

**Seymour Planning and Zoning Commission
Public Hearing Minutes 6:45pm
3-12-2020
143 North Street Public Hearing**

COPY RECEIVED
DATE: 3/12/20
TIME: 4:00pm
TOWN CLERK'S OFFICE

Members Present: Joe Ziehl, Jamie Brennan, Joe Niezelski (came in at 6:54), Tom Lavranchuk,

Members Absent: Walter Birdsell, Leon Sloat

Others Present: Bryan Nesteriak, Jim Baldwin, Keith Rosenfeld, Mike Marganski

1. Call to Order

The meeting was called to order at 6:48.

2. Pledge of Allegiance

Everyone stood for the pledge.

3. Seating of alternates

There were no alternates present, to be seated.

4. Commission discussion of zone change from an R-18 to a C-2 on 143 North Street

The Chair read the public hearing notice into the records.

The Seymour Planning and Zoning Commission will conduct a public hearing on March 12th, 2020 at 6:45pm in the Norma Drummer Room; Seymour Town Hall 1 First Street Seymour CT 06483 for the following application(s):

Proposed zone change from an R-18 to C-2. Located at 143 North Street, Seymour CT.

All information for proposed zone change is available for review at the Town Hall-1 First Street Seymour CT06483

At these hearings, interested persons can appear and be heard. Written communications will also be received.

Dated at Seymour, Connecticut this 19th of February 2020.

Dave Steves from Ridge Road Oxford, said that he is here tonight requesting to change from a R18 to C2. He currently own 153 North Street, and he would like to change this property to the same zone.

The Chair asked if he was under contract to purchase 143 North Street.

Steves said that he is in agreement to buy this property if they can change the properties zoning. He is not interested if he cannot change the zoning. He owns the hair salon and would

like to move that to 143 and then keep the hair school at 153. He would do this so he does not need to run 2 businesses out of the one area.

The Chair asked if the applicant had spoken with the neighbors. He is worried that all the adjacent properties except one are residential.

Steves said that the Committee mailed out letters to let them know there was a proposed zone change.

The Chair said he has a conceptual problem of the slippery slope of allowing this change. All the neighboring properties other than the plaza are residential properties. He said as a Board they have discretion as to whether or not they should make these changes and he is reluctant unless they hear from these neighbors, to approve this.

Dave Steves said that he gave the neighbors an opportunity to express their opposition by mailing them letters saying this was their intent.

Keith Rosenfeld reminded the Commission that they have 65 days to make a decision from the time the public hearing closes. However, they do not want to get into a situation with not being able to have a meeting, yet having to make a decision.

The Chair asked if they know for sure if they sent out/have to have sent out notices to abutting property owners.

Rosenfeld said that he knows the land use office did not do that.

Jim Baldwin said that the applicant does that part and not the department. It is not in our regulations.

Steves said that Mike Marganski told him they do it. When he did a special permit in Oxford, he paid a fee and the department took care of the rest. He assumed it was the same in Seymour. He said if he had known he was responsible for sending out the letters, he would have.

The Chair said that he would not have been instructed to do that because it is not protocol. The issue he has now, is that neighbors do not know about this potential change and they may or may not have a potential issue with it and the possibility of it affecting their property values. To disrupt the zoning scheme for a purely commercial reason, makes him uncomfortable.

Tom Lavranchuk said that he is in favor of this because it is a new business, he would like to go take a look at it, but all in all he is in favor. He knows the town needs more industrial space and more business areas so therefore he thinks its a good idea. He does agree that sending letters to the neighbors is a good idea.

Joe Niezelski said that he thinks it would be a good idea to check with the neighbors before passing this zone change.

Jamie Brennan said that he would like to hear from counsel, to know whether or not we are setting a precedent in what they are doing here.

The Chair asked for input from the staff.

Kieth Rosenfeld said he did some research on Spot Zones and this is one, because it is not reflective in the plan of conservation and development, as an area that should be commercial. If you look at the POCD, generally the texts around economic development and commercial expansion has to do with the downtown areas which is identified as the area where we are now, as well as the orbit which is one ring around here. The proposed area is not mentioned. So at the end of the day it is not supported by the plan of conservation and development. He is not sure what to do with the notifications to the neighbors, it is on the list to be a change but its a very long list of changes that will be proposed to this Commission by the fall so yes this is something that needs to be looked at. State statute says that if you gather a petition of 20% of the land owners in the proposed area, saying they are against it, then you as a group need a supermajority in order to pass it. This is also an incomplete application, there is no letter from the owner. There is a signed document, however the regulations say that this needs to include a complete letter signed by the owner. At the end of the day, he would not be able to support this change.

Bryan Nesteriak said that it needs to be inline with the POCD and it is up to the applicant to convince the Board that it is.

The Chair said that they have 3 options, either they can have the applicant notify the neighbors and continue the hearing (risking that they may or maynot meet next week) or have him complete the application and notify the neighbors and see what they say, or votenow, resubmit and the Commission will not have the issue of meetings being canceled next month.

Lavranchuk asked if the application is valid now, due to the fact that it is not complete. Jim Baldwin said it is valid.

Lavranchuk said if they requested them to do the letters, we could move forward from there. Going by the town rules and regulations, this application could not be approved.

Steves asked how to go about this.

5. Public Comment

Town Counsel spoke and said that everything that was said here was correct, but they cannot change the zone without a finding that it is consistent with the POCD. it is more than just a guideline, they must make that finding. She also agrees with the fact that that the regulations should include the notification to the neighbors.

Bryan Nesteriak asked, if they run out of time, do zone changes automatically get approved by default.

Town Counsel said no.

Lavranchuk asked the applicant if he would be willing to offer the Commission an extension.

Steves said yes.

The Chair requested the Steves send out letters to the applicant. Bryan Nesteriak said that what is typically done is that certified letters are sent out and the receipts are brought in. if they should be up at the public hearing then great, but if not the neighbor's had their chance.

Tom Lavranchuk made a motion to table this public hearing until next month.

Seconded by Joe Niezelski.

All in favor.

4-0

Submitted by,

Malia McCool