

Chester Planning & Zoning Commission
Public Hearing Minutes, April 13, 2017
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The Chester Planning & Zoning Commission held the following continued public hearings on Thursday, April 13, 2017, at the Chester Town Hall, 203 Middlesex Avenue, Chester, Connecticut. Those members in attendance were Jon Lavy, Mel Seifert, Steven Merola, Keith Scherber, Henry Krempel, Peter Zanardi, Doreen Joslow, Michael Sanders (seated for J. Stack). Commission Counsel David Royston was also present, as was Zoning Compliance Officer Judy Brown.

The first continued public hearing was opened at 7:38 PM.

Amendments to Zoning Regulations

Delete Section 120L. TERMINATION OF SPECIAL EXCEPTION, and replace with new Section 120L. TERMINATION OF SPECIAL EXCEPTION.

Delete Section 140J. TERMINATION OF VARIANCE, and replace with new Section 140J. TERMINATION OF VARIANCE.

Seated for this hearing was Lavy, Seifert, Merola, Scherber, Krempel, Zanardi.

Chairman Lavy noted the Commission continued the public hearing last month in order to give the Ruels an opportunity to go back to the Zoning Board of Appeals. They were not present this evening.

Chairman Lavy asked if anyone present wished to speak in favor or in opposition to this amendment. No one spoke either in favor or in opposition.

Attorney Dave Royston as Commission Counsel noted he spoke with Attorney Votto representing the Ruels who indicated she spoke with Attorney John Bennet. He then asked Attorney Votto if they wished to present anything to the Commission at this meeting. Attorney Votto thanked Attorney Royston, but didn't say whether they were coming to the meeting or whether they had any intention of doing anything. There has been no communication from the Ruels to continue or do anything.

Motion by Seifert, second by Merola, to close the public hearing for Sections 120L and 140J at 7:40 PM. Unanimously Approved.

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It was noted the following was a continued public hearing from last month for Amendments to Section 80. Seated for this hearing were Lavy, Seifert, Merola, Scherber, Krempel, Zanardi, Joslow. Attorney Ed Cassella was present as was Bill Sangster and John Schiavone.

Attorney Cassella noted they truly want this to be a cooperative effort. He submitted a request for an extension of the public hearing until May 11, 2017. They would like to find something that works for everybody and close all the loop holes for everyone's sake.

Attorney Cassella noted these were changes from the last version which was a summary of discussions with Attorney Royston and ZCO Brown.

Attorney Cassella noted they would like to expedite all administrative uses that would not have any impact. Any change in use could potentially have an impact on neighbors. One area of concern is the level of notice to be provided to the neighbors. They also prohibited Recycling and Junk Yards.

Cassella further noted Section 80.A.1(A), (B) and (C) were truly benign type uses where administrative approval would be warranted. Section (D), however, they would have trouble with not knowing about even if it were stored indoors. It was their suggestion to move Section (D) down to Special Principal Uses. Under Section 80.A.1, these are Zoning Permits approved by the ZCO without notice to neighbors. Attorney Royston asked if the applicant would consider leaving (D) under 80.A.1 if the ZCO determines there is no substantial change in the character of the equipment, materials, goods and products being stored? The response was no because it would be leaving it up to the ZCO to determine if there is a substantial change in the character of the use. Attorney Royston noted the phrase "it meets the requirements and standards of Section 80B" that was added was appropriate and would provide a level of protection. Mel Seifert noted the real concern is that it's the ZCO who is the one vested in making the decision.

Bill Sangster stated the notice is so the neighbors are aware and have an opportunity to know about it and make comment. The Commission can consider it and decide whether it requires a site plan or Special Exception.

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John Schiavone noted some things are very benign. Something being stored that is very heavy might impact someone else's business.

Attorney Cassella noted the notice process is a 2 week process and an application could be approved at the next meeting.

Attorney Royston noted his point was if the application requires notice, and that is applicable to everything, that means if it is within 6 days of the meeting when it comes in, it cannot be heard at that meeting but must go to the next meeting. The intent of the Commission is they don't need 65 days and they don't want to hold those people up.

Attorney Cassells noted the big question is are the standards of Section 80B enough and is there another way to accommodate the notice process.

Attorney Royston noted there are two different notices:

- 1) Notice for site plan to abutting neighbors so they have the opportunity to speak at the meeting at which it is considered. This gives them the right to speak.
- 2) The other way is if the permit is issued strictly under the section that notice be provided to the property owners of that decision, they have a right to appeal the ZCO decision to the Zoning Board of Appeals if they consider that decision to be wrong.

Attorney Cassella noted Sections (A), (B) and (C) were okay. The question is (D). Next is the notice provision for site plan. Only the Statement of Use gets sent to neighbors to peak their interest. Attorney Royston indicated these changes are just suggestions attempting to move this forward. Cassella explained the change from 300' to 100'. Royston noted these changes are just suggestions in an attempt to move this forward. Cassella further noted notice is to be sent 10 days before the Commission meeting at which action will be taken.

Attorney Royston noted if this is going to apply to everything, the language may have to be changed further. He attempted to give them notice for the site plan application by giving them the Statement of Use.

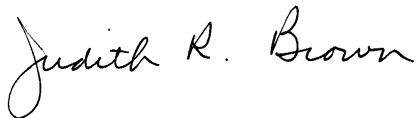
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Attorney Cassella noted they put in a section on Prohibited Uses which included Recycling and Junk Yard. Mel Seifert felt Section 80A.4(A) was so overbroad. This would obviate a lot of activities. Chairman Lavy and Attorney Royston agreed with Mel Seifert. Royston suggested the things in 80A.4(A) should be separated out.

Motion by Zanardi, second by Merola, to continue the public hearing for Section 80 Amendments. Unanimously Approved.

It is noted for the record consent was given by the applicant to extend the public hearing until the May 11, 2017 meeting.

Respectfully submitted,

A handwritten signature in cursive script that reads "Judith R. Brown".

Judith R. Brown, Recording Secretary