

# TOWN OF NEW MILFORD

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10 MAIN STREET

NEW MILFORD, CONNECTICUT 06776

Office of ZONING COMMISSION

February 27, 1991

TO WHOM IT MAY CONCERN:

The New Milford Zoning Commission shall hold a special meeting on Thursday, February 28, 1991 commencing at 7:30 p.m. in Room 6 of Town Hall.

The purpose of this meeting is to finish the agenda originally scheduled for the meeting of February 26th starting with the public participation portion.

Respectfully submitted,

*Duane Davin*  
Duane Davin, Secretary *LD*

/lb

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New Milford Zoning Commission public hearing February 26, 1991 called to order by Chairman George Doring at 7:42 p.m. with the following present: Loretta Brickley, Assistant Zoning Enforcement Officer; Bob Bauer, Zoning Enforcement Officer; Don Marsh, Arthur Lavalette, George Doring, Duane Davin and three alternates: Gary Santini, Charles Raymond and James Lambert. In the absence of Gerald LaTour Mr. Lambert was seated.

Item one on the public hearing involved a proposed change in Article 14 of the Zoning regulations. The petition was read by Mr. Doring. A letter dated December 27 from Attorney Pellegrini and Rosalie DeBien, applicant, was read into the record.

No report was received from the Town Planner. The Planning Commission in their letter recommended approval of the amendment to clarify the intent of the regulation. Housatonic Valley Council of Elected Officials responded that this was a local concern and did not require their action.

Mr. Bauer reported no reports from staff.

Attorney Pellegrini representing the applicant and her partner noted that the purpose of this amendment is to try to correct what is an administration problem. Rosalie runs a restaurant on Park Lane that has a long history before this Commission. The restaurant that she and her partner run is precluded from having a full liquor license because of the application of Article 14.

Mr. Pellegrini referred to a map showing the location of the restaurant, which is lot 14 and 14AAA (taken from the Assessor's map).

Mr. Pellegrini continued, this Commission has to measure its 500 feet distance from prescribed things as outlined in Article 14, such as the rear of lot 14AA. From the rear to Lot 11 which is the First Assembly of God church you are within 300 feet of that lot, these are plus or minus measurements. If you look where structures are located it is approximately 1000 feet of difference. When a liquor license is given it is for a particular location and since it is the intent of this Commission to keep appropriate operating distances, the distance should be structure to structure and not lot to lot.

Mr. Pellegrini read the proposed amendment to the regulation. And added: if this is passed we would be allowed to proceed and obtain a full liquor license. Ms. DeBien has been a business woman in this community for many years. She has asked her customers to indicate their support of this amendment, we are submitting a petition in excess of 350 signatures by customers of LeColoseo who would support this amendment.

Mr. Doring accepted the petition which became Exhibit A.

Mr. Pellegrini added if the Commission could approve this amendment it would clarify the intent of the regulation.

Mrs. DeBien stated that she hoped the Commission would approve her request.

Arthur Lavalette questioned if a church or school were located on its property such that it was 500 feet from the church to its property lines then the adjoining property could have a liquor license under this proposal.

Mr. Pellegrini said that was correct.

Mr. Lavalette asked if the distance on the map and two buildings shown were to scale?

Mr. Pellegrini replied that they were accurate plus or minus. This is a blown up version of the assessor's map. The distance between the church lot and the subject property has been estimated to be about 600 feet.

Mr. Lavalette questioned if there were a playground would they still be able to sell alcoholic beverages on adjoining land? And has anybody asked the church or schools to have their clients or customers react to this proposal.

Mr. Pellegrini stated that there had not been a similar petition, the schools had not been asked, but the churches have been asked and he submitted a letter from St. Francis Church stating that they had no objection to this proposal. (Letter became Exhibit B). With regard to the church in question, Ms. DeBien did contact the pastor and they had no objection, no position one way or the other on the question of the sale of alcohol.

Mr. Doring announced that the Commission would take testimony who in addition to the applicant are in favor of the proposed change in regulation, then those opposed and then around once again and give the applicant an opportunity to conclude. If you have questions of the applicant address to the Chair and Chair will address to applicant. Please don't get involved in cross talk.

Larry Greenspan noted that the 500 foot law is not applicable, such as the Blue Laws. Restaurant hours are different from church hours. A restaurant has to have liquor license to survive. Everybody uses their car for transportation, you might as well have it two miles; 500 feet was a walking distance. I am in favor of the proposed amendment.

Cathy Reynolds spoke in favor of the amendment as a private citizen living at 8 Monroe Drive. She has known Ms DeBien for many years. Urged the Commission to vote in favor of her request.

Nancy Schultz spoke in favor of the amendment; she has known Ms. DeBien for a long time; feels she doesn't cause any threat to the community, is an outstanding citizen, a fine person.

George Doring stated that no one questions Ms. DeBien's character or her ability to run a business. We are not ruling on whether she is to have a full license or not, she is petitioning this Commission to change its regulation which would be a benefit to her or anyone in a similar position running the same type of enterprise and faced with the same problem. It is all well and good that we like her, but we are talking about something more general than that. I would hope that you would address the regulation rather than character and integrity of the applicant.

Mr. Doring asked for anyone speaking against?

Anyone speaking in favor?

Mr. Pellegrini added that the Commission has all the information and the request will be left in their hands.

Mr. Lavalette moved to close the public hearing on the amendment to Article 14, seconded by Duane Davin. Passed unanimously.

The public hearing for Mobil Oil corporation began at 8:07 p.m. Mr. Raymond and Mr. Santini disqualified themselves.

Mr. Davin read the petition regarding 49-59 Bridge Street.

Mr. Doring reviewed the correspondence: December 28 Terry C. Pellegrini; Report from Zoning Enforcement Officer; Copy of letter given to abutting property owners; maps; copy of application; list of property owners abutting and those opposite; assessor's map showing location in Town; copy of letter from New Milford Sewer Commission dated January 3, 1991; copy of report from Town Planner dated February 26, 1991; Susan Emicke, Sanitarian, report dated December 28, 1990; December 21, 1990 letter from David Lathrope, Fire Marshal; affidavit of application and list from Terry C. Pellegrini dated December 19, 1990 of items submitted. Letter dated February 25, 1991 from Daniel E. Casagrande representing the Trust for Historic Preservation. Mr. Casagrande was present and noted that he would be making the points contained in the letter at this hearing, therefore the letter was not read into the record. Copies of the traffic statement were handed out to members of the Commission.

Mr. LaTour entered the hearing at this time, but chose to have Mr. Lambert remain seated.

Terry C. Pellegrini submitted an original letter dated February 26, 1991 for the record and agreed to waive the reading of same. It

became Exhibit A. Mr. Pellegrini represents the applicants, Mobil Oil Corporation, Mr. Hulton and Mr. Wagenseil. Mr. Pellegrini had renderings and he stated that they had attempted to visualize the proposed changes. The existing buildings were photographed: existing gas station, Hulton and Wagenseil buildings (taken prior to the roof falling in). Superimposed on the photograph from the same angle visualization of how the property would look if all buildings were built in accordance with the proposed plans. One exception, the retail facility north on the plans is located to the rear of Main Street, it is actually tucked in. Looking from Main Street you can see a dotted line that is the GS building which is a little service building. That building from the Green is not visible. The second sheet shows the existing properties, you will note the Hulton and Wagenseil buildings actually encompass almost the entire site. The dotted lines indicate property lines. All gasoline related functions are all on the original Mobil piece. The green area shows the landscaping, the proposed landscaping is much more extensive than exists. Landscaping plan attached to plans. The existing rotating sign will be replaced by a less conspicuous one.

Mr. Jim Moran of Mobil Oil Corporation was introduced by Mr. Pellegrini. Mr. Moran gave background regarding this site. Mobil has operated at this site since 1929 which is 62 years. During that time Mobil has operated through independent franchised dealers, assuming most of them have lived in this general area. The business changes with the times and with consumer preference. Mobil along with competition is in process of renovating. Nature of the business has developed from where Mobil had a service station with service bays that was a place to take your car, today everyone has evolved into service business: such as Jiffy Lube. Most people take their cars to other places not service stations. Focus is on gasoline sales. As accessory use, we often have small retail facilities. It is designed to expand the old vending machines that people are used to seeing in service stations. Ninety five percent of our customers have purchased gasoline and are going into settle that transaction. No deli, no prepared foods. The dealer now sells a lot of the same things we propose to see there. People find it faster, more convenient, it has evolved into the normal way of doing business in 1990. Credit cards can be accepted at the pumps without even going into the building. The canopy cover is for customer's protection. We are reacting to consumer demands. This location is not designed for high volume, we are proposing four dispensers, typical for a neighborhood service station.

Thomas Bibb, Architect with AGE & A was introduced. Mr. Bibb stated that his firm was design consultants to Mobil Oil Corporation. They advise on plans made such as this. He had met with members of the staff in New Milford and the Trust to try to see how best to make this service station fit into the fabric of New Milford. In 1902 there was a fire that destroyed the majority

of the buildings along the side of the Green as has happened in many New England towns. What has been built is a mixture of eclectic. In viewing this location, the existing station and its islands directly abutting Main Street and the Green, the approach was to push it back as far possible on the side, tuck the building behind Main Street building and to copy architecture of the nearest neighbor, the old post office. The flat white canopy was not accepted by the Trust and so a gable canopy was inserted, replaced the existing panel light with small area lights all with shield lighting. Mobil would like to try to tie this in with future and on going work on Main Street. Main Street building has been rehabilitated, front area will be planted as shown on the drawings, It is their intention to try to improve the site.

Brian Shortino, engineer, was introduced. Mr. Shortino pointed out that the two buildings (Hulton and Wagenseil) would come down if this plan were approved. He refers to the Hulton building as the bowling alley and Wagenseil as antique shop. Bowling alley is a two story frame structure, a portion of the roof, about 70% has collapsed. Bearing walls east and west portions, a portion of the roof collapsed surface is putting pressure on the east side, it is dangerous condition, it might collapse into the Mobil Station. The antique store's front section is one story block basement, rear is two story wood structure. One portion of the roof is not resting on a bearing wall. There is a danger of collapsing. That is pretty much what was observed. Referring to the photographic plans: overlay shows existing buildings which will be removed. Buildings on site: gas station 1360 square feet, bowling alley 2130 plus square feet and with the Wagenseil building of 3480 makes a total 6970 square feet. The proposed GS building will be 912 square feet, canopy will be 1512 square feet or a reduction of 4546 square feet. Landscaped area proposed will be increased by 1916 square feet. Landscaping will hold drainage from the site, since there is only 400 square feet of landscaped area now, drainage is almost at maximum. With introduction of landscaping drainage is reduced. Drainage will be carried into a catchbasin on Bridge Street. There will be no more water going across the sidewalk with the improved drainage system. Driveways on Main Street curb cut 45 feet wide now will be reduced to 30 feet. On Bridge Street only the westerly accessway will be two way, in and out, the access way closest to Main Street will be one way in. Referring again to landscaping plan - he stated there are areas of annual plantings and explained some of the other landscaped areas plans. All landscaping will be under two feet high. Parking spaces will be 9 feet by 20 feet, there will be five parking spaces and one handicap space, which is 12x20.

Don Marsh asked if they had contacted DOT on curb cuts.

Mr. Shortino answered in the affirmative.

Mr. Marsh stated that he was concerned about the entrance on

easterly side from Bridge Street. Cars cut through the parking lot now to get to Bridge Street. Could that be eliminated? Mr. Marsh didn't see how they could enforce one way in. Also, he questioned why that entrance was only 30 feet wide.

Mr. Shortino stated that DOT had instructed that it be 30 feet. Also, "do not enter" signs will be erected.

Don Marsh stated that DOT will review whatever is submitted. They might still say your proposal is fine, but they will review what you submit.

Mr. Shortino noted that DOT is happy with the proposal.

Mr. Marsh noted that cars were being allowed to exit onto Main Street; proposed are two entrances and three exits.

Mr. Doring questioned how the flow would go in and out of the station. Attempting to come out and go east onto Bridge Street would cut off three lines of traffic. Mr. Marsh said he knew how difficult it is to get out of there now. He doesn't go down just to buy gas and then go back home. How will cars get to Main Street if they are going west to east.

Don Marsh noted that there are three lanes of traffic on Main Street and to get out into Main Street is extremely difficult.

Mr. Shortino noted that this is what exists. They have reduced the drive to 30 feet. This is the best we can do with this site. They feel this is the best traffic flow for this site.

Don Marsh asked if cars could be discouraged from avoiding the light at Main Street and crossing the station.

Mr. Mike Morgan, Traffic Consultant, stepped in to explain that the reason the driveway is being reduced to 30 feet is to keep fluid motion. If you want to head east on Bridge Street you are going to have to decide whether to come out on Main or turn around on the site. We wanted two way traffic but they decided just to have entering movement because of proximity to Main Street.

Don Marsh suggested that if they angled the accessway to force cars to go in there it might help try to discourage people from avoiding the light.

Mr. Morgan said the 30 feet is what DOT wants, we can look at that and if we can angle it to provide entrance; we may need this driveway for tankers. (referring to easterly one).

Mr. Doring questioned the number of parking spaces for square footage of building space: Mr. Shortino replied there is 912 square feet of building and according to Mr. Bauer 4.9 spaces would be

required.

Mr. Mike Morgan, traffic engineer, formally introduced himself. He discussed the analysis of the site, they looked at the site with existing conditions. They did traffic counts and determined a moderate volume at the intersection with the majority in the morning. With the volumes that intersection processes, one lane on South Main, and left and right turns being made, three on Main with right, left and through, Bridge Street is wide enough for two lanes, the intersection operates at the level of "B" with A being the best and F being failure. It is operating more than adequately. Look at the site activity, two islands, two product dispensers on each island, there is a snack shop in the building and two bay repair garage, 46 foot wide driveway on Main Street and 80 foot wide driveway or curb cut along Bridge Street. Traffic counts for the site activity at the morning peak hour about 30 vehicles entered and exited and in the evening about 50 entering and little less exited. We did not differentiate their reason for entering. It is evident from the way it operates there is a familiarity with operation. Traffic flowed smoothly. As proposed there will be 8 fueling locations, no more than now and it is proposed to shorten the driveway from 46 feet to 30 feet, 30 foot entrance, 30 foot entrance exit toward the west both on Bridge. Parking, eight at pumps and 6 parking spaces available. Industries studies have shown there could be an increase due to renovation factor of 15-20%, that may be experienced after renovation is complete. If we apply that factor to numbers in the morning about 37 vehicles in the evening about 59 vehicles will enter and/or exit the site. This increase is not significant. People do not leave home to buy gas, so trips that a gas station generates are not new trips. If the site were left to operate as retail units that increase in traffic would be, by far, more than expected by the increase in Mobil Station.

There should be no change in traffic patterns except that customers won't have the whole 80 feet on Bridge Street to enter and exit from. Entering east on Bridge Street, Bridge is wide enough for a left turn into the site. Drivers know they have to wait. The signals create gaps to allow for exiting from the site. The new island allows better on-site circulation pattern, with the centralization of the fuel lines at the same angle, some organized circulation is allowed. Improvements to the site: fuel island at corner is a sight triangle problem for vehicles proceeding down Main Street. With fuel at the corner and small sign that sight triangle has been increased. Drivers heading south on Main Street will have better viewing. Eliminate backing out of the bay doors by personnel not always looking. Eliminate noise, fumes associated with repairs. A curb on Bridge Street, people can now fade in and out if they want. With the curb cut much better for site traffic, improves safety on Bridge Street. This protects people walking on sidewalks, curbs can provide direction for drainage.



Mr. Doring asked how 8:15 to 9:15 in the morning and 4:15 to 5:15 in the afternoon were determined as peak hours, he has been driving down that route since 1967 and he feels the peak is 7:15 in the morning. The peak hour begins around 7:10 and there is far more solid flow of traffic from 7:15 to 8:15.

Mr. Morgan replied that peak hours vary from day to day. The peak the day the traffic was counted was 8:15 to 9:15. Intersection and signalization were adequate to move traffic through.

Mr. Marsh asked if they would investigate holding off exit entirely on Main Street. Assuming DOT only wants one exit on Bridge Street because it is so close to the light. If that entrance were closed entirely and two entrances and exits were supplied on Bridge Street the cars coming down Main Street could very easily turn the corner and go into get gas.

Mr. Pellegrini introduced Mark Rogers to discuss what affect the proposal would have on surrounding property values.

Mark Rogers introduced himself and noted that he is involved in commercial real estate in New Milford. He studied the site and plans relative to whatever affect if any this plan has on neighboring real estate values. Looking at the plans and taking into consideration the buildings in disrepair, lighting as it exists, lack of landscaping, removal of buildings, screening of relocated building, increased landscaping and improved lighting for positive aesthetic affect. He is very familiar with the neighborhood have done appraisals on most of the properties in the last eighteen years, it was his opinion if the improvements are made as outlined the neighborhood values would not be adversely impacted.

Mr. Pellegrini referred to the Article regarding the Village Center Zone and read from it and added you have two particular retail uses both of these buildings have been condemned and they will be removed. Someone will come before this Commission and ask you to do something. You will be hard pressed to say you can't do something. In my opinion the particular plan relative to size and intensity is smaller and less intense than could be established on these two properties.

Mr. Pellegrini again read from the Article on Village Center zone and added in our opinion there is not going to be creation of any traffic hazard. Our study does not take into account what affect you would have if you had two retail uses that have the ability to generate traffic.

Mr. Pellegrini read further and added it would seem to me that elimination of the repair facility, changing tires, repair of vehicles, no wrecker, all these noises will no longer be there. Lights as you have now and those being proposed are a new variety,

the existing cast more off site and in terms of "c" in our opinion there is reduced light, noise, etc.

Mr. Pellegrini read from "d" of the Article and stated Mark has testified and he would not expand on it.

Mr. Pellegrini read further, and added in addition you are removing repair facilities, exposing 715 Main Street the building which is being substituted is smaller and tucked in behind.

Mr. Pellegrini read regarding parking facilities, as traffic study indicates in report the particular configuration being proposed is substantial improvement over that which exists today. You have to keep in mind if you have two sites to be potentially developed if this is denied, and that has to take into consideration the extent of parking facilities, exits and entrances, I think it is fair for this Commission to keep in mind that denial of this project may increase those issues.

Mr. Pellegrini read "g" you have a letter from the Fire Marshal, there are none. Canopy contains a fire suppression device.

Mr. Pellegrini read "h", preservation of the character of the neighborhood you have what we could do to show you the neighborhood as it exists today and how we think it will exist afterward. It is a matter of personal aesthetic preference.

There is available adequate water and sewer; letters are included with the application.

Mr. Pellegrini concluded that he had dealt with all the factors that the Commission must take into consideration and reserves conclusionary remarks, address legal points for the end of this meeting this evening.

Mr. Doring announced a 5 minute recess. The hearing resumed at 9:38 pm.

Mr. Doring was concerned with the conformance or non-conformance of the gas station use. Article 11, page 86, section 3, point e discusses the future zoning use of a building which moves into a different zone and must then fall under the regulations of that zone. For instance the pumps are structures and will be moved and the store will be moved but will be performing the function of a gas station in a B-2 zone and is now in a B-1 zone.

Mr. Pellegrini said he did not think the regulation applied to the pumps. Mr. Pellegrini noted that section 8-2 of the Connecticut General Statutes says you cannot cause a nonconforming use to cease to exist. The law clearly gives an existing nonconforming use the right to naturally expand and modernize the facility. It is also the right of a nonconforming user to make the current use less

nonconforming. In this situation Mobil will be eliminating the repair business and reducing the size of the building which will be less nonconforming.

Mr. Doring asked for anybody wishing to speak in favor of the application to do so now.

Ray Barton, Vice President of the New Milford Chamber of Commerce spoke on behalf of the Chamber. He apologized for the Danbury News Times editorial in which it was insinuated that the Chamber was accusing the Trust for Historical Preservation of being anti-business. He said that was not true and the Trust and the Chamber both have the same goals for a strong, commercial downtown. The Chamber of Commerce is taking a more realistic approach in realizing that the Mobil gas station is not going to go away. It has been in its current location since 1929 and will be there for another 62 years regardless of whether they can upgrade their site now or not. The buildings in question, Hulton and Eclectique, are condemned by the Town and must come down. Nobody is going to buy them for retail use because there is no parking. Mr. Barton presented to the Commission a petition which supports the Mobil plans with 49 signatures from 43 downtown businesses. Mr. Barton said he felt the Commission would be doing the town a disservice if the plan was not approved.

Nobody else wished to speak in favor at this time so those opposed were asked to speak.

(Carol Sue) Shannon moved to New Milford 2 years ago because she was attracted to the green. She said if Mobil were allowed to expand it would ruin the New England charm that is associated with the green.

Daniel Casagrande, Stirling Drive in New Milford was present representing the New Milford Trust for Historical Preservation. He presented a letter to the Commission which represented the position of the Trust. He said there were two basic reasons for their wishing to see this application denied. The first is that the proposal is an illegal expansion of space for a nonconforming use, and the second that this plan does not meet the Town Plan of Development. He said it is illegal because gas stations are not permitted in the Village Center Zone. Although Mobil existed before zoning, the expansion would now straddle the three lots and there are regulations which deal with nonconforming uses. Article 11-2 says that no nonconforming use of land can be enlarged or increased or occupy a greater area of land. Article 11-3b says a building cannot be structurally altered unless it is required by law. Article 11-3f says if a structure is removed the subsequent use of the land must conform with the standards specified in the zoning regulations. Mr. Casagrande said he felt all these laws were applicable to this application. The Connecticut Supreme Court has taken a stance regarding zoning that nonconforming uses should

be eliminated rather than enlarged. A copy of page 97 of Thomas Byrne's treatise on Planning and Zoning in Connecticut dated 1982 was submitted to the Commission. This particular page talked about a landowners right to open a trailer park but he was not allowed to extend it thereafter. Mr. Casagrande said this is an example of the one foot over the line argument. The proposed building will now straddle all three lots and its primary function will be to collect the money for the sale of gasoline. He said this is a classic example of illegal expansion.

The other issue raised by the Trust was the lack of conformity with the Town Plan of Development. This is a commercial activity in an area which has an historic nature. As such, it is out of character with the Town center and not consistent with the Town Plan of Development. The Village Center Zone regulations eliminated gas stations as a permitted use in the village center zone. Mr. Casagrande said if this gas station is allowed to expand it will be another example of the domino effect of Route 7. Mr. Casagrande pointed out that on pg 5.4 the Plan discouraged strip commercial development.

The traffic is also a concern of the Trust. Mr. Casagrande said he could not believe a 20% increase in traffic would not a cause significant increase in traffic at that intersection.

Mr. Casagrande suggested that Mobil should not be "rewarded" for its present condition by being allowed to expand and clean up. He said the Trust applauds the proposal to clean up the site but they would like to see that done regardless of whether this plan is approved.

Larry Greenspan, a New Milford resident, spoke about the traffic study. He said while the study suggests 10 more left turns east from Bridge Street to the Mobil station, he felt they would come more in clusters rather than spread out. He suggested by increasing that number there will be a good chance for an accident to occur in that intersection. He also suggested that by allowing Mobil to expand would encourage other businesses such as Cuddy's Citgo to do the same.

Richard Bell of South Main Street, New Milford said he moved here a short time ago because of the quality of life he perceived here. He felt the Mobil proposal runs counter to the spirit of New Milford and hoped it would be rejected by this Commission.

John Byrne, a New Milford resident, said he did a petition of 100 residents opposing the expansion. He said he feels that a large portion of the town would not like to see Mobil expand. Mr. Davin asked Mr. Byrne what event he was at when the petition was signed, Mr. Byrne answered the model train show. Mr. Byrne went on to say that the village center is the most historical part of New Milford and that is why there are two documents to protect that area. A

gas station is undesirable in an historical area and serves a functional purpose which is why it does not add character. He said he's also concerned for the physical welfare, health and safety of the residents. State and local laws safeguard the public against dangers and hazards of gas stations. There is a pollution danger, an explosion danger, traffic problem and a fire hazard. This is why gas stations must be separated from schools, hospitals, etc. by a 200' buffer. He also felt this gas station would depreciate the property values of buildings around it. This would not be good for marketing the Town by having an expanded gas station in the center.

Patricia Greenspan, a New Milford resident, said she felt it would be a poor zoning practice to approve the expansion of Mobil's station. While she felt it might be an attractive addition, Mobil has had many years to clean up their station and they have never done it.

Judy Perkins, a New Milford resident and member of the Grassroots Coalition, said her first choice would be to have no gas station on the green. She said it does not add to the historical character, it is not in the Town Plan of Development and the State has recognized the dangers involved with gas stations. She said she also felt there was a technical flaw in that according to Regulation 2-b-7 all gas stations should go before a public hearing of the Zoning Board of Appeals. Ms. Perkins felt that this plan would devalue the Board of Education building which would be between two gas stations with no buffer. She pointed out that in pictures of the Town, the east side of the green is featured and not the West. The Coalition asked the Commission to deny this application.

Craig Riley, 111 Mallets Lane, New Milford said he often visits Freeport, Maine. He mentioned that the Burger King at Freeport is in a colonial house which makes it very unique. The Town Planning and Zoning Commissions were very careful to protect the center of Town. He said he was concerned about safety because a car could crash into the pumps, one did crash into the bandstand. He also felt a 20% increase in traffic would make the intersection worse than it already is.

Mr. Doring than asked for anybody wishing to speak in favor of the application to do so.

Fred Baker, a New Milford resident and partner of Terry Pellegrini, said he was speaking as a businessman and property owner. He said from a businessman's perspective this improvement of Mobil would enhance the return on his property. He also felt this would help to continue the revitalization of the commercial downtown and zoning cannot stand in the way of that progress. Mobil did not bring in a "cookie cutter" model. They asked the citizens of New Milford what they would like to see and they did their best to

provide it. He said they agreed to a street level sign, tucking the building in behind the 715 Main Street building and brick sidewalks. Mr. Baker said if the Zoning Commission denies this application they will be losing an opportunity to help revitalize the downtown. The mistake of 62 years ago cannot be undone.

Joe Sobel, a New Milford resident speaking on behalf of the Chamber of Commerce said if the 2 buildings were to be rebuilt it would cost anywhere between \$80 to \$120 a square foot and would have to be rented at between \$10 and \$14 a square foot triple net. He suggested that no business would be able to make it at that price. He felt there would be a lessening of the use not an expansion because cars would no longer be towed in here to be fixed. He questioned whether people wanted to keep the present eyesore or have a building and site that looked nicer.

Bob Zaloski, the owner of Mobil, said he felt the traffic was going to stay the same as it is currently.

Mike Morgan, the traffic engineer, noted that the 20% increase was in site volume and not intersection volume.

Richard Pomerantz, a resident and business owner in New Milford and representative of the Chamber of Commerce said there were no citations and no analgous situations in the case law. He said it is up to the commission to decide if this is an expansion of a nonconforming use. He suggested it is not. He also suggested that the gas station did have an historical value because it played a significant cultural role in the lives of the people of New Milford.

Carl Dunham, a New Milford resident, property owner on the green and a member of the Chamber of Commerce noted the areas everybody seems to be in agreement on. He said the buildings must go and everybody has said the area should be cleaned up. He said a pre-existing use of a nonconforming use can naturally expand. This is a minimization of a previously existing nonconforming use. Mr. Dunham said the Plan of Development is not an issue. He said it is not binding on this Commission. Mobil will be improving the site by placing a street level sign and changing the landscaping. He suggested there is no positive solution other than the Mobil plan.

Mr. Doring asked for anybody opposed to the project to speak now.

Mr. Casagrande said the case law Mr. Pomerantz was speaking about was in his letter to the Commission and in Tom Byrne's treatise. He said removing the repair bays is not a minimization of use.

No other public comments.

Mr. Lavalette asked if the tanks were going to have to be replaced

anyway. Mr. Zaloski said they would not have to be done right now.

Mr. Pellegrini noted that the Connecticut Supreme Court does allow for the natural development and growth of nonconforming uses. He suggested that this Mobil station has the right to naturally expand, to increase the business and to replace the instruments with new and improved ones. He suggested that the elimination of the repair station was a lessening of the nonconforming use. He said this is an opportunity for this Commission to take something and make it benefit the community.

Mr. Lavalette moved to close the public hearing on Mobil at 11:46 pm, Mr. Davin seconded. Passed unanimously.

#### GEORGE & CLAIRE DEVOE

Lou Zurlo, the architect on this project, showed the Commission what this project would look like if only one phase were built. Mr. Doring asked if the application were for both phases and Mr. Zurlo said it was. Mr. Doring asked if the drainage plans had been revised. Mr. Zurlo said there were already two separate septic systems. Mr. Pellegrini said a series of catch basins were to be installed and couple may be eliminated.

Mr. Doring moved to recess the public hearing dealing with George and Claire Devoe until 7:30 pm, February 28, 1991 in Room 6 of Town Hall for the purpose of discussing the traffic report, Mr. Lavalette seconded. Passed unanimously.

#### Article 16 & 21

Mr. Davin read the notice regarding this public hearing.


Mr. Doring noted that a letter had been received from the Planning Commission dated February 15, 1991 which approved of the amendments to the fees.

Liba Fuhman of 60 Colonial Ridge in Gaylordsville and a member of the Planning Commission said she was not in favor of raising the fees because she felt it precluded the public participation in the process. She felt the fees were excessive.


Mr. Lavalette moved to close the public hearing regarding Articles 16 & 21 at 12:04 am, Mr. Marsh seconded. Passed unanimously.

Mr. Davin moved to recess the regular portion of the hearing at 12:04 am to February 28, 1991 at 7:30 pm, Mr. Doring seconded. Passed unanimously.

Minutes recorded by:

  
Stephanie R. Barksdale

TOWN CLERK  
NEW MILFORD

  
Elaine V. Barksdale

MAR 12 2 15 PM '91

7c

**ZONING COMMISSION  
FEBRUARY 28, 1991  
SPECIAL MEETING  
MINUTES**

The meeting was called to order at 7:32 pm by George Doring, Chairman. Present were: Chip Davin, Don Marsh, Jim Lambert, Charlie Raymond, Gary Santini, Loretta Brickley, Assistant Zoning Enforcement Officer.

Charlie Raymond and Jim Lambert were seated.

**GEORGE & CLAIRE DEVOE PUBLIC HEARING**

Terry Pellegrini introduced R.B. Boutwell the traffic consultant. Mr. Doring noted that Mr. Marsh questioned whether the entranceways could be combined for the Real Estate and the proposed building which would cut down one accessway. Mr. Boutwell said he reviewed the area and felt there was an adequate separation from the present driveway, that there would be no conflict. He felt there was really not much traffic congestion at this location. Mr. Marsh said he felt this would need STC approval. Mr. Boutwell said the first phase would not need STC approval but under full development (phase I and II) it would be needed. Mr. Marsh said he felt that STC would get involved and require some widening of Route 7. He said there should be some way to prevent occupancy until the widening or other requirements were met. Mr. Boutwell said it could be a condition of approval that work on Route 7 be done as dictated by District IV. Mr. Doring asked if the parking lot would be paved. Mr. Pellegrini said the wetlands commission had some problems with the paving. He said they are looking into other hard surfaces as required by Zoning.

Mr. Lambert moved to close the Public Hearing of George & Claire DeVoe at 8 pm, Mr. Davin seconded. Passed with Mr. Marsh abstaining since he was absent from the original hearing.

**Public Participation**

Pat Greenspan, a New Milford resident, asked for a clarification of procedures. She wanted to know why the applicant was able to make a closing remark at the public hearing regarding Mobil. Mr. Doring said he has always allowed the applicant to make a summation at the end of a public hearing.

**Carol Peck's Restaurant**

Margaret Kelly was at the meeting representing Carol Peck. She said they would like to turn their garage into a retail store. Mr. Doring noted that this property was zoned from residential to commercial in the '80's when the building was approved for a restaurant. It was also noted that the site plan approved in



November of 1985 was different from the one the commission was looking at at this meeting. A buffer was required in the back which was not there. The developer did not conform to the site plan as approved. Mr. Doring said the commission cannot grant the approval at this meeting because the previous approval was not complied with.

Mr. Lavalette arrived at 8:23 pm.

Ms. Brickley noted that a 20' hedge was supposed to be planted as a buffer between the residential property in the rear and this property. Mr. Santini asked if a variance had been approved on this site. Mr. Doring said he did not think so but he would have it checked.

Mr. Doring moved to deny the application for Carole Peck's Restaurant present at this meeting with the condition that if the applicant wished to reapply at a future date the fee would be waived, Mr. Marsh seconded. Passed unanimously.

Mr. Lavalette was seated for Mr. Lambert.

#### **Acceptance for Public Hearing**

New Milford Public Schools Building Committee - John Pettibone, Hill and Plain and Northville - additions and renovations, March 26, 1991

CEL Products - March 26, 1991

David Nelson - March 26, 1991

Amend zoning regulations Art II-9, April 9, 1991

New Milford Bank & Trust - March 26, 1991

#### **Zoning Enforcement Officer Report**

No discussion on report by Bob Bauer

Mr. Doring discussed the letter of credit for Rocky River in the amount of \$400,000 which was not renewed by the bank. Mr. Marsh said he thought it was illegal to cancel a letter of credit. Ms. Brickley said she spoke with Dan Kelly of New Milford Bank & Trust who said they are not obligated under the old letters of credit. Mr. Marsh thought that if damage had been done during the time of the letter of credit that it still was valid. Also a letter of credit from John Doktor expired.

#### **Height Limitation - Waste Management**

Jeff Sienkiewicz is still revising.

## Jerome Ginsberg - Zone Change

Mr. Lavalette moved to approve the requested zone change, Mr. Marsh seconded.

Mr. Santini was seated to discuss this item.

Mr. Lavalette said he was going to vote against this motion because the sewers were not there yet. He said he would vote for it if the sewer was there. He felt it was an appropriate use of the land because of its proximity to the center of town and the mass transit line (HART) runs by it. Mr. Marsh said he would vote against this motion for the same reasons as Mr. Lavalette. He said he saw no reason why the land could not be used for affordable housing once the sewer is in place. Mr. Santini said he understood that that piece of property is in the middle of the state proposed Route 7 - 202 connector and he felt the R-8 zone would be worth more than one R-40 lot. Mr. Doring said the commission cannot legally tie people up until the actual proceedings start.

Mr. LaTour arrived at 9:05 pm.

Mr. Raymond said he felt it would be foolhardy to give approval without the sewer. Mr. Santini said he would deny this application based on sewer. Mr. LaTour said there was no representation made as to how much the houses would sell for.

The following voted to deny for the reasons stated above: Mr. Lavalette, Mr. Marsh, Mr. Doring, Mr. Davin, Mr. Santini. The application was denied.

March 21, 1991 is the Connecticut Federation of Planning and Zoning Agencies dinner meeting, cost \$23/person.

A bill was received from Art Howland for 50 zoning maps at \$100. Mr. Santini said he felt they were the worst quality zoning maps he had ever seen.

Mr. LaTour moved to approve \$130 to send Ms. Brickley to Zoning Administration II, Mr. Lavalette seconded. Passed unanimously.

Mr. Lavalette moved to approve the purchase of 100 copies of the zoning regulations at \$933.00, Mr. LaTour seconded. Passed unanimously.

Mr. Lavalette moved to charge the change to the next \$1 and then add \$1 to anybody wishing to purchase a copy of the regulations, Mr. Doring seconded. Passed unanimously.

Mr. LaTour moved to approve the bill for Attorney Byrne for professional services rendered 11/1/90 to 1/25/91 in the amount of

\$725.00, Mr. Doring seconded. Passed unanimously.

Mayor Rogg requested the Zoning Commission to attempt to clean up the Larson property. Mr. Doring said he will direct the Zoning Enforcement Officer to take whatever steps are available under the law to get it cleaned up.

The Northwest Regional Planning Commission sent a letter to New Milford Zoning Commission regarding a public hearing for airstrips in Kent. There were no comments from the commission regarding this.


**Minutes of February 5, 1991**

Mr. LaTour said on page 3, paragraph 2, he spoke in favor of "fewer" curb cuts. Mr. LaTour moved to accept the minutes as corrected, Mr. Doring seconded. Passed unanimously.

Mr. Marsh moved to add executive session to the agenda, Mr. Davin seconded. Passed unanimously.

Mr. Lavalette moved to go into executive session a 9:45 pm to discuss legal and personnel matters, Mr. LaTour seconded. Passed unanimously.

Minutes recorded by:

  
Stephanie R. Barksdale

TOWN CLERK  
NEW MILFORD  
MAR 12 2 15 PM '91

**ZONING COMMISSION  
SPECIAL MEETING  
FEBRUARY 28, 1991  
MOTIONS**

The meeting was called to order at 7:32 pm by George Doring, Chairman. Present were: Chip Davin, Don Marsh, Jim Lambert, Charlie Raymond, Gary Santini, Loretta Brickley, Assistant Zoning Enforcement Officer.

Mr. Raymond and Mr. Lambert were seated.

**George & Claire DeVoe, Kent Road**

Mr. Lambert moved to close the public hearing at 8 pm, Mr. Davin seconded. Passed, Mr. Marsh abstained because he was not at the original hearing.

**Carole Peck's Restaurant**

Mr. Doring moved to deny the application present at this meeting with the stipulation that if the applicant were to reapply at a future date the fee would be waived, Mr. Marsh seconded. Passed unanimously.

Mr. Lavalette arrived at 8:23 pm and was seated for Mr. Lambert.

**Jerome Ginsberg, Route 202**

Mr. Lavalette moved to approve the requested zone change to R-8, Mr. Marsh seconded.

Mr. Santini was seated to discuss this application.

Mr. Lavalette voted against by reason of sewer, Mr. Marsh voted against for same reason, Mr. Doring voted against for same reason, Mr. Davin voted against for same reason, Mr. Santini voted against for same reason. The application was denied.

Mr. LaTour arrived at 9:05 pm.

Mr. LaTour moved to approve \$130 bill to send Ms. Brickley to Zoning Administration II seminar, Mr. Lavalette seconded. Passed unanimously.

Mr. Lavalette moved to purchase 100 copies of the zoning regulations at \$933.00, Mr. LaTour seconded. Passed unanimously.

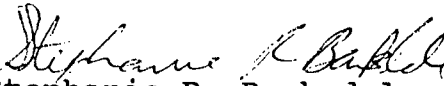
Mr. Lavalette moved to charge the change to the next dollar and \$1 to anybody wishing to purchase regulations, Mr. Doring seconded. Passed unanimously.

Mr. LaTour moved to pay Attorney Byrne \$725.00 for professional services rendered 11/1/90 to 1/25/91, Mr. Doring seconded. Passed unanimously.

Mr. Marsh moved to add Executive Session to this meeting agenda, Mr. Davin seconded. Passed unanimously.

Mr. Lavalette moved to go into executive session to discuss legal and personnel issues, Mr. LaTour seconded. Passed unanimously.

Motions recorded by:

  
Stephanie R. Barksdale

A motion to come out of executive session was made by Mr. Davin at 10:55 p.m. Mr. LaTour seconded it and it carried unanimously.

TOWN CLERK  
NEW MILFORD

MAR 4 3 32 PM '91

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**ZONING COMMISSION**  
**March 12, 1991**  
**Regular Meeting**  
**Minutes**

**RECEIVED MAR 21 1991**

The meeting was called to order by George Doring, Chairman. Present were Chip Davin, Don Marsh, Gary Santini, alternate, Jim Lambert, alternate, Bob Bauer, Zoning Enforcement Officer.

Jim Lambert was seated for Arthur Lavalette, Gary Santini was seated for Gerry LaTour.

**Public Participation**

There was none.

Mr. Lambert was unseated as Mr. Lavalette arrived.

Mr. Santini moved to add the Christian Scientist Church, Bridge Street discussion, H.H. Taylor site plan approval and discussion of Rocky River Associates, Mr. Davin seconded. Passed unanimously.

**Combined use in B-1 & B-2 Zone**

Terry Pellegrini and Jane Gregory were present to discuss this item. Mr. Pellegrini wanted to discuss the possibility of working with and getting direction from the commission to rework the section of the regulations dealing with mixed use in a commercial zone. He is concerned with the parameters of the restrictions that apply. The regulation says that when there is a combination of business and residential uses, the more restrictive of the building schedule requirements shall apply. If you want to have a residential use 40,000 square feet are needed and in a multiple situation 40,000 square feet is needed for each use. Mr. Pellegrini said he felt that section was meant to prohibit the subdivision of vacant B-1 parcels, since there is no area requirement in a B-1 zone, into small parcels of land that could be developed for residential purposes. The interpretation has now applied to not only vacant parcels but buildings which are already constructed. The demand for commercial space in the Village Center Zone is not that great. Mr. Pellegrini said he was at this meeting representing the Affordable Housing Partnership and also himself. He suggested that there is space which could be turned into residential apartments but the regulations do not allow that to happen. Mr. Doring said he met with Attorney Byrne and discussed this item. Mr. Byrne said that each property should apply for a special permit. Mr. Doring said he did not want to give up the control that the regulation allows. He does not want residences in business zones. Mr. Davin asked if the concern was with existing buildings. Mr. Doring and Mr. Pellegrini said it was. Mr. Pellegrini said there is a demand for residential apartments. Mr. Doring suggested that there would have to be a provision made

for parking for each building that would apply for this special permit. Mr. Lavalette suggested that when this regulation was put in place the concept of affordable and elderly housing was not really there. He said it is not until recent years that this has become an issue. Mr. Lavalette said he agreed that it should be a special permit regulation and not a blanket change. Mr. Pellegrini said the special permit could be within the sewer district and within a certain area. He said when he came before zoning for his 715 Main Street building he was told the 40,000 square foot rule was not applicable because of the Village Center Zone.

Larry Greenspan said he supports the concept which Mr. Pellegrini brought before the commission. He suggested that there should be an "overlay" zone where you could say this type of regulation would be allowed. He said it is important that there is the multi-use because it would help keep the downtown viable.

#### **Christian Scientist Church, Bridge Street**

Maurice Goldstein and Norman Vandervoort were present to discuss this item. The Church is on Bridge Street and the house is on Main Street, the two buildings are connected by an addition. The church would like to separate the actual church site from the house and probably would remove the connecting building. The reason for separating the two structures is so they can sell the house. The church wanted to discuss this issue before actually making application. The Church would like to consider converting the inside into affordable housing as a second possibility. Another option might be retail or offices. This lot backs up to municipal parking. Mr. Lavalette mentioned that the buildings were only 6' apart. Mr. Goldstein said it is in a Village Center Zone. Mr. Davin asked what the Church was looking for. Mr. Goldstein said he wanted to know whether the Commission would look favorably on the separation and also whether the building could be used for office or housing units. Mr. Davin said the division of land is a planning problem. Mr. Doring said it would probably be subject to public hearing. Mr. Lavalette said the parking may be a problem for the residential parking. Mr. Marsh said there is a ban on 24 hour parking during the winter months. Mr. Lavalette suggested that a rental arrangement may be worked out for the municipal parking lot for an office use.

#### **H.H. Taylor, 85 Railroad Street**

Mr. Bauer said the original request was denied due to the need for off street parking. Mr. Taylor went before the Zoning Board of Appeals for a variance which was granted.

#### **Rocky River Associates**

Mr. Doring noted that the letter of credit on this project was



cancelled by the New Milford Bank & Trust. Bob Guendelsberger and Dan Arciola were present to discuss this item. He reviewed the history of this bond. He noted that the cancellation of the bond was a surprise to his clients. The July 14, 1987 minutes said that Mr. Marsh had recommended a \$4,000 restoration bond and the zoning commission passed in its resolution that they were looking for \$8,000 per open acre. Mr. Guendelsberger said Linwood Gee prepared a map showing the 14 acres which are presently open. He said he would agree that there would be no excavating on the property or mining until the bond was put back in place but that the open area would only be bonded which is the 14 acres. That would calculate to \$112,000. 50 acres were originally bonded. There is a siltation pond which was required by the Wetlands Commission. The Wetlands Commission said their soil erosion protections are in place, including the pond. Mr. Bauer said there was no A-2 survey yet on this property. Mr. MacWilliams suggested that \$375,000 would be needed for restoration. He also suggested that the Commission require a site restoration plan. Mr. Doring noted that the only gravel mining which can be permitted are those which were permitted before the zoning law went into effect. Mr. Doring thought what was bonded were not only the open areas but also areas which were excavated for development. Mr. Arciola said there were always 12 acres which had been bonded under the \$8,000 per acre. He suggested that Mr. Peburn bonded the rest under his own decision. Mr. Doring asked if the only gravel mine is for the 4 acres. Mr. Arciola said that it was and the 10+/- acres is being excavated. Mr. Santini suggested that the \$375,000 recommendation of Mr. MacWilliams should be taken under consideration when the mining permit comes up for renewal but should accept the \$112,000 bond now. Mr. Arciola suggested that Mr. MacWilliams numbers are not accurate because there is not that much restoration to be done. Mr. Guendelsberger said they would honor the cease and desist until the bond is restored and an agreement is met. He said the material stockpiled should be allowed to be sold and taken off site.

#### **Zoning Enforcement Officers Report**

Mr. Bauer discussed his report. He said he went to court March 11 in the morning to stop Rocky River from moving the materials. The attorneys felt the Commission could make a decision on this. He has been pushing the Watkins Brothers to clean up the material in a residential zone. They may come in and request a zone change. Also, they have run into some ledge in cutting their driveway and he would like to go around it. He will have to come in with a modified site plan. 8 permits have been issued since the last report.

#### **Business Meeting**

**H.H. Taylor - 85 Railroad Street, develop second floor of Building #2, B-1 -**

Motion by Mr. Lavalette, that in light of variance #1794 or appeal #1794, whichever is proper, we approve the H.H. Taylor application to develop the second floor of building #2. Seconded by Mr. Davin and carried unanimously.

