Planning & Zoning Commission
Unapproved Minutes
September 2, 2015

Vice - Chairman A. Havican called the meeting to order at 7:00 p.m. The meeting was recorded.

Members Present: A. Havican, G. Ploski, D. Santoro and J. Crumb
Alternates Present: K. Kemp and P. McKinney
Absent: G. Graveline
Others Present: Tammy DeLoia, Land Use Inspector

Vice - Chairman Havican sat Ken Kemp for Gil Graveline.

Motion made by J. Crumb, seconded by G. Ploski to approve the minutes of August 19, 2015. **Unanimous.**

Correspondence:
1. Letter dated 8/13/15 from Michael Zemola, Toll Brothers, Inc., Land Development Manager requesting a reduction on their Letter of Credit #30004435 (site improvement bond) for Phase 5 of the Toll Brothers Regency at Prospect from the original bond amount of $1,117,039.00 down to $191,694.

2. Letter to the Planning & Zoning Commission dated 9/2/15 from Land Use Inspector Tammy DeLoia giving the Land Use Inspector's and Assistant Public Works Director Gene McCarthy's recommendation to Toll Brothers' letter requesting reduction on their Letter of Credit for the site improvement bond from the original amount of $1,117,039.00 to $855,276.00, leaving a remaining balance amount of $261,763.00. This, in their opinion, will ensure the completion of the remaining site improvement items within this phase.

After commission discussion, **Motion** by J. Crumb, seconded by G. Ploski to approve the Land Use Inspector's and the Assistant Public Works Director's recommendations on the Toll Brothers' request for a partial release of the site improvement bond for Phase 5 at "Regency at Prospect" reducing the current bond amount of $1,117,039.00 by $855,276.00 leaving a remaining bond balance amount of $261,763.00. **Unanimous.**
Motion made by J. Crumb, seconded by G. Ploski to place correspondence on file. **Unanimous.**

A. Havican requested a motion to add to the Agenda under new business a request by Joe Commendatore, CJN Realty LLC for an amendment to Zoning Regulations Section 4.1 Elderly Housing to read: Planned Residential Developments designed exclusively for Elderly Persons may be established in any Residential (RA-1 or RA-2) or Commerce Park (CP) Zone or Business Zone (B); and as a single parcel with a minimum of 5 acres. All other residential regulations shall prevail. **Motion** by D. Santoro, seconded by G. Ploski, to add to the Agenda under new business, an application from Joe Commendatore, CJN Realty LLC, to amend Zoning Regulations Section 4.1 Elderly Housing to read: Planned Residential Developments designed exclusively for Elderly Persons may be established in any Residential (RA-1 or RA-2) or Commerce Park (CP) Zone or Business Zone (B); and as a single parcel with a minimum of 5 acres. All other residential regulations shall prevail. **Unanimous.**

Public Participation: None

New Business:

a. John Mascia, 136 Mikayla Lane, Home Occupation for Application for a Home Office: Carpentry Business Office. *John Mascia, 136 Mikayla Lane* appeared before the commission with an application and a letter from the homeowner, Susan Mascia, giving permission for the Carpentry business home office. Commission members advised that a Home Office should not disturb the neighbors. J. Mascia stated that he will not have customers coming to his home and will not need signage. Commission members questioned if there will be hazardous chemicals on the property to which J. Mascia stated that he would not. J. Mascia also advised that he has one personal ½ ton pickup; materials for clients would be delivered to the client's homes. The Commission discussed their option to hold a public hearing and agreed they did not feel that a public hearing was necessary. After discussion, **Motion** made by G. Ploski, seconded by K. Kemp to accept and approve the application submitted by John Mascia, 136 Mikayla Lane, for a Home Occupation for a Carpentry Business Office. **Unanimous.**

b. ***Joe Commendatore, CJN Realty LLC - Application to Amend Zoning Regulation Section 4.1 Elderly Housing* to read:** Planned Residential Developments designed exclusively for Elderly Persons may be established in any Residential (RA-1 or RA-2) or Commerce Park (CP) Zone or Business Zone (B), and as a single parcel with a minimum of 5 acres. All other residential regulations shall prevail. The Commission held discussion regarding the Plan of Conservation and Development and the Business Zone. After discussion, **Motion** made by G. Ploski, seconded by D. Santoro to accept the application for an amendment to Section 4.1 Elderly Housing and to set a public hearing date of October 7, 2015 at 7:10 p.m. **Unanimous.**

