

LADYGA – SPECIAL PERMIT EXTENSION – 2812 BOSTON TURNPIKE

The applicant is requesting time to complete the work associated with the development of a motor vehicle dealer and repairer use that was originally approved by the Commission on June 28, 2010. The applicant's letter does not state a specific timeframe that is being requested. Please refer to the attached copy of the letter.

The applicant had gained 4 extensions of time to commence the project – a 2 year extension was granted on February 2, 2012; a 1 year extension was granted in March 31, 2014; a 1 year extension was granted on May 11, 2015. Another extension request was made on October 21, 2015, which was withdrawn by the applicant. The applicant requested another one year extension on May 9, 2016, which was approved by the Commission. The applicant returned to the Commission on September 26, 2016 to received approvals for minor site plan modifications, which were also approved.

The Commission decided on June 26, 2017 that the project did commence in 2017. However, Commission required a letter to be submitted from the contractor detailing the timeframes of construction activities that it will be actively pursuing. The file reflects a series of communications which demonstrates that the project did not proceed in 2017 and has not been diligently pursued since that time.

Staff spoke to the Town Attorney in regard to Section 7.04 of the Zoning Regulations which states, 'a zoning permit or special permit shall expire five (5) years following its issuance if the construction or development allowed thereunder has not been completed.' Based upon the Commission's acknowledgement on June 26, 2017 that the project has commenced, and according to the aforementioned section, the applicant must complete the project by June 28, 2022.

According to the CT General Statutes, a grand total of 14 years is permitted for a special permit project to be completed, which in this case would be June 28, 2024. The Commission would need to authorize the extensions of time that would equal the total of 14 years. The applicant is still within the active stage of the special permit approval, since it would not expire until June 28, 2022.

Staff suggests that the Commission consider waiting to render a decision on the request for the extension since there is over a year to complete the project remaining on the special permit approval. If the applicant is committed to pursue the project after 11 years, there is still 15 months left to complete the project and comply with the project completion requirements.

If necessary, the Commission can consider the status of the project when the applicant approaches deadline to complete and determine what action is necessary at that point in time.