**Rocky River Associates, 237 Kent Road -**

Mr. Davin moved, and Mr. Lavalette seconded, to approve the request of Dan Arciola to accept the \$112,000 bonding for 14 open acres at Rocky River Gravel Mine. Mr. Lavalette stated that he would like the minutes to reflect that for the remainder of this year in that prevailing prices as determined by the Town Engineer would probably be what we would rely upon for any extension of the application. Particularly, as stated in the letter from the Director of Public Works dated 3/12/91, that \$375,000 is what the Town requires. We should not put ourselves out on a limb unnecessarily for a period beyond the end of this year. Mr. Doring expressed his concern of the wide discrepancy between the \$112,000 and \$375,000. The accepted bond amount is to be an Irrevocable Letter of Credit.

Mr. Doring asked that the motion be amended to \$122,000 for the reason that 8 x 14 + \$10,000 siltation control bond which is what it was originally. Motion was amended by Mr. Davin, seconded by Mr. Lavalette and carried unanimously to accept a \$122,000 bond in the form of an Irrevocable Letter of Credit for the balance of the permitted year (6/1/91).

Motion by Mr. Marsh that Rocky River Associates be permitted to remove already processed material from site. Seconded by Mr. Davin and carried unanimously. Chairman Doring stated that the present stock piles should not get any bigger from further mining.

**Proposed amendment to Article XIV Alcoholic Beverages - Petitioned by Rosalie DesBiens**

Mr. Lavalette moved to deny the proposed amendment to Article XIV Alcoholic Beverages and Mr. Davin seconded the motion. Discussion.

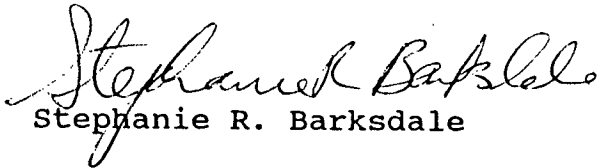
Mr. Lavalette stated 2 reasons : (1) concern of specific piece of property and its proximity to the church; and (2) concern of the number of possible taverns/saloons that could be allowed under this Article would be close to the public schools and a number of churches (referred to ZEO's report). Also, the proposed site (80-4 Park Lane) would be inappropriate to have a full serving bar that close to schools and churches. Mr. Doring agreed with Mr. Lavalette's reasons and also the result might be different than what was proposed (i.e. language of proposal). Mr. Santini stated that this was a difficult amendment to push across town, there is too many variables. Mr. Davin felt there would be future problems and agreed with the reasons stated by the other Commissioners.

Motion to deny was passed unanimously.

**Bills and Communications:** Motion by Mr. Lavalette, seconded by Mr. Davin and carried unanimously to approve the 1 March 1991 bill for professional services from Thomas P. Byrne, Esquire.

Mr. Marsh moved to adjourn the meeting at 9:35 p.m. Seconded by Mr. Davin and unanimously passed.

Minutes transcribed by:

  
Stephanie R. Barksdale

TOWN CLERK  
NEW MILFORD

MAR 21 3 23 PM '91

## ZONING COMMISSION MOTIONS

March 12, 1991

PRESENT : George Doring - Chairman  
Arthur Lavalette - Vice Chairman (arrived at 7:32 p.m.)  
Duane Davin Jr. - Secretary  
Don Marsh  
James Lambert - Alternate  
Gary Santini - Alternate  
Robert Bauer - Z.E.O.

ABSENT : Gerald LaTour  
Charles Raymond - Alternate  
Loretta Brickley - Asst. Z.E.O.

The meeting convened at 7:30 p.m.

Chairman Doring seated Mr. Santini for Mr. LaTour and Mr. Lambert for Mr. Lavalette.

Mr. Lavalette arrived at 7:32 p.m., and Mr. Doring unseated Mr. Lambert.

### BUSINESS MEETING

H.H. Taylor - 85 Railroad Street, develop second floor of Building #2, B-1 -

Motion by Mr. Lavalette, that in light of variance #1794 or appeal #1794, whichever is proper, we approve the H.H. Taylor application to develop the second floor of building #2. Seconded by Mr. Davin and carried unanimously.

Rocky River Associates, 237 Kent Road -

Mr. Davin moved, and Mr. Lavalette seconded, to approve the request of Dan Arciola to accept the \$112,000 bonding for 14 open acres at Rocky River Gravel Mine. Mr. Lavalette stated that he would like the minutes to reflect that for the remainder of this year in that prevailing prices as determined by the Town Engineer would probably be what we would rely upon for any extension of the application. Particularly, as stated in the letter from the Director of Public Works dated 3/12/91, that \$375,000 is what the Town requires. We should not put ourselves out on a limb unnecessarily for a period beyond the end of this year. Mr. Doring expressed his concern of the wide discrepancy between the \$112,000 and \$375,000. The accepted bond amount is to be an Irrevocable Letter of Credit.

Mr. Doring asked that the motion be amended to \$122,000 for the reason that 8 x 14 + \$10,000 siltation control bond which is what it was originally. Motion was amended by Mr. Davin, seconded by Mr. Lavalette and carried unanimously to accept a \$122,000 bond in the form of an Irrevocable Letter of Credit for the balance of the permitted year (6/1/91).

Motion by Mr. Marsh that Rocky River Associates be permitted to remove already processed material from site. Seconded by Mr. Davin and carried unanimously. Chairman Doring stated that the present stock piles should not get any bigger from further mining.

**Proposed amendment to Article XIV Alcoholic Beverages - Petitioned by Rosalie DesBiens**

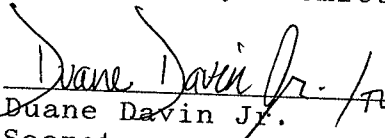
Mr. Lavalette moved to deny the proposed amendment to Article XIV Alcoholic Beverages and Mr. Davin seconded the motion. Discussion.

Mr. Lavalette stated 2 reasons : (1) concern of specific piece of property and its proximity to the church; and (2) concern of the number of possible taverns/saloons that could be allowed under this Article would be close to the public schools and a number of churches (referred to ZEO's report). Also, the proposed site (80-4 Park Lane) would be inappropriate to have a full serving bar that close to schools and churches. Mr. Doring agreed with Mr. Lavalette's reasons and also the result might be different than what was proposed (i.e. language of proposal). Mr. Santini stated that this was a difficult amendment to push across town, there is too many variables. Mr. Davin felt there would be future problems and agreed with the reasons stated by the other Commissioners. Motion to deny was passed unanimously.

**Bills and Communications:** Motion by Mr. Lavalette, seconded by Mr. Davin and carried unanimously to approve the 1 March 1991 bill for professional services from Thomas P. Byrne, Esquire.

Mr. Marsh moved to adjourn the meeting at 9:35 p.m. Seconded by Mr. Davin and unanimously passed.

Respectfully submitted,

  
\_\_\_\_\_  
Duane Davin Jr.  
Secretary

/tl

TOWN CLERK  
NEW MILFORD  
MAR 14 12 41 PM '91

of Michael and Sharon Rosenthal for relief from the rear yard setback requirement from 25' to 10.3' at 39 Cedar Drive in the R-80 zone. Mr. Gardner seconded. Motion carried unanimously.

**#1850           ADVANCED STONE, INC.                           33 BOARDMAN ROAD**

Chairman Zehrung read the following letter for the record from Thomas W. VanLenten, Attorney representing Advance Stone, Inc.:

"Please be advised that this firm represents Advance Stone Incorporated, concerning a certain cease and desist order which was issued September 31, 1991. We have recently received notice that a hearing before the New Milford Zoning Board of Appeals has been scheduled for April 15, 1992.

Unfortunately, I have prior commitment which renders me unavailable for the hearing. Accordingly, I would request that a new hearing date be set down. It is my understanding that an applicant is allowed one extension, not to exceed thirty-five days."

Thank you for your cooperation in this matter. Again, I would request that the undersigned be notified of the new hearing date."

In regard to #1850, Ms. Contolini moved to continue the public hearing of Advance Stone, Inc. for relief from the issuance of case and desist order dated 9/31/91 by the Zoning Enforcement Officer regarding the receiving of off-site material processed without the required site plan review and permit approval of the Zoning Commission on property located at 33 Boardman Road in the Industrial zone, to the May 20, 1992 meeting, as requested by the applicant's attorney. Mr. Gardner seconded. Motion carried unanimously.

Chairman Zehrung also noted that the owner would have to sign the application prior to the next meeting or the application would not be heard.

**#1851           82 PERRY DRIVE                           THOMAS & SUSAN MIRANDA**

Mr. and Mrs. Miranda were present to discuss their request for a variance for relief from the side yard setback requirement of 41' to 21'6" on the south side to permit an 18' x 26' addition. The stated reason for the request was that the present master bedroom is very small with inadequate closet space. The addition would provided a new master bedroom and would enable the closet space to be modernized.

Mrs. Miranda stated that Mr. Megin owns property on both sides of their home and they have approached him to try and buy more land, but he wanted an exorbitant amount of money.

There were no communications received in support of or against the application nor was anyone present wishing to speak in support of or against.

In regard to #1851, Ms. Contolini moved to close the public hearing of Thomas and Susan C. Miranda for relief from the side yard setback requirement of 40' to 21'6" on the south side to allow the construction an 18' x 26' addition to a dwelling located at 82 Perry Drive in the R-80 Zone. Mr. Gardner seconded. Motion carried unanimously.

#### OTHER BUSINESS

Chairman Zehrung requested that the office find out the status of Alternate Peter Kobylinski.

Chairman Zehrung requested that Mr. Bauer follow on Appeal #1844 to ensure the Fire Marshal does not have a problem with the premises. A letter from the Fire Marshall is necessary prior to action being taken on the application.

Ms. Contolini moved to adjourn at 8:49 p.m. Mr. Gardner seconded and the motion carried unanimously.

Respectfully submitted,

  
Maryellen Quigley, Clerk



# TOWN OF NEW MILFORD

PHONE (203) 355-6095



10 MAIN STREET

NEW MILFORD, CONNECTICUT 06776

Office of ZONING COMMISSION

March 18, 1991

Terry C. Pellegrini, Esquire  
Baker, Moots & Pellegrini, P.C.  
46 Main Street  
New Milford, Connecticut 06776

Re: Petition to Amend zoning Regulations  
Article XIV. Alcoholic Beverages

Dear Attorney Pellegrini:

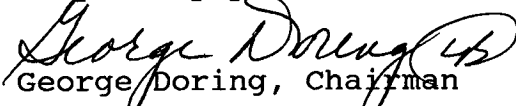
The New Milford Zoning Commission, at their regular meeting of March 12, 1991, rendered the following decision:

DENIED the request by Rosalie DesBiens to amend Article XIV Alcoholic Beverages 1) due to the concern of specific piece of property and its proximity to the church; and 2) concern of the number of possible taverns/saloons that could be allowed under this Article would be close to the public schools and a number of churches and 3) the proposed site 80-4 park Lane would be inappropriate to have a full serving bar that close to schools and churches.

Copies of the above decision are duly filed in the office of the Town Clerk and shall become effective March 22, 1991.

Should you have any questions, please feel free to contact our office.

Very truly yours,

  
George Doring, Chairman

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

GD/lb

Copy: Town Clerk  
File

TOWN CLERK  
NEW MILFORD

MAR 18 11 55 AM '91

*Town Clerk*

# TOWN OF NEW MILFORD

PHONE (203) 355-6095



29 CHURCH STREET

NEW MILFORD, CONNECTICUT 06776

Office of ZONING COMMISSION

March 20, 1991

TOWN CLERK  
NEW MILFORD

MAR 21 10 34 AM '91

TO WHOM IT MAY CONCERN:

FROM: NEW MILFORD ZONING COMMISSION

SUBJECT: AGENDA - March 26, 1991

The New Milford Zoning Commission shall hold the following hearings on March 26, 1991 commencing at 7:30 p.m. in the Court Room of Town Hall.

I. PUBLIC HEARINGS:

1. New Milford Bank & Trust - 55 Main St.  
6' X 6' X 8' Enclosure VC Zone
2. Jackson/Anderson 57 Bank St. - Use of premises as  
Beauty Salon VC Zone
3. David Nelson 3 Housatonic Ave. - Conversion to 3 family  
in Central Sewer District per Article II #9 B-1 Zone
4. CEL Products, Inc. South End Plaza Unit #90 - Food  
Processing B-2 Zone
5. New Milford Public Schools Building Committee
  - a. John Pettibone School 2 Pickett Dist. Rd. -  
Additions & Renovations R-40 Zone
  - b. Hill & Plain School 60 Old Town Park Rd.-  
Additions & Renovations R-20 Zone
  - c. Northville School Hipp Rd. -  
Additions & Renovations R-40 Zone

Following the Public Hearings, the Commission shall conduct their regular business.

II. PUBLIC PARTICIPATION:

III. NEW BUSINESS:

1. Jeffrey Sienkiewicz - Informal Review of 9 South Main St. for designation as "Town Landmark District" under Article VIII of Zoning Regulations
2. Howard Reed 57 Indian Trail  
Construction of garage - per Article XIII
3. Kevin Hart 184 Danbury Rd. Executive Center  
8' X 8' Maintenance Shed Attached. I Zone

IV. OLD BUSINESS:

V. PROPOSED PUBLIC HEARINGS:

1. First New Milford Baptist Church 9 Little Bear Hill Rd.  
Proposed Church - April 23, 1991
2. Uses Permitted in Government Service Zone - April 23, 1991  
36' X 24' Garage in front yard

VI. ZONING ENFORCEMENT OFFICERS REPORT:

VII. BUSINESS MEETING:

1. Discussion and possible decision on this evening's agenda.
2. Discussion and possible decision on the following public hearings:
  - a. Height Limitation (January 16, 1990)
  - b. Mobil Oil 49-59 Bridge St. VC Zone
  - c. George DeVoe 7 Kent Rd. 46,734 sq. ft. Office Building B-1 (No decision from Inland/Wetlands).
3. Bills and Communications
4. Minutes of March 12, 1991
5. Any other business to come before the Commission.

Respectfully submitted,

Duane Davin, Jr.

pp

ZONING COMMISSION MOTIONS

March 26, 1991

Present: George Doring, Chairman  
Arthur Lavalette - Vice Chairman  
Duane Davin - Secretary  
Donald Marsh  
Gerald LaTour  
James Lambert - Alternate  
Charles Raymond - Alternate  
Gary Santini - Alternate

Loretta Brickley, Ass't ZEO

Mr. Lavalette moved to close the public hearing of New Milford Bank & Trust, 55 Main St. requesting a 6' X 6' X 8' enclosure to protect the entranceway. Mr. Marsh seconded the motion and it was carried unanimously.

Mr. Lavalette moved to close the public hearing of Jackson/Anderson, 57 Bank St. requesting use of premises as a Beauty Salon in VC Zone. Mr. Marsh seconded the motion and it was carried unanimously.

Mr. Lavalette moved to close the public hearing of David Nelson, 3 Housatonic Ave., requesting a conversion to 3-Family Dwelling in Central Sewer District, B-1 Zone. Mr. Davin seconded the motion and it was carried unanimously.

Mr. Lavalette moved to close the public hearing of CEL Products, Inc., South End Plaza, Unit #90 requesting approval for a Frozen Food Processing & Distributing Business. Mr. Davin seconded the motion and it was carried unanimously.

Mr. Doring was not seated for hearings regarding the New Milford Public School Building Committee. Mr. Raymond was seated in the absence of Mr. Doring and Mr. Lavalette chaired.

Mr. Davin moved to close the public hearing of the New Milford Public School Building Committee's proposed request for additions and renovations to the John Pettibone School, 2 Pickett Dist. Rd., R-40 Zone. Mr. LaTour seconded the motion and it was carried unanimously.

Mr. Raymond moved to close the public hearing of the New Milford Public School Building Committee's proposed request for additions and renovations to the Hill & Plain School, 60 Old Town Park Rd., R-20 Zone. Mr. Davin seconded the motion and it was carried

unanimously.

Mr. Davin moved to close the public hearing of the New Milford Public School Building Committee's proposed request for additions and renovations to the Northville School, Hipp Rd., R-40 Zone. Mr. Raymond seconded the motion and it was carried unanimously.

Mr. Doring resumed his seat as Zoning Commission Chairman.

Mr. Doring made a motion to approve the site plan of Howard Reed, 57 Indial Trail for construction of a garage and requested that it be approved with the provision that an as-built be submitted upon completion. Mr. LaTour seconded the motion and it was approved unanimously.

Mr. Lavalette made a motion to approve the site plan of Kevin Hart, 184 Danbury Rd., Executive Center, I Zone, for an attached 8' X 8' Maintenance Shed. Mr. Doring seconded the motion and it was approved unanimously.

Mr. Marsh made a motion to approve the site plan of Watkins Wire, for a screening plant on Wells Rd. and Aspetuck Ridge Rd. in the R-40 zone. Mr. Doring seconded the motion and it was approved unanimously.

Mr. Lavalette moved to go into Executive Session to discuss pending litigation. Mr. Doring seconded the motion and it was passed unanimously. No decisions were made.

Mr. Lavalette moved to come out of Executive Session. The motion was seconded by Mr. Doring and it was passed unanimously.

Mr. Doring made a motion to accept the letter of withdrawal from E.R.S. of New Milford for their public hearing dealing with property located on the east side of Danbury Rd. and as shown on Assessor's Map #154 for Recycling, Processing and Composting of organic materials in the Industrial Zone. Mr. Lavalette seconded the motion and it was passed unanimously.

Mr. Lavalette moved to pay all bills: 1. Atty. Thomas Byrne's invoice dated 3/15/91 in the amount of \$1,525. for an appeal taken by Robert Kovacs. 2. Atty. Thomas Byrne's invoice dated 3/21/91 in the amount of \$975. for E.R.S. 3. University of CT's invoice in the amount of \$130. for Zoning Certification Program for Loretta Brickley. Mr. Doring seconded the motion and it was passed unanimously.

Mr. Raymond made a motion to reopen the hearing regarding the request of the New Milford Bank & Trust. A motion was made to waive twelve items requested by the New Milford Bank & Trust. Mr. Doring seconded the motion and it was approved unanimously.

Mr. Marsh made a motion which was seconded by Mr. LaTour to add John Pettibone School to the agenda and this was passed

unanimously. A motion was made by Mr. Davin and seconded by Mr. Raymond to approve the special permit for John Pettibone School for the additions and renovations so submitted this evening for property located at 2 Pickett Dist. Rd. R-40 Zone with the stipulation that the 3 trees being removed will be replaced by 3 trees. This was approved unanimously.

Mr. Marsh made a motion which was seconded by Mr. LaTour to add Hill & Plain School to the agenda and this was passed unanimously. A motion was made by Mr. Davin and seconded by Mr. Raymond to approve the special permit for Hill & Plain School for the additions and renovations so submitted this evening for property located at 60 Old Town Park Rd. R-20 Zone. This was approved unanimously.

Mr. Marsh made a motion which was second by Mr. LaTour to add Northville School to the agenda and this was passed unanimously. A motion was made by Mr. Davin and seconded by Mr. Raymond to approve the special permit for Northville School for the additions and renovations so submitted this evening for property located at Hipp Rd. R-40 Zone. This was approved unanimously.

A motion was made to go into Executive Session by Mr. Davin and seconded by Mr. Lambert and approved unanimously.

Mr. Davin moved to come out of Executive Session and this was seconded by Mr. Lambert and approved unanimously.

Mr. Doring moved to adjourn the meeting at 12:00 p.m. Mr. Lambert seconded the motion and it was carried unanimously.

Respectfully submitted,

*Duane Davin, Jr. PEP*  
Duane Davin, Jr.  
Secretary

pp

TOWN CLERK  
NEW MILFORD

MAR 28 9 32 AM '91

Town Clerk

ZONING COMMISSION  
March 26, 1991  
Regular Meeting  
Minutes

The meeting was called to order by George Doring, Chairman at 7:30 P.M. Present were: George Doring-Chairman, Arthur Lavalette-Vice Chairman, Duane Davin, Jr.-Secretary, Donald Marsh, Gerald LaTour, Gary Santini-Alternate, Charles Raymond-Alternate, James Lambert-Alternate and Loretta Brickley-Asst. ZEO

Mr. Doring appointed Mr. Raymond to be seated for Mr. LaTour until his arrival.

PUBLIC HEARINGS:

New Milford Bank & Trust 55 Bank St. VC Zone

Jack Straub and Nancy Dougherty, representing New Milford Bank & Trust requested approval of a special permit and site plan for a 6' X 6' X 8' enclosure. The secretary, Mr. Davin, read the legal notice which had been published March 14 and March 21, 1991.

Correspondence received and read by Mr. Doring: New Milford Bank & Trust Co.-letter from Jack Straub, Chairman, dated March 22, 1991 listing items requested to be waived; list of Abutting Property Owners; Plot Plans.

Mr. Straub explained that what they wanted to do was protect the north side entranceway with a glass enclosure and have it so it would be accessible to the handicapped. No one spoke in favor or in opposition. Mr. Lavalette made a motion to close the public hearing. Mr. Marsh seconded the motion and it was carried unanimously.

Jackson/Anderson 57 Bank St. VC Zone

Shari Jackson and Charlene K. Anderson requested approval to operate a Beauty Salon. The secretary, Mr. Davin, read the legal notice which had been published March 14 and March 21, 1991.

Correspondence received and read by Mr. Doring: Town Sanitarian, Susan Eimicke-letter dated March 25, 1991; Owner of Record, Edward Lieli-letter dated February 26, 1991; list of Abutting Property Owners.

It was explained that there would be no remodeling done to the facade and signage would be against the building. No one spoke in favor or in opposition. Mr. Lavalette made a motion to close the public hearing. Mr. Marsh seconded the motion and it was carried unanimously.



David Nelson 3 Housatonic Ave. B-1 Zone

Mr. Nelson requested a special permit to convert from 1-family to a 3-family in the Central Sewer District. It was noted that he had already converted to a 2-family dwelling. The secretary, Mr. Davin, read the legal notice which had been published March 14 and March 21, 1991.

Correspondence received and read by Mr. Doring: Frank Ryback, Building Official-letter dated March 26, 1991; David A. Lathrop, Fire Marshall-letter dated March 25, 1991; Ronald Parks, Assessor-letter dated March 26, 1991; Robert Bauer, ZEO-notice dated March 20, 1991; Loretta Brickley, AZEO-notice dated March 21, 1991.

Mr. Nelson explained the garage plan for parking. Mr. Doring reviewed the apartment sizes. There were many questions from the Commission. Mr. Doring commented that he was very concerned regarding safety hazards. It was determined that Mr. Nelson had gone ahead and converted to a 2-family dwelling without a Zoning Permit or Building Permit. Mr. Doring asked if anyone from the general public would care to speak against this application.

Mr. & Mrs. Lewis Wanamaker, 17 Wellsville Ave. came forward and commented that this residence already has parking problems and causes hazardous traffic conditions. School children wait in that area and there are already too many vehicles present. Mr. Nelson admitted that he had some tenants he had problems with and was going to have to evict them. Jim Gustin, 3-5-7 Bennett St. also came forward to speak in opposition and mentioned lack of responsibility on the part of Mr. Nelson, regarding atmosphere and ability to manage the property correctly. Mr. Marsh spoke of problems regarding engineering plans of the area and also landscaping plans. Mrs. Brickley commented that regarding the Building Permit that was issued for raising the roof, that the Zoning Commission should have also received a copy of the permit. It was Mr. Raymond's opinion that perhaps the application should be withdrawn due to all the infractions. Other Commission members spoke against this application and stated their reasons. Mr. Doring concluded by stating that the Commission could not straighten out this matter and informed Mr. Nelson to seek professional help. Mr. Lavalette made a motion to close the public hearing and Mr. Davin seconded the motion and it was carried unanimously.

CEL Products, Inc. South End Plaza Unit #90 B-2 Zone

Mr. LaTour arrived at 8:30 P.M. and Mr. Raymond, Alternate was unseated. The secretary, Mr. Davin, read the legal notice which had been published on March 14 and March 21, 1991. Mr. Fred Rowe (owner of property) appeared representing CEL Products, Carolyn Leone, Pres., requesting approval of an application for a frozen

food processing and distributing business.

Correspondence received and read by Mr. Doring: CEL Products, Inc.- letter dated February 11, 1991; CEL Products, Inc.- letter dated March 14, 1991; Robert Bauer, ZEO-notice dated March 18, 1991.

Mr. Doring requested a letter from the person leasing the property confirming information that there would be only two employees at this business establishment which would affect parking, etc. Mr. Doring asked if anyone from the general public cared to speak in favor or in opposition. Joan Stitzel, Ridgefield, CT, owner of Unit #89, came forward and commented that she had complaints regarding trucks parking in front of her unit which also caused snow removal problems in the winter season and did not want this problem exaggerated. Mr. Doring said that the Fire Marshall would give his approval if State Fire Codes are met and also the Health Dept. will have to give approval. Mr. Lavalette made a motion to close the public hearing. Mr. Davin seconded the motion and it was carried unanimously.

#### New Milford Public Schools Building Committee

Mr. Doring abstained from any discussion. Mr. Lavalette, Vice Chairman chaired this portion of the meeting. Mr. Raymond was seated for Mr. Doring. The secretary, Mr. Davin read the legal notices which had been published on March 14 and March 21, 1991.

#### a. John Pettibone School 2 Pickett District Rd. R-40 Zone

Correspondence received and read by Mr. Doring: Chester A. Salit, Project Manager of Fletcher-Thompson-letter dated January 7, 1991; Robert Bauer, ZEO-notice dated March 18, 1991; Suzanne Eimicke, Sanitarian-letter dated March 25, 1991; Russell T. Posthauer, Jr., Carroccio-Coville & Assoc. Inc.- letter dated March 25, 1991; list of Abutting Property Owners

Chet Salit detailed the school renovations and additions to be made and explained the diagram and the traffic study. Mr. Lavalette raised the question of the three trees to be removed. Mr. Santini questioned the bus flow. Pat Greenspan, Terrace Place, came forward and spoke in favor of the expansion but expressed concern of the three trees to be removed. Mr. Quinnel said he was sure if dollars and space permit, the trees will be replaced. Mr. Davin moved to close the public hearing. Mr. LaTour seconded the motion and it was carried unanimously.

#### b. Hill & Plain School 60 Old Town Park Rd. R-20 Zone

Correspondence received and read by Mr. Doring: Robert Bauer, ZEO-Notice dated March 18, 1991; Suzanne Eimicke, Sanitarian-letter dated March 25, 1991; Lawrence Liebman, Wetland Enforcement Officer-letter dated January 28, 1991; list of Abutting Property Owners; Chester A. Salit, Project Manager of Fletcher-Thompson-letter dated January 7, 1991.

Chet Salit detailed the school renovations and additions to be made with accompanying modifications including the provision of additional parking space, improvements to existing bus and car patterns, parent drop-off areas and additional playing field areas in answer to questions posed by members of the Commission. Mr. Raymond moved to close the public hearing and Mr. Davin seconded the motion and it was carried unanimously.

c. Northville School Hipp Rd. R-40 Zone

Correspondence received and read by Mr. Doring: Karen McCarthy, Asst. Supt. N.M. Public Schools-letter dated March 18, 1991; Chester Salit, Project Manager of Fletcher-Thompson-letter dated January 7, 1991; Robert Bauer, ZEO-notice dated March 18, 1991; Suzanne Eimicke, Sanatarian-letter dated March 25, 1991; list of Abutting Property Owners

Chet Salit detailed the additions and renovations to be made and stated the principle site changes would be the modification to the parking lot to eliminate the current bus/car conflict and additional parking space and handicap accessibility.

Mr. David moved to close the public hearing and it was seconded by Mr. Raymond and carried unanimously.

Mr. Doring resumed his seat as Chairman and called the regular meeting to order.

PUBLIC PARTICIPATION : None

NEW BUSINESS:

Jeffrey Sienkiewicz 9 South Main St.

Mr. Sienkiewicz appeared for a preliminary informal meeting to discuss a proposal to designate this property as a "Town Landmark District". He requested liberalization to allow office use and explained proposed structural changes and proposed parking situations. Mr. Sienkiewicz was instructed to go to the N.M. Historical Society for their review.

Howard Reed 57 Indian Trail - Construction of a Garage

Mr. Reed appeared and discussed this proposed construction. Mr. Doring made a motion to approve the site plan with the provision that an as-built be submitted upon completion. Mr. LaTour seconded the motion and it was approved unanimously.

Kevin Hart 184 Danbury Rd. Exec. Center - Maintenance Shed

Peter Young appeared representing Mr. Hart and discussed the proposed 8' X 8' proposed addition. Mr. Lavalette made a motion to approve the site plan and Mr. Doring seconded the motion and it

was approved unanimously.

Jack Watkins, Watkins Wire Wells Rd. - Screening Plant

Mr. Watkins appeared to discuss this portable screening plant. Mr. Marsh made a motion to approve the site plan and Mr. Doring seconded the motion and it was approved unanimously.

Mr. Lavalette moved to go into Executive Session to discuss "pending litigation". Mr. Doring seconded the motion and it was passed unanimously. No decisions were made. Mr. Lavalette moved to come out of Executive Session. The motion was seconded by Mr. Doring and it was passed unanimously.

#### OLD BUSINESS:

Mr. Lavalette made a motion to add a letter from E.R.S. to the agenda and Mr. Davin seconded the motion and it was approved unanimously. Mr. Doring made a motion to accept this letter of withdrawal from E.R.S. of New Milford for their public hearing dealing with property located on the east side of Danbury Rd. and as shown on Assessor's Map #154 for Recycling, Processing and Composting of Organic Materials in the Industrial Zone. Mr. Lavalette seconded the motion and it was passed unanimously.

#### BILLS & COMMUNICATIONS:

The following bills were submitted:

Professional Services Invoice from Attorney Thomas Byrne dated March 21, 1991 for \$975.

Professional Services Invoice from Attorney Thomas Byrne dated March 15, 1991 for \$1,525.

University of Connecticut Invoice for the Zoning Enforcement Offices Certification Program attended by Mrs. Brickley on March 13, 1991 for \$130.

A motion was made by Mr. Lavalette to pay all bills, seconded by Mr. Doring and approved unanimously.

The following communications were submitted:

Agenda for March 25, 1991 for Town Council

Addendum to Agenda for March 25, 1991 for Town Council

Copy of Memo to I/W Commission dated March 21, 1991 from Director of Public Works

Minutes of Special Meeting dated February 27, 1991 from I/W Commission

Minutes of Special Meeting dated February 28, 1991 from I/W Commission

Agenda from I/W Commission dated February 25, 1991

Agenda from I/W Commission dated February 26, 1991

Letter from Attorney Thomas Byrne dated March 13, 1991 regarding Southington Zoning Regulations

Copy of letter from Attorney Thomas Byrne dated March 13, 1991 regarding Waste Management Court Case

Letter from Roli Green dated March 22, 1991 regarding AZEO

Town Council Budget Deliberations dated March 4/5/6/12 1991

Agenda for Planning Commission for March 21, 1991

Copy of letter from William Zehrunge, Chm. ZBA re: Helga Kelly6

Mr. Raymond made a motion to reopen the hearing regarding the request of the New Milford Bank & Trust. A motion was made to waive twelve items requested by the New Milford Bank & Trust. Mr. Doring seconded the motion and it was approved unanimously.

Mr. Marsh made a motion which was seconded by Mr. LaTour to add John Pettibone School to the agenda and this was passed unanimously. A motion was made by Mr. Davin and seconded by Mr. Raymond to approve the special permit for John Pettibone School for the additions and renovations as submitted this evening for property located at 2 Pickett Dist. Rd. R-40 Zone with the stipulation that the three trees being removed will be replaced by three trees. This was approved unanimously.

Mr. Marsh made a motion which was seconded by Mr. LaTour to add Hill & Plain School to the agenda and this was passed unanimously. A motion was made by Mr. Davin and seconded by Mr. Raymond to approve the special permit for Hill & Plain School for the additions and renovations as submitted this evening for property located at 60 Old Town Park Rd. R-20 Zone. This was approved unanimously.

Mr. Marsh made a motion which was seconded by Mr. LaTour to add Northville School to the agenda and this was passed unanimously. A motion was made by Mr. Davin and seconded by Mr. Raymond to approve the special permit for Northville School for the additions and renovations as submitted this evening for property located at Hipp Rd. R-40 Zone. This was approved unanimously.

A motion was made to go into Executive Session by Mr. Davin and seconded by Mr. Lambert and approved unanimously.

Mr. Davin moved to come out of Executive Session and this was seconded by Mr. Lambert and approved unanimously.

Mr. Doring moved to adjourn the meeting at 12:00 p.m. Mr. Lambert seconded the motion and it was carried unanimously.

Respectfully submitted,

*Duane Davin, Jr.*

Duane Davin, Jr.  
Secretary

pp

TOWN CLERK  
NEW MILFORD

APR 3 1 11 PM '91

*He.*

# TOWN OF NEW MILFORD

PHONE (203) 355-6095



29 CHURCH STREET

NEW MILFORD, CONNECTICUT 06776

Office of ZONING COMMISSION

March 28, 1991

William Quinnell, Chairman  
New Milford Public Schools Building Committee  
43 East Street  
New Milford, Connecticut 06776

Re: John Pettibone Elementary School

Dear Mr. Quinnell:

At the regular meeting of the New Milford Zoning Commission, the following action was rendered:

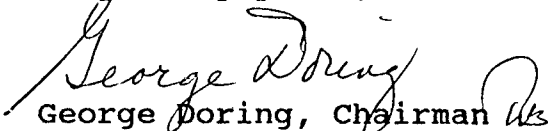
GRANTED a special permit and site plan approval for the additions and renovations to the John Pettibone Elementary School located on Pickett Dist. Road in the R-40 zone as shown on plans submitted and prepared by Fletcher Thompson dated 11/02/90 #42843.06 with the stipulation that the three trees being removed will be replaced by three other trees in other locations.

Copies of the above decision are duly filed in the office of the Town Clerk and shall become effective April 5, 1991. After that date, you may apply for the necessary permits.

Please be advised, a copy of this letter granting a special permit must be filed on the land records for this school with the Town Clerk.

Should you have any questions, please feel free to contact our office.

Very truly yours,

  
George Doring, Chairman

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

GD/lb

Copy: Town Clerk ✓  
Building Dept.  
Fire Marshal  
Health Dept.  
Public Works Dir.

TOWN CLERK  
NEW MILFORD

MAR 28 2 42 PM '91

# TOWN OF NEW MILFORD

PHONE (203) 355-6095



29 CHURCH STREET

NEW MILFORD, CONNECTICUT 06776

Office of ZONING COMMISSION

March 28, 1991

William Quinnell, Chairman  
New Milford Public Schools Building Committee  
43 East Street  
New Milford, Connecticut 06776

Re: Northville Elementary School

Dear Mr. Quinnell:

At the regular meeting of the New Milford Zoning Commission, the following action was rendered:

GRANTED a special permit and site plan approval for the additions and renovations to the Northville Elementary School located on Hipp Road in the R-40 zone as shown on plans submitted and prepared by Fletcher Thompson dated 11/02/90 #42842.06.

Copies of the above decision are duly filed in the office of the Town Clerk and shall become effective April 5, 1991. After that date, you may apply for the necessary permits.

Please be advised, a copy of this letter granting a special permit must be filed on the land records for this school with the Town Clerk.

Should you have any questions, please feel free to contact our office.

Very truly yours,

  
George Doring, Chairman

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

GD/lb

Copy: Town Clerk ✓  
Building Dept.  
Fire Marshal  
Health Dept.  
Public Works Dept.

TOWN CLERK  
NEW MILFORD

MAR 20 2 42 PM '91



# TOWN OF NEW MILFORD

PHONE (203) 355-6095



29 CHURCH STREET

NEW MILFORD, CONNECTICUT 06776

Office of ZONING COMMISSION

March 28, 1991

William Quinnell, Chairman  
New Milford Public Schools Building Committee  
43 East Street  
New Milford, Connecticut 06776

Re: Hill & Plain Elementary School

Dear Mr. Quinnell:

At the regular meeting of the New Milford Zoning Commission, the following action was rendered:

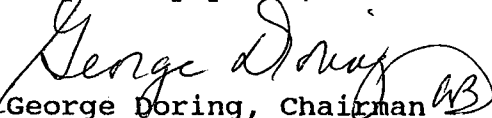
GRANTED a special permit and site plan approval for the additions and renovations to the Hill & Plain Elementary School located on Old Town Park Road in the R-20 zone as shown on plans submitted and prepared by Fletcher Thompson dated 11/02/90 #42841.06.

Copies of the above decision are duly filed in the office of the Town Clerk and shall become effective April 5, 1991. After that date, you may apply for the necessary permits.

Please be advised, a copy of this letter granting a special permit must be filed on the land records for this school with the Town Clerk.

Should you have any questions, please feel free to contact our office.

Very truly yours,

  
George Doring, Chairman

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

GD/lb

Copy: Town Clerk ✓  
Building Dept.  
Fire Marshal  
Health Dept.  
Public Works Dept.

TOWN CLERK  
NEW MILFORD  
MAR 28 2 42 PM '91

# TOWN OF NEW MILFORD

PHONE (203) 355-6095



29 CHURCH STREET

NEW MILFORD, CONNECTICUT 06776

Office of ZONING COMMISSION

March 28, 1991

Ms. Shari Jackson  
Ms. Charlene K. Anderson  
143 Pumpkin Hill Road  
New Milford, CT 06776

Dear Ms. Jackson and Ms. Anderson:

At the regular meeting of the New Milford Zoning Commission, held on March 26, 1991, the following action was rendered:

APPROVED the Special permit for use of 57 Bank Street in the Village Center zone for use as a beauty Salon.

Copies of the above decision are duly filed in the office of the Town Clerk and Zoning Commission and shall become effective April 5, 1991. At that time, you may apply for the necessary permits and file a copy of this letter with the Town Clerk's land records.

Should you have any questions, please feel free to contact our office.

Very truly yours,

  
George Doring, Chairman

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Copy: Town Clerk ✓  
Health Dept.

TOWN CLERK  
NEW MILFORD

MAR 28 2 42 PM '91

Town Clerk

ZONING COMMISSION  
April 9, 1991  
Regular Meeting  
Minutes

The meeting was called to order by George Doring, Chairman at 7:30 P.M. Present were: George Doring-Chairman, Arthur Lavalette-Vice Chairman, Duane Davin, Jr.-Secretary, Donald Marsh, Gary Santini-Alternate, Charles Raymond-Alternate, James Lambert-Alternated, Robert Bauer-ZEO and Loretta Brickley-Asst. ZEO

Mr. Doring appointed Mr. Raymond to be seated for Mr. LaTour.

PUBLIC HEARING:

Ronald & Donna Lockwood 6 Woods End Accessory Apartment R-80 Zone

Ronald and Donna Lockwood requested a permit for an accessory apartment to be located in an existing building at 6 Woods End. The secretary, Mr. Davin read the legal notice which had been published March 28 and April 4, 1991.

Correspondence received and read by Mr. Doring: Robert Bauer, ZEO - Notice dated April 8, 1991; New Milford Dept. of Health - Approval letter dated March 20, 1991.

Mr. Lockwood stated that the building was situated on 1.03 acres and detailed ample parking facilities. Mr. Doring stated the regulation that the owners would have to maintain residence there and if the house was ever sold, the new owner would also have to maintain residence. Mr. Doring asked if anyone from the general public cared to speak in support of this requested permit. Mrs. Edward Hill, Jr., former owner of the property and owner of adjoining property, said she would like to speak in the concept that anything that supports family life is worthwhile and would add stability to the neighborhood. She spoke further in favor and stated that she had absolutely no disagreement to this request. No one spoke against this. It was requested by the applicant that the traffic study be waived from the public hearing. Mr. Lavalette made a motion to waive the traffic study requirement. Mr. Raymond seconded the motion and it was carried unanimously. Mr. Doring moved to close the public hearing. Mr. Davin seconded the motion and it was carried unanimously.

Mr. Marsh made a motion to add as #5 on the agenda under "New Business", the request of Willow Square/Devon Woods to remove earth products. Mr. Lavalette seconded the motion and it was carried unanimously.

PUBLIC PARTICIPATION:

Edward Hyman came forward and spoke regarding the New Milford

Laundry, Thomas Lane, and said he was trying to ascertain if the dumpster located in the middle of the front yard of the establishment was in conformity with the permit. He said that he was also requesting, for himself and his neighbors, that the place be closed up neatly at the end of the day. Mr. Bauer said that he believed that there was nothing on the site plan that showed a dumpster. Mr. Davin questioned did we require dumpster permits. Mr. Doring ordered an on-site inspection and Mr. Bauer is to contact Atty. Byrne and find out what can and what can not be done. He will then forward the information to Mr. Hyman. Mr. Hyman concluded by stating he would appreciate this action.

Pat Greenspan came forward and questioned what was being done regarding Willow Square, Danbury Rd. regarding removal of earth material. Mr. Doring said that they are going to start the construction phase and that the Commission has to grant permission if they are in excess of 750 yards and are then allowed to take out what is approved. Atty. Pellegrini remarked that he did not know specifically the "tree plan" regarding the three beech trees, but stated that a demolition permit will be needed for the removal of the structure.

NEW BUSINESS:

F.N.M. Trust Douglas Cooke 164-168 Danbury Rd. I Zone

Mr. Fred McAlley appeared on behalf of Mr. Cooke to request a temporary permit for a Petting Zoo & Kiddie Rides in the parking lot of N.M. Plaza for the dates of April 25, 26, 27 & 28, 1991. He explained that the event would be the same as that held last year but with the addition of Kiddie Rides. The plan was looked at and it was understood that a permit must be obtained from the Dept. of Health and the Fire Marshall for such an operation.

Correspondence received and read by Mr. Doring - Robert Bauer, ZEO - notice dated April 8, 1991.

John & Susanne Perneczky 372-1 Danbury Rd. B-2 Zone

Mr. Joe Sobol, Real Estate Agent for Mr. & Mrs. Perneczky, appeared on their behalf to request to use the front premises addressed as 372-1 Danbury Rd. for retail sales of wheel covers.

Correspondence received and read by Mr. Doring: Robert Bauer, ZEO - notice dated April 8, 1991; David Lathrop, Fire Marshall - letter dated March 28, 1991; List of abutting property owners.

The map and site plan were reviewed. Mr. Sobel said that Mr. Lathrop's letter was answered on April 6, 1991 and his client is to fully comply with the requested items. He related that the work requested was almost completed and would be finalized tomorrow, April 10, 1991 (re: oil furnace enclosed, exits lights, fire extinguishers.) Mr. Raymond spoke against the hubcaps previously hanging against the building and the Commission agreed that there

are to be "no hanging hubcaps" displayed against the building.

Kim Coolbeth 38 Old State Rd. Removal of Earth Products (Approved on July 14, 1987)

Mr. Coolbeth appeared regarding continual use of the property.

Correspondence received and read by Mr. Doring: Loretta Brickley, AZEO - report dated April 9, 1991. Pictures were also submitted and examined.

It was noted that Mr. Coolbeth was taking considerably longer than planned with this project. As far as removal, no material was moved since November, 1990, and Mr. Coolbeth requested four more months extension to finish the project, specifying that he would be completed the last week of July or first week of August, 1991. Mr. Doring questioned the site plan and Mrs. Brickley said the plan showed only one entranceway, therefore the north entranceway would have to be closed off. Also, the bond amount was increased to a total of \$15,000.00. Mr. Coolbeth explained that one of the problems causing the delay was the fact that he couldn't put the building where originally planned and now has to prepare a different site, therefore taking more time. Mr. Santini questioned the site approval and excavation permit and also questioned Mrs. Brickley regarding follow-up. Mr. Doring stated that Mr. Coolbeth, on July 14, 1987, was originally given five months for completion. Mr. Santini made the comment that "our silence approved this extension". Mr. Davin questioned at what point did Mr. Coolbeth plan on submitting the plan for the building and Mr. Coolbeth said that next month he could have the building demolished, and the work finished by August 1, 1991. The plan was looked at and the landscaping explained by Mr. Coolbeth, commenting that the setback makes the problem.

Schriber/Tobias 30 West St. R20 Zone

Mr. Schriber and Mr. Tobias appeared to request site plan approval for use of premises for a Woodworking Shop & Wholesale Machinery Dealership.

Correspondence received and read by Mr. Doring: Robert Bauer, ZEO - notice dated April 8, 1991.

Mr. Doring spoke regarding non-conforming use. Mr. Davin commented that it would be a lesser non-conforming use to have a wholesale business on this property. Mr. Tobias said that he would not be selling to the general public, only to companies. It was determined that since an industrial use has always been there, a continuation of an industrial use in a non-conforming business would still be permitted as long as there is no expansion. Parking plans were shown and Mr. Schriber said there would be possibly two or three vehicles stopping per day; also only one work shift with three or four people working per day. This would be ample for parking as the plan was showing ten parking spaces for retail use

and four parking spaces for the house.

Willow Square, Danbury Rd./Devon Woods, Crossbrook Rd.

Atty. Pellegrini appeared representing the owners of the above properties. Mr. McIntyre, the engineer, explained the Willow Square site plan's existing grading and proposed grading and the existing and proposed driveway. He stated that he would adjust the parking plan so that the willow trees can remain on the site at Willow Square. The barns and chicken coops will come down. He said that there should be enough topsoil to cover the whole site with two inches of topsoil. Removal of 11,400 cubic yards of top soil and 4,400 cubic yards of subsoil is planned. Regarding Devon Woods, there is to be removal of 9,900 cubic yards of top soil. If the material is in good condition on the site, the roadway can be put right on top. Mr. Doring stated that the requirement is three inches of topsoil. Mr. Raymond questioned will there be any woods remaining and Mr. McIntyre explained that there are no existing woods. It was stipulated that no screened material is to go off-site.

