

**ZONING COMMISSION REGULAR MEETING MINUTES
JULY 24, 2012
7:00 PM MULVEY MUNICIPAL CENTER, MULTI-MEDIA ROOM**

Members Present: Chairman Tony Marino, Vice Chairman Harry Ruppenicker Jr., Regular Member Lee Archer, Regular Member Tom Belval, Alternate Member Mike Engels, Alternate Member Tom D'Antico and ZEO Nancy Rudek.

CALL TO ORDER: The meeting was called to order by Chairman Tony Marino at 7:00 p.m.

ESTABLISHMENT OF QUORUM: Chairman Marino appointed Tom D'Antico sitting for Dwayne Xenelis.

AGENDA ADDITIONS: None.

PUBLIC HEARING(s):

Upon a motion by Tom D'Antico, seconded by Lee Archer, it was:

VOTED: Unanimously to recess the Regular Meeting and open the Public Hearing portion of the meeting.

1. Z2012-12 – 1950 Boston Post Road (Pudder's) – Public Hearing on a proposed Text Amendment to the Zoning Regulations (New Section 8.25.00/General Development Reg) for a Miniature Golf course as a primary Use / related amendments to Sections 2.40.67b, 4.113.03om and 10.06.12b. Owner/Applicant: Leroy J. Holdmeyer (35-day public hearing ends 7/31/12:

Upon a motion by Tom Belval, seconded by Tom D'Antico, it was:

VOTED: Unanimously to re-open the Public Hearing for Application Z2012-12 – 1950 Boston Post Road.

Applicant Leroy Holdmeyer was present and stated that his only concern with the wording for the proposed text amendment has to do with the limit of noise allowed. He feels the wording is too strict. Harry Ruppenicker Jr. stated that the matter of noise is already covered in the Zoning Regulations in Section 11.22.01.

At this time, Chairman Marino opened the floor to the public to speak for or against the applications. There were no members of the public who wished to speak.

There was discussion regarding the noise ordinance. The suggestion was made to add "Noise" to Section 8.25.00(5) and to remove the majority of wording that was proposed. It was also suggested to approve Option #2 under Section 10.06.12b.

At this time, Chairman Marino gave the public an opportunity to speak again. There were no members of the public who wished to speak.

Upon a motion by Lee Archer, seconded by Harry Ruppenicker Jr., it was:
VOTED: Unanimously to close the Public Hearing for Application Z2012-12.

Upon a motion by Lee Archer, seconded by Tom Belval, it was:
VOTED: Unanimously to recess the Public Hearing portion of the meeting and return to the Regular portion of the meeting.

Z2012-12 - 1950 Boston Post Road (Pudder's) – Public Hearing on a proposed Text Amendment to the Zoning Regulations (New Section 8.25.00/General Development Reg) for a Miniature Golf course as a primary Use / related amendments to Sections 2.40.67b, 4.113.03om and 10.06.12b. Owner/Applicant: Leroy J. Holdmeyer (35-day public hearing ends 7/31/12):

Upon a motion by Tom Belval, seconded by Lee Archer, it was:
VOTED: Unanimously to approve the text amendments with the discussed changes, as indicated above, and to have an effective date of 8/16/12.

Upon a motion by Tom Belval, seconded by Lee Archer, it was:
VOTED: Unanimously to reconvene the Public Hearing portion of the meeting at 7:15 p.m.

2. Z2012-13 – 1950 Boston Post Road (Pudder's) – Request to postpone commencement of public hearing, initially set for June 26, 2012 for Special Permit Application to allow a proposed Miniature Golf Course, and adjacent commercial building for a restaurant use and an 11-room Inn, and a recreational equipment rental center. Owner/Applicant: Leroy J. Holdmeyer (65-day application period ends 6/28/12):

Application Z2012-13 and 13a have been withdrawn due to the fact that the applicant is still waiting for approval by the IWWC. The application will be resubmitted.

