

**WOLCOTT PLANNING & ZONING  
PUBLIC HEARING AND REGULAR MEETING  
WEDNESDAY, OCTOBER 16, 2013  
TOWN COUNCIL CHAMBERS, 6:30 P.M.  
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**MINUTES**

**PUBLIC HEARING**

**Note: These are summary minutes. A tape recording of this meeting is on file in Wolcott Town Hall, Commission Secretary's Office.**

Chairman Ray Mahoney called the Public Hearing to order at 6:30 p.m. with the Pledge of Allegiance and then attendance was taken.

Roll Call Attendance

**MEMBERS PRESENT:** Cathe Sherman, Chris Edquist, Rich Delpier, Mike Bokon,  
Ray Mahoney

**MEMBERS ABSENT:** None

**ALTERNATES PRESENT:** Virginia McHugh, Angelo Mastrofrancesco

**ALTERNATES ABSENT:** None

**ALSO PRESENT:** Dave Kalinowski, CZEO

**PERMIT APPLICATIONS**

- 1. #13-493 Trimosh Fejzo – Special Use Permit for B-3 a Social Club at 1585 Meriden Rd.**

Dave Kalinowski, CZEO, said at the last meeting some of the concerns were the number of parking spaces noted on the site plan. He said he went to site and there was total of 87 spaces and the applicant put in two handicap spaces. He also said the applicant has enough extra spaces to make the handicap spaces wider (as required) and that the owner of the property should be responsible to put in the other two handicap spaces required. He said there was concern about everyone parking for this facility in the front and taking away spaces from the other businesses there and said the applicant did agree to have his parking on the side and back of building. He said there were concerns about the dumpsters and where they were put and he said they certainly can be moved. Angelo Mastrofrancesco asked about the number of people allowed in the building according to what was given to past business in there and CZEO said if this application is approved then the Fire Marshal will then go in there and have to sign off on the zoning permit to operate there. Rich Delpier said some of the bags (garbage) were picked up but there still are some there. Rich Delpier also asked about parking spaces being taken if dumpsters are moved and Chairman Mahoney said there still are plenty of spaces left for parking. CZEO said the dumpsters can also be addressed with the owner prior to c/o for building. Mike Bokon's concern was to make sure they would only be parking where identified for them and Mr. Fejzo said he would take care of any issues with that.

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Dennis Cleary came forward and said that he knows the hours they expect to be open are in the application but hopes that would be a condition of the special use permit because in comments from the meeting two weeks ago that Friday and Saturday they expect to be there later than (what's on application). He said there is adjoining residential neighborhoods around the corner and it would make sense to put some restrictions (on hours) so that it is not 2 or 3 in the morning that there are events going on.

There were no more comments from the public or the Commission and Chairman Mahoney stated that the public hearing on application #13-493 was closed.

**2. #13-494 Town of Wolcott – Special Use Permit for (B-1) Recreational Area / Dog Park at 127 Mad River Rd.**

Mayor Dunn said that a couple weeks ago there were some things that people didn't like (about the plans for dog park) but a lot has happened since then. He said the dog park committee has done a lot of changes since the last meeting but still the most important part is the way the property was and the way it is going to be. Angelo Mastrofrancesco said the new survey is great as it shows you what buildings are coming down, where the fence is going to be, the relocation of the foot bridge, etc. but wanted to know who was going to maintain the property.

Mayor Dunn said the town is going to take care of the buildings coming down and the town crew/park and rec. will probably cut the grass but the committee and the people that use the park are going to take care of the general maintenance of the park. Trish Mueller thanked all the committee members for their work and Harry Cole for donating their time for the survey. She said that as far as maintenance you can see (on proposal submitted) the trash receptacles and the bags where the owners will be responsible for cleaning up after their own animals. There was discussion as to whether or not the existing fence will be left up and it was stated that it is still being discussed along with the sidewalk that shows on the plans. CZEO said that at the last meeting it was stated that the bridge was on someone else's property and it has been moved and a letter from Mark Garrigus, (Inland Wetlands) has been received and he approves the proposal. He said that when a plan is received for the actual bridge it will be reviewed again (by Inland Wetlands).