Mr. Lavalette made a motion to go into Executive Session to discuss pending litigation. The motion was seconded by Mr. Raymond and it was passed unanimously. No decisions or motions were made.

Mr. Lavalette made a motion to come out of Executive Session. The motion was seconded by Mr. Raymond and it was passed unanimously.

#### BUSINESS MEETING:

Mr. Lavalette made a motion to approve the temporary permit for Kiddie Rides & Petting Zoo at New Milford Plaza, 164-168 Danbury Rd. for the dates of April 25, 26, 27 & 28, 1991. Mr. Doring seconded the motion and it was approved unanimously.

Mr. Lavalette made a motion regarding the removal of earth material on 38 Old State Rd. owned and operated by Kim Coolbeth. The commission shall continue its original approval with the following stipulations: 1. Submission of additional bond in the amount of \$7,000.00 for a total bond amount of \$15,000.00; 2. As of April 15, 1991 - two months to finish excavation; 3. Limitation of an additional 2,000 cubic yards of earth material; 4. Submit application for site plan approval including drainage, parking and landscaping as required in Article III, no later than June 15, 1991; 5. Installation of proper siltation fences; 6. Anti-tracking measures installed on the approved one entranceway; 7. North entranceway to be closed off. Mr. Doring amended the motion regarding "grading and seeding" to include the stipulation: 8. that if no construction is begun by October 1, 1991, that the entire site must be seeded for the winter. Mr. Marsh seconded the motion with this added amendment and it was approved unanimously.

Mr. Lavalette made a motion to approve the application of Schriber/Tobias, 30 West St., for a woodwork shop for custom work

and a wholesale machinery dealership. Mr. Doring seconded the motion and it was approved unanimously.

Mr. Lavalette made a motion to approve the request for removal of earth material from Willow Square Mall/Devon Woods sites with the following stipulations: Devon Woods - removal of 9,900 cubic yards of top soil. Willow Square - removal of 11,400 cubic yards of top soil and 4,400 cubic yards of subsoil. Also, all material to be screened is to be used on-site. The motion was seconded by Mr. Doring and was approved unanimously.

Mr. Santini and Mr. Raymond disqualified themselves from voting in regard to Mobil Oil Corp., 49-59 Bridge St., request for approval of site changes. Mr. Lavalette, for purpose of discussion, made a motion to approve this application. Mr. Marsh seconded the motion. Mr. Lavalette then stated that he was going to vote against this motion. He explained that he felt that they could accomplish what they wanted without using the two adjoining pieces of property. Mr. Doring voted against stating that there were two areas specific in the regulations dealing with non-conformity: 1. Paragraph F on Page 1598 of the Regulations which states that you can not move a non-conforming structure unless you are moving it into conformity which would be impossible for that site; 2. The idea of register, computers, switches, etc. that are going to be moved into a building which does not exist presently on the property would be a violation of non-conformity. Mr. Davin voted against, stating his reasons including the moving of the pumps, saying that he would like to see the application come back with the "pumps intact". Mr. Marsh voted in favor stating that he was tired of seeing what could result when property is neglected and felt that it would be in the best interest of the town to vote for approval. Mr. Lambert voted in favor stating that he felt it would be using this property to the best of its potential. The motion made to approve therefore failed to carry on a 2 to 3 vote.

Mr. Doring discussed the application of David Nelson, 3 Housatonic Ave., B-1 Zone for conversion to a 3-family dwelling. It was mentioned that Mr. Nelson had left many questions unanswered. The Commission decided after discussion that it would not be in the best interest of the town to accept this application. A motion was made by Mr. Marsh to deny this application. Mr. Davin seconded the motion and it was passed unanimously.

Mr. Lavalette made a motion to approve the application of CEL Products, Inc. S.E. Plaza, Unit #90 for a Food Processing Business. The motion was seconded by Mr. Marsh. The motion carried 4-1 with Mr. Raymond voting against, stating it would cause additional trucks and vehicles in this area.

#### COMMUNICATIONS:

The following communications were submitted:

Letter from Sienkiewicz, McKenna & Sienkiewicz, Attorneys at Law,

dated March 27, 1991 regarding New Milford Zoning Commission v. Rocky River Associates.

Letter from General Code Publishers Corp. dated April 2, 1991 regarding price information for Zoning Regulations.

Minutes of Regular Meeting of Planning Commission dated March 21, 1991.

Minutes of Public Hearing, New Milford Town Council dated March 25, 1991.

Iroquois Report Newsletter dated April 5, 1991.

A motion was made to accept the minutes of March 26, 1991, with the following correction: Mr. Doring and Mr. Lambert were not seated for any of the New Milford Public School Building Committee discussions, nor did they vote.

Mr. Doring moved to adjourn the meeting at 10:30 p.m. Mr. Raymond seconded the motion and it was carried unanimously.

Respectfully submitted,

*Duane Davin, Jr.*  
Duane Davin, Jr.  
Secretary

pp



TOWN CLERK  
NEW MILFORD

APR 16 2 23 PM '91

ZONING COMMISSION MOTIONS

April 9, 1991

- Present: George Doring - Chairman  
 Arthur Lavalette - Vice Chairman  
 Duane Davin - Secretary  
 Donald Marsh  
 James Lambert - Alternate  
 Charles Raymond - Alternate - Seated for Gerald LaTour  
 Gary Santini - Alternate
- Loretta Brickley - Ass't ZEO

Mr. Lavalette moved to waive the traffic study requirement as requested from Ronald & Donna Lockwood, 6 Woods End, R-80 Zone regarding an accessory apartment. Mr. Raymond seconded the motion and it was carried unanimously.

Mr. Doring moved to close the public hearing of Ronald & Donna Lockwood, 6 Woods End, R-80 Zone, requesting approval for an accessory apartment. Mr. Davin seconded the motion and it was carried unanimously.

Mr. Marsh made a motion to add the request of Willow Square/Devon Woods to remove earth material, as the fifth item on the agenda under "New Business". Mr. Lavalette seconded the motion and it was carried unanimously.

Mr. Lavalette moved to go into Executive Session to discuss pending litigation. Mr. Davin seconded the motion and it was passed unanimously. No decision or motions were made.

Mr. Lavalette moved to come out of Executive Session. The motion was seconded by Mr. Raymond and it was passed unanimously.

Mr. Lavalette made a motion to approve for retail use, with the stipulation that no hubcaps be displayed, property of John & Susanna Perneczky, 372-1 Danbury Rd., B2 Zone. Mr. Doring seconded the motion and it was approved unanimously.

Mr. Lavalette made a motion in regard to the request of Kim Coolbeth, 38 Old State Rd. for the removal of earth products to accept this request with the following stipulations: 1. Submission of additional bond in the amount of \$7,000.00 for a total bond amount of \$15,000.00; 2. As of April 15, 1991 - two months to finish excavation; 3. Limitation of an additional 2,000 cubic yards of earth material; 4. Submit application for site plan approval including drainage, parking and landscaping as required in Article III, no later than June 15, 1991; 5. Installation of proper siltation fences; 6. Anti-tracking measures installed on the

approved one entranceway; 7. North entrance to be closed off.

Mr. Doring amended the motion regarding "grading and seeding" to include the stipulation: 8. that if no construction is begun by October 1, 1991, that the entire site must be seeded for the winter. Mr. Lavalette seconded the motion with this added amendment and it was approved unanimously.

Mr. Lavalette made a motion to approve the application of Schriber/Tobias, 30 West St., R20 Zone for a woodwork shop for custom work and a wholesale machinery dealership. Mr. Doring seconded the motion and it was approved unanimously.

Mr. Lavalette made a motion to approve the request for removal of earth materials from Willow Square Mall/Devon Woods sites with the following stipulations: Devon Woods - removal of 9,900 cubic yards of top soil. Willow Square - removal of 11,400 cubic yards of top soil and 4,400 cubic yards of subsoil. Also, all material to be screened is to be used on-site. The motion was seconded by Mr. Doring and was approved unanimously.

Mr. Lavalette spoke in regard to Mobil Oil Corp., 49-59 Bridge St. regarding approval of the site changes. Mr. Marsh voted in favor stating that he was tired of seeing what can result when property is neglected and felt that it would be in the best interest of the town to vote for approval. Mr. Lambert voted in favor stating that he felt it would be using this property to the best of its potential. Mr. Davin voted against, due to the moving of the pumps, stating that he would like to see the application come back with the "pumps intact". Mr. Doring voted against, stating that he had a problem with the moving of the building; "can't move a non-conforming structure", and the plans do not fit into the regulations that we have. Mr. Lavalette also voted against this application stating that this did not meet the Zoning Requirements. The motion made to approve therefore failed to carry on a 2 to 3 vote.

Mr. Doring discussed the application of David Nelson, 3 Housatonic Ave., B-1 Zone for conversion to a 3-family dwelling and stated that this conversion would not be in the best interest of the town and that Mr. Nelson had left many questions unanswered. A motion was made by Mr. Marsh to deny this application. Mr. Davin seconded the motion and it was passed unanimously.

Mr. Lavalette made a motion to approve the application of CEL Products, Inc. S.E. Plaza, Unit #90 for a Food Processing Business. The motion was seconded by Mr. Marsh. The motion carried 4-1 with Mr. Raymond voting against, stating it would cause additional trucks and vehicles in this area.

A motion was made to accept the minutes of March 26, 1991, with the following correction: Mr. Doring and Mr. Lambert were not seated for any of the New Milford Public School Building Committee discussions nor did they vote.

discussions nor did they vote.

Mr. Doring moved to adjourn the meeting at 10:30 p.m. Mr. Raymond seconded the motion and it was carried unanimously.

Respectfully submitted,

*Duane Davin, Jr.*

Duane Davin, Jr.  
Secretary

pp

TOWN CLERK  
NEW MILFORD

APR 11 2 43 PM '91

70

April 13, 1991

The New Milford Zoning Commission held a special meeting for the purpose of walking the gravel mining sites that are scheduled to appear for renewal of permits.

Present for the Commission were:

- George Doring, Chairman
- Duane Davin, Secretary
- Gary Santini, Alternate
- James Lambert, Alternate
- Robert Bauer, Zoning Enforcement Officer
- Loretta Brickley, Asst. Zoning Enforcement Officer

Rocky River Gravel Mine - Kent Rd. -0-  
Three - four acre permits

Upon visiting the site, it was noted, the road to access to the mine was not on the Rocky River site. This was notated in accordance with the telephone pole #2412 on Kent Rd. It was also noted a violation still exists in the storage of boats on the parcel. There were no demarkations showing permitted areas and the off-site markings were not clear. Upon riding the property, it was noted that an area seemed to be used for the changing of oil as residue was on the ground. It was also apparent that rocks have been brought onto the site. The detention basin which had been put in under the direction of the Inland Wetland Commission is finished and looked good. An A-2 survey would be submitted said Dan Arciola who had traveled the site with the Commission. Materials being removed at this time, are only what had been mined and stockpiled. Their grading permit (same as excavation of earth material) expects to remove 2.5 million cu.yds of material. No insurance or bonding in the name of the owner is on file at this time

Squash Hollow Gravel Mine Kent Rd. \$64,000 o/o L of C's  
Two - four acre permits

Rudy Geissler was present. The Commission walked the site and noted that old cars, trucks, tires oil barrels(empty) were situated on the site that had previously been restored. Another violation was the evidence found regarding the use of an area for a transfer station for paper and bottles. There were no demarkations of the permitted area. The office trailer and other trucks were parked to close to the property line. No permit for a sign was submitted and a new name for the operation was on the sign. Materials were being brought in from Danbury, admitted Mr. Geissler. He said he did not know that this was not legal. He noted too, that there were some liens on the property. Mr. Geissler estimated that 25,000 tons have been removed this year.

Boardman Sand & Gravel - Boardman Road \$168,000 L of C  
Fourteen - four acre permits Industrial zone

Robert Kovacs escorted the Commission around the site showing a historical site through a hand made tunnel. This was not a gravel area, however. Mr. Kovacs also rode through the area he had requested for an industrial site. It was not approved by Planning and Mr. Kovacs lost his case in court for this area to become an industrial site. Stumps were being buried on site but the exact amount should be stated by the applicant. Also many trailers stored from another business. No boulders were in view for demarkations and on the land lie many tires, trailers and empty Esso tanks. Mr. Kovacs has two crushers and one screening plant.

Kim Coolbeth 38 Old State Rd. \$8,000. Bankbook  
1.3 acres B-2 zone

Site was viewed and noted that an anti-tracking pad is still not installed. No soil erosion at this time was in place. Mining had been done too close to the property line. The Commission was informed that no additional money, as requested, has been submitted to the office, to date.

Property Investors Inc. Sullivan Rd. \$2700. L of C  
Originally 23 acres/ now sub-divided Industrial zone

Property was viewed and restoration had taken place on the site with the exception of the area that the Iroquois Pipe Line will be taking.

Docktor Brothers Pickett Dist. Rd. -0-  
two - four acre parcels Industrial Zone

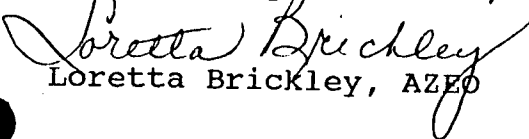
There is no bonding but there was no indication that any work had been done for a while. A screening plant is on site. Large truck tires were visible and no demarkations of the permit lines were shown.

Ed Drzal Litchfield Road \$30,000 Surety  
two - four acre parcels B-2 zone

Property was walked by the Commission with the exception of Mr. Santini and Mr. Lambert. Mr. Drzal was present. There are no valid mining permits out on this nor have any been issued for the past two years. Restoration was to take place but nothing has been done. Old rusty trucks, oil barrels, backhoes and other excavating equipment were on site as it appeared two years ago.

The Commission finished their tour at approximately 1:00 p.m.

Respectfully submitted,

  
Loretta Brickley, AZEO

TOWN CLERK  
NEW MILFORD

APR 15 10 56 AM '91



April 17, 1991  
Special Meeting

The Zoning Commission held their special meeting on April 17, 1991 at 7:00 p.m. in the Zoning office with the following members present:

George Doring, Chairman  
Arthur Lavalette, Vice-Chairman  
Duane Davin, Jr., Secretary  
Donald Marsh  
James Lambert, Alternate seated

The purpose of the meeting was to adopt two resolutions of denial.

Chairman Doring read the first resolution dealing with David Nelson's request which stated, "The New Milford Zoning Commission at their meeting of April 9th voted to deny the special permit and accompanying site plan submitted by David Nelson for conversion to a three family dwelling at 3 Housatonic Avenue located in a B-1 zone. The following reasons were determined to be in non-compliance with the local regulations and not in the best interest of the Town of New Milford.

1. The proposal could not show adequate parking
2. Additional tenants would create additional cars causing hazardous traffic conditions.
3. No traffic report submitted
4. Site plan incomplete

This decision was reached after a public hearing was held on March 16, 1991 in the Court Room of Town Hall.

Mr. Lavalette made the motion to adopt the resolution to deny the special permit and accompanying site plan. Mr. Marsh seconded the motion and it carried unanimously.

Chairman Doring read the second resolution, "The Zoning Commission at their meeting of April 9th voted to deny the special permit and site plan requested by Mobil Oil Corp. for property located at 49-59 Bridge Street in the Village Center zone. The following reasons were determined to be in non-compliance with the local regulations and not in the best interest of the Town of New Milford.

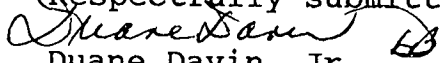
1. The moving of a non-conforming building is not permitted according to Article XI-II (b)
2. The proposal does not comply with the Zoning Regulations as stated in Article XI-I re. Nonconforming Uses and Structures.

Their decision was reached after a public hearing was held on February 28, 1991 in the Court Room of Town Hall."

Mr. Lavalette made the motion to adopt the above resolution to deny the special permit and accompanying site plan. Mr. Davin seconded the motion and it carried 3-2 with Mr. Lavalette, Mr. Davin and Chm. Doring voting in favor and Mr. Marsh and Mr. Lambert voting against.

As there was no other business proper to come before the Commission, a motion to adjourn at 7:05 p.m. was made by Mr. Lavalette and seconded by Mr. Marsh. Motion carried unanimously.

Respectfully submitted,

*Duane Davin* 

Duane Davin, Jr.  
Secretary

/lb

TOWN CLERK  
NEW MILFORD  
APR 18 2 58 PM '91

TC

# TOWN OF NEW MILFORD

PHONE (203) 355-6095



29 CHURCH STREET

NEW MILFORD, CONNECTICUT 06776

Office of ZONING COMMISSION

## RESOLUTION OF NEW MILFORD ZONING COMMISSION

The Zoning Commission, at their meeting of April 9th voted to deny the special permit and site plan requested by David Nelson for conversion to a three family dwelling at 3 Housatonic Avenue located in B-1 zone. The following reasons were determined to be in non-compliance with the local regulations and not in the best interest in the Town of New Milford.

1. The proposal could not show adequate parking
2. Additional tenants would create additional cars causing hazardous traffic conditions.
3. No traffic report submitted
4. Site plan incomplete

Their decision was reached after a public hearing was held on March 26, 1991 in the Court Room of Town Hall.

By: \_\_\_\_\_

*George Doring*  
George Doring, Chairman

Dated: \_\_\_\_\_

*April 17, 1991*

# TOWN OF NEW MILFORD

PHONE (203) 355-6095



29 CHURCH STREET

NEW MILFORD, CONNECTICUT 06776

Office of ZONING COMMISSION

## LEGAL NOTICE

The New Milford Zoning Commission at their meeting of April 9th voted to deny the application requested by David Nelson for conversion to a three family dwelling at 3 Housatonic Avenue located in a B-1 zone. The following reasons were determined to be in non-compliance with the local regulations and not in the best interest in the Town of New Milford.

1. The proposal could not show adequate parking
2. Additional tenants would create additional cars causing hazardous traffic conditions.
3. No traffic report submitted
4. Site plan incomplete

This decision was reached after a public hearing was held on March 26, 1991 in the Court Room of Town Hall.

The resolution adopted to deny the special permit and accompanying site plan was rendered at a special meeting held on April 17, 1991. Copies of the resolution are on file in the office of the Town Clerk and Zoning Office for review.

Dated at New Milford, Connecticut this 25th day of April, 1991.

By: Duane Davin, Jr.

Secretary

Please publish April 25th

TC

# TOWN OF NEW MILFORD

PHONE (203) 355-6095



29 CHURCH STREET

NEW MILFORD, CONNECTICUT 06776

Office of ZONING COMMISSION

## RESOLUTION OF NEW MILFORD ZONING COMMISSION

The Zoning Commission, at their meeting of April 9th voted to deny the special permit and site plan requested by Mobil Oil Corp for property located at 49-59 Bridge Street in the Village Center zone. The following reasons were determined to be in non-compliance with the local regulations and not in the best interest in the Town of New Milford.

1. The moving of a non-conforming building is not permitted according to Article XI-II (b)
2. the proposal does not comply with the Zoning Regulations as stated in Article XI-I re. Nonconforming Uses and Structures.

Their decision was reached after a public hearing was held on February 28 1991 in the Court Room of Town Hall.

By: \_\_\_\_\_

*George Doring*  
George Doring, Chairman

Dated: \_\_\_\_\_

*April 19, 1991*

TOWN CLERK  
NEW MILFORD  
APR 18 11 45 AM '91

# TOWN OF NEW MILFORD

PHONE (203) 355-6095



29 CHURCH STREET

NEW MILFORD, CONNECTICUT 06776

Office of ZONING COMMISSION

## RESOLUTION OF NEW MILFORD ZONING COMMISSION

The Zoning Commission, at their meeting of April 9th voted to deny the special permit and site plan requested by Mobil Oil Corp for property located at 49-59 Bridge Street in the Village Center zone. The following reasons were determined to be in non-compliance with the local regulations and not in the best interest in the Town of New Milford.

1. The moving of a non-conforming building is not permitted according to Article XI-II (b)
2. the proposal does not comply with the Zoning Regulations as stated in Article XI-I re. Nonconforming Uses and Structures.

Their decision was reached after a public hearing was held on February 28, 1991, in the Court Room of Town Hall.

By: \_\_\_\_\_

*George Doring*  
George Doring, Chairman

Dated: \_\_\_\_\_

*April 19, 1991*

TC

# TOWN OF NEW MILFORD

PHONE (203) 355-6095



29 CHURCH STREET

NEW MILFORD, CONNECTICUT 06776

Office of ZONING COMMISSION

April 18, 1991

Mr. David Nelson  
14 Mountain Laurel Rd.  
New Milford, CT 06776

Re: 3 Housatonic Avenue

Dear Mr. Nelson:

At the New Milford Zoning Commission at their meeting of April 9th voted to deny the application requested by David Nelson for conversion to a three family dwelling at 3 Housatonic Avenue located in a B-1 zone. The following reasons were determined to be in non-compliance with the local regulations and not in the best interest of the Town of New Milford.

1. The proposal could not show adequate parking
2. Additional tenants would create additional cars causing hazardous traffic conditions.
3. No traffic report submitted
4. Site plan incomplete

This decision was reached aft a public hearing was held on March 26, 1991 in the Court Room of Town Hall.

The resolution adopted to deny the special permit and accompanying site plan was rendered at a special meeting held on April 17, 1991.

Should you have any questions, please feel free to contact our office.

Very truly yours,

*George Doring*  
George Doring, Chairman

/lb

CERTIFIED MAIL - RETURN RECEIPT REQUESTED



TOWN CLERK  
NEW MILFORD

APR 18 11 45 AM '91

TOWN CLERK

ZONING COMMISSION  
April 23, 1991  
Regular Meeting Minutes

The meeting was called to order by George Doring, Chairman, at 7:30 P.M. Present were George Doring-Chairman, Duane Davin, Jr.-Secretary, Donald Marsh, Gary Santini-Alternate, Charles Raymond-Alternate, James Lambert-Alternate, Robert Bauer-ZEO and Loretta Brickley-Asst. ZEO.

Mr. Doring appointed Mr. Santini to be seated for Mr. Lavalette until his arrival.

PUBLIC HEARINGS:

First New Milford Baptist Church 9 Little Bear Hill Rd. R-40  
Proposed Church

Atty. Altermatt came forward representing the First New Milford Baptist Church for a special permit and approval of a site plan for the proposed church. The secretary, Mr. Davin read the legal notice which had been published April 11 and April 18, 1991. Atty. Altermatt reported that six of the seven registered return receipt requests had been returned from abutting property owners and Mrs. Plout, who was present said that she had received hers late, which accounted for the seventh receipt.

Correspondence received and read by Mr. Doring: Raymond W. Martin, R.A. Architect - letter dated April 9, 1991 and letter of transmittal dated March 5, 1991 including a listing of property owners within a 500' radius. (Raymond Martin also took care of return receipt mailing and authorized the installation of the Site Placard.) Pastor George Britt - request for Public Hearing dated March 5, 1991; William & Gail Messina - letter dated April 23, 1991 stating that they are nearby property owners in favor of the proposed church and felt that it would be an asset to the area. Robert Bauer, ZEO - notice dated April 17, 1991; David P. Thompson, P.E. - engineering report dated December 1990; Traffic Impact Study by Highway Traffic Consultant; David A. Lathrop, Fire Marshall-Badge #118 - letter dated December 14, 1990; Illumination Plan . It was stated that nothing was received from the Planner or Dept. of Public Works.

Mr. Lavalette was seated at 7:40 P.M.

Atty. Altermatt announced that there were four people to speak regarding the First New Milford Baptist Church; Pastor Britt and then three others to speak on the technical side. Pastor Britt came forward and read a letter from President and Mrs. Bush emphasizing that there is no institution of greater importance than a place of worship. Atty. Altermatt then introduced David P. Thompson, Site Engineer. Mr. Thompson stated he was a licensed professional engineer in the State of CT with twenty-five years of

engineering design experience. He explained his responsibilities for the project was the development of three drawings: Site Grading and Erosion Control, Development of Storm Drainage System and Design of Sewage Disposal System. He further described the grading scheme and proposed parking area and said there would be very little site disturbance proposed. He said that he received some other changes that the Commission suggested, one which has already been made was the revision of parking next to the river. Atty. Altermatt then questioned if the Commission thought it would be helpful to the members if Mr. Thompson oriented them as to where the site was located in relation to Rte. 202, Little Bear Hill Road and in relation to the river. Mr. Doring replied that "he certainly did feel that it would be helpful", and Mr. Thompson detailed the site plan. Mr. Doring questioned if the house on the premises would be raised and was told that it is to remain on the site for church purposes. Atty. Altermatt then called upon Mr. Harvey Boultwell, Professional Traffic Engineer, 30 Bates Dr., Cheshire, CT (Registered Professional Engineer in NH, MA, CT and CA; Bachelor of Science Degree from Yale Univ.; Cert. in Traffic Highway Safety Management from NY Univ. and researcher & consultant). He gave his presentation regarding a detailed study of traffic generation and estimated vehicular trips. He also said that the sight lines at the intersection of Little Bear Hollow Rd. and Rte. 202 are excellent in both directions and furnished eight snapshots to demonstrate this.

Atty. Altermatt then called Mr. Raymond W. Martin, 34 Fleetwood Drive, Danbury, CT, Architect to give his presentation. He furnished and explained Architectural Drawings, Class A-2 Property Survey and Site Engineering Drawings including grading plans, erosion control. He explained that the overall outcome was to create a 200-yr. old look for a church with steeple, wood-frame, white clapboard exterior, etc. The sanctuary seating is to be 270 people maximum. The total of 6,774 sq. ft. of space would be 2.4% of site coverage, well within the site coverage limits. There are to be 80 on-site parking spaces including spaces for handicapped and also 3 spaces for van-type vehicles at the rear of the church. The lighting layout was explained as cut-off type lightning with very low lighting levels sensitive to the community and would be shut off at times of non-use. The floor plans were given to include: Basement - Fellowship Hall, small kitchen, storage area, multi-purpose room, two bathrooms, equipment & storage room, boiler room and two stairways for access. Main Level - vestibule, small nursery, pastor's office, administrative office, and two bathrooms. The sanctuary will have fixed seating for 270, including an elevated platform and baptismal service area. Second floor - two small bathrooms, two closets, sound & control room and space for a future elevator for handicap access.

Mr. Doring requested that anyone who wished to speak in favor of the proposed church, to please come forward.

Mr. Truman Richmond, a Northville resident since 1921 stated that he was not a member of the church, however, for forty years that

church has operated approximately sixty feet from his residence and he has had no objection and he would like to see the church continue to operate there for the present and coming generations.

Dr. James Howell, resident of Merryall section of New Milford, commented that he has been a member of the church for two years and had seen many good things happen through the church, and was in favor of the proposed church.

Mr. Roger Parkhouse, Rabbit Hill Rd., Warren, commented that his life was turned around because of his involvement with the church. He then proceeded to read a letter dated April 23, 1991 from William and Gail Messina, neighbors of the church, whose objective was that the parish had been within the Northville area for approximately 175 years and that they did not feel that it could possibly cause any new problems in the area and felt that there never had been any problems in the past.

The Pastor (Chaplain, Psychotherapist and Drug & Alcohol Counselor) of Fairfield Hills Hospital, spoke about his belief that helping young people through church involvement before they experience major problems in relation to the cost to the State of rehabilitation of people with problems is a major consideration and therefore he is in favor of any church involvement available.

Mr. Larry Schmidheini commented that he is a member of the church, but was a former alcoholic, who was helped by the church, and therefore wishes to see the church prosper and grow.

Mr. Robert Gambino, a Northville resident for 25 years, spoke in favor of the church. However, he said as the President of Northville Residents Assoc. he would like to address points of concern: The I/W Commission would be working on Wetlands issues; the septic system for the old house should be inspected and upgraded if necessary; catch basin maintenance should be written into the Deed: a requested buffer on the west property line and he will work with Mr. Martin on this; the dry hydrant will be of benefit to the community; requested that trap rock or crushed stone be used with blacktop used on the lower portion only; regarding night lights, proposed restrictions should be adhered to.

Mrs. Kensek, a member of the church for 11 years, commented that she felt that the church provided wonderful outlets for the teenagers and hoped to see that this could continue.

Mrs. Pat Greenspan spoke relating that she felt that the important issues were sensitivity to the rural area and surrounding neighbors and then further commented on the buffered landscaping and lighting. Mr. Martin then came forward and addressed these issues of buffered areas and detailed the lighting plans.

Mr. Thompson addressed the paving situation and remarked that the plans were to try to save the old 150 yr. tree. Mr. Doring questioned the removal of earth material and was told that there

would be no removal of earth material, but that some will be relocated toward the parking area.

Mr. Lavalette made a motion to close the public hearing of the First New Milford Baptist Church requesting a special permit and site plan approval. Mr. LaTour seconded the motion and it was carried unanimously.

West Street Landmark 29 & 41 West St. Apartments and Office Use

The secretary, Mr. Davin, read the legal notice which had been published on April 11 and April 18, 1991. Correspondence received and read by Mr. Doring: Application for Town Landmark dated March 22, 1991; Sewer Commission - notice dated April 10, 1991; David Lathrop, Fire Marshall, Badge #118 - notice dated April 8, 1991; Town Planner - notice dated April 22, 1991, Robert Bauer, ZEO - notice dated April 19, 1991 & addendum to report dated April 19, 1991; Marine Site - letter dated February 11, 1991; Parking Ratio Survey; Map; Site Plans; Alison Gilchrist, New Milford Trust for Historic Preservations Landmarks Committee - letter dated February 26, 1991.

Atty. Pellegrini came forward representing Anthony O. Lucera, Paul V. Hulton, Marjorie Hulton and John P. Horton requesting landmark status designation on property located on 29 West St. to create 18 apartments in an existing building and 41 West St., to create 7 apartments on a second floor addition. He stated that the two surveyors, Mr. Gee and Mr. Osborn met to discuss the discrepancy involved regarding the northern line, that the 1.2" encroachment is attributable to the siding on the building and they would agree to modify it so that it would lie inside the survey. Atty. Pellegrini stated that the Hulton building is to be converted into 18 residential units, while the Horton building will have 7 apartments on a second floor addition. Mr. John Sullivan, Architect, detailed the parking areas, dumpster locations, underground utilities, both electric, sanitary and sewer, and some landscaping. He said that the buildings basically will have the same character as they have today and detailed the structural changes to be made. Mr. Allan Davis, Traffic Consultant, Registered Engineer in CT came forward to explain the parking analysis. He stated that two issues had come up: (1) whether there is enough parking for a residential component, which is really a nighttime use and (2) whether there is enough parking for the daytime, joint use, which is commercial and residential. He detailed the parking spaces of three similar projects, and the effect of peak hours. Atty. Pellegrini said this concludes his presentation and asked if there were any questions. He clarified the letter of February 26, 1991 regarding the West Street Landmark Project approval and signed by Alison Gilchrist, Representative & Committee Member of the N.M. Trust for Historic Preservation Landmarks Committee.

Mr. Doring asked if anyone wished to come forward to speak in favor of this application.

Mr. Tom Pilla, said he would like to speak in favor on two points: (1) as a businessman in the community he thinks that this renovation is fantastic and this type of project is the best use for this building and (2) he stated that he is here tonight as Chairman of a Municipal Agency, the Sewer Commission and inflow and revenue has decreased so that customers are welcomed.

Mr. David Procrifca, 162 Housatonic Ave. stated that earlier this evening we heard a letter from the President of the United States and would like to remind the Commission that the President made one word very clear and that is "condemnation". He said that condemnation must take place for health reasons, and should echo in the years to come, and clarified that he is not speaking in favor or against this application.

Mr. Frank Trocola, 40 West St. came forward to speak in favor, but expressed concern regarding parking spaces per unit.

Mr. Jack Straub came forward to speak in favor stating that anytime you can upgrade an area and improve the town in any way and not lose a building, it should be considered very strongly.

Mrs. Pat Greenspan came forward stating that this proposal addresses compatibility to adjacent structures and will improve the historic structure of the town and therefore she is in favor of it.

Mr. Bob Clark, 65 West St. stated that he sees this project as a continuation of rebirth of West St. and likes concept of multi-dwelling units in the center of town. He questioned the parking ratio and said if the ratio was 1.5 there shouldn't be any problem with parking as far as his experience.

Mr. Carl Dunham, stated that he lives in New Milford and has a practice there and feels that this project accomplishes a lot of things and is a suitable use of a landmark district.

Mr. Larry Greenspan came forward and stated that "mixed use of parking is an ideal use for approving parking for mixed use". He further stated each application should be judged on its own merit and that is one of the purposes of a landmark zone.

Mr. Doring asked if anyone wished to speak against this application.

Mr. Lou White said that he was speaking in opposition, for several reasons. He brought up a situation where a project was approved for four units and now has five units. He said that he has the carpenter shop next door which could create a problem to him as well as his shop creating a problem to them (noise, fumes, sanding,) and feels that it should remain a B-2 Zone. He does not believe that this would be in the best interest to the area and stated that we are losing commercial area day after day. He further discussed the components of the buildings, mentioning inadequate foundations,

etc. and closed saying he would like to see these buildings used for commercial use. He also brought up the subject of the parking ratio being a problem.

Mr. Richard Layton, 26 West St. spoke in favor of improving the building but is against the parking proposal. He stressed that you need two parking spaces for each unit. Also, he said that he was knowledgeable about a previous snow removal problem.

Atty. Pellegrini stated that the existing Hulton building is zoned for B-2. He said that the parking plan is an improvement to the parking situation that is there now. He said that he called Mr. Sweeney, Chief of the New Milford Police Dept., and asked if there was any record of any street parking problems, or people being blocked in this area and he was told that there were no complaints. He said that he considered this application as an improvement for the betterment of the community.

Mr. Doring again asked if anyone wished to speak in favor or against this application.

Mr. White came forward and spoke in opposition stating that dealing with individual people regarding parking is his problem.

Mr. Davin made a motion to close the public hearing. Mr. Doring voted against closing the hearing, stating he would like to keep this hearing open. Mr. LaTour also voted against closing this hearing. The motion was therefore carried 3-2.

Ronald Richter 10 Railroad St. Expansion of Restaurant VC Zone

Mr. Richter requested approval for expansion of a restaurant on 10 Railroad St. The secretary, Mr. Davin, read the legal notice which had been published April 11 and April 18, 1991. Correspondence received and read by Mr. Doring: Steven Vazquez, Architect - request for expansion dated March 22, 1991; David A. Lathrop, Fire Marshall, Badge #118 - letter dated April 8, 1991; Dept. of Health Application dated March 4, 1991; List of abutting property owners; Application for a variance regarding parking spaces; Letter of intent.

Mr. Richter spoke regarding his expansion stating that he was planning to add a conference room and already had a fire exit plan approved by the Fire Marshall.

Mr. Doring asked if anyone wished to speak in favor of this application.

Mr. Greenspan came forward to speak in favor stating that business has been very good in that area and felt it would be a good use of that area to allow expansion of Rocky's Station Cafe.

Mr. Marsh made a motion to close the public hearing. Mr. Davin seconded the motion and it was carried unanimously.

Dimetrois Restaurant    Expansion Bridge & East Streets    VC Zone

Mr. Kouloganis requested approval of application for expansion of his restaurant located at 73 Bridge St. The secretary, Mr. Davin read the legal notice which had been published April 11 and April 18, 1991.

Correspondence received and read by Mr. Doring: Robert Bauer, ZEO - notice dated April 23, 1991; Application for Site Plan Approval and Expansion.

Mr. Doring stated that the sign placed in the window for the public hearing did not conform to the regulations as to size, lettering and location and it was his responsibility to inform Mr. Kouloganis. Mrs. Brickley said that the ZBA granted a variance already for reduced parking from the required 78 spaces to the maximum available of 51 spaces. Mr. Kouloganis commented that 95% of his business will be done after 5:00 p.m. Mr. Doring commented about the variance granted on September 29, 1988, and asked that the Chairman of the ZBA be requested to supply written information to clarify this.

Mr. Doring asked if anyone cared to speak in favor of this application.

Mr. Ray Barton came forward and said that he felt that this was a good reputable business and would be in favor of expansion. He further stated that municipal parking is there and under-utilized at night.

Mr. Lavalette made a motion to close the public hearing. Mr. Marsh seconded the motion and it was carried unanimously.

Proposed Amendment to Zoning Regulations    Article II-X  
Re: Uses Permitted in Government Services Zone

The secretary, Mr. Davin, read the legal notice which had been published April 11 and April 18, 1991.

Correspondence received and read by Mr. Doring: Town Council - letter for review dated April 18, 1991; Planning Commission - letter dated March 26, 1991; Housatonic Valley Official Notice; Atty. Tom Byrne - letter recommending changes to this amendment.

Mr. Doring said that the uses which existed prior, still exist and this amendment granted additional uses in the Government Service Zone.

Mr. Greenspan came forward to speak in favor, commenting that he figured the standards would remain the same.

Mr. Davin made a motion to close the public hearing. Mr. Lavalette seconded the motion and it was carried unanimously.



II PUBLIC PARTICIPATION: None

III NEW BUSINESS:

Michael Cantineri 278 Danbury Rd. Sunrise Plaza "Mike's Fried Chicken" Fast Food Take-out B-2 Zone

Mr. Doring received and read the following correspondence: Robert Bauer, ZEO - notice dated April 22, 1991.

Mr. Cantineri said that 70% of his establishment is kitchen, storage and counter space, and approximately 30% is for people to come in and out. Mr. Doring said that Mr. Bauer, ZEO, would have to be given the information as to square footage data in order that parking space could be computed. Mr. Cantineri said that no tables would be present.

George Harris 99 Ridge Rd. Sale of Farm Grown Products

Vivian Harris appeared to request a temporary permit to sell produce. She explained that they would like to sell seasonal items for more than the six-month period as in addition to having a greenhouse, they would like to do market gardening, sell pumpkins, etc. in the fall, and also deal with other seasonal items. This regulation is to be discussed with Atty. Tom Byrne to see if an extension beyond the six-month period can be granted. Mr. Doring made a motion to grant a six-month permit to George and Vivian Harris. Mr. Marsh seconded the motion and it was approved unanimously.

Kim Coolbeth 38 Old State Rd. (Informational Update)

Atty. Pellegrini came forward and said that he was representing Mr. Coolbeth and that they had gone over the April 10, 1991 letter from Mrs. Brickley, AZEO. Atty. Pellegrini stated that Mr. Coolbeth decided that his best alternative is to do basically what the Commission has requested and to come back to the Commission without a revised site plan or go to the ZBA to seek what kind of a variance, and then come back to the Commission. He reported that he was informed by Mr. Coolbeth that there will be no more removal at all, not even the 2,000 yds. He confirmed that the stipulations were adhered to.

Drzal Gravel Mine Restoration Calling of Bond

Mr. Doring reported that members of the Zoning Commission and Mr. Bauer, ZEO and Mrs. Brickley, AZEO went to the premises and said that it was difficult to establish any meaningful discussion from their visit, and requested authorization from the Commission to request the Town Council to authorize the Zoning Commission to call the surety bond held. Mr. Lavalette made a motion that this be done. Mr. Doring seconded the motion and it was approved unanimously. Mr. Doring said he had talked to Atty. Byrne and once

the bond is called he wants Atty. Byrne to give step-by-step procedures to follow in carrying this out. Mrs. Brickley reported that she has put the Surety Co. on notice that it is in the process that the bond is being called.

IV OLD BUSINESS:

Rocky River Gravel Mine Daniel Arciola

Mrs. Brickley is to send a letter to Mr. Arciola informing him that the "Cease & Desist" had been lifted and that he can proceed until his new permit comes due.

V ZONING ENFORCEMENT OFFICER'S REPORT

Mr. Bauer submitted a report dated April 23, 1991 for their review.

VI BUSINESS MEETING:

Mr. Lavalette made a motion to approve the application of Michael Cantineri, 278 Danbury Rd., Sunrise Plaza, doing business as "Mike's Fried Chicken" for a Fast Food Take-out in a B-2 Zone, contingent on the stipulation that the amount of retail area be divulged in order that Mr. Bauer, ZEO, can compute parking space availability. Mr. Doring seconded the motion and it was approved unanimously.

A motion was made by Mr. Doring to go into Executive Session at 11:30 p.m. to discuss pending litigation regarding Waste Management, Inc. of CT. Mr. Davin seconded the motion and it was passed unanimously.

Mr. Lavalette made a motion to come out of Executive Session at 11:45 p.m. The motion was seconded by Mr. Marsh and it was passed unanimously. No decisions or motions were made.

Mr. Doring made a motion to add to the agenda, the hearings which were heard earlier this evening for discussion purposes only. Mr. Davin seconded the motion and it was carried unanimously.

Bills & Communications: Not reviewed.

Mr. Doring made a motion to accept the minutes of April 9, 1991. Mr. Davin seconded the motion and it was carried unanimously.

Mr. Lavalette made a motion to adjourn the meeting at 12:00 midnight. Mr. Doring seconded the motion and it was carried unanimously.

Respectfully submitted,

*Duane Davin, Jr.*  
Duane Davin, Jr.  
Secretary

TOWN CLERK  
NEW MILFORD

MAY 1 12 25 PM '91

ZONING COMMISSION MOTIONS  
April 30, 1991

Present: George Doring - Chairman  
Arthur Lavalette - Vice Chairman  
Duane Davin - Secretary  
Donald Marsh  
James Lambert - Alternate  
Charles Raymond - Alternate  
Gary Santini - Alternate

Robert Bauer - Zoning Enforcement Officer  
Loretta Brickley - Assistant Zoning Enforcement Officer

Mr. Lavalette made a motion to close the public hearing of Rocky River Gravel Mine, D/B/A CT Rock Products, Kent Rd., Permit #4, requesting a gravel renewal permit. Mr. Santini seconded the motion and it was carried unanimously.

Mr. Lavalette made a motion to close the public hearing of Squash Hollow Gravel Mine, Kent Rd., Permits #43 & #25, requesting a gravel renewal permit. Mr. Davin seconded the motion and it was carried unanimously.

Mr. Lavalette made a motion to close the public hearing of Advance Stone, Inc., Boardman Rd., Permit #15, requesting a gravel renewal permit. Mr. Santini seconded the motion and it was carried unanimously.

Mr. Lavalette made a motion to close the public hearing of Property Investors, Inc., Sullivan Rd., Permit #7, requesting Release of Bond in the amount of \$2,700. Mr. Doring seconded the motion and it was carried unanimously.

Mr. Lavalette made a motion to close the public hearing of Docktor Brothers, Pickett District Rd., Permit #14 & #49, requesting a gravel renewal permit. Mr. Santini seconded the motion and it was carried unanimously.

Mr. Lavalette made a motion to adjourn the meeting at 9:00 p.m. Mr. Doring seconded the motion and it was carried unanimously.

Respectfully submitted,

*Duane Davin, Jr.*  
Duane Davin, Jr.  
Secretary

pcp

TOWN CLERK  
NEW MILFORD

MAY 3 12 13 PM '91

ZONING COMMISSION  
April 30, 1991  
Special Meeting - Gravel Mine Permit Renewals

The meeting was called to order by George Doring, Chairman, at 7:30 p.m. Present were George Doring-Chairman, Arthur Lavalette-Vice Chairman, Duane Davin, Jr.-Secretary, Donald Marsh, Gary Santini-Alternate, Charles Raymond-Alternate, James Lambert-Alternate, Robert Bauer-ZEO and Loretta Brickley, AZEO.

Mr. Doring appointed Mr. Santini to be seated for Mr. LaTour.

PUBLIC HEARINGS:

The secretary, Mr. Davin read the legal notice which had been published April 18 and April 25, 1991, regarding gravel mine renewal permits.

Mr. Doring read a memorandum dated April 30, 1991 from Mr. MacWilliams, Public Works Director, regarding site restoration recommending the following site restoration bonds: Rocky River, \$682,000. (Site restoration bond includes grading area); Advance Stone, Inc., \$616,000. (Site restoration bond); Squash Hollow, \$132,000. (Site restoration bond).

Rocky River D/B/A CT Rock Products, Kent Rd. Permit #4

Mrs. Brickley reported that she had received the new maps, application, \$200. fee, letter of credit submitted in the form of a cash bond, (copy of passbook in the amount of \$122,000. to allow operation for the remainder of the operating year), insurance certification. Mr. Doring received and reviewed the following correspondence: notices dealing with lapsed bonding; copy of caveat placed on land records; new map. Atty. Guendelsberger and Mr. Arciola came forward representing Rocky River Gravel Mine. Mr. Arciola stated that this gravel bank and existing driveway were there before zoning. Mr. Doring and Mr. Bauer both stated that they had been on-site and that the operation seemed to be well managed with a few slight exceptions. Mr. Doring stated that it was determined that the previous bonding amount was insufficient. Mr. Arciola stated that he did not know where Mr. MacWilliams came up with this new Bond amount of \$682,000., which he felt was way out of line and also he would like to know when Mr. MacWilliams went to the site. Restoration guidelines were discussed, and Mr. Arciola commented that there in nothing there to restore on a considerable amount of the mine. Mr. Doring differentiated this type of mine and said that these are quarry mines. Atty. Guendelsberger commented that he felt that Mr. MacWilliams, Public Works Director, should have been present at this meeting. Mr. Doring said that this would be inter-agency cooperation and Mr. MacWilliams was not required to be present, but a meeting with him could be initiated. Mr. Bauer questioned Permits #45A & B and it was determined that these no longer need to exist. Mr. Arciola

stated that due to rock face, there is not that much to restore. Mr. Doring concluded by saying that a Bond will be set and if they decide it is unfair and not to pay it, the permit will lapse until at whatever time they choose to pay. Meanwhile the \$122,000. bond will carry them through the operating year. Mr. Lavalette made a motion to close the public hearing of Rocky River Gravel Mine, D/B/A CT Rock Products. Mr. Davin seconded the motion and it was carried unanimously.

Squash Hollow Permits #43 & #25 Kent Rd.