3. Z2012-16 – 316 Essex Road – Public Hearing on a Special Permit application to allow for the conversion of existing residential structure to be used as Nutrition-Food System's Planning Professional Office, as granted by ZBA Variance #2012-05 Owner/Applicant: Eve Barakos (35-day public hearing period ends 08-28-12)

Attorney Michelle Maresca of Robinson & Cole was present as well as applicant Eve Barakos. Attorney Maresca stated that the applicant is trying to maintain the historic value of the property. The proposed business is a consultation business which will be by appointment only. Therefore, there will only be one client at a time, so with the owner and clients that will be 8 to 10 cars in and out each day. An overview was given of the proposed site plan. It was stated that the driveway will be widened to 16' and there will be 4 parking spaces created. The ground will be covered with pea stone and there will be Belgian blocks between each space. There will be no change to storm water or water flow. They will use the existing well and septic. The proposed

lamp post will be full cut off lighting. They will maintain what landscaping is already there. Site lines are fine in both directions at the intersection of the driveway and Route 153. The applicant has also submitted an application to the IWWC and will be on their agenda for their August 7, 2012 meeting.

At this time, Chairman Marino opened the floor to the public to speak for or against the application. The following members of the public spoke:

1. Ben Dirgins, 15 Orchard Path stated that they are in favor of the application as long as all the stipulations stated in the ZBA Variance are adhered to.
2. Phil Bassett, property owner in the neighborhood as well as Chairman of the Cemetery Association, stated that he is happy to see that the historic character of the home will be save, but would like the business to be kept to the main house and not the outbuildings or garage.

Chairman Marino stated that the IWWC application is still pending so the Zoning Commission cannot act on the application. The Commission must decide to keep the Public Hearing open or close it. Once the Public Hearing is closed, the Commission cannot accept any further information. Chairman Marino stated that when it is time for a vote, the Commission will keep in mind the request from the public to make sure that all of the ZBA Variance stipulations are met.

Upon a motion by Harry Ruppenicker Jr., seconded by Lee Archer, it was:

VOTED: Unanimously to close the Public Hearing on Application Z2012-16.

4. Z2012-11 – 250 Flat Rock Place (Middlesex Hospital) – Continued public hearing on a Special Permit application for a proposed Emergency/ambulatory outpatient medical care facility and accessory emergency medical care facility helistop. [(6-day) extension granted – public hearing period ends 7/24/12]

At this time, Chairman Marino recused himself from the meeting and appointed Harry Ruppenicker Jr. as Acting Chairman.

Acting Chairman Harry Ruppenicker Jr. appointed Alternate Member Mike Engels as a voting member sitting for Tony Marino.

Attorney Ed Cassella stated that the applicant has not been approved by the IWWC yet. There are also some outstanding traffic issues regarding the intersection of Flat Rock Place and Route 153. They obtained records from Resident Trooper Rob Hart and there have been 7 accidents at this intersection in the last 3 years. Also, the copy of the traffic report that was done when the train station was being planned, has been submitted. A note has been added to the plans that no plantings or signs will be place in the site line area and that they will abide by all guidelines from the State Traffic Commission. Steve Dougherty of SLAM Collaborative stated that he feels that the applicant has met all of Woodard & Currans concerns: A Bus Stop area has been added on the plans with the appropriate signage and a shelter to keep people out of the elements. A “Drop Off Zone” will be signed appropriately (handicap parking for Phase II will be accommodated at the time of Phase II). They have provided more shade areas with landscaping. The loading zone

of a 3-space requirement has been met for Phase I. Additional space needed for Phase II will be dealt with when it becomes necessary.

The applicant will go before the IWWC on August 7th for approval. The public hearing can be closed or continued. The Commission cannot make a decision until approval has been gotten from the IWWC.

Upon a motion by Lee Archer, seconded by Tom Belval, it was:

VOTED: Unanimously to close the Public Hearing on Application Z2012-11.

Upon a motion by Tom Belval, seconded by Tom D'Antico, it was:

VOTED: Unanimously to close the Public Hearing portion of the meeting and return to the Regular Meeting at 8:14 p.m.

NEW BUSINESS:

1. Z2012-20 – 63 Pilot's Point Drive – Petition to Amend the Zoning Map from Neighborhood Residential District (NCD) to Commercial Boating District (CB)—parcels located on Boston Post Road/Map/Lot 184/084. Applicant: H. Brian Dumeer.

Upon a motion by Tom Belval, seconded by Tom D'Antico, it was:

VOTED: Unanimously to accept application Z2012-20 and to set a Public Hearing date of September 25, 2012 at 7:00 p.m. in the Multi-Media Room at the Mulvey Municipal Center.