Dennis Cleary came forward and said he made a lot of comments at the last meeting and he has worked with the committee to resolve the majority of them. He said he supports the special use permit and the approval of this site plan that comes with the condition that what is shown on the site plan and the plan of development (submitted) is all incorporated within that special use permit. He said the time frame of when things get done is on a budget available and whether there is a side walk or not, whether it takes 5 yrs. or 10 yrs. is not the issue to him but the incorporation of both the site plan notes and the plan of development be included. He said he does not support the existing fence to stay as it is a residential neighborhood and it should look like such. He said he is hoping the Commission will approve what is before them, which

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is the site plan with this plan of development and if you need to add more restrictions then that is your prerogative.

There were no more comments from the public or the Commission and Chairman Mahoney stated that the public hearing on application #13-494 was closed.

Upon **MOTION** by Cathe Sherman, seconded by Rich Delpier, it was unanimously voted to **TAKE** a 5 minute recess at 6:56 p.m.

**REGULAR MEETING**

At 7:03 p.m. Chairman Ray Mahoney called the Regular Meeting to order. (Attendance was taken and it was the same as listed above under Public Hearing).

**PUBLIC REQUESTS**

Chairman Mahoney read the public requests script. Dave Fitzpatrick came forward and said he is a tenant at 1078 Wolcott Rd. He said he owns a gym club there and on several occasions he has had members come and ask him why there was a lady taking pictures of them. He said at first it did not trouble him however he feels it is unprofessional that he has to constantly explain himself to paying members and reassure them that it is okay for them to come to his establishment. He said he has received complaints that the members do not want their pictures taken and it has come to the point where it is harassment and is affecting the ability for his establishment to grow.

Dorothy Smith came forward and asked if the (members) received her letter submitted dated October 10<sup>th</sup> and Chairman Mahoney said correct. She said she did not know how to prepare for tonight so she did so by doing it (presentation) in a chronological order and she said what she does have down she will be repeating some of the material from her October 10<sup>th</sup> letter. Chairman Mahoney said we have received it and most of those charges were addressed in a court of law so if you have anything new to add that is what public request time is for. She went on to discuss what was in her October 10<sup>th</sup> letter, which is on file in the Planning and Zoning Office. Her issues were the idling trucks, the fence still has sections missing, the use of the 12 foot vegetation buffer, etc. She said the tenant also drove a bobcat in a reckless manner along the 12 foot buffer area. She said on May 9<sup>th</sup> she filed an injunction against Mr. Fitzpatrick for driving the bobcat in a reckless manner on the 12 ft. strip of loose, eroded soil, putting her in harm's way. She said she also contacted the Mayor numerous times and also went to court on this. Chairman Mahoney asked her how she made out in court and Mrs. Smith said the defendant's attorney filed a motion to dismiss her injunction and on July 23<sup>rd</sup> she filed her objection to dismiss based on the fact that their lives are in immediate danger. She said on Sept. 5, 2013 she received a memorandum from the court stating her injunction was dismissed stating that it was a zoning matter. She said she doesn't care what they do to any

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part of their property just not on the 12 foot buffer area along her property. She also said they are using a storage shed as a maintenance garage. Mike Bokon asked her if her property has been surveyed and she said maybe from 30 years ago when she purchased the house.

Tom Fitzpatrick, owner of the landscape company, and said there never was a malicious act in a skidster (bobcat). He said what scares him more is the fact that this women is walking up and down Bound Line in the middle of school hour traffic. He said he also has employees that are being harassed on a daily basis and they do not even want to work nor do people want to come to the gym anymore. He said the harassment has to stop as it is affecting them (and their business). He also said he does not idle trucks as she states.

Dave Fitzpatrick, owner of the property, came forward and said during all this he had contacted the previous owners (Wolcott Tire & Battery), regarding the statements being made by Dorothy and Tom Smith saying that they did not have any issues with the previous owners. He said he received a letter from Brian (previous owner of Wolcott Tire) which said they did drive around the building to get to the back bay and to get the tires and scrap. He said the previous owner said they had been in business since 1973 and before Dorothy (Smith) moved in she complained about them also but still bought the house. Mr. Fitzpatrick said that Mrs. Smith has put what is called a blemish or cloud on his deed which has caused him problems on the closing of the building so he could not get the money to do the paving of the lot. He said he spoke to his lawyer and everything should get cleared up to get this closing. He also said if he is restricted to side lines and guidelines then she (Mrs. Smith) should not be able to park her recreational vehicle so close to his property.