Mrs. Brickley reported that she had received the application, \$200. fee, existing map and insurance certification. However, she needs the letters of credit from both the owner and the operator. Also, a new map will be required and Mrs. Brickley was told that this would be supplied. Mr. Doring reviewed the correspondence that he had received. He reported that he had been on-site and determined that the operation was quite different than it was a few years previous and would be considered a quarrying operation. Violations were disclosed. Mr. Doring stated that he was concerned that there was an operation going on that was not approved by the Zoning Commission and this was that it was being used as a transfer station. The owner, Mr. Rudolf Geissler declared that this "transfer of recyclables" has stopped. Mr. Doring commented that he believed the intention was to get that land ready for sale and Mr. Geissler said there are several things that need to be done and described his restoration plan. Mr. Doring instructed Mr. Geissler that the agreement can be modified if necessary by the Zoning Commission. Mr. Geissler was told that the trailer was not conforming to the 50' setback from the property line and also the berm requirement was not adhered to. Mr. Geissler agreed that this would be rectified and hopefully he will be able to submit a new survey map shortly. Regarding the new soil being brought in, Mr. Santini commented that he thought for their own protection, they would want to make sure the soil that was brought in was not contaminated. Mr. Marsh commented that the DEP does specify where their soil is to go. Mr. Bauer stated that the operator was accumulating "a lot of junk" and was then informed by Mr. Geissler that the tires had been removed and the remained was to be removed shortly. Mr. Doring said that regarding the unusable truck, that Mr. Bauer is to make an inspection and Mr. Geissler requested to notified so he could be present at that time. Mr. Geissler said he had a question about the format of the letter of credit. He said he had a problem with his bank, as his bank wants to be told regarding the renewal and absolutely refuses to make it automatic and does not want to have the burden of policing the bond. Mr. Doring said the Commission went to Atty. Byrne for suggestions and he presented the Commission with this irrevocable letter of credit. Mrs. Brickley is to forward this concern to Atty. Byrne and Mr. Geissler requested that he be informed of this information. Mr. Lavalette made a motion to close the public hearing of Squash Hollow Gravel Mine. Mr. Davin seconded the motion and it was carried unanimously.

Advance Stone, Inc. Permit #15 (5 through 14) & Permit #15 (1 through 4) Boardman Rd.

Mrs. Brickley reported that she had received the application, \$400. total fees, existing map, and insurance certification. Mr. Doring reported that this is also a quarrying operation in an industrial zone. He reported that this operation was also inspected and found it to be a well-run operation. Mr. Bauer reported on the site conditions. Mr. Kovacs said he did not agree with the Bond amount set by Mr. MacWilliams, and he was not present when the inspection was done. In answer to Mrs. Brickley's concern, Mr. Kovacs said that the sub-division was not in effect at all. Mrs. Brickley mentioned that in according to previous minutes, some items were disclosed that were to be removed. Mr. Doring clarified the situation and Mr. Kovacs said that the tank is to be used for a tunnel for the conveyor. Mr. Lavalette made a motion to close the public hearing of Advance Stone, Inc. Mr. Santini seconded the motion and it was carried unanimously.

Property Investors, Inc. Permit #7 Sullivan Road

Mr. Dominick Peburn came forward requesting Release of Bond in the amount of \$2,700. Mr. Lavalette made a motion to close the public hearing of Property Investors, Inc. Mr. Doring seconded the motion and it was carried unanimously.

Docktor Brothers Permit #14 & #49 Pickett District Rd.

Mr. Doring read correspondence from Robert Bauer, ZEO, dated April 30 1991, regarding a Cease & Desist Order issued for failure to renew restoration bonds as required by Article XV of the Zoning Regulations. Mrs. Brickley reported that she had received the application, existing maps and the \$400. total fees. Mr. Bauer reported that Docktor Brothers were cited for no bond and that no information was received about restoring the bond, since he had sent the Cease & Desist Order. This situation was discussed and it was determined that Mr. Bauer is to attempt to call and also to send a Certified Return Receipt Request letter, and if nothing is received by the required date, this would renewal would be denied.

Mr. Lavalette made a motion to close the public hearing of Docktor Brothers. Mr. Santini seconded the motion and it was carried unanimously.

Mr. Lavalette made a motion to adjourn the meeting at 9:00 p.m. Mr. Doring seconded the motion and it was carried unanimously.

Respectfully submitted,

*Duane Davin, Jr.*  
Duane Davin, Jr.  
Secretary

pcp

TOWN CLERK  
NEW MILFORD  
MAY 7 10 29 AM '91



Town Clerk

ZONING COMMISSION MOTIONS  
May 7, 1991

Present: George Doring - Chairman  
Arthur Lavalette - Vice Chairman  
Duane Davin - Secretary  
Donald Marsh  
Gerald LaTour  
James Lambert - Alternate  
Gary Santini - Alternate

Robert Bauer - Zoning Enforcement Officer  
Loretta Brickley - Assistant Zoning Enforcement Officer

Mr. Lavalette made a motion to approve the application of Michael Kola, 174 Danbury Rd. (New Milford Shopping Plaza) for a Restaurant and Pizza in an I Zone. Mr. Doring seconded the motion and it was approved unanimously.

Mr. Lavalette made a motion to accept the request for a public hearing on June 6th for Bible Baptist Church, Kent Rd. and Barton's Building, 27 Main Street. Mr. Doring seconded the motion and it was carried unanimously.

Mr. Lavalette made a motion to accept the resolution for a special permit application and site plan for Ronald & Donna Lockwood, 6 Woods End for an accessory apartment. Mr. Doring seconded the motion and it was approved unanimously.

Mr. LaTour made a motion to accept the resolution for West Street Landmark and amended it, that bonding be set in an amount as determined by Mr. MacWilliams, Public Works Director, regarding landscaping and parking. Mr. Davin seconded the motion and it was approved unanimously.

Mr. Lavalette made a motion to accept the resolution for a special permit application and site plan for Ronald Richter, (Rocky's Station Cafe), 10 Railroad St. for restaurant expansion. Mr. Davin seconded the motion and it was approved unanimously.

Mr. Lavalette made a motion to accept the resolution regarding the application to amend the New Milford Zoning Regulations, Article II-X, Uses Permitted in the Government Services Zone. Mr. Doring seconded the motion and it was approved unanimously.

Mr. Doring made a motion to accept the minutes of April 23, 1991, with the following additions: Page 3 - Paragraph 4, addition of Dr. Britt's name to Pastor; addition of Gerald LaTour to Commission Members present. Mr. Lavalette seconded the motion and it was carried unanimously.

Mr. Lavalette made a motion to go into Executive Session at 9:25 p.m. The motion was seconded by Mr. Davin and carried unanimously.

Mr. Doring made a motion to come out of Executive Session at 9:55 p.m. The motion was seconded by Mr. Davin and carried unanimously. No decisions or motions were made.

Mr. Doring made a motion to adjourn the meeting at 10:00 p.m. Mr. Davin seconded the motion and it was carried unanimously.

Respectfully submitted,

*Duane Davin, Jr.*  
*DP*

Duane Davin, Jr.  
Secretary

pcp

TOWN CLERK  
NEW MILFORD  
MAY 8 2 00 PM '91

**ZONING COMMISSION  
MAY 7, 1991  
REGULAR MEETING  
MINUTES**

George Doring, chairman, called the meeting to order. Present: Arthur Lavalette, Duane Davin, Don Marsh, Gerald LaTour, Jim Lambert, alternate, Gary Santini, alternate, Loretta Brickley, assistant zoning enforcement officer.

**Public Participation**

Sylvia Prieskorn and Alan Prieskorn of 12 Dean Road were present to ask the commissions help in getting something done with the Larson property. Mrs. Prieskorn said it was a mess with rusted cars, tires, etc. She said she asked Mr. Larson to be at this meeting tonight but he chose not to come. There are buildings falling down on the property. Mr. Doring said Bob Bauer went to the site and said that whatever can legally be done will be done. He suggested that the zoning office may not be able to do anything. He said the office will do whatever it is able to do under the statutes. Mrs. Brickley said Mr. Larson is not cooperating with the town. Mrs. Prieskorn said she is concerned about the junk from a health standpoint. Mr. LaTour noted that the house is on the corner of Route 67 and Taylor Road.

Jim Mitchell was present and said that he was also complaining about the Larson property. Kevin Cox a resident of New Milford was also present.

Mr. Doring read a letter from the Dean Road residents. One of the residents asked what could be done by statute. Mr. Doring said as far as zoning is concerned if the zoning enforcement officer makes the determination that that is junk, there is formula for that, he can order the area to be cleaned. Mr. Doring was unsure whether the commission could actually remove the junk and lien the property for costs.

Mrs. Prieskorn just wanted assurance that something would be done. Mr. Doring suggested that at a staff meeting Mrs. Prieskorn sit in so that there would be a coordinated effort on behalf of the town. Mr. Marsh asked if it was a working farm. The residents present said he did have sheep on the farm. Mrs. Prieskorn noted that the house and yard is getting worse every year.

Larry Greenspan a resident of New Milford was present to discuss downzoning. He suggested reversion of a zone as a solution. He said if a downzone is granted on the basis of a site plan, then if property not implemented on basis of site plan or the property sold than the zoning commission should have the right to revert the land back to the original zone. Mr. Greenspan asked the commission to think about this reversion clause.

## NEW BUSINESS

Michael Choler(?) was present to discuss the New Milford Shopping Plaza Restaurant in the former Baskin Robbins. Mr. Choler said he recently signed a lease with the owners. Mr. Doring said the problem with this application is going under the old regulations for that shopping center 2049 parking spaces would be needed. The new regulations are different but this shopping center was approved under the old regulations. Mr. Choler noted that there was a restaurant next to the card shop and Bradlees (Jericho's) also there was a deli in the shopping center at some time. He said the maximum seating will be 70 people. 35 spaces will be required for this restaurant.

Attorney Terry C. Pellegrini and Jane Gregory were present to discuss the proposed regulation which Mr. Pellegrini drafted before the March 12th meeting. The commission indicated the criteria that it wanted to see in the amendment, special permit process, parking, existing building and in the sewer district. Mr. Pellegrini said he attempted to incorporate those criteria but also be flexible with them such as parking in the downtown area. He did limit it to an existing structure which was requested. In regard to the sewerage if a subsurface disposal system satisfactory to the Department of Health could be developed that would be sufficient. Mr. Pellegrini said he put that in because there are areas on 202 in a B-1 zone where sewers are not presently available but this regulation might still be of interest to them. Item 3 is same as the current Village Center Zone regulation. Item 4 is an attempt by Mr. Pellegrini to provide an incentive for anyone using this combination of use to do a good job. Mr. Pellegrini noted that the burden of proof would be on the applicant to show the commission that what is being done is best for the town and is in good taste. Mr. Davin asked what this amendment would do that the regulations currently do not do besides eliminating the 40,000 square feet. Mr. Pellegrini said this would allow an owner to take an existing property and mix and match the business and residential uses without regard to the square footage. This will also provide some flexibility with regard to parking. The amendment does allow for the special permit process to waive and/or impose building schedule requirements to fit the project. Mr. Santini asked why this amendment had to be just for existing buildings and not for new construction. Mr. Pellegrini said it was the consensus of the commission that it be limited to existing structures and the areas of concern that he is aware of deal with existing structures. Mr. Santini said he would like to see this amendment apply to new construction as well. Mr. Pellegrini noted that the amendment he proposed said if a subsurface disposal system met the requirements of the public health code than the applicant would not be precluded. Mrs. Brickley asked about the parking. Mr. Pellegrini said his intent was that the commission could look at each unit and

decide if there was parking on or nearby, such as municipal parking. Mrs. Brickley said the ZBA has responsibility if there is not enough parking to find additional to meet this requirement. Mrs. Brickley said she felt the parking situation should be consistent. Mr. Lavalette said that ZBA's role now is to find additional parking spaces to be used now but they can't play with the numbers, this amendment would allow the zoning commission to play with the numbers and find additional spaces. Mr. Pellegrini said this commission could take into consideration that there is available parking, such as a municipal lot, but would not necessarily take the role of ZBA. He asked if the commission felt this should be petitioned for public hearing. Mr. Doring said he would like more time to look over the proposed amendment and allow the commission to add any thoughts to it. Mr. Lavalette said he was not comfortable with 4 b and c because he felt they were value judgements. Mr. LaTour said he felt that item c was important because the need is there and it should be in the amendment otherwise item c is irrelevant without it. He also said he liked the idea because it would preserve some structures that might not be economically able to survive, however, he said he didn't like the unlimited boundaries. Mr. Doring said he felt better about just including the village center zone. Mr. Pellegrini said there were a lot of areas outside the village center zone that this ordinance could preserve. Mr. LaTour reiterated that he wanted fixed boundaries. Mr. Greenspan said he supported this concept as an excellent way to preserve existing structures. He said the Trust for Historical Preservation would support this type of ordinance as well because of the preservation factor. Mr. Doring noted that this regulation rules out any adding to an existing structure. Mr. Pellegrini said he did not preclude the possibility of exterior modifications but he felt that should be a judgement call of the commission. This item will be further discussed at the next meeting.

**Kim Coolbeth, 38 Old State Road** - Mrs. Brickley noted that the bond money is not in as required, no more materials are being taken out, he has closed off the north end, all the slopes are seeded and mulched. Mrs. Brickley said she assumes he is getting ready to submit a site plan. An \$8,000 passbook is still held by this commission.

#### **Zoning Officers report**

There was some discussion about the retail project up behind the Fern's Restaurant. No other discussion on Zoning officers report.

#### **Business Meeting**

Michael Choler application, New Milford Shopping Plaza - Mr. Lavalette moved to approve the application, Mr. Davin seconded. Passed unanimously.

Bible Baptist Church on Kent Road - public hearing acceptance, change in plans regarding driveway and parking. Mr. Lavalette moved to accept June 11 for public hearing on this project, Mr. Doring seconded. Passed unanimously.

Barton's, 27 Main Street - renovations to front of the building in Village Center Zone. Mr. Lavalette moved to accept June 11 for public hearing on this project, Mr. Doring seconded. Passed unanimously.

#### **George DeVoe**

DeVoe application still going through Wetlands Commission.

#### **Resolution for approval of Lockwood application - 6 Woods End**

A motion was made to approve the special permit and the site plan for the application of the Lockwoods for an accessory apartment on 6 Woods End Road incorporating all of those items as listed on the proposed resolution, Mr. Doring seconded. Since Mr. LaTour was not present at the public hearing Mr. Santini, who was present, was seated in his place. Passed unanimously.

#### **West Street Landmark**

Mr. Doring noted that it seems that every building that can't qualify under another regulation is qualifying under this Landmark district. He said he's beginning to wonder if the commission isn't stretching things to far calling them landmarks. He mentioned that the building did meet the review of the Trust for Historical Preservation. He also has concerns that there may not be enough parking. Mr. Lavalette said this does preserve the building and allows for housing in an area where housing is necessary. He said it was a good idea to enhance the building and make it more usable.

Mr. Doring made a motion to adopt a resolution of approval, Mr. Davin seconded.

Mr. LaTour said he liked the proposal and felt it was the right thing to do to a building that may become an eyesore. He said he did have a concern about the property condition. Some discussion followed about bonding on this project. Mrs. Brickley suggested that some money be put down so that the commission could check to see that what they said was going to be done was done.

Mr. Doring amended the motion to include: the amount of bonding to assure performance of the requirements of the resolution be that as set by the Director of Public Works, Mr. Davin accepted the amendment. Passed unanimously.

#### **FIRST NEW MILFORD BAPTIST CHURCH**

No report had been received from the Inland Wetlands Commission so no action was taken.

**RONALD RICHTER - 10 Railroad Street**

Mr. Lavalette moved to adopt a resolution of approval for special permit 1691, Mr. Davin seconded. Passed unanimously.

**DIMITRI'S**

No return receipts were returned to the office. Mr. Doring wondered what the variance meant in terms of parking at this site, the office will be getting this information.

**PROPOSED AMENDMENT TO ZONING REGULATIONS ARTICLE II-X**

Mr. Lavalette moved to approve the amendment to the regulation Article II-X, Mr. Doring seconded. Mr. Santini mentioned that section 1-2, Government Service Zone is listed by assessor map and lot number only and suggested that needed to be deleted. Mr. LaTour suggested that some of the regulations may need to be reworded. Mr. Doring said at this point it is imperative for the commission to act on this and then later work on the regulations. Passed unanimously.

**GRAVEL RENEWALS**

Mrs. Brickley mentioned that she asked the banks to submit a copy of their original letters of credit. The commission will discuss this at the next meeting.

**DISCUSSION OF TOWN PLANNER REGARDING MULTI-RESIDENTIAL ZONES**

The commission will invite the Town Planner to the next meeting.

**BILLS**

Office of Thomas Byrne -  
-Professional services rendered - \$2,225.00.  
-Ginsberg appeal - \$425.00

Sienkiewicz, McKenna, Sienkiewicz - \$1,615.40

**CORRESPONDENCE**

List attached

**MINUTES**

April 23rd minutes corrections: page 3, add the Pastor's name (Dr. Britt?), Gerald LaTour was present. Mr. Lavalette moved to accept the April 23rd minutes of the regular meeting as corrected, Mr.

Doring seconded. Passed unanimously.

April 30th minutes - next meeting.

Mr. LaTour moved to go into executive session to discuss legal issues, Mr. Davin seconded. Passed unanimously.

No motions were made in executive session.

The meeting was adjourned.

Minutes transcribed by:

*Stephanie R Barksdale*  
Stephanie R. Barksdale

TOWN CLERK  
NEW MILFORD  
MAY 22 10 47 AM '91



# TOWN OF NEW MILFORD

PHONE (203) 355-6095



29 CHURCH STREET

NEW MILFORD, CONNECTICUT 06776

Office of ZONING COMMISSION

May 8, 1991

Mr. and Mrs. Ronald Lockwood  
6 Woods End Road  
New Milford, Connecticut 06776

Dear Mr. and Mrs. Lockwood:

The New Milford Zoning Commission, at their meeting of May 7, 1991, approved your request for an accessory apartment.

Enclosed is a copy of the approved resolution which, in order to be effective, must be filed in the office of the Town Clerk. As well, before any permits are issued, proof of filing this document must be submitted to our office.

Should you have any questions, please feel free to contact our office.

Very truly yours,

*George Doring*  
George Doring, Chairman *GD*

GD/LB

Copy: Town Clerk ✓  
Zoning Enforcement Officer  
Health Dept.  
Building Dept.

Enc.

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

# TOWN OF NEW MILFORD

PHONE (203) 355-6095



29 CHURCH STREET

NEW MILFORD, CONNECTICUT 06776

Office of ZONING COMMISSION

## ADOPTED RESOLUTION

6 Woods End Rd. - (legal non-conforming lot)

Accessory Apt. R-80 zone 1.030 acres

Special Permit #13-91

The New New Milford Zoning Commission rendered the following action at their meeting of May 7, 1991.

RESOLVED to APPROVE a special permit #13-91 under Article II-No. 11, to permit an accessory apartment and the accompanying site plan consisting of 950 sq.ft. located at 6 Woods End Rd. in the R-80 Zone;

Owner of Record: Ronald and Donna Lockwood

### PROVIDING:

1. That the accessory apartment shall be constructed per drawings submitted at the hearing of April 9, 1991.
2. That the primary unit continue to be owner occupied.
3. That parking be provided for the secondary unit and recorded on site plan.
4. That the renewal of this special permit shall be re-issued, if no violations exist and the accessory apartment continues to comply with the standards set forth in Article II-No. 11 of the Zoning Regulations.
5. That the application for renewal shall be made by March 4,

1992.

6. That any transfer of title requires a new affidavit verifying owner occupancy.
7. That the failure to renew the special permit shall result in immediate revocation of the permit.
8. That the refusal of any lawful inspection of the secondary unit by the Zoning Enforcement Officer shall revoke the special permit.
9. That the site plan reflects a legal non-conforming lot and is approved as submitted.

REASONS:

In granting the special permit, the Zoning Commission of the Town of New Milford wishes to state upon its records that in the Commission's judgment, the subject property will not exert a detrimental effect on the development of the district nor on the value of nearby properties.

Location of house on lot will assure the privacy of neighbors and that in this instance, it is a reasonable use of the premises.

EFFECTIVE DATE: May 17, 1991

BY: George Doring  
George Doring, Chairman

TOWN CLERK  
NEW MILFORD  
MAY 8 1 21 PM '91  
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# TOWN OF NEW MILFORD

PHONE (203) 355-6095



10 MAIN STREET

NEW MILFORD, CONNECTICUT 06776

Office of ZONING COMMISSION

At the Zoning Commission meeting of May 28th, 1991, the following action was rendered:

RESOLVED to APPROVE a special permit application under Article II-No. 7 (a) to construct a church for The First New Milford Baptist Church; property located on Little Bear Hill Road - Assessors Map 173 - Lot 4 in the R-40 Zone;  
Owner of Record: The First New Milford Baptist Church

PROVIDING:

That the facility shall be constructed and site improvements completed as per drawings prepared by Raymond W. Martin, R.A. Riordan Surveying, L.S., David P. Thompson, P.E.

- (a) Site Plan & Landscaping Schedule SD-1
  - (b) Architectural Drawings A1 - A7
  - (c) Site Engineering Drawings including grading plan, erosion control.
  - (d) Sign Design SK-1
2. That the existing house will be used for church purposes.
  3. That the mature trees in close proximity to construction area will remain undisturbed and shall be protected with snow fencing.
  4. That the illumination plan prepared by the Genlyte Group be adhered to and utilized only when church activities occur.

5. That prior to the initiation of any construction activity or issuance of a zoning permit, it shall be the responsibility of the applicant or developer to coordinate with the ZEO for the inspection of erosion and sedimentation control measures, time tables and other matters of mutual interest and responsibility.
6. That the proposed eighty (80) parking spaces be of hard surface and delineated.
7. That the zoning office shall retain the right to require additional shielding of lighting fixtures to avoid glare off site.
8. That a permit and compliance with the applicable requirements of the Zoning Regulations will be required for the proposed sign.
9. That a landscaped buffer extend on the westerly lot line to extend northerly to the front setback line of 40'.
10. That all catch basins be maintained.

REASONS:

In granting the above special permit and accompanying site plan, The Zoning Commission of the Town of New Milford wishes to state upon its record that in the Commission's judgement, the subject project will not exert a detrimental effect on the development of the district nor on the value of nearby properties.

The site plan and architectural plans harmonize with the neighborhood.

The lot size is more than adequate for the use to be established.

The traffic report submitted was acceptable.

An application to conduct activities within wetlands in the Town of New Milford was granted by the Inland Wetlands Commission and due consideration was given to their report.

Copies of the above decision is duly filed in the office of the Town Clerk and shall become effective June 7th, 1991.

Dated at New Milford, Connecticut this 6th day of June, 1991

By: Duane Davin, Jr.

Secretary

Please publish June 6th, 1991

TOWN CLERK  
NEW MILFORD

MAY 31 11 57 AM '91

TC

ZONING COMMISSION  
REGULAR MEETING  
MAY 28, 1991  
MOTIONS

The meeting was called to order at 7:33 pm by George Doring, Chairman. Present: Chip Davin, Don Marsh, Charlie Raymond, alternate, Jim Lambert, alternate, Gerald LaTour, Arthur Lavalette, Bob Bauer, enforcement officer, Loretta Brickley, assistant enforcement officer. Absent: Gary Santini, alternate.

**Carole Peck's Restaurant**

Mr. Lavalette moved to approve the application with the two additional parking spaces, to the left of 1 and 20 looking towards the property from the road, also a new site plan must be submitted, Mr. LaTour seconded. Passed unanimously.

**Kai Tai Chan, Take-Out Restaurant**

Mr. Lavalette moved to approve the application, Mr. Davin seconded. Mr. Davin wanted the fact that no tables would be allowed on the record. Mr. LaTour amended the motion to say contingent upon the approval of the Director of Health. Mr. Lavalette accepted the amendment, Mr. Davin, as seconder, accepted the amendment.

**Kathy Gillis, Above Ground Pool**

Mr. Lavalette moved to approve the application, Mr. Davin seconded. Passed unanimously.

**Brian Filkowsi, Gaylordsville River Cafe**

Mr. Lavalette moved to approve the application with the constraints as shown on the Zoning Board of Appeals variance and having the land records show the need for offsite parking as part of the site approval, Mr. LaTour seconded. Passed unanimously.

**FIDCO, Boardman Road**

Mr. Lavalette moved to approve the application with the constraints as shown on the Zoning Board of Appeals variance #1801, Mr. Davin seconded. Passed unanimously.

**First New Milford Baptist Church**

Mr. LaTour moved to approve the proposal of First New Milford Baptist Church as outlined in the proposed resolution, item #9 amended to have landscape buffer extending northerly to the front setback line, Mr. Marsh seconded. Passed unanimously.



## **Gravel Permits**

### **Squash Hollow**

Mr. Lavalette moved to approve the application to continue the operation of Squash Hollow Consult with the bonding amount as recommended by the Director of Public Works, bonding format as recommended by Attorney Thomas Byrne, said permit to cover the time period June 1, 1991 to May 31, 1992, provided that said are bonds on file no later than July 1, 1991, Mr. Raymond seconded. Passed unanimously.

### **Connecticut Rock Products, Inc.**

Mr. Lavalette moved to approve the application to continue the operation of Rocky River with the bonding amount as recommended by the Director of Public Works, bonding format as recommended by Attorney Thomas Byrne, said permit to cover the time period June 1, 1991 to May 31, 1992, provided that said are bonds on file no later than July 1, 1991, Mr. Davin seconded. Passed unanimously.

### **Advanced Stone, Inc.**

Mr. Lavalette moved to approve the application to continue the operation of Advanced Stone, Inc. with the bonding amount as recommended by the Director of Public Works, bonding format as recommended by Attorney Thomas Byrne, said permit to cover the time period June 1, 1991 to May 31, 1992, provided that said are bonds on file no later than July 1, 1991, Mr. Raymond seconded. Passed unanimously.

### **Docktor Brothers**

Mr. Lavalette moved to approve the application to continue the operation of Docktor Brothers with the bonding amount as recommended by the Director of Public Works, bonding format as recommended by Attorney Thomas Byrne, said permit to cover the time period June 1, 1991 to May 31, 1992, provided that said are bonds on file no later than July 1, 1991, Mr. Raymond seconded. Passed unanimously.

### **Property Investors, Inc.**

Mr. Lavalette moved to return the \$2700.00 remaining on Property Investors, Inc. bond, Mr. Davin seconded. Mr. Davin and Mr. Lavalette voted for, Mr. Marsh, Mr. Raymond and Mr. Doring voted against. Motion failed.

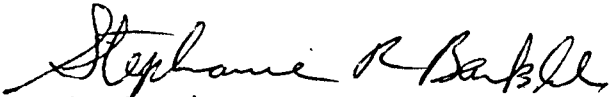
Mr. Doring moved to give back the bonding money provided the whole area is seeded per the regulations, Mr. Lavalette seconded. Passed

unanimously.

Mr. Doring moved to approve the minutes of the regular meeting May 7, 1991, Mr. Lavalette seconded. Passed unanimously.

Mr. Lavalette moved to adjourn at 9:30 pm, Mr. Doring seconded. Passed unanimously.

Motions recorded by:

  
Stephanie R. Barksdale

**RECEIVED MAY 30 1991**

TOWN CLERK  
NEW MILFORD

MAY 31 8 45 AM '91

70

ZONING COMMISSION  
REGULAR MEETING  
MAY 28, 1991  
MINUTES

The meeting was called to order at 7:33 pm by George Doring, Chairman. Present: Chip Davin, Don Marsh, Charlie Raymond, alternate, Jim Lambert, alternate, Gerald LaTour, Arthur Lavalette, Bob Bauer, enforcement officer, Loretta Brickley, assistant enforcement officer. Absent: Gary Santini, alternate.

**Public Participation**

There was none.

**Carole Peck's Restaurant**

Mr. Doring reminded the commission that they had agreed to waive the fee if this applicant returned with a new application.

Mr. Lavalette moved to waive the fee for Carole Peck's Restaurant application, Mr. LaTour seconded. Passed unanimously.

A variance had been granted and Mr. Doring read the minutes of the Zoning Board of Appeals regarding this property. The applicant is requesting the use of the garage in the northwest corner of the premises. Additional parking spaces are required. Mr. Doring suggested a parking space be added to the south of each row of parking.

**Kai Tai Chan, Take-Out Restaurant**

This restaurant will be located at the opposite end of Sporty's Bar on Park Lane. Mr. Doring noted that it was change of use but the parking requirements stay the same. The restaurant will have to meet the requirements for the Health Department and the Fire Marshall. He asked the applicants if they understood that no tables would be allowed in the restaurant. The applicants said they did understand that rule, also, they mentioned that once they got zoning permission they would be going to the sanitarian.

**Kathy Gillis, Above Ground Pool**

Ms. Gillis would like to put an above ground pool in her front yard as that is the only location that the pool will fit. Mr. Bauer noted in his report that the location for the pool was controlled by the septic and type of land.

**Brian Filkowski, Gaylordsville River Cafe**

Mr. Doring noted that a letter had been received from the Director of Health which stated that the property could accomodate a sewage

disposal system. The Fire Marshall also approved the project. The Zoning Board of Appeals granted the variance requested for offsite parking. The applicant would like to build a small banquet room and expand the restaurant area. Mr. LaTour asked if there was any protection to assure the lease for the parking remains in effect. Mrs. Brickley stated that the only protection would be to have it on the land records. Brian Filkowski noted that he is negotiating to purchase the land outright.

#### **FIDCO, Boardman Road**

Dennis Hovland of FIDCO was present to discuss this application. The Zoning Board of Appeals granted a variance for parking in the front setback. Mr. Lavalette asked if Little League would be allowed to use the parking lot. Mr. Hovland said it would serve as a parking lot for the 8 am - 5 pm employees and as a parking lot for evening Little League and weekend Little League. He noted that there would still be parking on the east side and that this would only eliminate parking on the west side of the road.

#### **Combination Uses - Terry Pellegrini**

Mr. Pellegrini said he had nothing new to discuss on this at this meeting.

#### **Old Business**

There was none.

#### **New Business**

#### **Zoning Enforcement Officer Report**

Mr. Bauer said he had investigated the fill going into Waste Management which is coming out of Brookfield. He said it is possible that about 25% will be of greater than screen size and thought it might have to be hauled out to be crushed and then brought back to the site. He mentioned that at the monthly staff meeting the group agreed to try and do whatever is possible on the Larson Farm. The tires which were at Squash Hollow are now gone.

#### **Acceptance for Public Hearing**

Ed Drzal, gravel mining permit - June 25, 1991

#### **Business Meeting**

#### **Carole Peck's Restaurant**

Mr. Lavalette moved to approve the application with the two additional parking spaces, to the left of 1 and 20 looking towards the property from the road, also a new site plan must be submitted,

Mr. LaTour seconded. Passed unanimously.

**Kai Tai Chan, Take-Out Restaurant**

Mr. Lavalette moved to approve the application, Mr. Davin seconded. Mr. Davin wanted the fact that no tables would be allowed on the record. Mr. LaTour amended the motion to say contingent upon the approval of the Director of Health. Mr. Lavalette accepted the amendment, Mr. Davin, as seconder, accepted the amendment. Passed Unanimously.

**Kathy Gillis, Above Ground Pool**

Mr. Lavalette moved to approve the application, Mr. Davin seconded. Passed unanimously.

**Brian Filkowski, Gaylordsville River Cafe**

Mr. Lavalette moved to approve the application with the constraints as shown on the Zoning Board of Appeals variance and having the land records show the need for offsite parking as part of the site approval, Mr. LaTour seconded. Passed unanimously.

**FIDCO, Boardman Road**

Mr. Lavalette moved to approve the application with the constraints as shown on the Zoning Board of Appeals variance #1801, Mr. Davin seconded. Passed unanimously.

**Height Limitation - Waste Management**

No word has been received from the Mayor.

**George and Claire DeVoe**

Awaiting Inland Wetlands Approval.

**First New Milford Baptist Church**

Inland Wetlands has approved the construction and are requesting a \$5000 cash bond or letter of credit and the maintenance plan for the proposed storm drainage be implemented. Mr. Doring noted that the resolution of approval has been amended to incorporate wetlands requirements. Mr. Lavalette suggested that item 9, landscape buffer, be amended to a definite landmark. Mr. Doring suggested the landmark be the front setback line which is 40'. Mr. LaTour questioned item 2 regarding Church purposes and wondered whether the commission should be preventing somethings. The commission agreed that it should not. Mr. Doring noted that item 6 required delineated parking spaces and a hard surface such as bituminous concrete. The commission agreed that a hard surface was necessary.

Mr. LaTour moved to approve the proposal of First New Milford Baptist Church as outlined in the proposed resolution, item #9 amended to have landscape buffer extending northerly to the front setback line, Mr. Marsh seconded. Passed unanimously.

#### **Dimitri's Restaurant**

A verbal response had been received from the Zoning Board of Appeals however Mr. Doring wanted it on letterhead to be official. Mrs. Brickley noted that the return receipt cards had not been presented to the department yet.

#### **Gravel Permits**

Mr. Doring said he spoke with Mr. MacWilliams regarding his recommended bonding amounts. He said if anybody wishes to dispute the amounts he would be willing to sit down with them and come up with revised figures.

Mr. Raymond was seated for Mr. LaTour.

#### **Squash Hollow**

Mr. Lavalette moved to approve the application to continue the operation of Squash Hollow Consult with the bonding amount as recommended by the Director of Public Works, bonding format as recommended by Attorney Thomas Byrne, said permit to cover the time period June 1, 1991 to May 31, 1992, provided that said are bonds on file no later than July 1, 1991, Mr. Raymond seconded. Passed unanimously.

#### **Connecticut Rock Products, Inc.**

Mr. Lavalette moved to approve the application to continue the operation of Rocky River with the bonding amount as recommended by the Director of Public Works, bonding format as recommended by Attorney Thomas Byrne, said permit to cover the time period June 1, 1991 to May 31, 1992, provided that said are bonds on file no later than July 1, 1991, Mr. Davin seconded. Passed unanimously.

#### **Advanced Stone, Inc.**

Mr. Lavalette moved to approve the application to continue the operation of Advanced Stone, Inc. with the bonding amount as recommended by the Director of Public Works, bonding format as recommended by Attorney Thomas Byrne, said permit to cover the time period June 1, 1991 to May 31, 1992, provided that said are bonds on file no later than July 1, 1991, Mr. Raymond seconded. Passed unanimously.

### Docktor Brothers

The previous letter of credit has been revoked by the bank for non-payment of taxes. Mr. Marsh said he felt that if damage were done during the time the letter of credit were in effect the commission could still collect on it in court. Mrs. Brickley said she would go back to the bank to discuss this further.

Mr. Lavalette moved to approve the application to continue the operation of Docktor Brothers with the bonding amount as recommended by the Director of Public Works, bonding format as recommended by Attorney Thomas Byrne, said permit to cover the time period June 1, 1991 to May 31, 1992, provided that said are bonds on file no later than July 1, 1991, Mr. Raymond seconded. Passed unanimously.

### Property Investors, Inc.

Mr. Bauer noted that everything was restored on this except for one section where the pipeline is supposed to go through.

Mr. Lavalette moved to return the \$2700.00 remaining on Property Investors, Inc. bond, Mr. Davin seconded. Mr. Doring said he felt the job should be completed and he would vote against the motion. Mr. Davin and Mr. Lavalette voted for, Mr. Marsh, Mr. Raymond and Mr. Doring voted against. Motion failed.

Mr. Doring moved to give back the bonding money provided the whole area is seeded per the regulations, Mr. Lavalette seconded. Passed unanimously.

Mr. Doring moved to approve the minutes of the regular meeting May 7, 1991, Mr. Lavalette seconded. Passed unanimously.

Mr. Lavalette moved to adjourn at 9:30 pm, Mr. Doring seconded. Passed unanimously.

Minutes recorded by:

  
Stephanie R. Barksdale



TOWN CLERK  
NEW MILFORD

JUN 6 3 52 PM '91

# TOWN OF NEW MILFORD

PHONE (203) 355-6095



10 MAIN STREET

NEW MILFORD, CONNECTICUT 06776

Office of ZONING COMMISSION

May 31, 1991

First New Milford Baptist Church  
9 Little Bear Hill Road  
New Milford, Connecticut 06776

RE: SPECIAL PERMIT #14-91

Dear Sirs:

At the regular meeting of the New Milford Zoning Commission, held on May 28, 1991, your request for a special permit and site plan approval was granted in accordance with the enclosed document.

This approval for the construction of a church on Little Bear Hill Road shall become effective June 7th, 1991. You are required, by law, to file a copy of the enclosed adopted resolution with the land records in the office of the Town Clerk prior to obtaining any permits to begin work.

Should you have any questions, please feel free to contact our office.

Very truly yours,

*George Doring*  
George Doring, Chairman *16*

/lb

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Copy: Town Clerk  
Building Dept.  
Health Dept.  
Public Works

TOWN CLERK  
NEW MILFORD  
MAY 31 11 57 AM '91

APPLICATION TO CHANGE A PORTION OF RESIDENCE  
ZONE A TO BUSINESS ZONE A-1

This proposal is the direct result of many years of controversy. The 1979 Plan of Development stated that this issue had been controversial for at least seventeen (17) years. It further went on to state that, "the Commission feels that all alternatives should be presented and discussed by a public meeting before the Commission makes a firm recommendation." The 1989 Plan of Development failed to seek out this input. In October of 1988, a group of seven (7) town officials led by ZBA member, Louis Hurlbut sent a letter to the Planning Commission and asked to meet on this matter. See Exhibit A attached hereto. That meeting never occurred.

The present business zone (Zone D) was also borne of controversy. Town officials were told (incorrectly) that a business zone must be established or all property could be considered commercial. Not wanting any business zone at the time, the townspeople pressed for the present location using the "logic" that noone would want to put a business in a flood plain. This was an attempt at exclusionary zoning which was common in the early 1960's.

This proposal covers a very small area and changes the present use of this land even less. Since it is generally understood that the

current municipal uses - the town hall, town barns and tennis courts- as well as those of the Roxbury Market/Post Office and Francis Hodges' property would remain largely the same, then there are only two (2) parcels of land to be changed. Those would include the Fulkerson property and the adjacent field up to the center of Chalybes Road.

It is clearly written in this proposal that the Historic District Commission would have to approve parking, landscaping, and architecture before the Zoning Commission can act on an application. That provides two complete checks of outward appearance and appropriateness and consequently much more control than in Zone D. Roxbury's rural continuity should always be maintained and this proposal takes steps ensure just that.

The public hearing required for this proposal should give the public a chance to let their collective voices be heard as suggested in the 1979 Plan of Development. It recognizes the need for a town center as stated by the Historic District Commission in 1989. It would also change a very small number of acres while giving the town an identifiable as well as historically protected center.

The applicant, Francis Hodges, is the owner of a certain parcel of property known and designated as Lot 23 on the Town Assessment Map 6-12 of the Town of Roxbury. Pursuant to the provisions of the Zoning

Regulations of the Town of Roxbury dated October 1, 1983, as amended, the applicant desires that the Zoning Regulations and Zoning Map of the Town of Roxbury be amended so that the following parcels of property be re-zoned and placed in a resident zone A-1:

- a. Lot 3 on the Roxbury Town Assessment Map 6-12 owned by the Town of Roxbury;
- b. Lot 22A on the Roxbury Town Assessment Map 6-12 owned by Charles E. Fulkerson;
- c. Lot 21 on the Roxbury Town Assessment Map 6-12 owned by the Town of Roxbury;
- d. Lot 23 on the Roxbury Town Assessment Map 6-12 owned by Francis R. Hodges;
- e. Lot 20 on the Roxbury Town Assessment Map 6-12 owned by Robert F. Munson;
- f. Lot 19 on the Roxbury Town Assessment Map 6-12 owned by Francis E. Munson.

The specific Zoning Regulations affected by this application are as follows:

2.4.2 Business Zone A-1 - This district allows for an area of municipal and commercial uses in the Town Center. It is intended that this area be accessible from roads and that traffic conflicts on through

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roads be avoided. Commercial uses in this district are limited to those which generate little traffic and have a limited local market area. This zone is located largely in the Roxbury Historic District and as such the Commission shall rely heavily on the Historic District Commission for advice on matters concerning this zone to include, but not be limited to, parking, landscaping, architecture and the like. The selectivity stated reflects a lack of both the ability and desirability of attracting major retail commercial outlets to Roxbury. The district shall be bounded by the northern most boundaries of Lots 3 and 20 located on the Roxbury Town Assessment Map 6-12 and proceed south on both sides of North Street (Route 67) to the center line of Chalybes Road. It will then proceed on the northern side of Chalybes Road bounded by the western most boundary of Lot 23 located on the Roxbury Town Assessment Map 6-12.

- 2.4.2 shall become 2.4.3.
- 2.4.3 shall become 2.4.4.
- 2.4.4 shall become 2.4.5.
- 2.4.5 shall become 2.4.6.

4.5 permitted uses for Business Zone A-1

- 4.5.1 all uses permitted in Zones A, B and C.
- 4.5.2 retail stores, banks, and personal home maintenance

establishments.

4.5.3 all business uses and buildings are subject to site plan requirements, Section 7.

4.5.4 approval of architecture, parking and landscaping by the Historic District Commission.

4.5 shall become 4.6.

4.6 shall become 4.7.

4.7 shall become 4.8.

4.8 shall become 4.9.

4.9 shall become 4.10.

4.10 shall become 4.11.

4.10 prohibited uses.

It is to be understood that any building or use not included in Zones A, A-1, B, C and D of this Section 4 of these Regulations as a permitted use is prohibited. To assist in the interpretation of such permitted uses, the following uses, the list of which is not intended to be exhaustive, are specifically prohibited:

WHEREFORE, this applicant respectfully requests that the Roxbury Zoning Commission adopt the changes stated herein.

Respectfully submitted,

BY

  
\_\_\_\_\_  
Steven H. Levy on behalf of  
the applicant, Francis Hodges

EXHIBIT A

Roxbury, CT 06783  
Oct. 25, 1988

Roxbury Planning Commission:

This letter is a request that you consider the establishment of a business zone in the center of Roxbury. This is an old issue that has surfaced many times through the years.

Many town officials have expressed approval to face this issue now and to call a spade a spade. Most of <sup>the</sup> area is presently involved in business, private and municipal. Roxbury Market, Tierney Realty, The Bank, the Post office, the Firehouse, the town garage, the cemetery, the tennis courts and Fran Hodges' headquarters for landscaping.

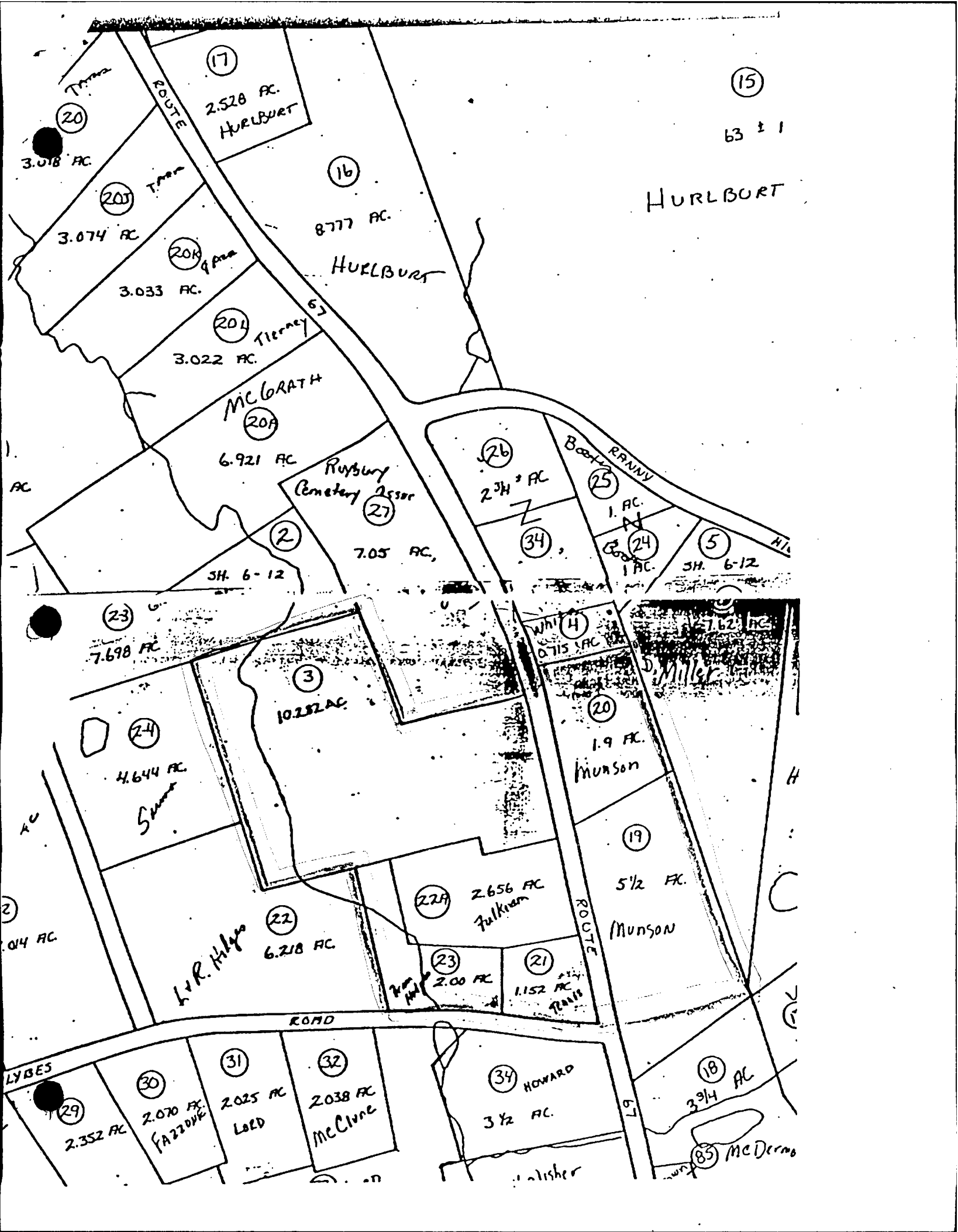
We appreciate your work on the new Plan of Development for Roxbury and wish to have this proposal included if it meets with your approval.