2. Z2012-021 – 23 Industrial Park Road, Building 2 - Special Permit Application for a General Auto Repair Facility, excluding auto-body repair. Applicant: Robert Ellis, Sr. [Map/Lot 167/061] (65 day application period ends 10/13/2012):

This application was taken off the agenda.

OLD BUSINESS:

1. Z2012-17 – 209 Old Mail Trail – [CAM] – Continued Coastal Area Management Application:

Application was withdrawn.

2. Z2012-19 – 240 Salt Island Road – [CAM] – Continued Coastal Area Management Application for raising a substantially damaged house, due to Tropical Storm Irene, to meet FEMA Standards [Map/Lot #182/106] Owner/Applicant: Manny Pires (65-day application period ends 8/30/2012):

Upon a motion by Lee Archer, seconded by Tom Belval, it was:

VOTED: Unanimously to continue Application Z2012-19 to the August 28, 2012 Zoning Meeting.

3. Z0908Mb – 1525 Boston Post Road (The Villa's at Water's Edge) Continued Application for Modification of Special Permit (under Section 7.60.00) of previous approvals (Villa's & Swimming Pool) to allow modifications to the project as noted on

submitted documents. Original Special Permit approved on 9/22/09. Z0908Ma approved on 11/22/11. Owner/Applicant: DGG Properties. (65-day application period ends 08/30/2012):

Upon a motion by Tom D'Antico, seconded by Lee Archer, it was:

VOTED: Unanimously to continue Application Z0908Mb to the August 28, 2012 Zoning Commission Meeting.

MISCELLANEOUS:

None.

COMMISSION BUSINESS MEETING:

1. ZEO Report: Distributed and discussed.

Other correspondence distributed to members regarding Zoning Enforcement/Complaints at the following addresses:

- a. 846 East Pond Meadow Road.
- b. 147 Old Mail Trial.
- c. Cease & Desist Order for 45 Essex Road.

2. Miscellaneous Correspondence:

- a. Copy of article for Westbrook Events regarding Special Flood Hazard Zone.
- b. Copy of letter dated 7/17/12 from Woodard & Curran to ZEO Nancy Rudek regarding Lighting Review of Building 82 – The Lee Company.
- c. Copy of e-mail from Marvin Brown to ZEO Nancy Rudek regarding Town of Hamden – Blight Ordinance.
- d. Copy of current Zoning Commission Budget.

3. Bills: The following bills were paid out of the Zoning Commission Regular Budget:

- Branse, Willis & Knapp: \$858.00 for Legal Services. (Invoice #30436, 30438, 30439, 30437)
- Woodard & Curran: \$743.68 (Miscellaneous: Invoice #92603, 92607)
- Recording Secretarial Services: 484.00 (K. Kelemen, May 2012, transcribe tape minutes)
- Hartford Courant: \$506.88: Legal notices – Inv #May 2012, June 2012 notices.
- App Geo: \$500.00: Map overlays, Inv #14494.

150% Special Funds – Consulting Services

Upon a motion by Tom Belval, seconded by Tom D'Antico, it was:

VOTED: Unanimously to approve the payment of \$342.19 to Nathan L. Jacobson for the review of Ethan's Landing 8-30g.

Special Funds – Bond Releases

Upon a motion by Tom Belval, seconded by Tom D'Antico, it was:

VOTED: Unanimously to release the \$500.00 Driveway Apron Bond for 630 Old Clinton Road.

APPROVAL OF MINUTES – June 13, 2012 Special Meeting Minutes:

Upon a motion by Tom Belval, seconded by Tom D'Antico, it was:

VOTED: Unanimously to approve the minutes of June 13, 2012, as submitted.

APPROVAL OF MINUTES – June 26, 2012 Regular Meeting Minutes

Upon a motion by Tom D’Antico, seconded by Tom Belval, it was:

VOTED: Unanimously to approve the minutes of June 26, 2012, as submitted.

ADJOURNMENT

Upon a motion by Tom Belval, seconded by Lee Archer, it was:

VOTED: Unanimously to adjourn at 8:25 p.m.

Respectfully submitted:

Kathleen H. Kelemen, Secretary