

**MINUTES OF PUBLIC HEARING ON A PETITION FROM SPICE GLEN LIMITED PARTNERSHIP REQUESTING AMENDMENT TO SPECIAL DEVELOPMENT DISTRICT KNOWN AS SPICE GLEN, 766 SOUTH QUAKER LANE, CONDITION #2, TO BE AMENDED SO THAT IT IS NO LONGER THE RESPONSIBILITY OF THE HOMEOWNERS' ASSOCIATION TO COLLECT THE SOLID WASTE FOR THE 35 SINGLE FAMILY DETACHED UNITS.**

May 28, 1991

Council Chambers

1149

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President Sandy F. Klebanoff called the hearing to order at 7:04 p.m.

Present were Councilors Linda I. French, Tom Johnson, Sandy F. Klebanoff, Charles R. Matties, Madeline S. McKernan, Albert Lenge for Joseph A. O'Brien, Larry Price, Fran Reynolds and Andy Schatz.

President Klebanoff: Before we begin I would just like to call to your attention the referral to the TPZ. The TPZ has recommended against adoption of this amendment and that will therefore require a two thirds vote of this body in order to pass the amendment. Mr. Feldman does the administration have a presentation?

Barry M. Feldman, Town Manager: Madam Mayor, I think Don does. I don't know if he has slides per se.

Donald R. Foster, Town Planner: I have a few slides if you want to see those.

President Klebanoff: Would Council members like to see the slides or are we familiar enough with the project?

Vice President Price: I think we are familiar with it.

President Klebanoff: Thank you. Anything further, Mr. Feldman?

Mr. Feldman: No, I would be happy to respond if there are any questions. Maybe I can simply explain that we have a requirement, at least by our own ordinances to pick up single family and I think that is up to including three family apartments as well, refuse from those facilities. More recently upon your approval there has been small subdivisions not too dissimilar from this subdivision where we currently pick up refuse from single family homes specifically there is a small subdivision on Sedgwick by the middle school, I believe we are planning and currently pick up from the three homes that are built at Governor Square which is Asylum and Steele Road. There are examples again of the town picking up from single family homes. I guess the quirk, of course, is that in your approval the evening that you gave approval to this development part of the SDD

requirement was that they provide for their own single family refuse collection and of course the petitioner now is coming back to the town asking that we pick up for only single family.

President Klebanoff: Thank you, Mr. Feldman. Anybody have any questions for Mr. Feldman? Mr. Price.

Vice President Price: Barry or Marge, in your mind can you differentiate between the examples that you just cited and this particular applicant in terms of how they compare or contrast with other developments that we presently pick up. Did I state that clearly? Thanks because I can't remember a thing I just said.

Mr. Feldman: Madam Mayor and certainly Marge can respond, too, I would say from single family collection standpoint I can make no distinction between this type of development and any other recently approved single family subdivision.

President Klebanoff: Mr. Price.

Vice President Price: Other than the fact that when the original application came in and we passed the SDD provisions we placed this prohibition on it, if you will, and that certainly would be one distinguishing factor but other than that nothing comes to mind?

Mr. Feldman: Madam Mayor, Mr. Price, again it is a policy issue. You have the limitation and if that is your policy decision of course we will carry that out.

Vice President Price: Thank you.

President Klebanoff: Mr. Schatz.

Councilor Schatz: Just so the record is clear, Mr. Feldman or Mrs. Wilder, as I understand it our contract with Sanitary Services provides for the addition as houses are added to the town and taken into normal municipal services.

President Klebanoff: Are there further questions for Mr. Feldman? Mr. Price.

Vice President Price: Actually for Don, I've pulled my TPZ letter out and thrown it somewhere, I can't remember and I don't have it with me right this second but one of their problems, one of the stated reasons they had for turning this application down was the Council had taken an action under the SDD to put a limitation on it, is that correct or is my recollection fuzzy?

Mr. Foster: Through the chair to Mr. Price, I think the Commission was concerned that this was a matter that had

come to the Council that the developer had self imposed that restriction on, perhaps as presented the whole project to you and they were concerned perhaps that would count beyond their purview so they basically said it was self imposed restriction and you ought to live with it unless the Council policy determines otherwise.