Please inform us as to a time we could expect a meeting with your board in the near future to present our proposal in more detail.

Sincerely,

*Lewis E. Hurlbut* - ZBA  
*Jaqueline J. Rosely* Chm. Bd/Ass  
*Peter A. Hurlbut* Town Clerk  
*Avery Munson* ZBA  
*Clara P. Hurlbut* ATC  
*John J. [unclear]* Burt Free School Trust  
*[unclear]* ZB





15  
63 ± 1

HURLBURT

17  
2.528 AC.  
HURLBURT

20  
3.018 AC.

20J  
3.074 AC.

20K  
3.033 AC.

20L  
3.022 AC.

16  
8.777 AC.

HURLBURT

McGRATH

20A  
6.921 AC.

Ryebury  
Cemetery Assn

27  
7.05 AC.

2  
SH. 6-12

26  
2.34 AC.

Booth  
RANNY

25  
1 AC.

24  
1 AC.

5  
SH. 6-12

23  
7.698 AC.

3  
10.252 AC.

4  
0.715 AC.

Miller

24  
4.644 AC.

20  
1.9 AC.  
Munson

22A  
2.656 AC.  
Fulkram

19  
5 1/2 AC.  
Munson

L.R. Miller

22  
6.218 AC.

23  
2.00 AC.

21  
1.152 AC.  
RANNY

2  
0.014 AC.

LYBES

29  
2.352 AC.

30  
2.070 AC.  
FAZZONE

31  
2.025 AC.  
LOED

32  
2.038 AC.  
McClure

34  
3 1/2 AC.  
HOWARD

18  
3 3/4 AC.

85  
McDerm

ROAD

ROUTE

ROUTE

Wisher

TOWN CLERK  
NEW MILFORD

APR 22 8 44 AM '91

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13

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RE: SPECIAL PERMIT APPLICATION TO EXPAND AN EXISTING RESTAURANT SUBMITTED PURSUANT TO ARTICLE IV OF THE ZONING REGULATIONS.

SPECIAL PERMIT #17-91

Location of Premises: 73 Bridge Street  
Zone: Village Center  
Owner of Record: John Marois  
Applicant: Dimitrios Kouloganis

The Commission voted to DENY the special permit application and the accompanying site plan based upon the following criteria which it is mandated or empowered to consider under Section 8-2 and 8-3c of the Connecticut General Statutes and Articles IIIA and XII of the Zoning Regulation:

1. At the time of the April 23rd, 1991 public hearing, the notice to abutting property owners and accompanying proof of mailing same was not submitted to the Commission.
2. At the time of the April 23rd, 1991 public hearing, the required sign was not in place fifteen days prior to the hearing.
3. In accordance with the letter received from the Zoning Board of Appeals dated May 30~~th~~<sup>th</sup>, 1991, before any expansion can be considered, an additional parking variance must be obtained.

In rendering its decision, the Commission considered the application based on the review standards found in Article XII-III i, and determined that said standards have not been met, and cannot be met without benefit of a variance. Moreover, the plans submitted for this parcel were not proven to be consistent with the Plan of Development specified for the Village Center Zone.

The above motion was made by Mr. Lavalette and seconded by Mr. Davin at the business portion of the Zoning Commission meeting held on June 11, 1991. Motion carried unanimously.

TOWN CLERK  
NEW MILFORD  
JUN 12 10 48 AM '91

Town Clerk

ZONING COMMISSION  
JUNE 11, 1991  
PUBLIC HEARING & REGULAR MEETING  
MINUTES

The meeting was called to order at 7:32 pm by George Doring, Chairman. Present: Duane Davin Jr., Don Marsh, Charlie Raymond, alternate, Arthur Lavalette, Gary Santini, alternate, Gerald LaTour (arrived at 7:45 pm), Bob Bauer, Enforcement Officer, Loretta Brickley, Assistant Enforcement Officer. Absent: Jim Lambert, alternate.

Mr. Santini was seated for Gerald LaTour.

PUBLIC HEARINGS

Laura Wells, Wellsville Avenue and Wells Road

The hearing came to order at 7:35 pm. Ms. Wells had all return receipts of which none were undeliverable. Ms. Wells would like to construct a riding academy facility which will include an indoor riding ring with a twenty stall barn to be used for boarders and riding lessons. She had already obtained a driveway permit and the entrance would be off of Wells Road.

Mr. Marsh asked if there is a residence on the property? Ms. Wells responded that there was not. Mr. Doring asked what would be done with the horse manure? Ms. Wells explained that the hay man that she employs has a compost permit and will remove the manure from the property.

Mr. Lavalette inquired about the chicken coops that had been on the property and Ms. Wells responded that these had been taken away.

Mr. Davin asked how many employees there would be. Ms. Wells expected that she would have one full time employee (which she currently does have) and would eventually add one part time employee to her staff.

Mr Raymond asked what hours the academy will be open and Ms. Wells said that she estimated that the barn would normally shut down at 8:00 pm.

Mr. LaTour arrived at 7:45 pm.

Marcos Cicala, a neighbor, said that Ms. Wells has done a fabulous job and he feels that the project she is planning is a very positive one and will increase the property value of the area.

Zoning Commission  
July 9, 1991  
Page Two

Ellen Antonelli, another neighbor, stated that Ms. Wells keeps her property very clean and what she is doing will be a definite improvement to the area. She also stated that she agreed with everything that Mr. Cicala had previously stated.

Susan Temple of 21 Wellsville Avenue said that she has known Ms. Wells for four years, and feels that her venture is wonderful, and she completely trusts that Laura will do a wonderful job, and feels that it will be nice to have a business of this nature in the area.

William Peel of Briggs Hill Road, Sherman, stated he has known Laura Wells for ten years, during which time she has helped him on his horse farm with foaling and breeding. She is a University of Connecticut graduate with a degree in animal husbandry and he considers her to be a superb professional. Mr. Peel further commented that New Milford's gain is his loss and that this will be a great facility.

Pat Greenspan, a New Milford resident, expressed that she felt that Ms. Wells project would be a favorable thing for New Milford.

No one from the public spoke against this proposal.

Mr. Lavalette moved to close the public hearing on the Laura Wells proposed riding academy at Wellsville Avenue and Wells Road, Mr. Davin seconded. Passed unanimously.

**Nancy & Jeffrey Sienkiewicz, Nine South Main Street**

Mr. Sienkiewicz had all return receipts except from the one from Lillis, to whom his parking lot directly abuts, which has not yet been returned. Mr. Sienkiewicz explained that he would like to liberalize the use of his office and has narrowed down his objective to making the most complete use of his existing property for the use of professional offices. Mr. Sienkiewicz stated that he purchased the building, an 1870 house in the historical district, lived in it for a period of time, and then moved out. He has done interior decorating, but the only desired exterior change would be to add a door and a porch where there is now a window. An 1870 picture shows that this was the original format of the home. Also, there are three different doors on the garage, which Mr. Sienkiewicz does not like the appearance of, and would like to dress these up. Mr. Sienkiewicz stated that upon his consideration of the renovations that have taken place at other homes on South Main Street, he feels that such renovations that enable economically feasible professional use of these buildings, helps to improve the overall quality of the street, which he feels has the ability to be quite grand.

Zoning Commission  
July 9, 1991  
Page Three

Mr. Sienkiewicz stated that he had not yet received a letter from the Trust for Historical Preservation.

Larry Greenspan, a member of the Trust for Historical Preservation, stated that the Trust would allow for Mr. Sienkiewicz's renovations with the conditions that the door and porch be as similar and authentic as possible to the 1870 picture.

Mr. Lavalette asked if Mr. Sienkiewicz would still have filed this application had he not know that he couldn't have the number of practitioners he wanted? Mr. Sienkiewicz said that he would still have filed this application, but perhaps would have gone about it differently. Mr. Sienkiewicz further commented that he thinks the zoning regulations should be liberalized because there is a need for the capability to reuse the space in buildings such as his, in a way that is economical. But, the ultimate goal of the application would have been the same, in answer to Mr. Lavalette's question.

Mr. Lavalette said that he equated Mr. Sienkiewicz's use of the word "liberalize" with down zoning, and this concerned him. How many people does Mr. Sienkiewicz currently have working there now? Mr. Sienkiewicz replied that the person that Mr. Lavalette was referring to works in Kent. Mr. Lavalette said that it bothered him that someone of Mr. Sienkiewicz's knowledge is trying to "liberalize" - to change rules so that he can have what he wants - more professional's working in his building, and asked if Mr. Sienkiewicz had been in technical violation prior to the filing of this applications. Mr. Sienkiewicz stated that he had not been in technical violation, and that by "liberalization" he was referring to the strict standards that are applied in the landmark district - not liberalization, but the ability to reuse.

Mr. Doring asked how many parking spaces Mr. Sienkiewicz currently had, inclusive of the barn, and also street parking?

Mr. Sienkiewicz said that eight spaces are shown, but there is more room for parking, and he does have some on the street. However, there is usually only one car on the road, and one in the parking lot.

Attorney Terry Pelligrini said that he could speak personally on this issue, as a formerly accused violator of the same regulation. He stated that the street has made a turn around due to the professional community, and in the long term, for the benefit of the community, these types of uses are good.

Ms. Brickley asked if there was an identification sign on the



Zoning Commission  
July 9, 1991  
Page Four

building, and if so, did Mr. Sienkiewicz have a picture? Mr. Sienkiewicz said that he did not have one but would be more than happy to provide them.

Mr. Lavalette moved to close the hearing, Mr. Davin seconded. Mr. Doring amended the motion to be contingent upon receipt of a letter from the Trust for Historical Preservation. Mr. Lavalette accepted the amendment, Mr. Davin, as seconder, accepted the amendment. Passed unanimously.

#### **Candlewood Valley Country Club, Erickson Road**

Attorney Terry Pellegrini was representing the applicant, Jon Rehnberg. All return receipts were presented of which none were undeliverable. Dirk Sabin, the engineering and environmental consultant for Candlewood Valley Country Club was also present. Mr. Rehnberg would like to add two holes to the golf course, across from the Still River. The drawback of the current golf course is that it does not meet the 6000 yard requirement that would enable it to be considered a regular golf course. With the additional two holes, it would meet the necessary criteria that would allow for regular golf course status.

Mr. Sabin explained that the proposed site for the two holes is currently undeveloped and had been farmed until recently. Some portions of the site are swampland and some are woodlands, the majority being largely wetlands. The wetlands are comprised of poorly drained and well drained. The holes would be developed in the well drained soil. They desire to keep the natural meadow areas of the course. The original plan had included three holes, but based on the regulations set at the Wetlands meeting, was reduced to two. It is proposed that a bridge will traverse the Still river to the two holes. Mr. Sabin stated that upon consideration of the other possible alternatives of using this land, such as residential or farming, the proposal of two golf holes would be the least environmentally detrimental.

Mr. Doring asked if all the other land would remain dedicated to golf - nothing would be taken out? Attorney Pelligrini responded that nothing has been proposed to change the existing course - this application deals only with the two holes.

Mr. Doring read a 7/9 letter from Harrybrooke Park that stated that the addition of the golf holes would be an asset to the area, Mr. Bauer's 7/5 report, and a copy of the decision of the Wetlands Commission that listed conditions of approval, (Ms. Brickley stated that the Wetlands Permit is not valid as all the conitions have not been met.

Mr. Lavalette moved to close the hearing, Mr. Davin seconded. Passed unanimously.

#### PUBLIC PARTICIPATION

Mr. Eric Shields, who leases property on Route 202, on which he operates a restaurant, DaddyO's, was present. He had received a letter from the Zoning Enforcement Officer regarding picnic tables that he has outside of his restaurant. He said he been surprised to receive the letter, and presented a list of other places that have outdoor tables, including Clamps, BJ's Drive In, and East Coast Taco. He could not see how his tables were a negative influence. Mr. Lavalette questioned whether the letter said that he could not have the picnic tables, or was the problem that he did not have adequate parking to accommodate the outdoor tables? Mr. Doring stated that outdoor tables are not allowed. Mr. LaTour said that he thought that the issue in this case was not whether or not you could use picnic tables, but rather, what is the legitimate need of the community and is there enough parking? Mr. Shields stated that he has 26 spaces which is enough parking. Ms. Brickley stated that if a use is not listed in the zoning regulations, then it is not permitted - therefore, picnic tables are not permitted. Mr. Doring said that the other places that Mr. Shields had mentioned were also in violation, and also noted that Mr. Shields had taken over a month and a half to take action on this issue after having received Mr. Bauer's letter. Mr. Bauer said that he would go to the other locations that Mr. Shield's had mentioned. Mr. Marsh said that the commission needed to do something about the regulation to all picnic tables if presented on a site plan. Mr. Doring said that he had started working on regulation changes with Ms. Brickley, and suggested that if Mr. Shields would like to sponsor an amendment, the staff would be willing to work with him on this, but that until such an amendment should take effect, Mr. Shields should cooperate with the commission and stop violating this regulation. Mr. LaTour said that he thinks that this is a bad regulation and would like to see outdoor tables allowed provided there is enough parking, and that he could not see having the Zoning Enforcement Officer running around town trying to find outdoor picnic tables. Ms. Brickley stated that the commission does not have the authority to waive regulations and the other restaurants with outdoor tables must be served with inspection notices. Mr. Lavalette suggested that Mr. Shields follow Chairman Doring's advice and correct the problem by removing the tables and availing himself with the staff to work on a proposal which Mr. Lavalette was sure would be looked upon favorably by the commission.

Mr. Larry Greenspan offered the suggestion that a brief, quick way

Zoning Commission  
July 9, 1991  
Page Six

around the problem of picnic tables might be to refer to the term cafe, meaning a subset of a restaurant, with the restaurant being all inclusive - in which case the cafe could use picnic tables.

#### **NEW BUSINESS**

##### **Kim Coolbeth, 38 Old State Road**

Mr. Doring read the Zoning Enforcement Officer's report that recommended that all but \$1000.00 bond be returned to Kim Coolbeth for the property located at 38 Old State Road. Mr. Doring moved to accept Mr. Bauer's report and release the bond, Mr. Lavalette seconded. Passed unanimously.

##### **T & N Association, 106 Park Lane Road**

Attorney Steele represented the applicant. Pat Hackett, the engineer for the proposed project was also present. T & N Association would like to propose a two phase commercial building development for retail stores on a slightly more than 4 acre land parcel at 106 Park Lane Road. Attorney Steele did not know what the exact usage of the building space would be because they do not have any renters yet. Ms. Brickley asked if there would be a restaurant. Attorney Steele said that they did not know yet, but would not want to exclude themselves from the option and were therefore considering revisions to the septic plans and parking so as to accommodate the needs of a restaurant. Mr. Hackett explained that an analysis had been done to show that over periods of 2, 5, 10, 20 and 100 years, the run off on this piece of property would not increase due to development (the characteristics of this land parcel are similar to those of the New Milford Bank and Trust location. Mr. Marsh asked if the Wetlands Commission would be monitoring this. Attorney Steele replied no, that Wetlands had already signed off on this project. Mr. Doring suggested that the application be withdrawn so that the commission could review Nick Romaniello's suggestions and the site plan could be revised. Ms. Brickley suggested that T & N Associates withdraw the application so that a staff meeting could be scheduled to include the fire marshall, town planner, town engineer, sanitarian, etc... so that everything could be put in order.

Mr. Doring moved to table the application until the next meeting. Mr. Lavalette seconded.

#### **ACCEPTANCE FOR PUBLIC HEARING**

Barbera Struger - 83 Sherry Lane - Accessory Apartment -  
August 13th

**OLD BUSINESS**

**John Scott Mathews, Kent Road**

Mr. Mathews had requested permission to move 7,000 cubic yards of topsoil, earth-fill and rock from lot 6 Austrian Pines. Mr. Lavalette questioned that Mr. Mathews had indicated that he had taken about 5 feet of topsoil? Mr. Mathews said no, that there was a variation of depth, with the greatest being about 4-5 feet, stating that the figures are not accurate to the inch, or to the foot. Mr. Lavalette asked where the rest of the topsoil had gone, and if all of this had been removed - it would seem a lot lower now - had anything else been brought in? Mr. Mathews said no - that the basic objective is to have a relatively flat lot. [It was noted that 700 cubic yards have already been taken off each lot]. Mr. Lavalette said that it seemed to him that a lot more topsoil should be sitting there - and that he thought something had gone out of the site and something had gone in. Mr. Santini stated that he thought that someone would have noticed had something been brought in. Mr. LaTour asked if the materials are needed for Lots 1, 2, and 3, and how much, if anything, is in fact excess? Mr. Lavalette asked if this would end up being the shopping center that Mr. Mathews had previously spoken of? Mr. Marsh asked if Mr. Mathews plans for a shopping center were developed enough that he could begin to make any definite plans or to make the project public? Mr. Bauer stated that there is a leasing plan, meaning that it has not been engineered as of yet. Mr. Doring asked if Mr. Mathews had a zoning permit for these properties. Mr. Mathews said he did not. Mr. Doring said that he strongly recommended that Mr. Mathews resubmit this when he had some type of a site plan because at this point the commission could not tell what Mr. Mathews was going to do. Mr. Bauer said that the only grading plan had been approved to take soil from lots 4 and 5 and place it on lots 1, 2, and 3 to level out the operation. Mr. LaTour asked if soil had been moved from lots 4,5,6, and/or 7? Mr. Lavalette said that the commission had only given permission to move soil from one lot to another - no permission had been granted to take anything out - nothing can leave at this time. Mr. Marsh stated that if Mr. Mathews could give the commission some idea of the square footage of the roof or parking, then they could have a better idea of how much he could take out. Mr. Mathews said he understood but at this point he just does not have the project to a point where he can present a picture.

Mr. Doring moved to approve the application to allow for excavation of 7,000 cubic yards of topsoil, earth-fill and rock from the property at Lot 6 Australian Pines, Kent Road. Mr. Lavalette seconded. Motion failed, 0-5.

**APAR Garden Supply, Sullivan & Carlson Road**

The applicant, Mr. Dominick Peburn, had requested approval for a proposed site plan for Spar Garden Supply, to be located at Sullivan and Carlson Road, which would deal with nursery stock, retail shop, chipping stumps, mulch, screening top soil, and the storage of nursery products. Mr. Peburn was represented by Attorney Terry Pellegrini. Attorney Pellegrini said that since he and Mr. Peburn had last appeared before the commission, they had discussed the concerns of the commission with the Zoning Enforcement Officer. Mr. Peburn's project involves a plan for a four sided building which had been submitted to the commission. Attorney Pellegrini referred to Chairman Doring's proposal at the last meeting that screenings should be enclosed, but stated that this would not be practical. (Mr. Peburn's screener is a much smaller piece of equipment than those used at many other facilities). Twenty-one parking spaces have been proposed.

Mr. Doring asked if there would be things lying around the property? Mr. Peburn said that there would be some but did not understand Mr. Doring's concern because they would not be visible anyway, but agreed that some additional screening would be a good idea. Mr. Doring also asked what the chances of planting greens/grass were? Mr. Peburn said that he did plan to plant greens (a tree will be planted for every space of 7 feet). Mr. Bauer asked if the gas line comes through this property. Mr. Peburn said that it did. Mr. LaTour said that for the records, he would like something concerning the decibel level of standard equipment. (Ms. Brickley read Article 1-8, concerning noise and vibrations). Mr. Doring said that approval of this plan would be subject to a check, and if there were complaints from the residential areas a more suitable buffer would have to be provided - also, if the commission finds that there is noise, they will have the right to require Mr. Peburn to fix the problem. Mr. Raymond asked how many trucks Mr. Peburn foresaw - the last time they spoke Mr. Peburn said he foresaw 1000 tons per month - how much traffic was that? Mr. Peburn did not remember saying 1000 tons per month, and said that the number of trucks depended on the economy, and therefore he did not know what the traffic would be like.

Mr. Doring moved to approve the proposed site plan contingent upon a review of the upgrading of the landscaping, with trees being planted along every seven feet around the entire boundary of the property, and screening of the site, and subject to inspection by the Zoning Enforcement Officer. Mr. Lavalette seconded. Passed unanimously.

**ZONING ENFORCEMENT OFFICERS REPORT**

Zoning Commission  
July 9, 1991  
Page Nine

**BUSINESS MEETING**

In executive session.

Mr. Doring moved to go into executive session at 11:02 for the purpose of discussing pending litigation, Mr. Lavalette seconded. Passed unanimously.

A motion was made by Mr. LaTour to come out of executive session and was seconded by Mr. Lavalette. Passed unanimously.

Mr. Lavalette moved to adjourn at 10:29 pm, Mr. Davin seconded.

Respectfully submitted,



Duane Davin Jr.  
Secretary

/mq

TOWN CLERK  
NEW MILFORD

JUL 12 12 19 PM '91

**ZONING COMMISSION  
JUNE 11, 1991  
PUBLIC HEARING & REGULAR MEETING  
MINUTES**

The meeting was called to order by George Doring, Chairman at 7:30 pm. Present: Arthur Lavalette, Don Marsh, Duane Davin, Charles Raymond, alternate, Jim Lambert (arrived 7:35 pm), alternate, Gerald LaTour (arrived at 8 pm), Bob Bauer, Zoning Enforcement Officer, Loretta Brickley, Assistant Zoning Enforcement Officer. Absent: Gary Santini, alternate.

Mr. Raymond was seated for Gerald LaTour.

**Bible Baptist Church**

Mr. Davin read the legal notices published May 30 and June 6, 1991. The Bible Baptist Church is modifying their plans to eliminate the access on the west side of the church onto Route 7. Ann Larsen was present to speak about this project. She mentioned that the church had been here about a year ago when they planned to bring the driveway in on this side. Their was concern from the neighbors regarding this plan. The new plan would eliminate that driveway, some parking and a sidewalk. There will still be two entrances.

Mr. Lambert arrived at 7:35 pm.

Ms. Larsen said they are requesting a change in the site plan to eliminate the driveway previously mentioned. Mr. Doring asked Mr. Bauer how he felt about this plan. Mr. Bauer said he felt the new plan really does not make much difference in terms of traffic. Mr. Lavalette asked if the group had approval from the state to do this plan. Ms. Larsen said they had not yet gone to the state.

No one from the public spoke in favor or against this proposal.

Mr. Lavalette moved to close the public hearing on the Bible Baptist Church for revision of its site plan, Mr. Davin seconded. Passed unanimously.

**Raymond Barton, 27 Main Street**

The hearing came to order at 7:50 pm. Mr. Davin read the legal notices which were published May 30 and June 6, 1991. Mr. Barton had all return receipts of which none were undeliverable. Mr. Barton would like to put two store entrances so the front can be divided from the inside. Also, the receiving room will be made into a store front. The signage will be as indicated. The same material presently being used will be maintained on the building front. Mr. Raymond asked if the signage would compliment what is currently on the Allen Building. Mr. Barton said it will be closer to what the Allen Building is now.



Pat Greenspan a New Milford resident said she admired Mr. Barton to augment the viability of the village center zone. She noted that he was attempting to tie in with the architecture which is currently in the Village Center Zone. Nobody was present to speak against the proposal.

Mr. Lavalette moved to close the public hearing on the Barton application for 27 Main Street, Mr. Davin seconded. Passed unanimously.

### **Public Participation**

Tony Marsicano, of 39 Sullivan Road, New Milford was present to discuss the equipment storage and trailer which is across the street from his house. He noted it is an eyesore and wondered if anything can be done about it. There is graffiti on the property as well. Mr. Bauer said he's been down to see the site and it does meet the front setback and sides are okay. Mr. Marsicano said he did not realize there were going to be that many trailers in there. Mr. Bauer said the only thing that can be done is from possibly a public relations standpoint, maybe he can put up screening. Mr. Marsicano said he felt there were a couple hundred trailers in there. A question was asked if there was supposed to be screening for approval. Mr. Bauer said only landscaping was required but they were not considered for buffering. Mr. Doring said the only thing the commission can do is use the power of persuasion expressing the concerns of the commission and the neighborhood. Mr. Marsicano said they are considered vehicles, not motor vehicles but as soon as they go on the road they can be considered motor vehicles when a cab picks them up. Terry Pellegrini was present and noted that Mr. Peburn was the original seller of this property. Atty. Pellegrini said he will try and contact the owner and see if he can get some screening on the property.

Pat Greenspan noted that Sunrise Plaza, which is apparently legally allowed to operate, is the owner subject to any landscaping. Mr. Doring said he is required to finish. Mrs. Greenspan asked if that can wait until the building is full or can it be done now. Mr. Doring said it should be done now. A certificate of compliance has been issued. Mr. Bauer said he did not feel any landscaping was required on the original approval but he said he would check that.

### **New Business**

#### **John Scott Mathews, Kent Road**

The applicant has requested permission to move 7,000 cubic yards of topsoil, earth-fill and rock from lot 6 Austrian Pines. No material should be removed offsite. Mr. Doring asked if lots 1, 2 & 3 have been developed. Mr. Bauer said nothing has been done on lots 1, 2 & 3, the materials which Mr. Mathews is seeking

permission to move have been taken off lots 4, 5 & 6. Mr. Doring said they were taken off lots 4, 5 & 6 for the purpose of developing lots 1, 2 & 3. Mr. Bauer said that was the original request. Mr. Mathews presented some photographs of the piles as they have been stockpiled. When the original grading began they found they had a deep layer of topsoil which they have stockpiled. Mr. Mathews said they have not been able to do anything since finding all that topsoil and they would like to continue grading to make the land level. Mr. Doring asked if lots 1, 2 & 3 are level and ready to be developed. Mr. Mathews said they are level but the grade has not been determined yet. He noted that there is more fill than can realistically be used on the site once the site is leveled. Mr. Lambert asked what the existing conditions on 1, 2 & 3, have they been touched, scraped off, etc. Mr. Mathews said they had not. Mr. Mathews said they are working diligently in developing the property as a B-1 use, he said they would like to have enough fill without having to bring anything extra in. Mr. Doring said he did not want to see these 7,000 cubic yards going out and then turn around and have to bring the same back on because there was not enough. Mr. Mathews said that is not the intention. Mr. Doring asked if Mr. Mathews was assuring this commission that there would be no offsite materials brought in to bring the site to working order. Mr. Mathews said not any material which is not naturally found on the site. Mr. Doring asked what the time span is for removing this fill. Mr. Mathews would like to get the work done as soon as possible but he has no definite customers at this time. Mr. Doring asked how many yards could be unloaded in the next 2 weeks. Mr. Mathews said he could probably get rid of about 200 - 300 yards immediately.

Mr. LaTour arrived at 8:00 pm.

Mr. Raymond asked if this project would require bonding. He suggested that this situation should require a bond. Mr. Lambert said he did not want to leave an open ended time frame. Mr. Davin asked if there was an application submitted for this property. Mrs. Brickley said there was no application yet but plans have been drawn and a preliminary meeting has been held. Mr. Davin asked when Mr. Mathews planned on submitting the plans for a public hearing. Mr. Mathews said they are in the very initial stages of this plan. He said they do not have complete plans at this time. He said they plan on matching the existing elevation as close as possible. The existing stones will be used as a natural retaining wall and some landscaping will be done between the retaining wall and the existing woods. Mr. Bauer asked how much material it was going to take to bring this grade to the elevation that was approved for lots 1, 2 & 3 by the commission. Mr. Mathews said it would be approximately 10 - 12,000 yards. Mr. Bauer asked if that much would be left in lots 4 & 5. Mr. Mathews said John Conte estimated that there would be 20,000 yards. Mr. LaTour questioned whether this was actually a gravel mining operation even though he was only taking out 7000 yards. He said the intent is to remove

the material for sale.

**Joseph Cats, 19 Church Street**

The sign will be 9'5" and will be placed flat against the building per the regulations. There are other signs on the building totalling 20 square feet.

**Base Equities Group, 106 Danbury Road**

Terry C. Pellegrini was present to discuss this application. Mr. Pellegrini said his client is requesting an extension of the special permit approval of the Willow Square project based upon the fact that over the last year to 18 months the climate has not been the best for expansion. The banking community status in the State is also not great. Mr. Pellegrini's client would like to extend the approval for a year so they can further their prospects. Mr. Raymond asked if this extension would cover the removal of materials from the property. Mr. Pellegrini said it would. Mr. Doring asked when the starting date is going to be. Mr. Pellegrini said the application was originally approved late January of 1990. Mr. Doring noted that the applicant is now looking for an August 1992 starting date. Mr. Lavalette asked if this would impact by one year what is supposed to be happening up the road because there were two projects tied together. Mr. Pellegrini said the impact might be that if the extension were not granted than it could have an impact on the Devon Woods project because they need the material from the Willow Square project. Mr. Lavalette asked if Devon Woods may need to go find another supply anyway because they may not be able to wait a year. Mr. Pellegrini said it could happen.

**Dominic Peburn, Apar Nursery**

Mr. Doring said he spoke with Attorney Byrne regarding this application and he suggested that a nursery is a special permit use in a residential zone. Atty. Byrne suggested that this should be a public hearing application. Mr. Pellegrini said his understanding of the special permitting process in the residential zone where nursery is specifically identified and the public hearing was to ensure the commission and the neighbors that this use, location, intensity, etc. would be compatible with the residential neighborhood. He said he cannot see the necessity of going to a public hearing. Mr. Pellegrini said he believes the commission has historically approved a couple of nurseries without going to public hearing. Mr. Doring noted that this was based on his discussion with Atty. Byrne. Mr. Doring's concern is the chipping, mulching and topsoil screening which will be done on the premises. Mr. Doring felt the application for a nursery is a smokescreen for other stuff, i.e. the chipping, etc. Mr. Peburn asked Mr. Doring where he would buy screened topsoil and mulch. Mr. Doring said he probably would get it at a nursery but he understood most nurseries do not mulch products on site. Mr.

Pellegrini said the issue is not the motivation of the applicant but rather the application for a nursery. Mr. Pellegrini said the chipping of stumps is a process of a nursery. Mr. Doring wanted to know how noise was going to be stopped from leaving the premises. Mr. Pellegrini said the commission in the past has imposed conditions regarding the hours of activities. Mr. Doring said the regulations say no noise shall leave at no time. Mr. Lavalette said the commission cannot assume that noise will leave the site. He suggested that there is a recourse that can be taken after the approval if noise does escape the site. Mr. Raymond said the controls should be in place before the approval not after the operation is in effect. Mr. LaTour stated that his concerns were noise and that the storage of stumps and brush are generally considered trash to most people. Mr. Pellegrini reiterated that the concerns were noise and storage of materials, he said he could address those concerns with staff and come report back to the commission. Mr. Marsh wondered if there was any way noise barriers could be set up such as on highways. The regulations do not allow excessive noise but do not specify a decibel level. Mr. Raymond questioned how much usage the chipper would get on a daily basis. Mr. Peburn said some days it may not get any use. Mr. LaTour asked if the stumps have to be aged so that a pile would be set up to allow for aging. Mr. Peburn said it is best to have aged chips but the stumps are cleaned and then put through the chipper right away. Mr. Pellegrini said he will research this issue with the staff. Mrs. Brickley suggested if the commission decides to go to public hearing that July 9th would be a good time.

#### **Rosalie DesBiens - Alfredo's Restaurant**

The applicant would like to put a 16'x35' addition to an existing restaurant, the building and proposed addition meet B-1 regulations but not B-2 regulations. This is in a B-2 zone. 42 spaces are required with building of the addition, with preexisting parking there are enough spaces. Mr. Bauer said the building should be 50' back, it is currently only 40' back. The addition will need a variance for front set back. Mr. Doring noted that the commission cannot approve the plan as drawn due to the need for the variance. Mr. Doring said the parking should be revised also.

Mr. Doring made a motion to deny this application based on the fact that it cannot meet the requirements for setback of B-2 zone, Mr. Lavalette seconded. Passed unanimously.

#### **Old Business**

There was none

#### **Zoning Enforcement Officer's Report**

Mr. Bauer said he's been running into a problem with dumpsters lately. Atty. Byrne gave his opinion that dumpsters are

structures. Mr. Bauer said he spoke to some people about moving them and has one person who refused to move his dumpster and contacted a lawyer about fighting the citation given by Mr. Bauer. He said there is some question about whether the dumpster is a structure. Mr. Davin asked if each person who has a dumpster would have to come for site plan approval. Mr. Bauer said if the commission does not want to treat the dumpsters as structures he can pull the cease and desist order. Mr. Davin said it is a waste of time to go around and cite everybody for placement of dumpsters. Mr. Lavalette said anybody who is new, the commission tells them where to put the dumpsters. Mr. Bauer paraphrased his report for the commission. The bill giving more authority to the Zoning Enforcement Officer died due to the legislature adjourning. He noted that he's issued cease and desist orders and some will cooperate while others ignore the order. He said he will now be coming to the commission to ask before he proceeds with a lawsuit. More permits are being issued. There was some discussion on non-conforming housing lots. A law has been passed that says on any site plan approval the applicant may ask for 2 year extension due to the economy. Mr. Bauer said he is not sure when it becomes effective.

Mrs. Brickley noted that Mr. Romaniello would like to set up a meeting with the commission regarding the park, the meeting will be June 25th.

#### **Acceptance for Public Hearing**

Jon Rehnberg - CVCC - July 9th

Nancy & Jeffrey Sienkiewicz - Landmark District Status - July 9th

Laura Wells - Riding Academy in residential zone - July 9th

#### **Business Meeting**

##### **John Scott Mathews**

Mr. LaTour moved to table this item so interested members of the commission can walk the site.

Mr. Doring amended the motion (accepted by Mr. LaTour) that a request should be submitted to the Director of Public Works to see what bonding would be in order for this operation, Mr. Marsh seconded. Passed unanimously.

##### **Joseph Cats**

Mr. Doring moved to approve this subject to verification by the zoning enforcement officer that it falls within the square footage requirements of the Village Center Zone, Mr. Davin seconded. Passed unanimously.

### **Base Equities**

Mr. Lavalette moved to approve the 1 year extension, Mr. Davin seconded.

Mr. Doring noted that after this was approved the first time, Mrs. Brickley checked with Atty. Byrne who felt a bond could be required for the materials being taken offsite. Mr. Lavalette said the commission may be able to but he would not have one. He said there is still going to be topsoil there and this is not going to be a tremendous hole in the ground. Mr. LaTour was not sure how the removal materials was worded so that this does not become a gravel mine. Mr. Davin noted that the two just got connected a short while ago but they were not tied together when the site plan came in. Mrs. Brickley said the approval was the construction of Willow Square. Mr. Pellegrini said he is asking for an extension on the original special permit. He noted that the request is to add another year to get going. This request has nothing to do with removal of products.

The motion passed unanimously.

### **Height Limitation**

In executive session.

### **George DeVoe**

Resolution of approval draft #2. IWC approval has reduced building to 23,000 square feet. Mr. Pellegrini said this is back to just phase 1. The revised maps are also noted in draft #2. Mr. Marsh noted that there are still no plans for what will be done with Route 7. He said the zoning office needs a complete set of plans. Mr. Pellegrini said the final maps were submitted to wetlands but he would get a final set to this commission. The Zoning Enforcement Officer needs a new set of plans to make sure the parking is right and the building is in the right spot. Mr. Pellegrini will submit 2 sets of plans and a decision will be made at the next meeting.

### **Dimetrois Restaurant**

Mr. Lavalette moved the resolution of denial, Mr. Doring seconded. Passed unanimously.

Mr. Doring noted that Mr. Drzal has withdrawn his request for a gravel mine.

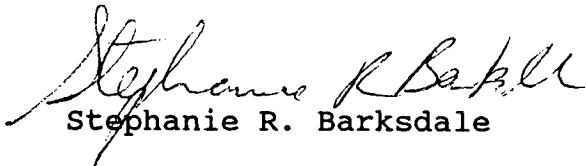
Mrs. Brickley asked if there were any more thoughts on changing Article XV regarding excavation. The commission will look at the changes.

Mr. Lavalette moved to go into executive session at 9:55 pm for the purpose of discussing litigation, Mr. Davin seconded. Passed unanimously.

A motion was made by Mr. Lavalette to come out of executive session, Mr. LaTour seconded. Passed unanimously.

Mr. Lavalette moved to adjourn at 10:15 pm, Mr. Doring seconded. Passed unanimously.

Minutes transcribed by:

  
Stephanie R. Barksdale

TOWN CLERK  
NEW MILFORD

JUN 21 9 25 AM '91

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To	<i>Che Che</i>	From	<i>Louisa</i>
Co.	<i>NM Times</i>	Co.	<i>NM Young</i>
Dept.	<i>Legal Ads.</i>	Phone #	<i>355-6095</i>
Fax #	<i>354-2645</i>	Fax #	<i>355-6002</i>



# TOWN OF NEW MILFORD

PHONE (203) 355-6095



10 MAIN STREET

NEW MILFORD, CONNECTICUT 06776

Office of ZONING COMMISSION

June 12, 1991

Mr. Dimitrios Kouloganis  
73 Bridge Street  
New Milford, Connecticut 06776

Re: 73 Bridge Street - Village Center Zone  
Expansion of Restaurant

Dear Mr. Kouloganis:

At the regular meeting of the New Milford Zoning Commission, held June 11, 1991, the following action was rendered:

DENIED Special Permit #17-91 and accompanying site plan for expansion of the Dimitrios Restaurant located at 73 Bridge Street in the Village Center zone for the following reasons:

1. At the time of the April 23rd, 1991 public hearing, the notice to all abutting property owners and accompanying proof of mailing same was not submitted to the Commission.
2. At the time of the April 23rd, 1991 public hearing, the required sign was not in place fifteen days prior to the hearing.
3. In accordance with the letter received from the Zoning Board of Appeals dated May 30, 1991, before any expansion can be considered, an additional parking variance must be obtained. (copy of letter enclosed)

In rendering its decision, the Commission considered the application based on the review standards found in Article XII-III i, and determined that said standards have not been met, and cannot be met without benefit of a variance. Moreover, the plans submitted for this parcel were not proven to be consistent with the Plan of Development specified for the Village Center Zone.

Copies of the above decision is duly filed in the office of the Town Clerk and Zoning Office and shall become effective June 21, 1991.

Should you have any questions, or wish to pursue the request for a variance, please feel free to come into the Zoning Office.

Very truly yours,

*George Doring*  
George Doring, Chairman *GD*

GD/lb

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Copy: Town Clerk ✓  
Building Dept.  
Health Dept.  
File

TOWN CLERK  
NEW MILFORD

JUN 12 11 42 AM '91

**ZONING COMMISSION  
JUNE 25, 1991  
REGULAR MEETING  
MINUTES**

Present: George Doring, Arthur Lavalette, Duane Davin, Gerald LaTour, Don Marsh, Gary Santini, alternate, Jim Lambert, alternate, Bob Bauer, Zoning Enforcement Officer, Loretta Brickley, Assistant Zoning Enforcement Officer. Absent: Charlie Raymond, alternate.

Public participation: two women and one man spoke unfortunately could not be heard.

Walter Jahn, 27 Main Street, request 3x6 foot sign with blue and black copy. Now requested 4x8 foot sign, opening a new sport center, discussion on how the facade of the store would be changed. Mr. Doring mentioned several years ago in dealing with signs on the green, CVS changed its sign to meet with public sentiment. Suggested that this sign and others on the building be compatible. Mr. Jahn noted that he would like to go with his logo and it is difficult to be compatible with others in the building when they are not there. It may be that Mr. Jahn is only allowed 24 square feet of signage.

Mr. Louis Sproverio, Jr. and counsel Terry Pellegrini. Mr. Sproverio and his dad are owners of property on Pickett District Road, it is a non conforming property, residential in an industrial zone; it was condominiumized years ago. Two units are sold, the rest are rented. Mr. Sproverio is requesting permission to create a caretaker's apartment in the basement of his building. Loretta Brickley informed them that it is against the regulations. Mr. Pellegrini explained that Lou and his dad are finding it difficult to maintain the property. In reviewing regulations Mr. Pellegrini feels there is a possibility that it can be done. Caretaker's units are allowed in the industrial zone to care for premises. The question is is it an extension of a non conforming use or is it a permitted use. If those buildings were a warehouse, the caretaker's unit could be developed. Does it make a difference that what we are overseeing is a residential property?

Mr. Sproverio explained that they want to be able to maintain the property in good condition. Perhaps when more units are sold an association can be formed for maintenance.

Mr. Pellegrini explained that Mrs. Brickley had suggested that one of the rental units might be used for a caretaker; that would remove a viable rental unit when there is space in the building for expansion and caretaker's quarters are permitted in the zone.

Mr. Pellegrini explained that it is not unusual to have a caretaker's unit and the use of a caretaker saves charges from outside contractors.

It was suggested that acceptable conditions could be made on the

approval.

B&B Home Improvements, William Brunette, application is for expansion of Avellino's Restaurant at 300 Kent Road. There is an existing metal structure that could be used for the foundation. Mr. Bauer's memo noted that there would be a requirement for two more parking spaces. Discussion on whether or not those spaces are available. There is apparently two parking spaces that have been assigned to the fire department for pumping from the river; there is also spaces at the loading docks that could be used. However, Mr. Doring requested that the applicant meet with Mr. Bauer and Mrs. Brickley to determine what they would need to show on a professional site plan to delineate what they plan to do and to show their parking spaces and return to another meeting.

Chemical Marketing Concepts, Inc. for SampleCenter Realty Limited Partnership, 200 Pickett District Road request for extension of one year. It was explained that the permit expires in September and October and they are not in a position to do anything that quickly.

John Scott Matthews, Kent Road, Lot 6, Austrian Pines, excavation of 7000 cubic yards of topsoil, earth fill and rock - this item tabled until the next regular meeting.

Dominick Peburn Apar Nursery, Sullivan and Carlson Roads, nursery stock, retail shop, chipping stumps, brush, mulch, screening topsoil, storing nursery products in an industrial zone.

No letter has been received from Mr. Byrnes. Mrs. Brickley reported what Mr. Byrnes had said in conversation with her.

Mr. Pellegrini representing Mr. Peburn noted one modification on the application from the previous meeting that is for a larger storage shed of 4500 square feet on the 13 acre site.

Two letters were read by Mr. Pellegrini, one from a neighbor and one from pastor of Lady of Lakes church giving their approval for the project.

Mr. Pellegrini addressed the question of labeling actual use proposed for the site and whether that is a permitted use. Mr. Peburn had taken photographs of other areas in town in which he showed that certain aspects of what he proposes is already being carried on. Mr. Pellegrini stated that uses proposed by the applicant are being validly or invalidly done in Town. Nestle's original approval was for processing and manufacturing of potting and topsoil. The regulations talk about manufacturing, processing, assembling of goods. Mr. Byrnes defines terms contained in regulations that allow uses to occur in an industrial zone, manufacturing processes, the uses Dominick is proposing for this site are permitted uses. Maybe this is a wrong label. Maybe this is not a nursery, but wholesale, retail operation bringing in nursery products, retailing and wholesaling those products is a permitted use in the industrial zone. The yellow pages lists types

of activities and products sold by nurseries including mulch, railroad ties, sod, bulk chips. It probably comes down to the question of stump chipping machine which is a shredding machine, that process is within the definition of manufacturing. If it does it is a permitted use. If undercover is an issue to the Commission Dominick would be willing to house that piece of equipment in a three sided structure as opposed to four sided, a shed type facility which would allow that activity to occur, not sure that is required. There are plenty of examples of screening of materials that take place outside. If the concern of the commission is with noise, Dominick has checked with the manufacturer and the noise level is within regulations. If labeling is a problem I will advise client to delete nursery from the application. Nursery referred to is allowed in a residential zone where there is planting and growing of shrubs.

Mr. Byrnes says this requires a public hearing.

Mr. Doring noted that applicant has not requested a public hearing, but is saying that the application is for matter of right use.

Since the application was revised since the last meeting the clock is just now starting on the application.

Mr. Doring noted that processes are permitted in industrial zone entirely within buildings.

Mr. Pellegrini stated that the definition of building is four columns and a roof.

Mr. Doring stated that if it were called a garden center that would be different, but a nursery is where you grow things on site.

Question: other than labeling does it meet requirements?

Mr. Doring noted that the three sided building was not shown on the site plan as presented.

Mr. Pellegrini asked if he were to draft up a definitive list of uses and how they will be housed could that be included in any communication with Attorney Byrnes.

Mr. Pellegrini pointed out that while the 13 acre site is pretty much at grade, the elevation of the shredder would be 258 while the road is at 280-290 thereby allowing a 40 foot buffer, plus plantings.

Adjourned for recess.

Motion passed to come out of executive session.

Doring: No decisions or motions in executive session.

Nick: We had two or three applications for potential developments

to discuss shopping centers and that was when we went through regulations, the result was we were going to chew up too much land and impose too many regulations to make the things work and that is when we came back with shopping center complex. Now in addition to all the other needs for multi residential units or affordable housing, in addition to the State and housing partnership, we have now 1990, late 92 or at best or worst late 93 we will cross the river with a sewer system. On that side about 22-23 acres of MR zone land. in discussion of the MR regulations with Sewer Chairman and how they will serve them we talked about MR zone. I have spent time going through it. The only MR project was settled before I got into the act. There are a few small pieces around town and the first thing that struck me was double imposition of regulations that are the same thing, density control in most regulations you do lot coverage for commercial activities or floor ratio and you do setbacks requirements for residential. In our regulations we do both. Open space and recreation in addition. Start plotting that on a small piece and it can't work. My concern is what are we trying to achieve; if you do all those things unless you start getting up into 25 or more, even 50 acres of land you can't make this kind of stuff work. What does it serve. We are putting unnecessary burdens, duplication of restrictions for the same activity. Example, distances between buildings. That was valid in the days of all structures being made of the same material or fire fighting needs, but we didn't make any allocation for the difference between wood, brick, steel or fire rated buildings so we can still argue that point. Front to side, side to side and side to rear are different distance requirements. How did we get there? What zoning processes are we trying to serve rather than just make it physically impossible for the development to occur on sites smaller than that magical number.

