Bitso to table to the next meeting.  
**Motion Carried 5-0.**

### **4. Acceptance of Red Oak Lane, Rolling Hills Acres**

Don Smith was present and stated that they submitted correspondence last month requesting that 955' of Red Oak Lane be accepted into the town road system subject to the posting of a maintenance bond. They are also requesting that the performance bond be reduced to \$117,500.00 from \$165,000.00. Mr. Nafis stated that it was their recommendation that both be approved.

**MOTION:** W. Birdsell/D. Bitso, to recommend the acceptance of Red Oak Lane.  
**Motion Carried 5-0.**

## SEYMOUR PLANNING & ZONING COMMISSION

Regular Meeting Minutes  
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**MOTION:** J. Jaffer/A. Ermer to approve the bond reduction request to \$117,500.00.  
**Motion Carried 5-0.**

### ***5. Site Plan, Restaurant, 318 Roosevelt Drive.***

Mr. Looker stated that this application needed several variances from the ZBA and was informed that the site plan was not completed at this time.

**MOTION :** W. Birdsell/J. Jaffer to table this application to the next meeting.  
**Motion Carried 5-0.**

### ***6. Extension of Period of Conditional Approval, Rolling Hills Acres Subdivision, Section One, Phase Three and Section Two.***

Don Smith was present and stated that Rolling Hills Acres Subdivision Section 1 and 2 were approved in June, 2005 and the five year approval period went to June, 2010. They are asking that conditional approval be extended for five years. He presented plans showing what has been completed to date and what they would like to have the conditional approval extended on. Mr. Ermer asked what would happen if the Commission did not grant the extension. Mr. Looker stated that they would have to come back to the Commission and make a complete presentation, but since it has already been reviewed and approved the Commission would have a difficult time denying it.

**MOTION:** W. Birdsell/D. Bitso to grant a five year extension of conditional Approval for Rolling Hills Acres Subdivision, Section One, Phase Three and Section Two.  
**Motion Carried 5-0.**

Mr. Smith stated that he had mylars prepared for the extensions and asked that they be signed.

**MOTION:** D. Bitso/J. Jaffer to appoint W. Birdsell as Secretary.  
**Motion Carried 5-0.**

**MOTION:** D. Bitso/J. Jaffer to sign the mylars for Rolling Hills Acres Subdivision, Section One, Phase Three and Section Two.  
**Motion Carried 5-0.**

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Regular Meeting Minutes  
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### **7. Zoning Enforcement**

The Commission reviewed Mr. Paecht's report. Mr. Paecht stated that he has been dealing with some blight issues. He also stated that regarding the property at 15 Carriage Drive with excessive pigeons a cease and desist order has been issued. He stated that he will be meeting with the property owner and her attorney to resolve the matter. Mr. Yagovane asked about his mileage and Mr. Paecht stated that he presents a log to the First Selectman and Mr. Looker. Mr. Yagovane asked if the Commission could get a copy of that log so that they can use it when the budget is being worked on.

Mr. Yagovane asked about the situation on Williams Lane and Mr. Nafis stated that they are still working within their time frame. Mr. Paecht stated that he will check on it. He will also check on the property on Old Ansonia Road where the barn was taken down.

### 8. Minutes, Regular Meeting, July 8, 2010.

**MOTION:** W. Birdsell/D. Bitso to approve the minutes of the 7/8/2010 regular Meeting.  
**Motion Carried 5-0.**

**MOTION:** D. Bitso/J. Jaffer to adjourn the meeting.  
**Motion Carried 5-0.**

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Maryanne DeTullio, Recording Secretary