Vice President Price: Well, maybe we can ask the applicant to explain that from his perspective. Thank you.

President Klebanoff: Further questions for the administration? If not, does the applicant wish to make a presentation at the moment? Please state your name and address for the record when you get to the podium.

Mr. Sargis: My name is Dan Sargis and my address is 60 Spring Brook Drive in Rocky Hill, Connecticut. We are coming back to the Council on this and I'm going to be very, very honest. When we were going through the SDD approval I had a concept in my head. I have not gone back to the actual minutes of that meeting but when after the fact of the approval when it came time to pay attention to that part of the approval I looked at it and it wasn't what I had in my head. I had always known that the apartment facility would be picked up by us and we made provisions for dumpsters and that. We never, never in the planning of the project made the other provisions but to short circuit this logic for all the reasons that one can make an argument I'm just coming here to ask the Council to consider this for reasons of parity. It just seems to me to be the right thing. It does not have a bottom line effect on us as developers. It has an impact on the people moving into the neighborhood and I feel that we are building a nice neighborhood over there and we have sales absorption taking place over there and I'm trying to make future provisions for those residents who quite frankly speaking are stretching to buy their first homes. I will entertain any questions.

President Klebanoff: Does anyone have any questions for Mr. Sargis? I just have a comment. I notice in your application for an amendment you have requested that the Council waive the \$300 filing fee and return the funds which you have paid to the town.

Mr. Sargis: Well, that was the one thing that has an effect on our bottom line but that is up to the Council.

President Klebanoff: Yes, I realize that. Mrs. Wilder if the Council, what would be the appropriate time for the Council to entertain that request, at the meeting when the vote is taken?

Mrs. Wilder: I would think so but this would be a good time

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in case you had a question to ask the applicant.

President Klebanoff: Does anyone have any questions of the applicant regarding the application fee?

Councilor Johnson: Actually I don't have a question of the application fee.

President Klebanoff: On anything actually.

Councilor Johnson: It is my understanding that we initially charge fees for detailed staff review of the engineering and the architectural and that type of thing because it takes a considerable amount of staff time. In this instance, Mr. Foster in your opinion did reviewing this aspect of the change in the SDD take a considerable amount of staff time?

Mr. Foster: Through the chair to Mr. Johnson. The concept of the fee schedule that the Council adopted is a graduated fee based on initial level of cost, the \$300 which takes care of basic costs for advertising, notice, paper flow and review of the Planning Commission and at the Council level. That easily eats up the \$300 and then as the project becomes more complex, if it is a new one the Council has a scale for square footage of land area changed use and so on so I think I guess in my judgment the applicant came before you at a public hearing and has gotten a fair shake on his fees that he has expended at this point.

Councilor Johnson: Thank you.

President Klebanoff: Are there further questions for the applicant? If not, thank you.

Mr. Sargis: Thank you.

President Klebanoff: Any member of the Council have further questions at this time for the administration? If not, is there a sign up sheet, Mr. Johnson.

Councilor Johnson: Yes. The only person on it is Ms. Gray.

Ms. Gray: Peggy Gray, 25 Court Park. Madam Mayor and Council members, I would like to read the following statement on behalf of the Charter Oak Neighborhood Advisory Council. CONAC appreciates all the time and effort the Council members and town staff have contributed to insuring a quality housing development known as Spice Glen on South Quaker Lane. Your diligence will guarantee a clean, attractive addition to our neighborhood. The misunderstanding with the second condition to the SDD with refuse collection is of some concern to us. It was never our intention to deny any of the usual services provided by the town to the owners of the single family homes. The Sargis's

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as owners should be responsible for the apartment complex just like any other landlord but families buying into our neighborhood should have the same amenities the rest of us enjoy and we ask for your reconsideration in this matter. Thank you.

President Klebanoff: Thank you. Any questions for Ms. Gray? Thank you. Does the applicant wish to sum up? You have that right if you wish.

Mr. Sargis: There is nothing more I could add.

President Klebanoff: Are there further questions? Hearing none, we will adjourn the public hearing.

The hearing adjourned at 7:14 p.m.

Norma W. Cronin  
Recording Secretary

*Legal Notice appeared in West Hartford News on May 16, 1991.*