Doring: Regulations started as multi family regulations existed before zoning, and they were illegal. Shortly after that referendum was held for zoning; no applications under that original multi family ordinance. What we have now is an off shoot of that ordinance. Some of the intentions were to get larger sites, distances were put in to keep them open, airy. I think it is standard practice to put them.

Nick: I have outlined specific sections of all code. Drew up a couple of things to show how they can work, I am prepared to discuss it and offer suggestions. On my memo, page 1, A,B,C, buffer protection of setback for adjoining neighbors. Development before you is placed in position to not harm the neighbor. In residential zones that is standard of the profession. Circulation of light, air, sun, access for fire fighting or getting public facilities to the site. In the front, setback was to widen streets if you needed to in the future. That is standard of the profession. In the commercial zone you will find two ways that it is done either lot coverage or floor area ratio, most towns use floor area ratio for better control. Lot coverage is how much of the land will be open. Floor area is regulation of activity plus it takes into consideration multi story buildings. Open space

requirement, the only time we require open space, permitted under State law within subdivision process, State law allowed us if we chose, never written in the regulations as mandatory, now we can accept money. It is practical to accept usable space and/or money to buy usable space. Even in the MR zones you have the legal right to acquire open space. Question standard we are asking for large amount of open space or recreation, it is almost double the State recommended open space requirement of acres per thousand population. State and Federal say 5 acres per thousand, ours is 9 acres per thousand. That is a strenuous regulation. This doesn't include all the other open area: setback, space between buildings. You can't fit all those requirements on a site.

Question: No RM land can ever be built on in New Milford?

Nick: Regulations are onerous, magical number of acres to meet code, few MR projects that have been approved, if you walk them, measure them, they do not meet code.

Doring: Did Peburn have River Glen approved?

Nick: Yes

Doring: Did it meet standards?

Nick: No. He didn't violate anything, site plan didn't meet recreation.

Doring: He gave us the wetlands for walking trails, passive recreation.

Nick: To measure you will find it doesn't. The point is if you take 1, 2, 3, 5 acres up to that magic number and put it on a flat level land, no wetlands, no strenuous grades it can't fit, you can't put the units allowed.

Doring: The idea was in development of these regulations we didn't want high density apartments. We wanted living styles for all types of residential use. They didn't want to allow for apartment developments that were so dense; they wanted garden apartments, they wanted green, parking and open space.

Nick: Agree with that, not advocating to do away with that, when you develop a standard it relates to the activity and a goal you are trying to achieve, when you take that beyond the norm and you apply a whole series of standards that are applicable in different situations just because, I don't know why, why there was an open space requirement, setback requirement and lot coverage requirement all on the same piece of land. All three are designed to do the very same thing, why is it in triplicate. One unit per every 4000 square feet of land, say one unit for every 10,000 square feet of land. If you want to control density, you regulate for density, you are doing it from a negative rather than a positive.



Doring: You want to have distances between the buildings. You don't want to have a parcel of land bunched where there are no distances.

Nick: You don't need distances. When you have distances, the commission if doing what they probably should resent most from an applicant, that is sitting down with your code and deciding what he can build rather than going out and visiting his land and designing a development that fits the site. When you sit in an office and establish standards of distances without a site in mind you are predetermining the design of a structure or where the site would be used and it doesn't apply to any site and yet you are trying to make it apply to all sites. You should not be that specific relative to building distances or parking and buildings. You can do this with lot area coverage. You discussed different classifications of structures, wooden can only go certain height or square footage which is regulated by building code, then it must be concrete or steel. Wooden structure, 20 feet between buildings might be required. It might be fire code requirement, but it should not be a zoning requirement unless you are talking about density. To control density, control density don't design project.

Doring: Assuming worst case scenario: can't assume developer who is building these things and wants to sell them or rent them because he has a lock on the market, if prices are equal, the better project in terms of airyness, openness is probably going to win.

Nick: Commission can't concern themselves with method of ownership. Subdivision process has goals to make sure streets can carry capacity of traffic, specified amount of land has to be open space, they have their finding as to why that should be. That is what zoning code should be doing establishing intent and rules to achieve that goal. Go back to State law in our housing we are trying to achieve housing units for all economic segments of our community. Our interpretation of that is MR units at one unit for every 4000 square feet of land area. Now we have set out to design those regulations it can't work because we have put so many conditions on them, we can't get the one unit per 4000 square feet. If you want to reduce density then don't do it in a discrimination manner. Just require density as the Town can accommodate from capitol facilities, sewer, water and fire fighting capacity. In our studies if you come up with 9500 square feet per unit then cut that in half to make it legal. You deem how many acres you have in town that can accommodate MR zone and if all were to be developed could the town accommodate that growth, if the answer is yes, fine leave it. If, no you have the figure.

Question: Do I interpret your conversation to say that we could be sued by owners of MR zoned land because they cannot use their property.

Nick: That is not what I meant. If he was going to sue it would be on discrimination.

Question: What directed your attention to these regulations.

Nick: I was going through to try to find inconsistencies to keep you out of trouble. When we started talking about getting sewers across the river we looked at potential users.

Question: Will sewers be privately financed?

Nick: Never privately financed but there will be a bond and paid for as users hook in. Zoning regulations should be designed to enhance, stabilize, but not to discriminate. Point out the difference in requirements for garage versus parking spaces in multi family regs. No other community would do this, if they did it would be challenged. I am not here to embark on a 10 year research program to see how other communities do it. You have regulations that are clearly discriminatory and they can't work until you reach a certain size acreage. My recommendation is change them.

Question: What will we do now?

Doring: Loretta and I have made an agreement on rainy days to work in the office on regulations. We will take a look at these as they are written in context and come back to the Commission with suggestions. Other members are welcome to do the same.

New Business:

Walter Jahn sign: moved, seconded and passed unanimously to approve after confirmation as to maximum number of square feet he can have.

Sproverio: Pickett District Road caretaker's apartment. As Loretta has already told Mr. Sproverio it is not a permitted use.

B&B Home improvements - tabled.

Chemical Marketing Concepts request for one year extension: Doring moved that request, seconded and passed unanimously.

OLD BUSINESS:

John Scott Matthews, Lot 6, Austrian Pines - tabled.

Dominick Peburn.

??My sense is that the enclosing of the chipper makes it clear that it is not a nursery, but is an industrial venture.

Questioned about screening of the topsoil - no problem with that. Might say screener is to be enclosed somehow, but if the noise doesn't go off site and it is not visually off site = no problem.

Questioned the three siding building - Doring has problem with

three sided building; it might buffer or modify noise, preference would be for four sided. Agree chipper is processing, agree probably with the topsoil if both were under roof in a four sided building, then would have no question as to which way to act.

Discussion on growing items - no problem, however, Doring would like to see the regulations adhered to the letter. Just want to be sure that anything that is proposed could not fit into residential zone, if they remove that possibility and say this is an industrial venture, don't care if they grow stuff. As long as no noise, fumes, and light don't leave property. Applicant did state he will not call it a nursery.

Discussion on hours of operation: Nestle operates 24 hours a day and they can operate 24 hours a day in an enclosed building.

??Just want to be sure that what they say it is going to be will not end up as a pile of rotting stuff.

George DeVoe resolution to approve moved, seconded and passed unanimously.

Motion, second and passed unanimously approval of request of Bible Baptist Church.

Barton: Doring moved approval of special permit application of Mr. Barton as presented at public hearing to change facade of the present building at 27 Main Street, seconded and passed unanimously.

Bob Bauer: Report on request for permission to remove 2500-3500 yards from bridge site in Gaylordsville put there temporarily for bridge construction, this material came from Fort Hill, material came from Town of New Milford and approved by State DOT, probably at request of DEP, wants to stock pile it for restoring of the bridge as needed. Questioned who will monitor that it is not sold off site. There might be a request for reduction of bond. Tom Leahy said no problem with stockpiling on site.

#### BILLS:

Tom Byrnes dealing with Gary Marden, Gaylordsville, action involved junk cars \$1143.00.

Bauer: Spoke with Tom Byrnes and suit will not be withdrawn until Mr. Marden completely conforms with regulations.

Motion, second and unanimously passed approval of Byrnes' bill.

Daddy O's - letter received from Tom Byrnes stating that picnic tables are not a permitted use. Mr. Bauer will send copy of letter to Daddy O's with request to remove tables.

Discussion on Robertson's - there are cars parked in front with no

license plates. He is not conforming with court order.

Zoning Commission is being sued by Kovacs. Tom Byrnes said that if companies do not renew bonding by July 1 all operations shall cease and desist including removing of stockpiling. There was a request from Geisler for extension to August 1 for bonding due to death in family. However, there was not a termination of activities. It was decided not to set a precedent by granting an extension.

Motion, second and passed unanimously to adjourn the meeting.

# TOWN OF NEW MILFORD

PHONE (203) 355-6095



10 MAIN STREET

NEW MILFORD, CONNECTICUT 06776

Office of ZONING COMMISSION

July 5, 1991

TOWN CLERK  
NEW MILFORD

JUL 5 11 29 AM '91

q. F

Raymond Barton  
27 Main Street  
New Milford, CT 06776

Dear Mr. Barton:

At the regular meeting of the Zoning Commission held on June 25, 1991, your request for a special permit to permit renovation of the facade at 27 Main Street in the Village Center Zone.

Please file a copy of the enclosed resolution with the land records in the Town Clerk's office prior to obtaining any permits.

Should you have any questions, feel free to contact our office.

Very Truly Yours,

*George Doring* (10)

George Doring  
Chairman

JD/lb/mq

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

cc: Town Clerk  
File

# TOWN OF NEW MILFORD

PHONE (203) 355-6095



10 MAIN STREET

NEW MILFORD, CONNECTICUT 06776

Office of ZONING COMMISSION

July 5, 1991

TOWN CLERK  
NEW MILFORD

JUL 5 11 29 AM '91  
G.F.

Mr. & Mrs. George DeVoe  
7 Kent Road  
New Milford, CT 06776

Dear Mr. & Mrs. Devoe:

At the regular meeting of the New Milford Zoning Commission, held on June 25, 1991, your request for a Special Permit #05-91 and the accompanying revised site plan was approved for the Fort Hill Plaza Office Building, to be located at 7 Kent Road in the B-1 zone.

Please file a copy of the enclosed resolution with the Town Clerk's office. After the appeal, you may apply for the necessary permits.

Should you have any questions, feel free to contact our office.

Very Truly Yours,

*George Doring*

George Doring  
Chairman

JD/lb/mq

Certified Mail - Return Receipt Requested

cc: Town Clerk  
Terry C. Pellegrini, Esq.  
File

**ZONING COMMISSION  
REGULAR MEETING  
July 9, 1991  
MOTIONS**

The meeting was called to order at 7:32 pm by George Doring, Chairman. Present: Duane Davin Jr., Don Marsh, Charlie Raymond, alternate, Arthur Lavalette, Gary Santini, alternate, Bob Bauer, Enforcement Officer, Loretta Brickley, Assistant Enforcement Officer. Absent: Jim Lambert, alternate. Gary Santini was seated for Gerald LaTour, who arrived at 7:45 pm, at which time Gary Santini was unseated.

**Laura Wells, Riding Academy**

Mr. Lavalette moved to approve the application for a riding academy at Wellsville Avenue and Wells Road (R-4 zone). Mr. Davin seconded. Passed unanimously.

**Nancy & Jeffrey Sienkiewicz, Professional Offices**

Mr. Lavalette moved to close the hearing, Mr. Davin seconded. Mr. Doring amended the motion to be contingent upon receipt of a letter from the Trust for Historical Preservation. Mr. Lavalette accepted the amendment, Mr. Davin, as seconder, accepted the amendment. Passed unanimously.

**Jon Rehnberg, Golf Course Expansion**

Mr. Lavalette moved to close the hearing, Mr. Davin seconded. Passed unanimously.

**Kim Coolbeth**

Mr. Doring moved to accept the Zoning Enforcement Officer's report and release all but \$1000.00 bond remaining on Kim Coolbeth for the property located at 38 Old State Road. Mr. Lavalette seconded. Passed unanimously.

**T & N Association**

Mr. Doring moved to table the application until the next meeting to allow for a staff meeting to take place. Mr. Lavalette seconded.

**Barbera Struger**

Mr. Doring moved to approve for a public hearing for an accessory apartment on 83 Sherry Lane for August 13th. Seconded by Mr. Lavalette and passed unanimously.

Zoning Commission  
July 9, 1991  
Page 2 of 2

**John Scott Matthews**

Mr. Doring moved to approve the application to allow for excavation of 7,000 cubic yards of topsoil, earth-fill and rock from the property at Lot 6 Australian Pines, Kent Road. Mr. Lavalette seconded. Motion failed, 0-5.

**APAR Garden Supply**

Mr. Doring moved to approve the proposed site plan contingent upon a review of the upgrading of the landscaping, with trees being planted along every seven feet around the entire boundary of the property, and screening of the site by the Zoning Enforcement Officer. Mr. Lavalette seconded. Passed unanimously.

Mr. Doring moved to go into an executive session, Mr. Lavalette seconded.

Mr. LaTour moved to come out of the executive session. Mr. Lavalette seconded.

Mr. Lavalette moved to adjourn at 10:29 pm, Mr. Davin seconded. Passed unanimously.

Motions recorded by:

*Maryellen Quigley*

Maryellen Quigley

TOWN CLERK  
NEW MILFORD  
JUL 10 12 55 PM '91



Town Clerk

ADOPTED RESOLUTION

Proposed Resolution  
Riding Academy  
285 Wellsville Avenue  
Special Permit #21-91

Resolved to Approve Special Permit #21-91 under Article II - I No. 7 to construct a 20, 230 stable and indoor riding rink; property located at 285 Wellsville Avenue in an R-40 zone: Tax Assessors Map: 161 Lot # 4A; Owner of Record: Laura Wells; Applicant: Same

PROVIDING:

1. That except as modified by this resolution, the facility shall be constructed and site improvements completed as per drawings prepared by Linwood R. Gee & Sons Inc. (Conn. R.L.S. #7759) and entitled: Map prepared for George E. and Ethel M. Wells, dated December 6, 1990, revised May 3, 1990 to show proposed barn, parking, septic and drive; soil types and hay bales.
2. That all animal waste products would be removed from the site.
3. That fencing be installed and maintained to contain the horses on site.
4. That no exterior lighting shall be located onto any abutting property or street.
5. That the requirements placed on the property by the Inland/Wetland Commission at it's meeting of May 9, 1991 be met.
6. That the final site plan show delineation of the parking area.
7. That appropriate landscaping be prepared on the final site plan for approval by the Zoning Enforcement Officer.
8. That prior to the initiation of any construction activity on the issuance of any zoning permit, all erosion and sediment control measures as detailed in the site plan dated December 6, 1990, revised May 3, 1990 shall be in effect and operable; said measures and facilities shall be maintained in effective condition throughout the development process to insure compliance with the above mentioned drawings.
9. That during construction activity the Zoning Commission or its authorized agent shall reserve the right to require additional modified erosion and sediment control measures.

REASONS:

In granting the above Special Permit, and approving the accompanying site plan, the Zoning Commission of the Town of New Milford wishes to state, upon its record, that in the Commission's judgement, the subject property will not exert a detrimental effect on the development of the area nor the value of nearby properties.

7/16/91

Effective 8/2/91

TOWN CLERK  
NEW MILFORD

JUL 26 2 50 PM '91

ADOPTED RESOLUTION

Candlewood Valley Country Club - 22 Acres  
Erickson Road - Zoned R-80  
Special Permit #20-91

RESOLVED TO APPROVE special permit application under Article II #7 and Article IIIA of the New Milford Zoning Regulations to expand the existing golf course to construct two additional golf holes adjacent to the present course between the Still River and Erickson Road; Owner of Record: Jon Rehnberg et. al. Candlewood Valley Country Club, Inc; Applicant: Same.

PROVIDING:

1. That except as modified by this Resolution, the golf course shall be constructed and site improvements completed as per drawings prepared by Land Engineering Associates, Inc. dated May 9, 1990, Dirk W. Sabin (Conn. R.L.A. #466); Derrick R. Schull (Conn R.L.S. #15566).

- a) Site Location and A-2 Survey.
- b) Site and Grading Plans - Page One, Revised 4/1/91.
- c) Site and Grading Plans - Page Two, Revised 4/1/91.
- d) Construction detail plan showing erosion control methods.

2. That the applicant, developer, prior to any construction activity or issuance of a zoning permit, shall install proper soil erosion measures as outlined in plans submitted.

3. That during construction activity, the Zoning Commission, or it's authorized agent shall reserve the right to require additional or modified erosion and sedimentation control measures.

4. That during construction activity existing wooded areas, as shown on the site and grading plan shall remain undisturbed.

5. That select existing sycamore, birch, willow, and fern sods shall be transplanted from fairways to proposed meadows under the direction of the landscape architect and environmental consultant.

6. That the conditions as set forth by the New Milford Inland Wetlands Commission in its communication dated February 21, 1991 are complied with prior to the issuance of a zoning permit.

7. That any substantive modification to the approved site plan shall comply with the procedures of the zoning regulations.

REASONS:

In granting the above special permit and accompanying site plan the Zoning Commission of the Town of New Milford wishes to state upon its record that in the Commission's judgement, the subject property will not exert a detrimental effect on the development of the district nor on the value of nearby properties.

1. The proposed golf holes have been designed to preserve sensitive environmental areas and to capitalize upon the parcel's scenic attribute.

2. The proposed development is the highest and best use of the property given environmental concerns and the property is somewhat limited for potential residential development.

7/16/91

Effective 8/2/91

TOWN CLERK  
NEW MILFORD

Jul 26 2 50 PM '91

ZONING COMMISSION  
REGULAR MEETING  
JULY 23, 1991  
MINUTES

The meeting was called to order at 7:35 pm by George Doring, Chairman. Present: Duane Davin Jr., Donald Marsh, Arthur Lavalette, Gary Santini, alternate, James Lambert, alternate. Absent: Gerald LaTour, Charles Raymond, alternate.

Mr. Lambert was seated for Gerald LaTour.

Chairman Doring moved that the Commission forward a letter to Terry Green expressing condolences for Eleanor Green, member and first Secretary of the first Zoning Commission elected in 1970. Mr. Lavalette seconded. Passed unanimously.

**PUBLIC PARTICIPATION**

Rosalie DesBiens, owner of Colesseo II's Restaurant, was present. Ms. DesBiens said she would like to change the restriction placed on her restaurant concerning the serving of liquor. She had previously been granted a wine and beer license, but would now like to be able to serve mixed drinks, cocktails, etc... as well as wine and beer. Ms. DesBiens said that her lawyer didn't show up the last time that she came before the Commission, and therefore, she had not been fully prepared. She stated that she has been before ZBA and variance, but that the ZBA said no to her request because of the Zoning Commission's March 27, and April 10, meetings, at which time, the Commission said that wine and beer could only be served with a meal. Also, the First Assembly of God, which is within 500 feet of the restaurant, has written a letter to the effect that although they do not drink, they would like to remain neutral in this situation. Ms. DesBiens said that the Liquor Commission requires a bar to be twelve feet or less and she will do whatever is necessary to comply. She said that she wants the restriction lifted so that cocktails and mixed drinks can be served [full bar], and that unless something is done by the Zoning Commission, the ZBA cannot do anything. Also, Ms. DesBiens stated that she has a list of 343 signatures of people who do not mind if Colesseo II's has a full bar service. The Commission had been opposed to the regulation change because the people on 202 were afraid that bars would come up all over the place. Ms. DesBiens further stated that she has been serving wine and beer for 1 1/2 years and there have been no problems whatsoever, and she wants the regulation changed so that she can have a full bar.

Chairman Doring stated that the restriction is not on Ms. DesBiens, but that it is a regulation, and she has already been given a special permit to serve wine and beer which her zone does not allow. The restriction, which states that liquor cannot be served within 500 feet of a school or church, cannot be lifted. By being allowed a special permit for wine and beer, Ms. DesBiens has

ZONING COMMISSION  
JULY 23, 1991  
PAGE TWO

already been permitted above and beyond this regulation. It cannot be changed and it is not specifically aimed at her. The term "lift" - the commission cannot "lift" a regulation, they can only reconsider -or consider, another application that would amend the regulation and that would allow whatever it is that Ms. DesBiens wants to do, and that if she cares to resubmit she is more than welcome to do so.

Mr. Davin commented that the Zoning Commission had no choice but to place the restriction on Ms. DesBiens because it is a regulation.

Ms. DesBiens said that she's wasted a lot of time and money - and from the way that the situation has been explained to her, the problem is that the Commission says that it was originally stated that she could never come back and ask for a full liquor license - but she has listened to the tapes and reviewed them and found that this was never said.

Chairman Doring stated again that Ms. DesBiens has every right to reapply, although the Commission could not, at this time, say what the outcome would be.

Ms. DesBiens said she wished that things were different, but since they weren't, did that mean that Mr. Doring wanted her to come back to this Commission again?

Mr. Lavalette said that if he were Ms. DesBiens, he would not come back to the Commission with the same application, but instead, would try to find a way to have a service bar - this might be different enough that the Commission would be able to accept it and look at it as a new item.

Ms. DesBiens said that the first time she came to this Commission she only asked for a variance.

Mr. Lavalette said that he did not know if it was this Commission that she had asked for a variance.

Chairman Doring stated that the Zoning Commission does not deal with variance.

Ms. DesBiens said that if the Commission would be willing to approve her application if she were to come up with some kind of a compromise to have a service bar, then that is what she would do.

Mr. Lavalette stated that Ms. DesBiens could do as she pleased, but that the Commission could not say at this time what the outcome of such an application would be..



ZONING COMMISSION  
JULY 23, 1991  
PAGE THREE

Chairman Doring suggested that Ms. Desbiens get her application or reapplication written up and then the Commission would be able to make a decision, clear and simple. Until then, the Commission could not say what they would do.

Ms. DesBiens asked if she did as Mr. Doring suggested, would the commission then listen to her?

Chairman Doring responded that the Commission is required by law to listen to her.

NEW BUSINESS

Rachel Barton - 27 Main Street

Rachel and Ray Barton were present to discuss Mrs. Barton's application for a 24 square feet oval face sign (4 x 6) at 27 Main Street.

Chairman Doring asked if there was any way that the sign could be designed so that it would be compatible with the rest of the street, the color, for example?

Mrs. Barton said no - the color is her logo and has already been established - the rose color is already being used on her boxes and shopping bags.

Chairman Doring said he thought it would be better if there was all one color on the street.

Mr. Barton said the color was already on Mrs. Barton's boxes and bags, and expressed that he felt it was very important that each store have its own identity.

Chairman Doring said it was just a suggestion.

Mr. Lambert, referring to the Zoning Enforcement Officer's memo of 7/17/91, asked how close is "almost the same size?"

Mr. Barton said that if the sign were rectangular it would be the same square footage [as the sign permitted for Road and Truck Sports at the South end of the building].

Mr. Marsh moved to approve the application for a 24 sq. ft. sign at 27 Main Street. Mr. Lambert seconded and the motion carried unanimously.

[Mr. Lavalette & Mr. Lambert left at 7:55 pm].

ZONING COMMISSION  
JULY 23, 1991  
PAGE FOUR

Roger Lord - 30 West Street

Attorney Terry Pellegrini represented Roger Lord, who had submitted an application to run a printing shop and mini storage area in the existing building at 30 West Street. Attorney Pelligrini stated that a site plan had been approved in April for a woodworking shop and wholesale machinery dealership to operate on these premises, but that this use was never actually put into operation. Mr. Pellegrini referred to the Zoning Enforcement Officer's memos from July 17 and April 8, 1991.

Chairman Doring asked what kind of a business had operated at the premises prior to the 4/8/91 application? Attorney Pellegrini said that the premises had been used by Diventco for the manufacturing of circuit boards.

Chairman Doring asked what the storage would be? Attorney Pellegrini answered that the storage is already in existence - people rent space. Mr. Doring asked if this (storage rental) had been approved? Attorney Pellegrini said that it had been approved previously. Mr. Doring inquired about the parking, and Attorney Pellegrini said that the parking would be the same as had previously been submitted - 14 spaces.

Chairman Doring moved to approve Roger Lord's application for a printing shop and mini storage operation in the existing building at 30 West Street. Mr. Davin seconded the motion and it carried unanimously.

[Mr. Marsh left at 8:20 pm].

Monro Muffler/Brake, Inc. - 150 Danbury Road

Ms. Juliet Hildreth, Director of Facilities Development for Monro Muffler/Brake, was present. Ms. Hildreth explained that Monro Muffler/Brake is a chain of light automotive repair facilities that do shocks, alignments, catalytic converters, etc... The application proposed to take down the building that is currently on the premises, which used to house the service division of Cable Vision. The new building that would be put up to house Monro/Muffler Brake would be 50' x 90'. Ms. Hildreth said that they also want to close in the curb.

Chairman Doring asked what the parking requirement for an industrial zone was? Mr. Santini referred to Article 10, paragraph 5.

ZONING COMMISSION

ZONING COMMISSION  
JULY 23, 1991  
PAGE FIVE

Chairman Doring asked if there was a landscaping plan? Ms. Hildreth said that they do plan to seed the area but do not have a landscape plan prepared yet.

Chairman Doring said that he thought the Commission has been looking for smaller landscaping along these main roads.

Chairman Mr. Davin asked how many employees would there be? Ms. Hildreth said that there would be five employees, and also stated that there would be 23 parking spaces, and that on the average they need 18 spaces, and therefore, 23 would give them additional spaces.

Mr. Santini asked if Monro Muffler/Brake had been in touch with the Department of Motor Vehicle yet? Ms. Hildreth said no.

Chairman Doring said that since there is no set plan for landscaping yet, that he did not want to hold Monro Muffler/Brake up, and therefore would move to approve the site plan as presented with the requirement that the applicant come back when the site elevation and landscape development plan are fully developed. Mr. Santini seconded. Passed unanimously.

[Mr. Marsh returned to the meeting, 8:40 pm].

OLD BUSINESS

T & N ASSOCIATION - 106 Park Lane Road

Application for retail store. The applicant had requested an extension which was granted.

ACCEPTANCE FOR PUBLIC HEARING

Philip G. Lovell - 2 Park Lane Road - Zone change from R-4 to B-1.  
August 27

ZONING ENFORCEMENT OFFICERS REPORT

BUSINESS MEETING

Laura Wells - Wellsville Avenue & Wells Road

Chairman Doring moved to accept the proposed resolution (Special Permit #21 - 91) to approve Laura Well's application to construct a riding academy at 285 Wellsville Avenue. Mr. Marsh seconded and the motion passed unanimously.

**Nancy & Jeffrey Sienkewicz - Nine South Main**

At the public hearing of 7/9/91, Chairman Doring amended the motion made by Mr. Lavalette to close the hearing, to be contingent on receipt of a letter from Trust for Historical Preservation [Mr. Lavalette accepted this amendment, Mr. Davin, as seconder, also accepted the amendment. Passed unanimously]. Mr. Doring stated that because this letter has not yet been received by the Zoning Commission, no decision could be made at this time, and would be rescheduled for the next meeting's agenda (8/13/91).

**Candlewood Valley Country Club - Erickson Road**

Chairman Doring moved to accept the proposed resolution (Special Permit #20 - 91) to approve Candlewood Valley Country Club's application to expand the existing golf course to construct two additional golf holes between the Still River and Erickson Road. Mr. Marsh seconded and the motion passed unanimously.

**Ed Drzal - Route 202 - Gravel Mine Closure**

Chairman Doring stated that he had gone back to the Town Council, per what he thought was the agreement, and asked for an authorization for the Commission to be able to call Mr. Drzal's bond - not necessarily saying that the commission would call the bond. After a great deal of discussion, which ended with a motion to allow the Zoning Commission to call the bond, which resulted in a 4 - 4 tie vote. The Mayor did not vote to break the tie. The Town Charter states that the Mayor is not a member of the Town Council and shall vote only to break a tie. As the commission knows, a "shall" is mandatory, it is not permissive. Chairman Doring further stated that he would speak with the town attorney tomorrow because he feels that a non - vote has been interpreted to be passed to fall on the side of the motion, so it may well be that the Commission has an approved motion. "Shall" in legal terminology means must.

Chairman Doring said that he had a problem with this interference by the Council concerning Mr. Drzal because it would seem that the Town Council does not trust the Zoning Commission to work out some sort of solution with Mr. Drzal. Chairman Doring said that he had tried to remind the Council as nicely as possible that the Zoning Commission is a Land Use Commission with certain responsibilities under statute that are not their responsibility under statute, and that they hold this one bond by accident, otherwise, the Commission would be proceeding on their own. Mr. Drzal alleges that he is going to come in with some kind of a plan that will permit him not to have to restore as required by the regulations. Chairman Doring said that the Council asked him for some comment, to which

ZONING COMMISSION  
JULY 23  
PAGE SEVEN

he replied that he could not speak for the Commission because he has no idea what it is that Mr. Drzal is intending. Chairman Doring said he was concerned because the Council is not allowing the Commission to work this out with Mr. Drzal - the Zoning Commission is not going to try and carry out Council business, and therefore, the Council should not be trying to carry out the Commission's business. Mr. Santini asked what the Commission could do under the given circumstance if the Council will not release the bond? Chairman Doring said that without release of the bond the Commission could not do anything - except maybe to sue Mr. Drzal independently. Chairman Doring referred to another problem, concerning Mr. Docktor, who has not renewed his bond, continues to operate, and has been given a Cease and Desist. Ms. Brickley, Assistant Zoning Enforcement Officer, has gone down to check and found that material has been taken out since the Cease and Desist, but there is no bond to go after. Chairman Doring said that he had spoken to Attorney Byrne, and that the Commission could sue for restoration. Chairman Doring stated that he does not want to have to do this to Mr. Docktor or to Mr. Drzal.

Mr. Santini asked what the time limit on something like this would be? Chairman Doring said it would involve the person [in this case, Mr. Docktor] going to court, which should not a lengthy process. Mr. Santini asked if there was any way that a lien could be put on the property? Chairman Doring said that this cannot be done. Chairman Doring further stated that he was not yet ready to take such action as had been discussed, but just wanted to inform the Commission of this possibility.

Mr. Santini said that he thought that with gravel mines being such an important issue in Connecticut, that there would a different avenue to pursue other than suing for restoration. Chairman Doring said that if there was such an avenue, Attorney Byrne would have advised the Commission of it.

In conclusion, Chairman Doring stated that Mr. Drzal would be put back on the Zoning Commission's agenda sometime in October.

**BILLS & COMMUNICATION**

**DISCUSSION ON PROPOSED AMENDMENTS**

Chairman Doring referred to the Proposed Amendment to Article XV - Land Fill, Excavation, and Earth Removal. Mr. Santini said that he would go one step further and require a site plan in order to obtain a zoning permit. Mr. Marsh said that if you don't have a site plan, you have no way of knowing what it is going to look like afterwards, whereas, requiring the submittal of site plan would give the Commission a better edge on pulling cash bonds if

ZONING COMMISSION  
JULY 23, 1991  
PAGE EIGHT

ne ssary.

Mr. Santini said he would not mind having a special meeting some time in August just to go over some of the regulations that needed to be amended. Chairman Doring said that Mr. Santini should stop by the office to give his suggestions.

Chairman Doring referred to the Proposed Amendment to Article VIII -Uses Permitted in Multiple - Residence District. Chairman Doring stated that he is not claiming that these amendments are complete, but that they do provide a general format that can be followed - standards are spelled out, then permitted uses, etc...and that the intent is not to change basic regulations.

Mr. Santini suggested that these changes be footnoted.

[Mr. Lavalette and Mr. Lambert reentered the meeting at 9:30 pm. Mr. Lavalette requested that it be noted that had he been present, he would have voted in favor of both Laura Wells/Special Permit #21-91, and Candlewood Valley Country Club/Special Permit #20-91].

Mr. Lavalette moved to approve the minutes of 7/9/91 with an amendment to read :[Page Six - under T & N Association, 106 Park Lane Road] - "Mr. Doring moved to table the application until the next meeting. Mr. Lavalette seconded. Motion passed unanimously." Mr. Santini seconded the motion and it passed unanimously.

Mr. Lavalette moved to adjourn at 9:55 pm. Mr. Santini seconded. Passed unanimously.

Respectfully submitted by:

*Duane Davin* (signature)

Duane Davin, Jr.  
Secretary

/mq

TOWN CLERK  
NEW MILFORD  
JUL 31 4 05 PM '91  
*Al*

**ZONING COMMISSION  
REGULAR MEETING  
JULY 23, 1991  
MOTIONS**

**Present:** George Doring - Chairman  
Duane Davin, Jr. - Secretary  
Arthur Lavalette  
Donald Marsh  
James Lambert - Alternate seated for Gerald LaTour  
Gary Santini - Alternate

**Absent:** Gerald LaTour  
Charles Raymond - Alternate

Mr. Doring moved that the commission forward a letter to Terry Green expressing condolences for Eleanor Green, member of the first Zoning Commission elected in 1970. Mr. Lavalette seconded. Passed unanimously.

**Rachel Barton - 27 Main Street**

Mr. Marsh moved to approve Rachel Barton's application for a 24 sq. ft. oval face sign (4 X 6) at 27 Main Street in the Village Center Zone. Mr. Lambert seconded the motion and it carried unanimously.

**Roger Lord - 30 West Street**

Mr. Doring moved to approve Roger Lord's application for a printing shop and mini storage are in the existing building at 30 West Street. Mr. Davin seconded the motion and it carried unanimously.

**Monro Muffler Brake, Inc. - 150 Danbury Road**

Mr. Doring moved to approve the application of Monro Muffler Brake Inc. to remove the existing building at 150 Danbury Road and replace it with a 50' x '90 building for an automotive repair facility, with the requirement that the application be brought back to the commission when the site elevation and landscape plan is decided. Mr. Santini seconded and the motion passed unanimously.

**Laura Wells - Wellsville Avenue & Wells Road**

Mr. Doring moved to accept the proposed resolution (Special Permit #21 - 91) to approve Laura Well's application to construct a riding academy at 285 Wellsville Avenue. Mr. Marsh seconded and the motion passed unanimously.

Zoning Commission  
7/23/91  
Page Two

**Candlewood Valley Country Club - Erickson Road**

Mr. Doring moved to accept the proposed resolution (Special Permit #20 - 91) to approve Candlewood Valley Country Club's application to expand the existing golf course to construct two additional golf holes between the Still River and Erickson Road. Mr. Marsh seconded and the motion passed unanimously.

Mr. Lavalette moved to approve the minutes of 7/9/91 with an amendment to read: [Page Six - under T & N Association, 106 Park Lane Road] - "Mr. Doring moved to table the application until the next meeting. Mr. Lavalette seconded. **Motion passed unanimously.**" Mr. Santini seconded the motion and it passed unanimously.

Mr. Lavalette moved to adjourn at 9:55 pm. Mr. Santini seconded. Passed unanimously.

Motions recorded by:

*Maryellen Quigley*

Maryellen Quigley



TOWN CLERK  
NEW MILFORD

JUL 26 2 50 PM '91

# TOWN OF NEW MILFORD

PHONE (203) 355-6095



10 MAIN STREET

NEW MILFORD, CONNECTICUT 06776

Office of ZONING COMMISSION

July 26, 1991

TO: Mr. Jon Rehnberg  
CANDLEWOOD VALLEY COUNTRY CLUB  
Route 7  
New Milford, CT 06776

SUBJECT: Proposed Resolution (Special Permit #20 - 91)

At the July 23, 1991 meeting of the New Milford Zoning Commission the following action was rendered:

Approved proposed resolution (Special Permit #20 - 91) for Candlewood Valley Country Club to expand the existing golf course to construct two additional golf holes between the Still River and Erickson Road.

Please be advised that this approval shall be effective as of the date of publication August 2, 1991. Further, under State Statute, persons who wish to do so may appeal this decision but such action must be initiated within fifteen (15) days following the effective date.

Prior to any work being done, you are required to obtain the necessary permits. Our office is open daily from 8:30 a.m. to 4:30 p.m. for your convenience.

Should you have any questions, please feel free to contact this office.

Very truly yours,

George P. Doring  
Chairman

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

COPY: Terry Pellegrini, Esq.  
File  
Town Clerk ✓

TOWN CLERK  
NEW MILFORD

JUL 26 2 50 PM '91

# TOWN OF NEW MILFORD

PHONE (203) 355-6095



10 MAIN STREET

NEW MILFORD, CONNECTICUT 06776

Office of ZONING COMMISSION

July 26, 1991

TO: Laura Wells  
P.O. Box 718 - 12 Wells Road  
New Milford, CT 06776

SUBJECT: Proposed Resolution - Special Permit #21 - 91

At the July 23, 1991 meeting of the New Milford Zoning Commission the following action was rendered:

The proposed resolution (Special Permit #21 - 91) for Laura Wells to construct a riding academy at 285 Wellsville Avenue was approved.

Please be advised that this approval shall be effective as of the date of publication August 2, 1991. Further, under State Statute, persons who wish to do so may appeal this decision but such action must be initiated within fifteen (15) days following the effective date.

Prior to any work being done, you are required to obtain the necessary permits. Our office is open daily from 8:30 a.m. to 4:30 p.m. for your convenience.

Should you have any questions, please feel free to contact this office.

Very truly yours,

*George P. Doring* (GD)

George P. Doring  
Chairman

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

COPY: Town Clerk ✓  
File

TOWN CLERK  
NEW MILFORD

JUL 26 2 56 PM '91

**ZONING COMMISSION MOTIONS  
AUGUST 13, 1991**

**Present:** George Doring - Chairman  
Duane Davin - Secretary  
Arthur Lavalette  
Donald Marsh  
Charles Raymond - Alternate seated for  
Gerald LaTour  
James Lambert - Alternate  
Robert Bauer - Zoning Enforcement Officer  
Loretta Brickley - Assistant Zoning Enforcement  
Officer

**Absent:** Gerald LaTour  
Gary Santini - Alternate

Chairman Doring moved to close the public hearing of Barbara Struger for an accessory apartment at 83 Sherry Lane. Mr. Davin seconded. Passed unanimously.

Chairman Doring moved to accept the application of the Christian Science Society for an 18 sq. ft. sign as the first item of new business. Mr. Lavalette seconded. Passed unanimously.

Chairman Doring moved to approve the application of the Christian Science Society for an 18 sq. ft. sign at the corner of Main and Bridge Street. Mr. Lavalette seconded. Passed unanimously.

Mr. Lavalette moved to approve the application of the New Milford Town Committee to hold a circus at the grounds of the Pettibone school on August 21, 1991. Mr. Santini seconded. Passed unanimously.

Chairman Doring moved to accept the date of 9/24/91 for a public hearing on Residential Amendments - changes to Articles I-VII, Article II-I, II-II, II-III, II-IV, X, XII. Mr. Davin seconded. Passed unanimously.

Chairman Doring moved to accept the date of 9/24/91 for a public hearing to be held on the United Methodist Church, 68 Danbury Road, for expansion of their parking area. Mr. Lavalette seconded. Passed unanimously.

Chairman Doring moved to accept the date of 9/24/91 for a public hearing to be held concerning an amendment to Article II-VIII - Uses Permitted in Multiple Residence District. Mr. Davin seconded. Passed unanimously.

Chairman Doring moved to accept the date of 9/10/91 for a public hearing to be held on an accessory apartment at 19 Bridge Street. Mr. Lavalette seconded. Passed unanimously.

Zoning Commission Motions  
August 13, 1991  
Page Two

Mr. Lavalette moved to hold a public hearing on Still Meadow Condominiums [Fort Hill, Dominick Peburn] on 10/8/91. Chairman Doring seconded. Passed unanimously.

Mr. Lavalette moved to hold a public hearing for an accessory apartment at 31 Stephanie Drive on 9/10/91. Mr. Davin seconded. [It was noted that Mr. Doring will disqualify himself from this issue as he is a close friend of Mr. Packard, and Mr. Lambert will also disqualify himself because he is the contractor]. Passed unanimously.

Mr. Lavalette moved to accept bonding of \$168,000 for Advanced Stone as outlined in the communications between Advanced Stone and the Commission. Mr. Davin seconded. Passed unanimously.

Mr. Lavalette moved to submit the proposed amendment concerning restaurants [definitions & parking] to Attorney Byrne for review. Mr. Raymond seconded. Passed unanimously.

Mr. Lavalette moved to approve the application of Taco Bell Corp. to construct a 36' x 54' building to be used as a restaurant at 177 Danbury Road. Mr. Raymond seconded. Passed unanimously.

Chairman Doring moved to table the application of Nancy & Jeff Sienkewicz for Landmark District Status for professional offices at 9 South Main Street until the next meeting. Mr. Lavalette seconded. Motion passed, 3 - 2.

Chairman Doring moved to approve the payment of bills to Attorney Byrne for services rendered to the Commission. Mr. Davin seconded. Passed unanimously.

Mr. Lavalette moved to adjourn the meeting at 10:45 p.m. Mr. Raymond seconded. Passed unanimously.

Respectfully submitted,

*Duane Davin* (46)

Duane Davin, Jr.  
Secretary

DD/meq

TOWN CLERK  
NEW MILFORD  
AUG 14 1 57 PM '91  
TOWN CLERK  
NEW MILFORD  
AUG 14 1 57 PM '91  
AG.

TOWN CLERK  
NEW MILFORD

SEP 5 12 56 PM '91

ADOPTED RESOLUTION

Nancy & Jeffrey Sienkewicz  
Town Landmark District Request  
Nine South Main Street - Zoned R-8-2

Resolved to Approve the application for a Town Landmark District under Article VIII of the New Milford Zoning Regulations for Nine South Main Street, approximately 500' south of the intersection of Bridge Street on the east side of the street: Owner of Record: Nancy & Jeffrey Sienkewicz;  
Applicant: Same.

PROVIDING:

1. That except as modified by this resolution, the building shall be restored and site improvements made as shown on an Architectural Dg. by Zurlo & Kistler (Lewis F. Zurlo R.A. #1743) dated May 9, 1991, taken from an A - 2 Survey of Linwood R. Gee & Son, Inc. (Linwood R. Gee R.L.S. #7759) dated July 7, 1988.
2. That no other restorations or renovations be made except as shown on Zurbo & Kistler Dg. #A.1 dated May 9, 1991.
3. That the premises be suitably marked by an identification plaque approved by the Commission and describing its significance. All signs, and the identification plaque, shall continue to meet the sign provision of these regulations.
4. That in the replacement of architectural features, the new material shall match the material being replaced in composition, design, color, texture, and other visual qualities.
5. That the number of professionals using the property be limited to four so that on street parking is held to a minimum to maintain the quality and character of the street provided parking be limited to that which had been referenced on the site plan.
6. That any further renovations or alterations must be approved through the proper procedures by the Zoning Commission.

REASONS:

In granting the above Town Landmark District, the Zoning Commission of the Town of New Milford wishes to state, upon its record, that in the Commission's judgement, the subject property qualifies and will not exert a detrimental effect on the development of the area or the value of nearby properties.

7/31/91

Amended 8/27/91



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7/31/91  
Amended 8/27/91

**ZONING COMMISSION  
PUBLIC HEARING & REGULAR MEETING  
AUGUST 13, 1991  
MINUTES**

The meeting was called to order at 7:34 pm by George Doring, Chairman. Present: Duane Davin Jr., Secretary, Donald Marsh, Arthur Lavalette, Charles Raymond, alternate, James Lambert, alternate, Robert Bauer, Zoning Enforcement Officer, Loretta Brickley, Assistant Zoning Enforcement Officer. Absent: Gerald LaTour, Gary Santini, alternate.

Mr. Raymond was seated for Gerald LaTour.

**PUBLIC HEARING**

**Barbara Struger - 83 Sherry Lane - Accessory Apartment**

Ms. Struger was not present at the opening of the public hearing. Mr. Davin read the legal notices published August 1 & August 8, 1991. Chairman Doring read the Zoning Enforcement Officer's memo to the Commission regarding this application. Ms. Struger is requesting an accessory apartment at 83 Sherry Lane in an R-8 zone. A survey done in 1972 shows the structure to be in existence with a garage encroaching into the side setback 3.3 feet. The proposed accessory apartment would be on the lower level with approximately 600 square feet of inhabitable area. An attached one car garage provides space for one car, a second space would be required for the accessory apartment. This could be provided, according to the Zoning Enforcement Officer's Report, next to the garage.

Ms. Struger arrived at 7:40 pm.

Ms. Struger stated that all return receipts had been received. Chairman Doring asked Ms. Struger if she would like to speak about her proposal? Ms. Struger said no - that the Commission could address her with any questions they may have. Mr. Doring asked what kind of zone this was located in? Mr. Bauer said it was an R-8 zone. Ms. Struger commented that she has already been through health, etc... Chairman Doring told her that this was different. Mr. Doring asked if the apartment would be below grade? Ms. Struger said that only a part of the kitchen would be below grade. Chairman Doring asked if there was a separate entrance. Ms. Struger said there was. Mr. Lavalette asked if there would be just one exit for the people who would be living in the accessory apartment? Ms. Struger said no, there was also another exit.

Chairman Doring asked if the Commission had any more questions for Ms. Struger? Mr. Lavalette asked if the kitchen was the only room that would be partially underground. Ms. Struger said this was correct.