**APPROVAL OF MINUTES**

Upon **MOTION** by Cathe Sherman, seconded by Chris Edquist, it was unanimously voted to **APPROVE** the minutes from the 10/2/2013 Public Hearing and Regular Meeting.

Mike Bokon abstained due to absence.

**APPROVAL OF BILLS**

There were no bills at this time.

**CORRESPONDENCES**

Chairman Mahoney said there was the correspondence submitted by Dorothy Smith.

**SUBCOMMITTEE REPORTS**

There were no Subcommittee Reports at this time.

**OLD BUSINESS**

- 1. #12-478 Christine Nelson – Special Use Permit for B-3 a Non-Profit Donation Center at 36 Town Line Rd.**

CZEO Dave Kalinowski said this is still in litigation.

- 2. #13-493 Trimosh Fejzo – Special Use Permit for (B-3) a Social Club at 1585 Meriden Rd.**

A **MOTION** was offered by Cathe Sherman, seconded by Chris Edquist, to **APPROVE** #13-493 Trimosh Fejzo – Special Use Permit for (B-3) a Social Club at 1585 Meriden Rd. with the following conditions: 1) that the owner of the property put in 2 more handicap spaces; 2) the applicant identify the parking spaces that will be used for his facility; and 3) limit the hours to those stated on the special use permit (on file). A brief discussion followed clarifying the hours (to make sure applicant is aware of them) which was stated they are Monday thru Sunday, 7:00 a.m. to 10:00 p.m. There was also discussion on cleaning up of the property behind the building and it was stated it is the responsibility of the landlord and CZEO said he would follow up on this.

Chairman Mahoney asked if there was any other discussion on the motion and hearing no one he asked all those in favor of the motion signify by saying aye (Commission responded) and then asked if anyone opposed and hearing no one he stated the **motion carries**.

- 3. #13-494 Town of Wolcott - Special Use Permit for (B-1) Recreational Area / Dog Park at 127 Mad River Rd.**

Upon **MOTION** by Cathe Sherman, seconded by Mike Bokon, it was unanimously voted to **APPROVE** #13-494 Town of Wolcott – Special Use Permit for (B-1) Recreational Area / Dog Park at 127 Mad River Rd. with the site plan map dated October 8, 2013 and the proposal submitted.

**NEW BUSINESS**

- 1. #13-495 Robert LeBrun – Special Use Permit for (C-8) Automotive Restoration/Repair Business at 17 Town Line Rd.**

Upon **MOTION** by Cathe Sherman, seconded by Mike Bokon, it was unanimously voted to **ACCEPT FOR REVIEW** and **SCHEDULED** a Public Hearing for November 6, 2013 at 6:30 p.m. in the Council Chambers on #13-495 Robert LeBrun – Special Use Permit for (C-8) Automotive Restoration/Repair Business at 17 Town Line Rd.

**2. Discussion on conditions for #12-481 D. Fitzpatrick at 1078 Wolcott Rd.**

CZEO Dave Kalinowski said that with the special use permit that was given to Dave Fitzpatrick part of the conditions were to pave the parking lot and he was granted an extension but he has been held up in litigation so Mr. Fitzpatrick is asking for another extension to the end of the month.

Upon **MOTION** by Cathe Sherman, seconded by Mike Bokon, it was unanimously voted to **EXTEND** the paving of the property at 1078 Wolcott Rd. to November 6, 2013.

**CERTIFIED ZONING ENFORCEMENT OFFICER'S REPORT**

CZEO Dave Kalinowski said he did not have anything at this time. He did say that the company will begin paving the second course next week on all the roads that have been paved. There was a brief discussion regarding Nova Chip which is what will be applied to the roads, which is asphalt with an adhesive put on it.

**EXECUTIVE SESSION**

There was no Executive Session at this time.

**ADJOURNMENT**

Upon **MOTION** by Cathe Sherman, seconded by Mike Bokon, it was unanimously voted to **ADJOURN** the Regular Meeting at 7:38 p.m.

APPROVED:

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Raymond Mahoney, Jr. Chairman  
Planning & Zoning Commission

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Edna Henderson, Recording Secretary  
Planning & Zoning Commission