Old Business/Land Use Inspector's Report:

a. **Discussion on Zoning Regulations – Gateway Overlay Zones:** Land Use Inspector Tammy DeLoia advised the Commission that she had been in contact with the Planner, Chris Wood regarding the Gateway Overlay Zone. C. Wood had accepted to review the draft that T. DeLoia submitted to him and he will be contacting her within a few weeks.

Public Hearing:

7:15 Prospect Gun Club, 221 Cheshire Road – Application to Modify Special Permit for Expansion of Hours. A. Havican read into the record the "Notice of Public Hearing" for this public hearing as it appeared in the Republican-American on 8/14/15 & 8/21/15. A. Havican cautioned the audience that the meeting was not about a permit as the Gun Club has a Special Permit in place and that the meeting had no relevance on the right to bear arms. The Commission received two letters from Beverly Curello of 223 Cheshire Road, which A. Havican read into the record that voiced her opposition to the request for an expansion of hours for the Prospect Gun Club as her grandchildren are afraid to visit during the established hours and that she has had shell casing in her yard. A. Havican asked the Gun Club President, Jerry Williams, to advise of his request. *Jerry Williams, 29 Elaine Court* stated that he came to the August 5th meeting to request an expansion of hours: the request would be to keep the established hours plus **Add** the following:

Thursday - 4 p.m. to 6 p.m. or ½ hour before sunset, whichever comes first
Sunday – 9 a.m. to 3 p.m. (Current 9 to 12, add 3 hours)
Thanksgiving Friday – 12 p.m. to 4 p.m.
Memorial Day – 12 p.m. to 4 p.m.
Labor Day – 12 p.m. to 4 p.m.