Chairman Doring asked if there were any other questions - and if there was anyone present who would like to speak in favor of or

**ZONING MEETING  
AUGUST 13, 1991  
PAGE TWO**

against the application?

Mr. Pace of 84 Sherry Lane, was present. He stated that he was not sure if he was for or against the application, but that Barbara's neighbors were concerned because it is an R-8 residential zone. If the apartment is allowed - such "pseudo-two family homes" will not be good representation for the point - leading to big problems with parking and septic conditions. He foresees this as a big health hazard - it has nothing to do with Ms. Struger and he has no objection to her doing any kind of interior change, he is just concerned that any extension will....

Chairman Doring stated that the house will not be extended. Under R-8, an accessory apartment shall be allowed by special permit -

Ms. Struger asked Mr. Pace if he knew that the person living directly next door to her had an accessory apartment? Mr. Pace said that no one was living there. Ms. Struger said that there was someone living there. Chairman Doring said that this was not the concern of this hearing.

Mr. Gallagher of 72 Sherry Lane was also present. He stated that he was concerned with the parking problem, which he feels is a major problem on Sherry Lane. Bringing more people in will worsen the problem of this private lake community. Ms. Struger commented that she does not have any parking or septic problems.

Mr. Paetsch of 86 Sherry Lane was present. He did not speak in favor or against the application, but wanted the term "accessory apartment" further clarified, as he was not sure what it meant. Chairman Doring explained that under special permit, Ms. Struger would be allowed to have an apartment in her house. The Commission can either grant or deny Ms. Struger's application - she does not have the automatic right to have two apartments - but the Commission may or may not grant the special permit. Mr. Paetsch said that he just wanted to know what was going on.

Ms. Struger stated that she had no septic problems, and no problems with parking. She said she is also paying money to improve the complex, and cannot understand why these people are so terrified - & her right next door neighbor has the same situation and never had to go through any of this. Chairman Doring stated that the Commission had not been aware of this situation [Ms. Struger's neighbor].

Mr. Doring moved to close the public hearing. Mr. Davin seconded. Passed unanimously.

**ZONING MEETING  
AUGUST 13, 1991  
PAGE THREE**

**PUBLIC PARTICIPATION**

Rosalie DesBiens, owner of Colesseo II's Restaurant, was present. Ms. DesBiens said that the last time she had come before the

Commission on July 23, 1991, she had been told to write a letter, which she has done. From what she heard, she did not think an amendment was needed by the Commission.

Chairman Doring said that at the last meeting, Ms. DesBiens had been told that if she cared to change the rules, she would have to write an amendment to change them - Ms. DesBiens must write an amendment - and file an application to change the regulations.

Ms. DesBiens said that she did.... Chairman Doring told Ms. DesBiens to stop in the Zoning office tomorrow and see Ms. Brickley, and file the proposed change - which the Commission will than look upon it as any other application to change a Zoning regulation.

Chairman Doring said that Ms. DesBiens should see Loretta tomorrow so that a date for a public hearing can be set at the next meeting of the Zoning Commission.

**NEW BUSINESS**

**Christian Science Society - Corner of Main and Bridge Streets**

Chairman Doring moved to accept the application of the Christian Science Society for an 18 square feet sign as the first item of new business. Mr. Lavalette seconded the motion, which passed unanimously.

Mr. Norman Vandervoorts was present to discuss the application of the Christian Science Society, located at the corner of Bridge & Main Street, to relocate the existing display case from in front of the former reading room building, to the front of the church edifice, and put up a new 18 sq. ft. free standing sign.

Chairman Doring moved to approve the application of the Christian Science Society, Mr. Lavalette seconded. Passed unanimously.

**Taco Bell Corporation - 177 Danbury Road**

James Osborne was present to discuss plans for a Taco Bell Corp. Restaurant that would be located at 177 Danbury Road. The property is across the street from Stop & Shop. Mr. Osbourne said that Mike Crespan, Director of Health, had a few minor changes for the plan, so there was not yet a permit from the Health Department, but it was very close to being obtained.

**ZONING MEETING  
AUGUST 13, 1991  
PAGE FOUR**

Mr. Osborne said the drainage for this plan is unique. Drainage will go across Route 7 to the New Milford Bank & Trust, down in back of Kevin Hart's office building to an open acre of land where dry wells will be constructed. He stated that Taco Bell has an agreement with Paul McNamara & Kevin Hart to do this. Loretta asked if this agreement was in writing, Mr. Osborne said yes, it was in writing and he would provide the Commission with a copy of the letter.

Chairman Doring read the Zoning Enforcement Officer's memo, Mike Crespan's memo [stated that additional information was still needed by the Health Department], the Fire Marshall's memo [stated that a fire hydrant would be needed], the sign permit [30 ft. free standing], and Larry Liebman's [Inland Wetland Enforcement Officer] memo.

Chairman Doring asked Mr. Bauer if the sign was in order. Mr. Bauer said that it was. Chairman Doring asked if there were any more questions for Mr. Osborne regarding the Taco Bell application?

Chairman Doring asked if this was to be done in "pseudo - neo - Mexican" design - Mr. Osbourne said that this was correct.

**William T. Ward - Sale of Produce - 344 Kent Road**

The applicant requested that he be granted a permit to sell garden produce at a home located at 344 Kent Road. The sale of the produce is on a picnic table located at the south side of the house.

Chairman Doring read the Zoning Enforcement Officer's report concerning this application. Chairman Doring asked how far from the road the "vegetable stand" would be? Mr. Ward said it would be approximately 40 ft. Chairman Doring asked how long of time period would he be looking to have a permit for - 3 -6 months? Mr. Ward asked if he would have to return each year to get the permit? Chairman Doring said yes, and made the suggestion that he come earlier next year. Chairman Doring said that Mr. Ward should call Ms. Brickley tomorrow at the office.

**Housatonic Valley Construction - Kim Coolbeth - 38 Old State Road**

The applicant, Kim Coolbeth, was present. Attorney Terry Pellegrini was also present, representing the applicant. Chairman Doring read the Zoning Enforcement Officer's report regarding this application. Mr. Coolbeth is requesting a permit construct a 4800 sq. ft. garage with office area and storage for construction equipment material and related activities in a B-2 zone at 38 Old

ZONING MEETING  
AUGUST 13, 1991  
PAGE FIVE

State Road. Chairman Doring asked if the house that is currently on this property, which is located behind the car dealership, would be going down immediately? Mr. Coolbeth said that he currently has a demolition permit going, and it shouldn't be too long before he can take the house down.

Attorney Pellegrini said that it had previously been agreed that when the problems were resolved that Mr. Coolbeth would come back to the Commission with a new site plan, and that he now intends to keep the existing trees, and the land will be screened from any visibility from the road.

Chairman Doring referred to the Zoning Enforcement Officer's report of 8/7/91, and asked Mr. Bauer to explain the third paragraph: ["The future proposed office should be addressed at a later date as is future parking outside the area of proposed parking."]

Chairman Doring said that if the Commission has not yet determined the exact usage of this project - the type of parking that would be necessary could not be determined as there are different parking regulations for different uses. Attorney Pellegrini stated that this office would be Mr. Coolbeth's office.

Chairman Doring read the fourth paragraph of the Z.E.O. report, pertaining to reports forthcoming from the Director of Health, Fire Marshall, and Director of Public Works. Mr. Pellegrini said that Mr. Coolbeth has talked to his people and dry wells may be placed at the entrance.

Chairman Doring read a letter from the Fire Marshall, Mr. Lathrop.

Chairman Doring said that he agreed with Mr. Bauer - however construction vehicles are parked, they're still construction vehicles. Chairman Doring also stated that he would like to see denser landscaping - it is not a great cost to throw in trees about 8 ft. in height. Mr. Coolbeth said he would be planting trees between 6 and 8 feet high.

Chairman Doring said that he was concerned because he believed that the regulations require a 60 ft. buffer. Attorney Pellegrini noted that the language that is currently in the regulations [Article X - Height and Area Regulation] do not require Mr. Coolbeth to have a 60 ft. buffer. Ms. Brickley stated that when these regulations were amended in 1987, this one was not completely amended and that a public hearing would be set to amend that [SINGLE FAMILY WILL BE TAKEN OUT].

Chairman Doring asked if he correctly understood that this office was only to be used by Mr. Coolbeth? Mr. Coolbeth said that this was correct and that he has no intention of renting it.

**ZONING MEETING  
AUGUST 13, 1991  
PAGE SIX**

Attorney Pelligrini said that it could be rented.

Mr. Lambert asked if the Commission could assume that 90% of the equipment would be kept inside the building? Mr. Coolbeth said that this was not an accurate assumption. Attorney Pellegrini said that parking spaces had not been specifically delineated yet.

Mr. Marsh asked if Mr. Coolbeth would be using town water? Mr. Coolbeth said yes. Mr. Marsh said that Mr. Coolbeth should show some drainage.

Chairman Doring said he would also like to see a drainage plan, more dense planting, and the actual dimensions of the office plan so as to determine how much parking would be necessary.

Attorney Pellegrini stated that parking, drainage, blacktop area, and delineation would all be presented on the site plan.

**New Milford Republican Town Committee - Circus**

Mr. Kenneth Taylor was present for the New Milford Republican Town Committee, who were requesting approval to use the Pettibone school grounds for a one day circus on August 21, 1991. Chairman Doring stated that the New Milford Republican Town Committee may have to employ town police for this event. Mr. Taylor said that this was already taken care of.

Mr. Lavalette moved to approve the application, Mr. Santini seconded. Passed unanimously.

**ACCEPT FOR PUBLIC HEARING**

Chairman Doring moved to accept the date of 9/24/91 for a public hearing on Residential Amendments - changes to Articles I-VII, Article II-I, II-II, II-III, II-IV, X, XII. Mr. Davin seconded. Passed unanimously.

Chairman Doring moved to accept the date of 9/24/91 for a public hearing to be held on the United Methodist Church, 68 Danbury Road, for expansion of their parking area. Mr. Lavalette seconded. Passed unanimously.

Chairman Doring moved to accept the date of 9/24/91 for a public hearing to be held concerning an amendment to Article II-VIII - Uses in Multiple Residence District. Mr. Davin seconded. Passed unanimously.

Chairman Doring moved to accept the date of 9/10/91 for a public

**ZONING MEETING  
AUGUST 13, 1991  
PAGE SEVEN**

hearing to be held for an accessory apartment at 19 Bridge Street. Mr. Lavalette seconded. Passed unanimously.

Mr. Lavalette moved to hold a public hearing on Still Meadow Condominiums [Fort Hill, Dominick Peburn] on 10/8/91. Chairman Doring seconded. Passed unanimously.

Mr. Lavalette moved to hold a public hearing for an accessory apartment at 31 Stephanie Drive on 9/10/91. Mr. Davin seconded. [It was noted that Chairman Doring will disqualify himself from this issue as he is a close friend of Mr. Packard. Mr. Lambert will also disqualify himself because he is the contractor]. Passed unanimously.

**OLD BUSINESS**

**T & N Association**

Pat Hackett, the engineer for this project, was present to discuss T & N Association's revised plans for the development of a two phase commercial building for retail stores at 106 Park Lane Road.

Chairman Doring asked if the plan had been revised according to the suggestions made at the meeting between the Land Use offices' staff member and T & N Associates? Mr. Hackett said yes - that as a result of that meeting, the plan had been revised so that a 1600 ft. restaurant could be accommodated in terms of septic and parking facilities.

Chairman Doring noted that if Phase I, Phase II approval was given - T & N Associates would have 18 months to complete the project - if the project was not completed in this time span, they would have to resubmit. Mr. Hackett said he was aware of this.

Mr. Davin asked what the architecture of the structure would be? Mr. Hackard said it would look like Loree's Plaza, cinder block would be used.

Chairman Doring asked if they couldn't do anything different that would look nicer - although this would not affect whether he would approve or disapprove.

Mr. Raymond expressed concern about the proposed drainage and would like to see the engineer's report. Mr. Hackett said that Mrs. Brickley had one on file, and said that it was fairly indepth. Mr. Raymond said that he still thought it like a giant piece of asphalt with a couple of buildings on it.



**ZONING MEETING  
AUGUST 13, 1991  
PAGE EIGHT**

Mr. Raymond asked if there were any tenants yet - or would this just be more unused commercial space?

Mr. Hackett said that with the septic and parking plan, the development would be able to handle a restaurant or anything else that might be likely to come in.

Mrs. Brickley noted that T & N Associates should be aware of the 18 month time limit because it would be followed very carefully by the Zoning office. Mrs. Brickley also commented on the water problem that New Milford Bank and Trust had when they were building and that this project would have to be watched carefully.

Mr. Marsh stated that the retention of New Milford Bank and Trust had been moved and now seems to be working.

Chairman Doring asked if Mr. Marsh had any technical problems with this? Mr. Marsh did not, but thought that flooding may be a problem. Also, as a matter of courtesy, the owner of the neighboring house to the property should be notified of the plans so as to have an opportunity to express her feelings on this project.

Mr. Lavalette asked if Nick had been informed of the changes they've made and not made? He would like to see this discussed over again with the staff members who gave input and see if they approve of what's been done and what has not been done - if they have no problem with the revised plan, then Mr. Lavalette said he would have no problem either.

Mr. Raymond asked what would be going out - fill - how much - and where? Mr. Packard said it would be about 5 - 6 yard of fill.

Chairman Doring said that this should be taken up with Glen MacWilliams, Director of Public Works, and Nick Romaniello, Town Planner for review of the revised site plan.

**Advanced Stone - Gravel Renewal Bonding**

Attorney Pellegrini represented Advanced Stone. Attorney Pellegrini said that the renewal bonding was set for \$600,000 because Glen MacWilliams' (Director Public Works) opinion was that this was how much restoration would cost per acre on this piece of property for activities given in a permit year. Attorney Pellegrini's client had not been happy with this figure. Attorney Pelligrini and his client had met with Mrs. Brickley and had visited the site along with Mr. MacWilliams.

Attorney Pellegrini presented a map showing what areas would actually be mined during a given permit year, which was a total of 6

**ZONING MEETING  
AUGUST 13, 1991  
PAGE NINE**

acres - the area where the existing quarry operations take place. If there's an existing \$168,000 bond already held by the Zoning Commission - could it be agreed that no operations will take place outside of the 6 acre area - thus giving the \$10,000 requested per acre. Attorney Pellegrini felt that this would be appropriate, and if this could be agreed upon, his client would not return the suit to court.

Chairman Doring stated that he had three concerns: [1] the actual mine area [2] the processing area and [3] the area not mined, but also not restored. What would this area be? Attorney Pelligrini referred to the map and said it was probably between another 5-6 acres.

Mr. Lavalette moved to accept \$168,000 bond as outlined in the communication with the Commission and Zoning office. Mr. Davin seconded. Passed unanimously.

**ZONING ENFORCEMENT OFFICER'S REPORT**

**Enhanced 911 Emergency Telephone System**

Mr. Bauer commented on the meeting between the Land Use staff and Nick Romaniello, concerning address changes predicated by the Enhanced 911 Emergency Telephone System mandated by the State of Connecticut.

**Rocky River Gravel Mine**

Also discussed was the meeting between Mr. Bauer, Mrs. Brickley, Nick Romaniello, and Chris Smith, Esq, [of the law firm Cohen & Wolf, representing New Milford Savings Bank] to discuss what was permitted at the land of Rocky River Gravel Mine.

**29 West Street**

Attorney Pellegrini was present to discuss the previously approved Special Permit #15-91 for 29 West Street. Attorney Pellegrini said that he was trying to get a sense of the Commission's feelings - his clients are dealing with 18 units in the Hulton building, and have discussed redoing the interior for more of a flat type set up, and he was trying to get a sense of what he could expect from the Commission before going for a full blown public hearing.

Mr. Lavalette asked if the exterior of the building would remain the same? Attorney Pellegrini said yes - except possibly for some wells for lighting.

**ZONING MEETING  
AUGUST 13, 1991  
PAGE TEN**

Mr. Bauer questioned if the Fire Marshall's requirements would cause exterior change. Mr. Pellegrini did not think they would, but noted that if this were in fact the case, it would be a problem - but that this was just a preliminary, and the Fire Marshall had not yet been consulted, etc..

Chairman Doring said that it would be prudent for Attorney Pellegrini to come back to the Commission with an actual plan. Attorney Pellegrini said that he knew that he and his client would have to come back, but just wanted a general idea of what direction his client might expect the Commission to take.

**PROPOSED AMENDMENTS - DISCUSSION ON**

**Village Center Zone [submitted by Terry Pelligrini, Esq.]**

Attorney Pelligrini was present to discuss the proposed amendment for the Village Center Zone, which he said would allow the application for Mobil to go forth, as well as housekeeping in the Village Center Zone.

Chairman Doring said that the Commission would need a chance to review this and see where it was going.

**B-1 Zone - Combination of Uses (submitted by Terry Pellegrini, Esq.)**

Attorney Pellegrini was present to discuss the proposed amendment for the B-1 zone. Mr. Pellegrini stated that he had discussed this before and proposed a change that would make it more clear - the previous Commission argument had been that it was to broad - whereas this new draft specified area. The introductory language would limit it to those particular areas.

Mr. Raymond asked if it was just the sewer district - why not go both ways instead of just one?

Attorney Pellegrini said that his sense of the Commission's reaction was that they want to outline the Village Center and surrounding B-1 zones.

Mr. Lavalette said he thought it would be good to enhance these zones so that people would want to move in there - right now it's not that attractive - people wouldn't really want to live on a second floor apartment there.

Mr. Raymond said that he would like to restrict it for the moment to the Village Center and see how it goes there. As New Milford becomes more and more urbanized - the process will require us to realize each thing as we cannot always require., such as 1.5

**ZONING MEETING  
AUGUST 13, 1991  
PAGE ELEVEN**

parking places. It is an adjustment process and Mr. Raymond would like to first see how these types of things go in the Village Center zone - give it a couple of years to see how the V.C. people deal with it so the Commission can get out the kinks - and then process it from there.

Mr. Lavalette said that Mr. Raymond's point was well taken.

Mrs. Brickley noted that the office has had many calls expressing that this is needed in the town.

Chairman Doring asking Attorney Pelligrini which way he was looking to go on this? Attorney Pelligrini said that he doesn't have a specific client in this area, and doesn't have an axe to grind either way, but is just trying to help to resolve the problems with the regulations concerning this issue.

Mrs. Brickley said that the Commission could only approve or deny the proposed regulation - it could not be modified.

Mr. Raymond said that he had no problem with the concept - but just thought the Commission should move carefully with it, but he would support the Commission if they wanted to go ahead with it.

The Commission members unanimously said that they would support Route 202.

**Restaurants - Definitions & Parking**

Mr. Lavalette asked who would control the in-lieu of parking fund if the Commission were to move in this direction?

Mrs. Brickley said the Town Council would control this fund if it were instituted.

Mr. Lavalette said that the Town Council should be consulted to see if they want the responsibility of these additional parking funds.

Mr. Davin inquired as to how much money would be entailed for in-lieu of parking spots?

Mrs. Brickley said that the cost was to be determined.

Mr. Raymond asked if the Commission could rethink section (#6a) so as to give restaurant owner a little slack - "who are we to pontificate?"

ZONING MEETING  
AUGUST 12, 1991  
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Mr. Lavalette said - "we are the ones who have to." Mrs. Brickley told Mr. Raymond that when a regulation is put in, it cannot be for 1 or 2 people, it must be for the whole are. Chairman Doring stated that the sidewalks belong to the town - tables cannot go there - if they have space between - they can put tables there.

Mrs. Brickley said that she would send the proposed amendment to Attorney Byrne for review, but had wanted to get the Commission's approval before doing so.

Mr. Davin asked if the last paragraph was too limited or too restrictive? Mrs. Brickley said it was an average.

Mr. Lavalette moved to submit the proposed amendment to Attorney Byrne for review. Mr. Raymond seconded. Passed unanimously.

It was also noted that Mrs. Brickley would compose a letter to the Mayor regarding in-lieu of parking fees to see if thought this was a feasible direction to move in, and also to find out what the Town Council thought.

**BUSINESS MEETING**

**Taco Bell**

[Mr. Marsh was unseated due to a conflict of interest. Mr. Lambert was seated.]

Mr. Lavalette moved to approve the application of Taco Bell Corp. to construct a 36' x 54' building at 177 Danbury Road, to be used as a restaurant, subject to approval of the drainage plan by the Director of Public Works. Mr. Raymond seconded. Passed unanimously. [Mr. Lambert was unseated and Mr. Marsh was reseated.]

**William T. Ward - Roadside Stand**

Chairman Doring moved to approve the application of Mr. Ward for a roadside stand for the sale of vegetables at 314 Kent Road. Mr. Raymond seconded. Passed unanimously.

**Nancy & Jeff Sienkewicz - 9 South Main Street**

Mr. Raymond moved to approve the Proposed Resolution to approve the application for Town Landmark Status [Art. VIII] for 9 South Main Street. Mr. Davin seconded. Mr. Lavalette moved to amend #5 on the resolution - to limit the number of professionals to 3. Mr. Raymond moved to amend to limit the number of professionals to 4.

ZONING MEETING  
AUGUST 13, 1991  
PAGE THIRTEEN

Mrs. Brickley asked how 4 professional could be allowed - how could there be enough parking for 4 professionals as well as their clients?

Mr. Raymond said that he was under the impression that the parking was adequate.

Mr. Bauer stated that there were 8 parking spaces. Mrs. Brickley said that some of these spaces were subspaces.

Mr. Lavalette moved to table and Mr Sienkewicz would come back to the Commission with a parking plan.

Chairman Doring said that he would like to take time to look at the parking situation.

Mr. Marsh said he had not seen the parking situation and would go along with waiting so as to have a chance to see it.

Chairman Doring moved to table the application toe the next meeting. Mr. Lavalette seconded. Motion passed, 3 - 2.

**Bills & Communications**

Chairman Doring moved to approve the payment of bills to Attorney Byrne for services rendered to the Commission. Mr. Davin seconded. Passed unanimously.

Mr. Lavalette moved to adjourn the meeting at 10:45 p.m. Mr. Raymond seconded. Passed unanimously.

Respectfully submitted,

*Duane Davin* 

Duane Davin, Jr.  
Secretary

/meq

TOWN CLERK  
NEW MILFORD

AUG 20 3 21 PM '91

**ZONING COMMISSION MOTIONS**  
**AUGUST 27, 1991**

Present: George Doring - Chairman  
Arthur Lavalette - Vice-Chairman  
Duane Davin - Secretary  
Donald Marsh  
Gerald LaTour  
Gary Santini - Alternate  
Jim Lambert - Alternate  
Charles Raymond - Alternate  
Robert Bauer - Zoning Enforcement Officer  
Loretta Brickley - Asst. Zoning  
Enforcement Officer

Mr. Marsh moved to close the public hearing of Philip G. Lovell for a zone change from R-40 to B-1 at 2 Park Lane. Mr. Davin seconded. Passed unanimously.

Mr. Santini moved to accept the following items of business in addition to the scheduled agenda for the Zoning Commission meeting of August 27, 1991: New Milford Democratic Town Committee, Buck Rock Camp, Housatonic Valley Construction, Mr. Coolbeth, and Mr. Sienkewicz. Chairman Doring seconded. Passed unanimously.

Chairman Doring moved to approve the application of St. John's Episcopal Church for a 10 sq. ft. free standing sign at 7 Whittlesey Avenue contingent on the appointed size and that the sign be placed in accordance to the zoning regulations of the Town of New Milford. Mr. Marsh seconded. Passed unanimously.

Chairman Doring moved to approve the application of the New Milford Democratic Town Committee for a carnival to be held 9/26 - 9/28. Mr. Marsh seconded. Passed unanimously.

Mr. Lavalette moved to approve the application of Elena Tchernichova, 8 Barker Road, for an 18' X 20' detached garage. Mr. LaTour seconded. Passed unanimously.

Chairman Doring moved to approve the application of Squash Hollow associates to import Earth material from the construction of the Iroquois pipeline site subject to approval by Thomas Byrne, Esquire. Mr. Lavalette seconded. Passed unanimously.

Mr. Lavalette moved to approve the application of Trefz Corporation for McDonald's Restaurant for an addition and interior alterations to the existing restaurant subject to the planting of 5 dogwood trees. Mr. Doring seconded. Passed unanimously.

Zoning Commission Motions  
August 27, 1991  
Page Two

Mr. Lavalette moved to accept the following public hearings: Amendment to Article XVI - Alcoholic Beverages, to be held on 9/24/91, the application of Mary McCrain to operate a nursery school at 40 Dean Road to be held on 10/24/91, proposed amendment to Article X to be heard on 10/22/91, the application of Buck Rock Camp for a swimming pool to be held on 10/10/91 and the application of Candlewood Valley Country Club for an addition to be held on October 10, 1991. Mr. LaTour seconded. Passed unanimously.

Mr. Lavalette moved to approve the revised site plan of T & N Association for a retail store development at 106 Park Lane, contingent upon meetings between the applicant, Mr. Marsh, and Mrs. Ohmen concerning the drainage situation on the back, northeast corner of the property. Mr. Davin seconded. Passed 4 - 1.

[9:37 pm - Mr. Marsh excused himself from the discussion on Monro Muffler/Brake Inc. and Mr. Raymond was seated in his place. Mr. LaTour also excused himself and Mr. Santini was seated]. Mr. Davin moved to approve the site plan and landscaping for Monro Muffler/Brake Inc. at 150 Danbury Road. Mr. Santini seconded. Passed unanimously.

Mr. Lavalette moved to approve the proposed resolution of approval of the application of Barbera Struger for a special permit for an accessory apartment at 83 Sherry Lane. Mr. Doring seconded. Passed 4-1.

Mr. Davin moved to untable the application of Jeffrey and Nancy Sienkewicz for Town Landmark District at Nine South Main Street. Mr. LaTour seconded. Passed 4 - 1.

Mr. Davin moved to amend provision (5) of the proposed resolution for approval of the application for Town Landmark District under Article VIII for Nine South Main Street to limit the number of professionals to four. Mr. Lavalette seconded. Passed unanimously.

Mr. Lavalette moved to further amend the proposed resolution for Nine South Main Street to provide that parking be limited to what was shown on the site plan, and that it be referenced on the plan as well. Mr. Davin seconded. Passed unanimously.

Mr. Davin moved to approve the proposed resolution for approval, as amended, for a Town Landmark District at Nine South Main Street. Mr. Marsh seconded. Passed 4 - 1.

Mr. Lavalette moved to approve the application of Philip G. Lovell for a zone change from R-40 to B-1 at 2 Park Lane. Mr. Doring seconded. Passed unanimously.



Zoning Commission Motions  
August 27, 1991  
Page Three

Chairman Doring moved to approve payment of a \$750.00 bill from Thomas Byrne, Esquire, for services rendered regarding the Ginsberg appeal. Mr. Davin seconded. Passed unanimously.

Mr. Lavalette moved to accept the minutes of July 23, 1991. Chairman Doring seconded. Passed unanimously.

Mr. Santini moved to accept the minutes of August 13, 1991 with an amendment to the motion to approve the New Milford Republican Town Committee's application to hold a circus at the Pettibone school grounds -[Mr. Santini did not second the motion made by Mr. Lavalette. Mr. Davin seconded the motion]. Chairman Doring seconded. Passed unanimously.

Mr. Lavalette moved to adjourn the meeting of the Zoning Commission at 10:34 pm. Mr. Davin seconded. Passed unanimously.

Respectfully submitted,

*Duane Davin* (M)

Duane Davin, Jr.  
Secretary

/meq

TOWN CLERK  
NEW MILFORD

AUG 29 11 41 AM '91

**ZONING COMMISSION  
AUGUST 27, 1991  
PUBLIC HEARING & REGULAR MEETING  
MINUTES**

The meeting was called to order at 7:33 pm by George Doring, Chairman. Present: Duane Davin, Jr. - Secretary, Don Marsh, Gerald LaTour, Charlie Raymond - alternate, Gary Santini - alternate, Robert Bauer - Zoning Enforcement Officer, Loretta Brickley - Asst. Zoning Enforcement Officer. Absent: Arthur Lavalette - Vice Chairman, James Lambert - Alternate.

Mr. Santini was seated for Mr. Lavalette.

**PUBLIC HEARING - PHILIP P. LOVELL**

Mr. Lovell was present to discuss his application for a zone change from R4- to B-1 at 2 Park Lane. Mr. Davin read the legal notice for the public hearing.

Mr. Lovell said that he would like to extend the lime of the B-1 zone so that the total parcel of land would be encompassed. He had previously requested this, but it was denied.

Chairman Doring referred to the site plan, and asked if the drop off point was approximate? Mr. Lovell said that it was, and noted that it is very steep.

Chairman Doring read the Zoning Enforcement Officer's report of 8/22/91, which stated that the topography of the land at that point drops drastically, thus eliminating the possibility for development, and therefore makes for a natural line of demarkation for a zone.

Chairman Doring read the 8/6/91 memo from Nick Romaniello, Town Planner regarding this property.

[Mr. Lambert arrived at 7:41 pm].

Chairman Doring asked if there were any comments for or against the application of Philip Lovell? No one spoke for or against the application.

Mr. Marsh moved to close the public hearing of Philip G. Lovell for a zone change form R-40 to B-1 at 2 Park Lane. Mr. Davin seconded. Passed unanimously.

**PUBLIC PARTICIPATION**

Pat Greenspan, a New Milford resident, asked if the addition to McDonald's restaurant was definitely going to take place - and noted that she has been to McDonald's in Freeport, ME and in San Antonio, TX, where they are subject to very strict zoning regulations. Mrs. Greenspan wondered if there was any possibility

**ZONING COMMISSION  
AUGUST 27, 1991  
PAGE TWO**

of removing the golden arches sign and replacing it with a nice shade of maple or oak as she has seen McDonald's in other towns do? Mrs. Greenspan also asked if this addition would involve additional paving?

Chairman Doring did not know if additional paving would be involved.

[Mr. Lavalette arrived at 7:47 pm].

**NEW BUSINESS**

Mr. Santini moved to accept the following items of business in addition to the scheduled agenda for the Zoning Commission meeting of August 27, 1991: New Milford Democratic Town Committee, Buck Rock Camp, Housatonic Valley Construction, Mr. Coolbeth, and Mr. Sienkewicz. Chairman Doring seconded. Passed unanimously.

**ST. JOHN'S EPISCOPAL CHURCH**

The representative for St. John's Episcopal Church was not present. Chairman Doring moved to approve the application of St. John's Episcopal Church for a 10 sq. ft. free standing sign at 7 Whittlesey Avenue contingent on the appointed size and that the sign be placed in accordance to the zoning regulations of the Town of New Milford. Mr. Marsh seconded. Passed unanimously.

**NEW MILFORD DEMOCRATIC TOWN COMMITTEE - CARNIVAL**

Ginny Wall, Vice Chairwoman of the Democratic Town Committee was present. Chairman Doring asked if the Committee had taken care of the insurance coverage that was required for an event such as a carnival? Ms. Wall said yes, this had already been addressed.

Chairman Doring moved to approve the application of the New Milford Democratic Town Committee for a carnival to be held 9/26 - 9/28. Mr. Marsh seconded. Passed unanimously.

**ELENA TCHERNICHOVA - 8 BARKER ROAD**

Ms. Juliette LaFond was present to speak for the applicant, Elena Tchernichova.

Chairman Doring noted that the garage is in front of the principle dwelling.

Ms. LaFond stated that she is a friend of the applicant and was present to speak in support of the application because it is a reasonable place to put a garage in terms of shrubbery and landscaping.

ZONING COMMISSION  
AUGUST 28, 1991  
PAGE THREE

Mr. Bauer noted that the Tchernichova's had begun to build the garage and he told them to stop - that they had to have a permit for what they were doing. Mr. Lavalette asked if cement had already been poured at that time? Mr. Bauer said no. Mr. Bauer also noted that this was a pole barn type structure.

Mr. Lavalette moved to approve the application of Elena Tchernichova, 8 Barker Road, for an 18' X 20' detached garage. Mr. LaTour seconded. Passed unanimously.

[It was noted that the Tchernichova's still had to come into the Zoning Office to obtain a permit].

**SQUASH HOLLOW ASSOCIATES - KENT ROAD**

Bob Murphy was at the meeting to represent Squash Hollow Associates.

Chairman Doring read the letter from Squash Hollow Associates requesting that they be allowed to import earth materials from the construction of the Iroquois pipeline.

Chairman Doring said that he had a major concern about allowing this company to take excess rock and other materials - bringing it in and then selling it...like a transfer site...

Mr. LaTour asked for that Mr. Murphy further clarify the request of Squash Hollow Associates.

Mr. Murphy said that the earth materials that Squash Hollow would be bringing in from the Iroquois pipeline construction project would need to be crushed and stored, and Squash Hollow Associates had the means to do this as well as room to store the materials.

Mr. Lavalette wondered where the materials would be going if not to Squash Hollow - and said he felt that this solution made sense in terms of least travel and least scars left - this would probably be the best way to go.

Mr. Marsh asked Mr. Murphy what they (Iroquois Pipeline Project) had been doing with the excess rock during excavation for the pipeline?

Mr. Murphy said that so far they [Iroquois] are not using as much as they first expected - and have been using a lot of sand to fill in.

Mr. Marsh asked if the rock would only be coming in from New Milford excavation of the pipe? Mr. Murphy said yes, that Squash Hollow Associates would only be receiving materials from

**ZONING COMMISSION  
AUGUST 27, 1991  
PAGE FOUR**

New Milford excavation. Mr. LaTour said that he felt the Commission should think this over and that there was no need to rush into a vote at this evening's meeting.

Mr. Lavalette asked Mr. Murphy if he was under a time limit to accept the offer to receive materials from the pipeline excavation.

Mr. Murphy said that yes, he was pressed for time because the progress of the pipeline project would be fast - Chairman Doring asked if two weeks would be too long for a decision - Mr. Murphy said that Iroquois was going to have to put the rock some place, and Squash Hollow Associates would like to take advantage of this opportunity to receive these excess materials.

Chairman Doring moved to approve the application of Squash Hollow associates to import Earth material from the construction of the Iroquois pipeline site subject to approval by Thomas Byrne, Esquire, and provided that the materials come only from the New Milford boundaries. Mr. Lavalette seconded. Passed unanimously.

**CANDLEWOOD VALLEY COUNTRY CLUB - 401 DANBURY ROAD**

Mr. Barry Reiner was present for Candlewood Valley Country Club's request to construct and addition of 40' x 60' to the existing maintenance garage (B-1 zone) at 401 Danbury Road. Mr. Reiner said that the reason that Candlewood Valley Country Club would like to have this addition is because they are short on space for their equipment.

Chairman Doring felt that this required a public hearing, as such a request in this specified zone required a special permit.

Mr. LaTour said the site plan was unsealed and was concerned about the professionalism of the plan. Ms. Brickley stated that within 40,000' the plan did not have to be sealed.

Mr. Doring requested that Mr. Reiner bring in a sealed plan for the public hearing. Mr. Reiner said this would not be a problem.

**TREFZ CORPORATION - McDONALDS - SUNNY VALLEY & DANBURY ROAD**

Joseph D. Abbruzese, Project Manager for McDonald's Corporation, Christopher Trefz, Operations Owner, and Paul Petro presented the proposal to remodel the existing facility of McDonald's Restaurant (B-2 zone) at Sunny Valley and Danbury Road. The proposal involved an addition as well as interior alterations to the existing restaurant.

Mr. Abbruzese stated that McDonald's has been in New Milford for a long time and their policy as a corporation is to bring existing

ZONING COMMISSION  
AUGUST 27, 1991  
PAGE FIVE

restaurants up to date. They would like to improve the level of service and the quality of product. To do so, there is a need to occasionally do remodeling or make additions to existing facilities. He also noted that McDonald's is always very conscientious about handicapped facilities, and the suggested remodeling would be taking this into account. The proposed plan had six stated points of things to accomplish by means of this project:

- 1) Replacement of aluminum frames with brick vestibules
- 2) Side addition starting half way back and going all the way to the rear
- 3) Complete upgrading of the dining room area
- 4) Extended drive-through booth [new improved system where 1st window cashier takes money and food is then picked up at second window]
- 5) 12 ft. rear addition, allowing for increased storage, improved break area for workers, and upgrading of the kitchen area
- 6) Change roof shingles to a lighter shade, addition of brick sidewalks, and also the addition of more greenery and landscaping

Ms. Brickley noted that a variance had been granted. Chairman Doring read the variance.

Chairman Doring asked if anything could be done in response to the request of Mrs. Greenspan, who had spoken earlier in the meeting during Public Participation. Chairman Doring said that he had also seen the McDonald's in Freeport, ME, and it was nice. If they were talking about improving the aesthetics of the building, would they consider changing the sign?

Mr. Petro said that signage and the "golden arches" are a very important part of this business and they would be reluctant to decrease the size of the sign or to change the color.

Mr. Doring asked Mr. Trefz how much business would be lost without the golden arches?

Mr. Trefz said that studies have shown that McDonald's is an impulse oriented business - 75% of people decide to go while driving in their cars.

Mr. Raymond asked if they eat more because the sign is bigger?

ZONING COMMISSION  
AUGUST 27, 1991  
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Chairman Doring acknowledged that the sign/logo is internationally known but he thought that the scale was awful, and said that a change of sign was merely a suggestion that the Commission would like McDonald's to consider - perhaps a couple of ground level signs, such as in Lancaster, might be nicer.

Mr. Trefz said that McDonald's is very ecologically oriented. This sign was expensive, \$30,000.00, and is still up to date. He would prefer to make the balance of the property more attractive.

Mr. Lavalette asked if the outdoor tables would still be maintained? Mr. Abbruzese said yes, because they are frequently used at lunch.

Mr. Trefz said that with the exception of the sign, this project would be beneficial to the community - a whole different configuration, with a much bigger appeal.

Mr. Marsh inquired about the parking. Mr. Trefz said that one parking space would be lost with the reconfiguration, but seating would also be less with the new dining area.

Mr. Lavalette moved to approve the application of Trefz Corporation for McDonald's Restaurant for an addition and interior alterations to the existing restaurant subject to the planting of 5 dogwood trees. Mr. Doring seconded. Passed unanimously.

**ACCEPT FOR PUBLIC HEARINGS**

Mr. Lavalette moved to accept the following public hearings: Amendment to Article XVI - Alcoholic Beverages, to be held on 9/24/91, the application of Mary McCrain to operate a nursery school at 40 Dean Road to be held on 10/24/91, proposed amendment to Article X to be heard on 10/22/91, the application of Buck Rock Camp for a swimming pool to be held on 10/08/91 and the application of Candlewood Valley Country Club for an addition to be held on October 10, 1991. Mr. LaTour seconded. Passed unanimously.

**T & N ASSOCIATION - 106 PARKLANE - RETAIL STORES**

Attorney Bill Steele represented T & N Associates.

Mr. Marsh referred to the meeting of August 13, 1991, when it had been suggested that Mrs. Pauline Ohmen, owner of the neighboring property, be contacted - Mr. Marsh said that he had received a phone call from Mrs. Ohmen and that she was concerned about concentrated water being dumped on her property.

Attorney Steele said that Pat Hackett, the project engineer, would call Mrs. Ohmen to discuss any concerns she may have.



ZONING COMMISSION  
AUGUST 27, 1991  
PAGE SEVEN

Ms. Brickley noted that Mrs. Ohmen had also stopped by the Zoning office regarding the T & N project.

Mr. Lavalette said that he was still concerned as to what T & N had done and had not done in regard to the suggestions and recommendations of the town.

Mr. Steele, Esq. said that Nick Romaniello, Town Planner, had suggested diagonal parking. Chairman Doring read Mr. Romaniello's report to the Commission.

Chairman Doring said that his concern was that Mrs. Ohmen was not present and did not have a chance to speak before the Commission.

Mrs. Brickley stated that Mrs. Ohmen had a site plan when she came into the Zoning office.

Attorney Steele said that Mrs. Ohmen had been contacted by T & N by certified registered mail last week.

Mr. Marsh said that Mrs. Ohmen expressed a desire to attend a meeting when he spoke with her.

Chairman Doring said that Mrs. Ohmen had been given a chance to attend -

Mr. Marsh said that in speaking to Mrs. Ohmen he had explained the increased flow to her - there is a possibility that it could cause damage to her property.

Attorney Steele said that T & N has relied on Pat Hackett to design a system - and in some respect, it is a private matter.

Mr. Marsh said that with any project that involves some amount of construction there is always some risk involved. Chairman Doring asked what Mr. Marsh's recommendation was? Mr. Marsh said he had no problem with the revised site plan - but he thought that Mrs. Ohmen would like to attend something.

Mr. Steele asked if the Commission could make a conditional approval that T & N would follow up with Mrs. Ohmen?

Mr. LaTour said that he was not comfortable with this situation and would like to see it extended because he felt that Mrs. Ohmen had made an attempt and had a right to be heard.

Mr. Lavalette said the applicant had made an attempt to contact Mrs. Ohmen and she did come into the office to receive information. Mr. Lavalette felt her needs had been met.

**ZONING COMMISSION  
AUGUST 27, 1991  
PAGE EIGHT**

Mr. Lavalette moved to approve the revised site plan of T & N Association for a retail store development at 106 Park Lane, contingent upon meetings between the applicant, Mr. Marsh, and Mrs. Ohmen concerning the drainage situation on the back, northeast corner of the property. Mr. Davin seconded. Passed 4 - 1.

**HOUSATONIC VALLEY CONSTRUCTION - 38 OLD STATE ROAD**

Attorney Terry Pellegrini represented the applicant Kim Coolbeth to construct a 4800 sq. ft. garage with an office area and storage space for construction equipment material.

Mr. Pellegrini, Esq. said that the plans had been discussed with Glen MacWilliams, Director of Public Works. Chairman Doring read the report by Mr. MacWilliams.

Attorney Pellegrini stated that a buffer plan, additional planting and parking area were shown as had previously been requested by the Commission at the regular meeting of August 13, 1991, with the area to be paved also delineated.

Mr. Lavalette moved to approve the site plan of Kim Coolbeth for an office with storage space for construction equipment. Mr. Davin seconded. Passed unanimously.

**MONRO MUFFLER/BRAKE, INC. - 150 DANBURY ROAD**

[9:37 pm - Mr. Marsh excused himself from the discussion on Monro Muffler/Brake Inc. and Mr. Raymond was seated in his place. Mr. LaTour also excused himself and Mr. Santini was seated].

The site elevation and landscaping were presented [as previously requested by the Commission at the meeting of July 23, 1991] for Monro Muffler/Brake Inc. application to put up a new 50' x 90' building at 150 Danbury Road.

Mr. Davin moved to approve the site plan and landscaping for Monro Muffler/Brake Inc. at 150 Danbury Road. Mr. Santini seconded. Passed unanimously.

**ZONING ENFORCEMENT OFFICER'S REPORT**

**BARBERA STRUGER - 83 SHERRY LANE - ACCESSORY APARTMENT**

Chairman Doring said that he was concerned about approving the proposed resolution for approval of an accessory apartment at 83 Sherry Lane due to the fact that it is a tight neighborhood and the soil conditions are poor.

Mr. Lavalette said that if this permit has to renewed each year,

ZONING COMMISSION  
AUGUST 27, 1991  
PAGE NINE

Mr. Lavalette said that if the permit had to be renewed each year, then the Commission should request that the Health Department do a report each year to verify that the septic system is handling the added conditions resulting from the accessory apartment.

Mr. Lavalette moved to approve the proposed resolution of approval of the application of Barbera Struger for a special permit for an accessory apartment at 83 Sherry Lane. Mr. Doring seconded. Passed 4-1.

**JEFFREY & NANCY SIENKEWICZ - NINE SOUTH MAIN STREET**

Mr. Davin moved to untable the application of Jeffrey and Nancy Sienkewicz for Town Landmark District at Nine South Main Street. Mr. LaTour seconded. Passed 4 - 1.

Mr. Davin moved to amend provision (5) of the proposed resolution for approval of the application for Town Landmark District under Article VIII for Nine South Main Street to limit the number of professionals to four. Mr. Lavalette seconded. Passed unanimously.

Mr. Lavalette moved to further amend the proposed resolution for Nine South Main Street to provide that parking be limited to what was shown on the site plan, and that it be referenced on the plan as well. Mr. Davin seconded. Passed unanimously.

Mr. Davin moved to approve the proposed resolution for approval, as amended, for a Town Landmark District at Nine South Main Street. Mr. Marsh seconded. Passed 4 - 1.

**CHANGE FROM R-40 ZONE to B-1 at 2 PARK LANE**

Mr. Lavalette moved to approve the application of Philip G. Lovell for a zone change form R-40 to B-1 at 2 Park Lane. Mr. Doring seconded. Passed unanimously.

**BILLS & COMMUNICATIONS**

Chairman Doring moved to approve payment of a \$750.00 bill from Thomas Byrne, Esquire, for services rendered regarding the Ginsberg appeal. Mr. Davin seconded. Passed unanimously.

Mr. Lavalette moved to accept the minutes of July 23, 1991. Chairman Doring seconded. Passed unanimously.

Mr. Santini moved to accept the minutes of August 13, 1991 with an amendment to the motion to approve the New Milford Republican Town Committee's application to hold a circus at the Pettibone school grounds -[Mr. Santini did not second the motion made by Mr.

ZONING COMMISSION  
AUGUST 27, 1991  
PAGE TEN

Lavalette. Mr. Davin seconded the motion]. Chairman Doring seconded. Passed unanimously.

Mr. Lavalette moved to adjourn the meeting of the Zoning Commission at 10:34 pm. Mr. Davin seconded. Passed unanimously.

