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& ZONING COMMISSION October 11, 2011 Meeting

Commission Members Present: Alan Gannuscio, Vincent Zimnoch, Janet Ramsay,
and Jim Szepanski

Town Staff Present: Town Planning Coordinator and Assistant Zoning and Wetlands Officer
Jennifer Rodriguez

Chairman Gannuscio called the meeting to order at 7:10 pm.

Commission roll call was taken.

MINUTES:

Chairman Gannuscio referred to the September 12, 2011 meeting minutes and asked the Commission members and staff for any comments or corrections. They had none. Mr. Gannuscio moved to approve the September 12, 2011 meeting minutes, as published. Mr. Zimnoch seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.

PUBLIC HEARINGS:

There were none.

REVIEWS:

There were none.

ACTION ON CLOSED PUBLIC HEARING ITEMS:

There were none.

OLD BUSINESS:

a. Discussion with Commission and Staff

There was no discussion.

NEW BUSINESS:

a. Public Input

There was none.

b. Receive New Applications

There were none.

c. Informal discussion regarding the T&M and North Group, LLC request for acceptance of roads.

No one was present for this discussion. It was noted that Mr. Steele was still working things out with Mr. Lally. Chairman Gannuscio then stated that they would carry the item over to the following agenda.

d. Request for extensions of permits for the Chapman Chase Development.

Chairman Gannuscio stated that the extension request was for the special permit and site plan approval. He went on to say that under Public Act 11-05 there could be an extension of a site plan approval. Mr. Gannuscio then asked Attorney Thomas Fahey if it was a site plan approval or if it was a subdivision approval. Attorney Fahey replied that it was a special permit and site plan. Mr. Gannuscio read the following from 11-05:

öAll extensions shall be valid for no more than 14 years from the date the subdivision was approved.ö

He then asked Attorney Fahey how many years in they were. Attorney Fahey replied that they were five years in; it had been approved on December 11, 2006. He went on to say that they were looking to extend it to December 11, 2020 which would be 14 years from the date of the original approval.

Attorney Fahey noted that the 2008 market downturn had not yet leveled off with regard to the type of residential that Chapman Chase was. He went on to say that 28 out of the first 35 units had been sold. He then noted that the entire infrastructure for the first phase had been put in. Attorney Fahey stated that Phase 1, as it currently stood, was a self-contained community.

Attorney Fahey stated that when Phase 2 was built, they would have to put in a whole new infrastructure. He then pointed out that that would take some time and that it was very expensive to do it that way. He also noted that they had had to adjust the prices and the models somewhat. Attorney Fahey commented that it had also become much harder to obtain a mortgage.

Attorney Fahey stated that they had been before the Inland Wetlands Commission the previous week and that they had obtained their approval of an extension of their permit to December 6, 2020. The then discussion continued briefly.



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Chairman Gannuscio moved to extend the site plan and special permit for Chapman Chase located at 275 North Street to the statutory maximum that is allowed, to December 11, 2020. Ms. Ramsay seconded the motion. All were in favor. The vote was 4 – 0, the motion was approved.

Chairman Gannuscio mentioned to Attorney Fahey that the Commission may continue with Mr. O'Leary's work on the Main Street Zoning at the November meeting and that if he had any comments he should bring them forward. Attorney Fahey stated that he would give Mr. O'Leary a call and ask him to provide him with a brief overview of it.

Mr. Szepanski asked if 11-05 needed Commission approval or would it be incorporated within the regulations; was it an automatic. Chairman Gannuscio stated that it was the statute that allowed for the extensions, not the regulations; therefore they had to go with what the statute allowed. He then explained that there had to be a request for the extension and that the request had to be for a non-expired set of plans.

Mr. Zimnoch asked, once the extension was granted, if it had to go the maximum. Chairman Gannuscio replied that it did not. He explained that several requests could be made, but that the total extension could not be for more than the fourteen years. Mr. Zimnoch then asked if the Commission was obligated to give them the maximum. Chairman Gannuscio replied that the Commission was only obligated to give the maximum, if they requested it. Mr. Zimnoch commented that fourteen years seemed like a lot to give right off the bat. Ms. Rodriguez commented that she believed that it automatically extended to nine years and that they could then request another five years. Mr. Zimnoch then clarified that any new approval would be for nine years. Mr. Gannuscio then read through 11-05 and confirmed that that was the case. He went on to point out that Attorney Fahey had requested the full fourteen years. Mr. Szepanski asked if the Commission could have voted not to approve the extension. Ms. Rodriguez replied that they could have voted no on the extra five years. Ms. Rodriguez asked if 11-05 applied to things that had been approved in a certain window of time. Mr. Gannuscio replied that it applied to any approval during the period of July 1, 2006 and July 1, 2011. Mr. Szepanski asked if the extension was automatic. Mr. Gannuscio stated that it had to be requested prior to the original expiration date.

COMMUNICATIONS AND BILLS:

Chairman Gannuscio stated that he had received an invoice from W.B. Mason for office supplies for their Recording Secretary, but that it did not require a vote by the Commission; it was for under \$100.00.



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Mr. Szepanski stated that in the fall the previous year Ayotte and the Novaks had come before the Commission looking to change a Residential B property to Commercial or Business and that the Commission had denied their request. He went on to say that they were still leasing or renting residential property and using it for commercial purposes. Ms. Rodriguez stated that she just needed to call Town Attorney Scott Chadwick to have him call for an injunction, because she had already done everything that she could do.

Mr. Szepanski referred to Margueritas and commented that the Commission had told them that if they had not done development by the fall of this year that they would have to reseed, etc. to restore the property. He went on to say that he had not seen anything happening on the property yet. Chairman Gannuscio confirmed that the Commission had stated that the property would need to be restored if development had not occurred by this fall. He went on to say, with regard to the lawsuit pertaining to the Margueritas property, that the letter from Attorney Chadwick was at the point of a pre-trial status conference. He went on to say that that conference had been pushed back three times already; October 24th was the next one. Mr. Zimnoch asked who had been pushing it back. Mr. Gannuscio replied that he did not know. Ms. Rodriguez asked if it was the Margueritas folks or the property owner versus the Skyline Restaurant. Chairman Gannuscio replied that it was the individual owners of the Skyline Restaurant property (DøAmato) versus Windsor Locks Planning and Zoning Commission.

Mr. Szepanski referred to the Bradley Self-Storage commercial property on North Street and stated that there was a camp trailer parked on the property that someone was currently living in.

Chairman Gannuscio commented that he had gone to the car wash on Spring Street the day before and that there were some major electrical problems from when it had been Scott's. He went on to say that the new owner was fixing, among other things, the track to the car wash. Mr. Gannuscio then asked Mr. Rodriguez if any permits had been pulled for the property. Ms. Rodriguez stated that she did not know; they may have been pulled while she had been out. She went on to say that she would look into it.

Ms. Rodriguez stated that the applicant for the Vietnamese restaurant that the Commission had recently approved had stopped by her office and said that the landlord was not doing what had been promised to the property. She went on to say that the applicant was thinking about the Colvest property on Route 75 for the location of his restaurant. The discussion then continued briefly.



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A brief discussion regarding the Montgomery Building took place.

A brief discussion of the recent Babylon fire took place.

Chairman Gannuscio moved to adjourn the meeting. Mr. Zimnoch seconded the motion. All were in favor. The vote was 4 – 0, the meeting was adjourned at 8:05 pm.

Respectfully submitted,

Diane Ferrari
Recording Secretary

THIS IS A DRAFT

Please check the following month's meeting minutes for official approval of these minutes and any amendments or corrections that were made.