A. Havican asked J. Williams if there is a 7 a.m. starting time. *J. Williams* stated that the starting time for the shooting range is at 9 a.m.; no one is allowed to begin at 7 a.m. J. Crumb asked if any complaints had been received in the Land Use Office and T. Deloia stated that other than the letters read this evening, no one had complained about the Gun Club. A. Havican advised that the commission would take questions from the Public. *Boardman Kathan, 229 Cheshire Road* stated that his property abuts the rifle range on the north and west side and voiced his opposition to the expansion of hours for two reasons: the first due to the noise and disturbance of the rifle range from late Friday through Sunday morning, and the second due to safety: the cancellation of hikes on the Prospect Land Trust property on Sunday afternoons. *Mayor Robert J. Chatfield, 36 Center Street* advised that since the Prospect Gun Club's inception, there has not been a safety incident on the range. The Mayor noted that the Gun Club is insured by the NRA. The Mayor also advised that he checks the site daily. Mayor Chatfield stated that he has given extra time for range shooting when requested for fund raisers. Mayor Chatfield, as a neighbor, asked for a compromise from the residents as to the Sunday hours from November 1st until April 15th. *Alice Magnarella, 36 Tress Road,* read into the record a letter stating her opposition to the expansion of Gun Club hours as it is difficult to sit on her front porch on Sunday afternoons as the noise is too loud. *Robert Covillion, 21 Plank Road,* stated that he is not opposed to the expansion of hours as the sounds of the gun fire are "drowned" out from the music coming from the VFW. *Don Reilly, 35A Tress Road,* stated that he has been living in his neighborhood for 18 years and has found the noise from the Gun Club unbearable at times. D. Reilly explained that he would not want to see an expansion to the hours as the noise would interfere with family parties on weekends and holidays. D. Reilly stated that some of his neighbors have had to medicate their pets due to the noise. D. Reilly also explained that the Zoning Regulations are in place to protect the character of the Town and cited Zoning Regulations Sections 4.19 Performance Standards, Section 10.4.4 Noise and Section 10.1 Prohibited Uses, Land Uses stating ..."Dirt bike or ATV race tracks...etc". D. Reilly gave the Commission a petition signed by 23 residents of Tress Road, Cheshire Road and Forestridge Road opposing the expansion of hours. Questions were raised as to the times that the Police Officers use the range. *Mayor Chatfield* advised that a certified instructor will contact the Town Hall and ask for availability of the range for pistol practice; the range will be used by one or two officers with the instructor for approximately ½ to one hour. *Bev Allen, 5 Cornwall Ave.*, explained that she is not in favor of the extended hours due to people may be in jeopardy of danger. *Eric Koch, 75 Salem Road,* advised that he hoped the Commission would do the proper thing and approve the request noting that the Gun Club has not had a safety incident. *Tom DellaValle*, 35 Tress Road, stated that the continuous shooting reverberates and becomes very loud. *Don Reilly* stated that the Gun Club should increase dues and build an indoor facility. *Jon Ganzer, 151 Cheshire Road* stated that on Thursday's the hours of 4 to 6 are usually when most people are at work and should not affect many people. *J. Ganzer* also commented on the noise once the gun is discharged and stated that the noise level dissipates and should become less of a disturbance. G. Ploski questioned the direction of the current gun stations, if they are toward Tress or Chatfield Drives. *J. Ganzer* stated that the shots go west into a "Berm" or to the woods; not toward the houses, which are in the opposite direction. K. Kemp questioned if shot guns are fired and was advised that they are. *Eric Meade, 8 Forestridge* stated that he is opposed to the extended hours as the gunshots echo, causing him to close his windows on Sundays due to the noise. *Don Schellhardt,* a rentor residing at *229 Cheshire Road* explained that he is opposed to the extended hours in particular on Sunday, as the casings may go onto the land that is the Prospect Land Trust. *Jerry Williams, 29 Elaine Court* stated that the casings only go a few feet once discharged. *J. Williams* explained that the Gun Club follows NRA rules and

abides by the Town rules. *Paul Keiffer, Boulder Brook Court* advised that as an engineer the sound would decrease but never goes to "0" and could still be heard. *P. Keiffer* requested a compromise from the neighbors for the extension of hours. *Don Pomeroy, 10 Rolling Ridge* explained that he is not a member of the Gun Club, but questioned *P.* Keiffer as an engineer, if the noise could be refracted. *Paul Keiffer* explained that the hills and trees tend to absorb the sound, but the sound will go upwards. *Erich Koch, 75 Salem Road* advised that once standard time takes place, the shooting time would not go past 4 p.m. on Thursdays, Fridays or Saturdays. A. Havican advised that the meeting would be continued until September 16, 2015 at 7:20 p.m. Commission members thanked everyone and set a Site Walk. **Motion** made by G. Ploski, seconded by D. Santoro to set a Site Walk date of Saturday, September 12, 2015 at 10:00 a.m. at the Prospect Gun Club, 221 Cheshire Road. **Unanimous.**

Public Participation: G. Ploski questioned the "pile of wood" on 7 Wilkens Road that was discussed at the previous meeting and asked T. DeLoia how to file a Blight complaint.
T. DeLoia stated that there is a Blight complaint form that can be filled out upstairs in the Town Hall.

Adjournment: **Motion** made by K. Kemp, seconded by G. Ploski to adjourn the meeting. **Unanimous.** The meeting adjourned at 8:25 p.m.

Al Havican RBM

Al Havican
Vice - Chairman

PROSPECT, CONN
TOWN CLERKS OFFICE
RECEIVED FOR RECORD
2015 SEP -9 AM 9:40
Maryann C. Andrews
TOWN CLERK