Respectfully submitted,

*Duane Davin* (initials)

Duane Davin, Jr.  
Secretary

/meq

TOWN CLERK  
NEW MILFORD  
SEP 5 9 28 AM '91  
*JOS*

TOWN CLERK  
NEW MILFORD  
SEP 5 9 28 AM '91  
*JOS*

ZONING COMMISSION MOTIONS  
SEPTEMBER 10, 1991

TOWN CLERK  
NEW MILFORD

SEP 12 4 02 PM '91

PRESENT: George Doring - Chairman  
Duane Davin - Secretary  
Donald Marsh  
Gerald LaTour  
Charles Raymond - Alternate  
Gary Santini - Alternate  
Robert Bauer - Zoning Enforcement Officer  
Loretta Brickley - Assistant Zoning Enforcement  
Officer

ABSENT: Arthur Lavalette  
James Lambert - Alternate

[Chairman Doring disqualified himself from the Public Hearing for an accessory apartment at 31 Stephanie Drive because he is a professional associate of the applicant]. Mr. Santini was seated in his place. Mr. Raymond was seated for Mr. LaTour. Mr. Davin chaired the public hearing].

[Mr. Lambert arrived at 7:40 p.m.].

Mr. Marsh moved to close the Public Hearing of Douglas and Judy Packard at 7:45 p.m. for an accessory apartment at 31 Stephanie Drive (R-40 Zone). Mr. LaTour seconded the motion and it carried unanimously.

[Chairman Doring rejoined the meeting at 7:46 p.m. and Mr. Raymond was unseated].

[Mr. Lavalette arrived at 7:48 p.m. at which time Mr. Santini was unseated].

Mr. Marsh moved to close the Public Hearing of Buck Rock Work Camp at 8:03 p.m. for a 75' x 35' inground pool at Buck Rock Road (R-40/80 Zone). Mr. LaTour seconded. Passed unanimously.

Mr. Lavalette moved to approve the site plan of Walter H. Barlow for an insurance office at 60 Danbury Road (B-1 Zone) with the understanding that anything involving signage will go to the Zoning Office for a permit. Mr. Davin seconded. Passed unanimously.

Chairman Doring moved to add Connecticut Rock Products to the agenda. Mr. Lavalette seconded and the motion carried unanimously.

Mr. Lavalette moved to accept the following public hearing dates: the application of Mary Alice Damota for an accessory apartment at 19 Bridge Street (B-1 Zone) to be held on 9/24/91, the application of New Milford Interfaith Housing for 51 unit complex to be held on 10/22/91, Amendment to Article II-II [Uses Permitted in B-1 Restricted Business Zone] to be held on 11/12/91, and the application of the Youth Agency for a teen center at Railroad

**ZONING COMMISSION MOTIONS**  
**PAGE TWO**

Street to be held 10/22/91. Mr. Davin seconded the motion and it passed unanimously.

Mr. Lavalette moved that \$2,000.00 of Mr. John Marois' bond (re: 40 Park Lane) be released, with \$500.00 withheld for another year to insure that the landscaping is maintained. Mr. LaTour seconded and the motion passed unanimously.

Mr. Lavalette moved to approve the request of John Marois to extend the date of paving at 40 Park Lane until 6/92. Mr. Davin seconded. Motion passed 3 - 2 with Chairman Doring and Mr. LaTour opposing.

Mr. LaTour moved to approve the proposed resolution for an accessory apartment at 31 Stephanie Drive. Mr. Davin seconded. Passed unanimously. [Chairman Doring disqualified himself from the preceding discussion and decision because he and the applicant are professional associates. Mr. Lambert also disqualified himself because he is the contractor for this project].

Chairman Doring moved to approve the proposed resolution for a 75' x 35' inground swimming pool at Buck Rock Road. Mr. Lavalette seconded the motion and it carried unanimously.

Chairman Doring moved to approve the minutes of 8/27/91 with the following amendments:

1) Page 3, Paragraph 7 (Squash Hollow Associates) - to read as follows: Mr. LaTour asked [for] that Mr. Murphy further clarify the request of Squash Hollow Associates.

2) Page 4, Paragraph 4 (Squash Hollow Associates) - to read as follows: Chairman Doring moved to approve the application of Squash Hollow Associates to import Earth materials from construction of the Iroquois pipe line subject to [approval] REVIEW by Thomas Byrne, Esquire, and provided that the materials come only from within the New Milford boundaries.

3) Page 4, Paragraph 5 (Candlewood Valley Country Club) - The representative for Candlewood Valley was Barry Ames.

4) Page 8, Paragraph 1 (T & N Associates) - The motion to approve the revised site plan of T & N Associates was opposed by Mr. LaTour.

5) Page 8, Paragraph 6 (Monro Muffler) - Mr. Marsh disqualified himself due to a possible conflict in interest. Mr. LaTour, Mr. Lavalette, and Mr. Lambert also disqualified themselves because they had not been present for the previous discussion (7-23-91) on Monro

ZONING COMMISSION MOTIONS  
PAGE THREE

Muffler/Brake.

- 6) Page 8 - Deletion of the last line of this page [Mr. Lavalette said that if this permit has to be renewed each year...].
- 7) Page 9, Paragraph 2 - Chairman Doring opposed the application of Barbera Struger for an accessory apartment at 83 Sherry Lane.
- 8) Page 9, Paragraph 3 - Mr. Lavalette opposed the motion to remove from the table the application for Town Landmark District at 9 South Main Street.
- 9) Page 9, Paragraph 6 - Mr. Lavalette opposed the proposed resolution for approval for a Town Landmark District at 9 South Main Street.
- 10) Page 9, Paragraph 10 - (Bills & Communications) - Mr. Santini did not second the motion - he was not present at the meeting of 8/13/91. Mr. Lavalette moved to approve the New Milford Republican Town Committee's application to hold a circus at the Pettibone School grounds and Mr. Davin seconded. Mr. Lavalette moved to approve the minutes of 8/13/91 as amended, and Mr. Davin seconded.

Mr. Davin seconded the motion to approve the minutes of 8/27/91 as amended. Passed unanimously.

Mr. Lavalette moved that the Zoning Commission support the Mayor's decision to give a special appropriation \$5,000.00 to King's Mark Environmental Review Team, with regret that the full request of \$20,000.00 was not granted. Chairman Doring seconded the motion and it passed unanimously.

Mr. Lavalette moved to adjourn the meeting at 9:58 p.m. Mr. Davin seconded and the motion carried unanimously.

Respectfully submitted,

*Duane Davin* (40)

Duane Davin, Jr.  
Secretary

/meq

**ZONING COMMISSION MINUTES**  
**SEPTEMBER 10, 1991**

The meeting was called to order at 7:31 p.m. Present: George Doring - Chairman, Duane Davin - Secretary, Donald Marsh, Gerald LaTour, Charles Raymond - Alternate, Gary Santini - Alternate, Robert Bauer - Zoning Enforcement Officer, Loretta Brickley - Assistant Zoning Enforcement Officer. Absent: Arthur Lavalette, James Lambert - Alternate.

**PUBLIC HEARINGS**

**31 Stephanie Drive - Accessory Apartment**

Chairman Doring disqualified himself from the Public Hearing for an accessory apartment at 31 Stephanie Drive because he is a professional associate of the applicant. Mr. Santini was seated in his place. Mr. Raymond was seated for Mr. Lavalette. Mr. Davin chaired the public hearing.

Douglas and Judy Packard were present to talk about their application for an accessory apartment at 31 Stephanie Drive. Mr. Davin read the legal notice for the Public Hearing. The applicants had all of the return receipts. Mr. Davin read letters from the Fire Marshall, the Sanitarian (9/7), and the Zoning Enforcement Officer (9/5).

Mr. Packard asked if the Commission had any specific questions that they would like answered in regard to this application? Mr. Packard said that he had a civil engineer's report from when the house was built, but did not have it with him. He was surprised that the health department did not have a copy or record of this report in their files because the property had been flagged.

Mr. Packard explained where the entrances to the accessory apartment would be, and stated that there would be a third entrance leading from the basement into the apartment.

Mr. Marsh asked if Mr. Bauer had had a question concerning the garage? Mr. Bauer said that plot plan of the house showed a 21' x 24' garage slab as well as an under house garage, but this was not shown on the apartment plan - this should be elaborated on as it pertains to the parking requirements. Mrs. Packard said that the garage was now where the slab was shown and that their basement is totally unfinished at this point.

Mr. Davin asked if anyone was present who wished to speak in favor of or against the application?

John Gabriel of 20 Stephanie Drive was present. He stated that he lives across the street from the Packards', and has no objections to an accessory apartment.



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No one else spoke in favor or against the application.

[Mr. Lambert arrived at 7:40 p.m.].

Mr. Marsh moved to close the Public Hearing of Douglas and Judy Packard at 7:45 p.m. for an accessory apartment at 31 Stephanie Drive (R-40 Zone). Mr. LaTour seconded the motion and it carried unanimously.

Chairman Doring rejoined the meeting at 7:46 p.m. and Mr. Santini was unseated.

Mr. Lavalette arrived at 7:48 p.m. at which time Mr. Raymond was unseated.

#### **Buck Rock Work Camp - Inground Swimming Pool**

Mr. Davin read the legal notice for the Public Hearing requested by Charles NeJame for the installment of an inground swimming pool to be located on property owned by B R Land Company at the Buck Rock Work Camp.

Mr. Charles NeJames was present to discuss the application of Buck Rock Work Camp for an 75' x 35' inground swimming pool at Buck Rock Road. Mr. NeJame said that he was of NeJame Co. in Danbury and they would be putting the pool in for the Buck Rock Work Camp. Mr. NeJame said that all town and state regulations, such as fencing, etc...would be met.

Chairman Doring asked if there was anyone present who wished to speak for or against this application?

Mr. Eric Kozol of 17 Buck Rock Road was present. He asked if the pool was just to be used for the camp?

Mr. NeJame said that the pool was only to be used by the camp, and that the season of use was short - only eight weeks per year.

Chairman Doring asked if there were any questions from the table?

Mr. Lambert asked if there would be any runoff from the pool?

Mr. NeJame said that runoff would only occur if the pool were to be emptied. Mr. LaTour asked if there would be cause to empty the pool? Mr. NeJame said that the only time that it would be necessary for the pool to be emptied would be to repair or replace the liner.

Mr. NeJame said that he was looking to receive approval as soon as possible because this is a liner pool and work must be started very soon before colder weather arrives.

Chairman Doring said that the Commission would act on the application as quickly as they could reach a decision.

Mr. Marsh moved to close the Public Hearing at 8:03 p.m. for a 75' x 35' inground pool at Buck Rock Road(R-40/80 Zone). Mr. LaTour seconded. Passed unanimously.

#### **PUBLIC PARTICIPATION**

There was no one present from the public wishing to speak before the Commission.

#### **NEW BUSINESS**

##### **Walter H. Barlow - 60 Danbury Road**

Mr. Walter H. Barlow was present to discuss his plans for an insurance office to be located at 60 Danbury Road. Mr. Barlow explained the location of the house which he intends to use for business offices, which is South of McDonald's. Mr. Barlow said that it is a small house on approximately one-third of an acre of property. He does not want to change the exterior of the building.

Chairman Doring asked where the parking was? Mr. Barlow referred to the map to show the parking and also noted that there is a two car garage.

Chairman Doring read the Zoning Enforcement Officer's letter of 9/6/91, which stated that site is approximately 16,500 square feet and the building has approximately 1,450 square feet, requiring 8 parking spaces for the use.

Chairman Doring asked if the delineated parking would give enough back out room? Mrs. Brickley said that it would.

Mr. Lambert asked if the line of trees in front would be taken down?

Mr. Barlow said yes, they would be taken down, but the rest of the landscaping would remain the same, and hostesses and azaleas would also be planted. He said that there would also be a sign, but Mr. Barlow has not yet decided what size - Allstate has a whole book of signs to choose from.

Mr. Barlow said that he has not yet purchased this building because he first wanted to see if the Commission would approve the site plan.

Mr. Barlow said that he would also like permission to use the 600 square feet on the second floor for another office - a realtor or a CPA.

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Mrs. Brickley said that if the parking is there this would be permitted.

Mr. Lavalette noted that the application was for use of the whole whole building as office space.

Mrs. Brickley noted that it was for office space and there could be no apartments.

Mr. Lavalette moved to approve the site plan of Walter H. Barlow for an insurance office at 60 Danbury Road (B-1 Zone) with the understanding that anything involving signage will go to the Zoning Office for a permit. Mr. Davin seconded. Passed unanimously.

#### **Connecticut Rock Products**

Chairman Doring moved to add Connecticut Rock Products to the agenda. Mr. Lavalette seconded and the motion carried unanimously.

#### **John Marois - Sterling Place & South Avenue**

John Marois and Rick Doty (partner and contractor) were present to review for Town Landmark Designation that would permit 9 condominium units (R-5 Zone) at Sterling Place and South Avenue.

Mr. Marsh asked if the proposed site was the old silver shop? Mr. Marois said yes.

Mr. Marois said that this building has great historical significance, a historian dated it at 1850[the main structure], and Bert Green said that in the 1950's, the first computer was created there by people from M.I.T. It is an old building and it will be a big job - the roof has to come off. Mr. Marois plans to divide the building into 8 two bedroom and 1 one bedroom units.

Mrs. Brickley asked if the building is marked as historic by any agency in Connecticut? Mr. Marois said that he did not know of any.

Chairman Doring asked Mr. Marois if he knew the procedure to follow in pursuing this project? Mr. Marois said yes, he knew that he had to go to the Historical Society for their recommendations.

Chairman Doring asked about the parking? Mr. Marois said that there are 20 spaces.

Mr. Marois said that the building has been empty for about three years, and he feels that what he is planning is the best that he can do with the building - and it would be an improvement to this area of the town.

Mrs. Brickley said that Mr. Marois should go to the Historical Page

Society and then contact her so a Public Hearing date could be set - as the Commission is required to give the Society 60 days. A Public Hearing is required because the maximum amount of apartments in an R-5 zone is 4 apartments.

### Connecticut Rock Products

Dan Arciola, the manager of Connecticut Rock Products was present to request use permission to buy, sell, and crush materials in the Industrial Zone.

Chairman Doring asked that Mr. Bauer, Zoning Enforcement Officer, give the Commission the background information on CT Rock Products. Mr. Bauer said that he had issued a Cease and Desist Order to CT Rock because they were bringing in blasted materials from Iroquois pipe line excavation without a permit.

Mr. Bauer said that he thought a site plan of where the use will take place and where the materials will be stored should be shown to the Commission.

Chairman Doring asked Mr. Arciola where the crushing plant was? Mr. Arciola referred to the site plan.

Mr. LaTour asked if this was a temporary request? Chairman Doring said no - that once this permit was granted - because it is an Industrial zone, the permit to crush stone can go on forever and that could include crushing stone other than from this state - they can take stone from anywhere and crush it.

Mrs. Brickley noted that there was a front line setback of 80 feet on the site plan that must be 100 feet. Mr. Arciola said that the setback would be moved back 20 feet to meet the regulation - this was only a tentative plan.

Mr. LaTour asked if anything other than rock would be crushed? Mr. Arciola said no - it would be strictly rock material.

Mr. Santini asked if the pipe line was presently on the property? Mr. Arciola said the pipe line is all over the place - what a disaster . Mr. Santini asked if some stone had already been dug from the property and taken somewhere else? Mr. Arciola said it was hard to tell what Iroquois was doing because they are all over the place - today they weren't hauling any material in, they were hauling it to some other place. Mr. Santini asked what kind of material they were hauling in? Mr. Arciola said mostly big rocks.

Mr. Arciola said that from an economic standpoint it would be beneficial if he could be allowed to bring rock materials in.

The Commission decided that it needed more time to discuss this issue.

**ACCEPT FOR PUBLIC HEARING**

Mr. Lavalette moved to accept the following public hearing dates: the application of Mary Alice Damota for an accessory apartment at 19 Bridge Street (B-1 Zone) to be held on 9/24/91, the application of New Milford Interfaith Housing for 51 unit complex to be held on 10/22/91, Amendment to Article II-II [Uses Permitted in B-1 Restricted Business Zone] to be held on 11/12/91, and the application of the Youth Agency for a teen center at Railroad Street to be held 10/22/91. Mr. Davin seconded the motion and it passed unanimously.

**ZONING ENFORCEMENT OFFICER'S REPORT**

Mr. Bauer reported to the Commission on five major points:

- 1) Mr. Bauer issued a Cease and Desist order to Chester Walajjts and Robin Stack because no improvements had taken place.
- 2) Mr. Bauer said that he was still receiving complaints concerning washouts. Most of these washouts had occurred due to non - maintenance of Soil Erosion Controls. Mr. Bauer said that having spoken personally with the developers involved that hopefully they will practice the necessary maintenance of controls so as to avoid such washouts after the next rainy spell.
- 3) Mr. Bauer and Mr. Marsh met with Pat Hackett and Mr. and Mrs. Ohmen and walked the site of T & N Associates at 106 Park Lane. Mr. Hackett explained the location of the detention pond and how rain water would be collected and controlled. The Ohmens were satisfied with the control as it was explained to them.
- 4) Mr. Bauer said he has received complaints that O & G have been hauling blasted rock from the pipe line to A.S.I. Mr. Bauer has been monitoring the situation but so far has not witnessed any trucks.
- 5) Mr. Bauer said that he had received a request from John Marois asking for release of the \$2,500.00 bond for landscaping at 40 Park Lane, and also for a one year extension on paving due to the recession in real estate in New Milford.

Mr. Bauer noted that shrubs have been planted at 40 Park Lane and requested that the \$2,500.00 bond be released. Mrs. Brickley suggested that 10% or \$500.00 of the bond be held to insure that the landscaping is maintained. Mr. Bauer said he was in accordance with this suggestion.

Mr. Lavalette moved that \$2,000.00 of Mr. John Marois' bond (re: 40 Park Lane) be released, with \$500.00 withheld for another year to insure that the landscaping is maintained. Mr. LaTour seconded and the motion passed unanimously.

Chairman Doring referred to the request of Mr. Marois for a one year extension on paving at 40 Park Lane, and said that the conditions had been made quite clear to Mr. Marois at that time - and that a one year extension due to the recession in real estate in New Milford was not a reasonable request, especially considering that Mr. Marois had just appeared before the Commission with plans for a condominium project.

Mr. Lavalette said that he felt that waiting for another year for paving would not hurt - Mr. Davin agreed, especially with the low level of business that Mr. Marois' tenant at 40 Park Lane is doing.

Mr. Lavalette said that he did not think the lack of pavement would hurt the community for another year.

Mr. Davin said that it would be the tenant who would be hurt, not Mr. Marois.

Mr. LaTour said that if the bond were in the tenants name, that would be one thing - but this was not the case...

Mr. Lavalette asked if the Zoning Enforcement Officer had followed up on the other restaurants with outdoor tables yet?

Mr. Bauer said that he had spoken with the owner of the Taco stand and had sent an inspection letter to Clamps.

Mr. Lavalette moved to approve the request of John Marois to extend the date of paving at 40 Park Lane until 6/92. Mr. Davin seconded. Motion passed 3 - 2 with Chairman Doring and Mr. LaTour opposing.

#### **BUSINESS MEETING**

##### **Connecticut Rock Products**

Mr. Raymond said that he was concerned about this issue because it is not a temporary thing - it is forever - a hasty decision should not be made - this was something that would need to be thoroughly discussed.

Chairman Doring said that a crusher was already allowed at this site.

Mrs. Brickley said that she questioned if this was their property - the road is not on their property - (telephone pole #2412), it is a private driveway, it is not on the property of Connecticut Rock Products. A site plan must show exactly where stock piling of materials would be taking place. Manufacturing and processing are permitted uses in an Industrial Zone.

Mr. LaTour asked if this was being called a transfer station of dirt? Mrs. Brickely said no - they were calling it a manufacturing

and processing use in an Industrial Zone.

Mr. LaTour noted that the map that he had looked at was not sealed.

Mr. Lavalette said that there are concerns of the Commission that must be met before this can be approved - CT Rock should be informed as to what these concerns are - and then the office staff can go over it with them to clarify these concerns - and then a decision can be made.

Mr. Raymond asked if the Zoning Enforcement Officer felt satisfied that all the Excavation Regulations were being met? This is something in which tight control must be exercised.

Mr. Lavalette said that the items that the Commission wants addressed should be listed to Mr. Arciola - the crushing of the stone is separate from the gravel mines.

Chairman Doring said that the office staff should address Connecticut Rock Products in regard to pertinent areas that the Commission is concerned with - such as setbacks...

Mr. Marsh said that he felt that the rock crushing and gravel mining have to be kept separated - they are two separate pieces of land.

Mr. Lambert said that there were other issues that needed to be addressed concerning other gravel mines - for example Squash Hollow - they do not even have a crusher and the Commission has allowed them to import material from the Iroquois pipe line excavation. Mr. Lambert felt this was a problem and that someone should be watching to see if trucks are going in - if they are going in, then they should be checked to see if they arrive empty or full, and likewise checked when they leave - are they leaving empty or full - from point A to point B, and back from point B to point A - the trucks should be checked to see what they are doing.

Chairman Doring said that Mr. Bauer has been watching for these things.

Mr. Lavalette said that if Squash Hollow had misrepresented their intent to the Commission, that maybe the Squash Hollow decision could be undone - if they do not have a crusher on site and these materials are just piling up?

Mr. Lavalette questioned if Mr. Murphy had given a time span when he appeared before the Commission for Squash Hollow Associates at the meeting of August 27, 1991?

Chairman Doring said that after speaking to Attorney Byrne he had sent a letter to Squash Hollow which specified a time limit of December 1, 1991.

Mr. Greenspan, a New Milford Resident, asked for permission to speak. Chairman Doring said that Mr. Greenspan could address the Commission. Mr. Greenspan referred to Article III, Section 2e (Site Plan Approval), and said that more than 700 cubic yards of materials being brought on site - so wouldn't this put Squash Hollow into this category?

Chairman Doring said that he did not think that this applied to the discussion because it had to do with approving a site plan. "If more than 1000 cubic yards of material are to be moved on sight or more than 700 yards are to be brought in or removed from sight" - this is for site plan development and is an entirely different matter.

Mrs. Brickley said that that was exactly what the Commission was doing - approving a site plan.

Chairman Doring said that he felt that there were advocates for one gravel mine and advocates for another at the table and that the Commission must work without thinking of individuals and strictly in terms of what is right within the regulations.

Mr. Santini asked if Chairman Doring had had informal contact with Attorney Byrne concerning this issue? Chairman Doring said that Mr. Bauer and Mrs. Brickley had.

Mrs. Brickley said that because it is an Industrial Zone, Attorney Byrne said to treat it as a site plan but don't worry about the landscaping.

Mr. LaTour asked where the crushers would be located and where the materials would be stored? Chairman Doring said that these were questions that needed to be answered...

No motions were made concerning Connecticut Rock, and the office staff was instructed to work with Connecticut Rock to get answers to the Commission's questions.

#### **BUSINESS MEETING**

#### **Douglas & Judy Packard - 31 Stephanie Drive**

LaTour moved to approve the proposed resolution for an accessory apartment at 31 Stephanie Drive. Mr. Davin seconded. Passed unanimously. [Chairman Doring disqualified himself from the preceding discussion and decision because he and the applicant are professional associates. Mr. Lambert also disqualified himself because he is the contractor for this project]. The adopted resolution read as follows:



**RESOLVED TO APPROVE** a Special Permit #26 under Article II - # 11 to permit an accessory apartment and the accompanying site plan consisting of 65,000 square feet  $\pm$  located at 31 Stephanie Drive in Parkwood Estates in the R-40 zone.

Owner of Record: Douglas & Judy Packard

**PROVIDING:**

1. That the accessory apartment be constructed per drawings submitted at the hearing of September 10, 1991.
2. That the accessory apartment consist of the 727 square feet with access ways as presented.
3. That the primary unit continue to be owner - occupied.
4. That the parking be provided for the secondary unit and recorded on the site plan prior to issuance of a zoning permit.
5. That the renewal of this permit shall be re-issued, if no violations exist and the accessory apartment continues to comply with the standards set forth in Article II # 11 of the New Milford Zoning Regulations.
5. That the application for renewal shall be made by August 9, 1992.
6. That the transfer of title requires a new affidavit verifying owner occupancy.
7. That the failure to renew the Special Permit shall result in immediate revocation of the permit.
8. That the refusal of any lawful inspection of the secondary unit by the Zoning Enforcement Officer shall revoke the special permit.

**REASONS:**

In granting the special permit, the Zoning Commission of the Town of New Milford wishes to state upon its records that the Commission's judgement, the subject property will not exert a detrimental effect on the development of the district nor on the value of nearby properties.

**Buck Rock Work Camp - Buck Rock Road**

Chairman Doring moved to approve the proposed resolution for a 75' x 35' inground swimming pool at Buck Rock Road. Mr. Lavalette seconded the motion and it carried unanimously. The adopted resolution read as follows:

**RESOLVE TO APPROVE** special permit application as an accessory use to Article II 7b and site plan to construct a 75' x 35' in ground swimming pool as applicant has received a certificate of Inland Wetlands Compliance approved August 22, by the Inland Wetlands Commission; property located on Buck Rock Road; Tax Assessors Map No. 159 Lots 17, 20, & 42.

**PROVIDING:**

1. That except as modified by this resolution; the facility shall be constructed and completed as per drawings prepared by L.W. Marsh, surveyor, dated November 1940.

**REASONS:**

In granting the above Special Permit and site plan, the Zoning Commission and the Town of New Milford wishes to state upon its records, that in the Commission's judgement, the proposed construction of a swimming pool would not impact on the neighboring properties concerning noise, traffic, and/or parking and further the proposed pool conforms to the setback requirements of the Zoning Regulation and based on the fact a previous Zoning Commission declared Buck Rock Work Camp classification to be a school at its meeting of January 12, 1982, the use therefore is proper.

**Height Limitation**

Chairman Doring instructed the office staff to compose a letter to the Mayor and to Attorney Sienkewicz to find out the current status of height limitation.

**MINUTES 8/27/91**

Chairman Doring moved to approve the minutes of 8/27/91 with the following amendments:

- 1) Page 3, Paragraph 7 (Squash Hollow Associates) - to read as follows: Mr. LaTour asked [for] that Mr. Murphy further clarify the request of Squash Hollow Associates.
- 2) Page 4, Paragraph 4 (Squash Hollow Associates) - to read as follows: Chairman Doring moved to approve the

Page 12

application of Squash Hollow Associates to import Earth materials from construction of the Iroquois pipe line subject to [approval] REVIEW by Attorney Byrne. and provided that the materials come only from within the New Milford boundaries.

3) Page 4, Paragraph 5 (Candlewood Valley Country Club) - The representative for Candlewood Valley was Barry Ames.

4) Page 8, Paragraph 1 (T & N Associates) - The motion to approve the revised site plan of T & N Associates was opposed by Mr. LaTour.

5) Page 8, Paragraph 6 (Monro Muffler) - Mr. Marsh disqualified himself due to a possible conflict in interest. Mr. LaTour, Mr. Lavalette, and Mr. Lambert also disqualified themselves because they had not been present for the previous discussion (7-23-91) on Monro Muffler/Brake.

6) Page 8 - Deletion of the last line of this page [Mr. Lavalette said that if this permit has to be renewed each year...].

7) Page 9, Paragraph 2 - Chairman Doring opposed the application of Barbera Struger for an accessory apartment at 83 Sherry Lane.

8) Page 9, Paragraph 3 - Mr. Lavalette opposed the motion to remove from the table the application for Town Landmark District at 9 South Main Street.

Page Eleven

9) Page 9, Paragraph 6 - Mr. Lavalette opposed the proposed resolution for approval for a Town Landmark District at 9 South Main Street.

10) Page 9, Paragraph 10 - (Bills & Communications) - Mr. Santini did not second the motion - he was not present at the meeting of 8/13/91. Mr. Lavalette moved to approve the New Milford Republican Town Committee's application to hold a circus at the Pettibone School grounds and Mr. Davin seconded. Mr. Lavalette moved to approve the minutes of 8/13/91 as amended, and Mr. Davin seconded.

Mr. Davin seconded the motion to approve the minutes of 8/27/91 as amended. Passed unanimously.

**Multiple Use in B-1 Zone**

Mr. LaTour addressed the Commission with a preliminary idea that he had on Multiple Use in B-1 Zone.

Mr. LaTour referred to the proposal that had been made by Attorney Pellegrini concerning a proposed amendment for the B-1 Zone Combination of Uses and also to the document from Nick Romaniello, Town Planner, concerning cash/fees in lieu of parking. Mr. LaTour said that he had been thinking about cash in lieu of parking - this gave him an idea - the Commission wants to promote the adaptive reuse of these buildings, a revision of the regulation would promote this. Even with the constraints in place there has a reasonable amount of that going on anyway. A revision of the regulation would promote adaptive reuse even more so than in the past - but also could be a windfall as compared to what is allowed under the current regulations - if you accept that as the view of the world today - then the idea would be - what happens if we say yes, you can have residential uses in the business zone with lesser restrictions, but the residential use must either meet the affordable housing guidelines of this community or you pay a cash fee for the residential rate to make up the differential - you can rent at market rates but we will not be allow you to have an economic incentive to do so - the differential goes to the Affordable Housing Commission.

Mr. LaTour said that something else that had brought this idea to mind, was that through correspondence, it was his understanding that someone in Litchfield was currently rewriting the regulations on accessory apartments and was going to propose it to the Commission. Mr. Brickely said that this was correct - Attorney McGowan would present the regulations.

Mr. LaTour said that his main concern was how to reconcile affordable housing and the regulations - and is it possible to blend ideas to have it all?

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**King's Mark Environmental Review Team**

Mr. Lavalette moved that the Zoning Commission support the Mayor's decision to give a special appropriation \$5,000.00 to King's Mark Environmental Review Team, with regret that the full request of \$20,000.00 was not granted. Chairman Doring seconded the motion and it passed unanimously.

Mr. Lavalette moved to adjourn the meeting at 9:58 p.m. Mr. Davin seconded and the motion carried unanimously.

Respectfully submitted,

*Duane Davin* (MC)

Duane Davin, Jr.  
Secretary

/meq

TOWN CLERK  
NEW MILFORD

SEP 16 3 50 PM '91

**ZONING COMMISSION MINUTES**  
**SEPTEMBER 10, 1991**

The meeting was called to order at 7:31 p.m. Present: George Doring - Chairman, Duane Davin - Secretary, Donald Marsh, Gerald LaTour, Charles Raymond - Alternate, Gary Santini - Alternate, Robert Bauer - Zoning Enforcement Officer, Loretta Brickley - Assistant Zoning Enforcement Officer. Absent: Arthur Lavalette, James Lambert - Alternate.

**PUBLIC HEARINGS**

**31 Stephanie Drive - Accessory Apartment**

Chairman Doring disqualified himself from the Public Hearing for an accessory apartment at 31 Stephanie Drive because he is a professional associate of the applicant. Mr. Santini was seated in his place. Mr. Raymond was seated for Mr. Lavalette. Mr. Davin chaired the public hearing.

Douglas and Judy Packard were present to talk about their application for an accessory apartment at 31 Stephanie Drive. Mr. Davin read the legal notice for the Public Hearing. The applicants had all of the return receipts. Mr. Davin read letters from the Fire Marshall, the Sanitarian (9/7), and the Zoning Enforcement Officer (9/5).

Mr. Packard asked if the Commission had any specific questions that they would like answered in regard to this application? Mr. Packard said that he had a civil engineer's report from when the house was built, but did not have it with him. He was surprised that the health department did not have a copy or record of this report in their files because the property had been flagged.

Mr. Packard explained where the entrances to the accessory apartment would be, and stated that there would be a third entrance leading from the basement into the apartment.

Mr. Marsh asked if Mr. Bauer had had a question concerning the garage? Mr. Bauer said that plot plan of the house showed a 21' x 24' garage slab as well as an under house garage, but this was not shown on the apartment plan - this should be elaborated on as it pertains to the parking requirements. Mrs. Packard said that the garage was now where the slab was shown and that their basement is totally unfinished at this point.

Mr. Davin asked if anyone was present who wished to speak in favor of or against the application?

John Gabriel of 20 Stephanie Drive was present. He stated that he lives across the street from the Packards', and has no objections to an accessory apartment.

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No one else spoke in favor or against the application.

[Mr. Lambert arrived at 7:40 p.m.].

Mr. Marsh moved to close the Public Hearing of Douglas and Judy Packard at 7:45 p.m. for an accessory apartment at 31 Stephanie Drive (R-40 Zone). Mr. LaTour seconded the motion and it carried unanimously.

Chairman Doring rejoined the meeting at 7:46 p.m. and Mr. Santini was unseated.

Mr. Lavalette arrived at 7:48 p.m. at which time Mr. Raymond was unseated.

#### **Buck Rock Work Camp - Inground Swimming Pool**

Mr. Davin read the legal notice for the Public Hearing requested by Charles NeJame for the installment of an inground swimming pool to be located on property owned by B R Land Company at the Buck Rock Work Camp.

Mr. Charles NeJames was present to discuss the application of Buck Rock Work Camp for an 75' x 35' inground swimming pool at Buck Rock Road. Mr. NeJame said that he was of NeJame Co. in Danbury and they would be putting the pool in for the Buck Rock Work Camp. Mr. NeJame said that all town and state regulations, such as fencing, etc...would be met.

Chairman Doring asked if there was anyone present who wished to speak for or against this application?

Mr. Eric Kozol of 17 Buck Rock Road was present. He asked if the pool was just to be used for the camp?

Mr. NeJame said that the pool was only to be used by the camp, and that the season of use was short - only eight weeks per year.

Chairman Doring asked if there were any questions from the table?

Mr. Lambert asked if there would be any runoff from the pool?

Mr. NeJame said that runoff would only occur if the pool were to be emptied. Mr. LaTour asked if there would be cause to empty the pool? Mr. NeJame said that the only time that it would be necessary for the pool to be emptied would be to repair or replace the liner.

Mr. NeJame said that he was looking to receive approval as soon as possible because this is a liner pool and work must be started very soon before colder weather arrives.

Chairman Doring said that the Commission would act on the application as quickly as they could reach a decision.

Mr. Marsh moved to close the Public Hearing at 8:03 p.m. for a 75' x 35' inground pool at Buck Rock Road(R-40/80 Zone). Mr. LaTour seconded. Passed unanimously.

#### **PUBLIC PARTICIPATION**

There was no one present from the public wishing to speak before the Commission.

#### **NEW BUSINESS**

##### **Walter H. Barlow - 60 Danbury Road**

Mr. Walter H. Barlow was present to discuss his plans for an insurance office to be located at 60 Danbury Road. Mr. Barlow explained the location of the house which he intends to use for business offices, which is South of McDonald's. Mr. Barlow said that it is a small house on approximately one-third of an acre of property. He does not want to change the exterior of the building.

Chairman Doring asked where the parking was? Mr. Barlow referred to the map to show the parking and also noted that there is a two car garage.

Chairman Doring read the Zoning Enforcement Officer's letter of 9/6/91, which stated that site is approximately 16,500 square feet and the building has approximately 1,450 square feet, requiring 8 parking spaces for the use.

Chairman Doring asked if the delineated parking would give enough back out room? Mrs. Brickley said that it would.

Mr. Lambert asked if the line of trees in front would be taken down?

Mr. Barlow said yes, they would be taken down, but the rest of the landscaping would remain the same, and hostesses and azaleas would also be planted. He said that there would also be a sign, but Mr. Barlow has not yet decided what size - Allstate has a whole book of signs to choose from.

Mr. Barlow said that he has not yet purchased this building because he first wanted to see if the Commission would approve the site plan.

Mr. Barlow said that he would also like permission to use the 600 square feet on the second floor for another office - a realtor or a CPA.



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Mrs. Brickley said that if the parking is there this would be permitted.

Mr. Lavalette noted that the application was for use of the whole whole building as office space.

Mrs. Brickley noted that it was for office space and there could be no apartments.

Mr. Lavalette moved to approve the site plan of Walter H. Barlow for an insurance office at 60 Danbury Road (B-1 Zone) with the understanding that anything involving signage will go to the Zoning Office for a permit. Mr. Davin seconded. Passed unanimously.

#### **Connecticut Rock Products**

Chairman Doring moved to add Connecticut Rock Products to the agenda. Mr. Lavalette seconded and the motion carried unanimously.

#### **John Marois - Sterling Place & South Avenue**

John Marois and Rick Doty (partner and contractor) were present to review for Town Landmark Designation that would permit 9 condominium units (R-5 Zone) at Sterling Place and South Avenue.

Mr. Marsh asked if the proposed site was the old silver shop? Mr. Marois said yes.

Mr. Marois said that this building has great historical significance, a historian dated it at 1850 [the main structure], and Bert Green said that in the 1950's, the first computer was created there by people from M.I.T. It is an old building and it will be a big job - the roof has to come off. Mr. Marois plans to divide the building into 8 two bedroom and 1 one bedroom units.

Mrs. Brickley asked if the building is marked as historic by any agency in Connecticut? Mr. Marois said that he did not know of any.

Chairman Doring asked Mr. Marois if he knew the procedure to follow in pursuing this project? Mr. Marois said yes, he knew that he had to go to the Historical Society for their recommendations.

Chairman Doring asked about the parking? Mr. Marois said that there are 20 spaces.

Mr. Marois said that the building has been empty for about three years, and he feels that what he is planning is the best that he can do with the building - and it would be an improvement to this area of the town.

Mrs. Brickley said that Mr. Marois should go to the Historical Page

Society and then contact her so a Public Hearing date could be set - as the Commission is required to give the Society 60 days. A Public Hearing is required because the maximum amount of apartments in an R-5 zone is 4 apartments.

### Connecticut Rock Products

Dan Arciola, the manager of Connecticut Rock Products was present to request use permission to buy, sell, and crush materials in the Industrial Zone.

Chairman Doring asked that Mr. Bauer, Zoning Enforcement Officer, give the Commission the background information on CT Rock Products. Mr. Bauer said that he had issued a Cease and Desist Order to CT Rock because they were bringing in blasted materials from Iroquois pipe line excavation without a permit.

Mr. Bauer said that he thought a site plan of where the use will take place and where the materials will be stored should be shown to the Commission.

Chairman Doring asked Mr. Arciola where the crushing plant was? Mr. Arciola referred to the site plan.

Mr. LaTour asked if this was a temporary request? Chairman Doring said no - that once this permit was granted - because it is an Industrial zone, the permit to crush stone can go on forever and that could include crushing stone other than from this state - they can take stone from anywhere and crush it.

Mrs. Brickley noted that there was a front line setback of 80 feet on the site plan that must be 100 feet. Mr. Arciola said that the setback would be moved back 20 feet to meet the regulation - this was only a tentative plan.

Mr. LaTour asked if anything other than rock would be crushed? Mr. Arciola said no - it would be strictly rock material.

Mr. Santini asked if the pipe line was presently on the property? Mr. Arciola said the pipe line is all over the place - what a disaster. Mr. Santini asked if some stone had already been dug from the property and taken somewhere else? Mr. Arciola said it was hard to tell what Iroquois was doing because they are all over the place - today they weren't hauling any material in, they were hauling it to some other place. Mr. Santini asked what kind of material they were hauling in? Mr. Arciola said mostly big rocks.

Mr. Arciola said that from an economic standpoint it would be beneficial if he could be allowed to bring rock materials in.

The Commission decided that it needed more time to discuss this issue.

**ACCEPT FOR PUBLIC HEARING**

Mr. Lavalette moved to accept the following public hearing dates: the application of Mary Alice Damota for an accessory apartment at 19 Bridge Street (B-1 Zone) to be held on 9/24/91, the application of New Milford Interfaith Housing for 51 unit complex to be held on 10/22/91, Amendment to Article II-II [Uses Permitted in B-1 Restricted Business Zone] to be held on 11/12/91, and the application of the Youth Agency for a teen center at Railroad Street to be held 10/22/91. Mr. Davin seconded the motion and it passed unanimously.

**ZONING ENFORCEMENT OFFICER'S REPORT**

Mr. Bauer reported to the Commission on five major points:

1) Mr. Bauer issued a Cease and Desist order to Chester Walajjts and Robin Stack because no improvements had taken place.

2) Mr. Bauer said that he was still receiving complaints concerning washouts. Most of these washouts had occurred due to non - maintenance of Soil Erosion Controls. Mr. Bauer said that having spoken personally with the developers involved that hopefully they will practice the necessary maintenance of controls so as to avoid such washouts after the next rainy spell.

3) Mr. Bauer and Mr. Marsh met with Pat Hackett and Mr. and Mrs. Ohmen and walked the site of T & N Associates at 106 Park Lane. Mr. Hackett explained the location of the detention pond and how rain water would be collected and controlled. The Ohmens were satisfied with the control as it was explained to them.

4) Mr. Bauer said he has received complaints that O & G have been hauling blasted rock from the pipe line to A.S.I. Mr. Bauer has been monitoring the situation but so far has not witnessed any trucks.

5) Mr. Bauer said that he had received a request from John Marois asking for release of the \$2,500.00 bond for landscaping at 40 Park Lane, and also for a one year extension on paving due to the recession in real estate in New Milford.

Mr. Bauer noted that shrubs have been planted at 40 Park Lane and requested that the \$2,500.00 bond be released. Mrs. Brickley suggested that 10% or \$500.00 of the bond be held to insure that the landscaping is maintained. Mr. Bauer said he was in accordance with this suggestion.

Mr. Lavalette moved that \$2,000.00 of Mr. John Marois' bond (re: 40 Park Lane) be released, with \$500.00 withheld for another year to insure that the landscaping is maintained. Mr. LaTour seconded and the motion passed unanimously.

Chairman Doring referred to the request of Mr. Marois for a one year extension on paving at 40 Park Lane, and said that the conditions had been made quite clear to Mr. Marois at that time - and that a one year extension due to the recession in real estate in New Milford was not a reasonable request, especially considering that Mr. Marois had just appeared before the Commission with plans for a condominium project.

Mr. Lavalette said that he felt that waiting for another year for paving would not hurt - Mr. Davin agreed, especially with the low level of business that Mr. Marois' tenant at 40 Park Lane is doing.

Mr. Lavalette said that he did not think the lack of pavement would hurt the community for another year.

Mr. Davin said that it would be the tenant who would be hurt, not Mr. Marois.

Mr. LaTour said that if the bond were in the tenants name, that would be one thing - but this was not the case...

Mr. Lavalette asked if the Zoning Enforcement Officer had followed up on the other restaurants with outdoor tables yet?

Mr. Bauer said that he had spoken with the owner of the Taco stand and had sent an inspection letter to Clamps.

Mr. Lavalette moved to approve the request of John Marois to extend the date of paving at 40 Park Lane until 6/92. Mr. Davin seconded. Motion passed 3 - 2 with Chairman Doring and Mr. LaTour opposing.

#### **BUSINESS MEETING**

##### **Connecticut Rock Products**

Mr. Raymond said that he was concerned about this issue because it is not a temporary thing - it is forever - a hasty decision should not be made - this was something that would need to be thoroughly discussed.

Chairman Doring said that a crusher was already allowed at this site.

Mrs. Brickley said that she questioned if this was their property - the road is not on their property - (telephone pole #2412), it is a private driveway, it is not on the property of Connecticut Rock Products. A site plan must show exactly where stock piling of materials would be taking place. Manufacturing and processing are permitted uses in an Industrial Zone.

Mr. LaTour asked if this was being called a transfer station of dirt? Mrs. Brickely said no - they were calling it a manufacturing

and processing use in an Industrial Zone.

Mr. LaTour noted that the map that he had looked at was not sealed.

Mr. Lavalette said that there are concerns of the Commission that must be met before this can be approved - CT Rock should be informed as to what these concerns are - and then the office staff can go over it with them to clarify these concerns - and then a decision can be made.

Mr. Raymond asked if the Zoning Enforcement Officer felt satisfied that all the Excavation Regulations were being met? This is something in which tight control must be exercised.

Mr. Lavalette said that the items that the Commission wants addressed should be listed to Mr. Arciola - the crushing of the stone is separate from the gravel mines.

Chairman Doring said that the office staff should address Connecticut Rock Products in regard to pertinent areas that the Commission is concerned with - such as setbacks...

Mr. Marsh said that he felt that the rock crushing and gravel mining have to be kept separated - they are two separate pieces of land.

Mr. Lambert said that there were other issues that needed to be addressed concerning other gravel mines - for example Squash Hollow - they do not even have a crusher and the Commission has allowed them to import material from the Iroquois pipe line excavation. Mr. Lambert felt this was a problem and that someone should be watching to see if trucks are going in - if they are going in, then they should be checked to see if they arrive empty or full, and likewise checked when they leave - are they leaving empty or full - from point A to point B, and back from point B to point A - the trucks should be checked to see what they are doing.

Chairman Doring said that Mr. Bauer has been watching for these things.

Mr. Lavalette said that if Squash Hollow had misrepresented their intent to the Commission, that maybe the Squash Hollow decision could be undone - if they do not have a crusher on site and these materials are just piling up?

Mr. Lavalette questioned if Mr. Murphy had given a time span when he appeared before the Commission for Squash Hollow Associates at the meeting of August 27, 1991?

Chairman Doring said that after speaking to Attorney Byrne he had sent a letter to Squash Hollow which specified a time limit of December 1, 1991.

Mr. Greenspan, a New Milford Resident, asked for permission to speak. Chairman Doring said that Mr. Greenspan could address the Commission. Mr. Greenspan referred to Article III, Section 2e (Site Plan Approval), and said that more than 700 cubic yards of materials being brought on site - so wouldn't this put Squash Hollow into this category?

Chairman Doring said that he did not think that this applied to the discussion because it had to do with approving a site plan. "If more than 1000 cubic yards of material are to be moved on sight or more than 700 yards are to be brought in or removed from sight" - this is for site plan development and is an entirely different matter.

Mrs. Brickley said that that was exactly what the Commission was doing - approving a site plan.

Chairman Doring said that he felt that there were advocates for one gravel mine and advocates for another at the table and that the Commission must work without thinking of individuals and strictly in terms of what is right within the regulations.

Mr. Santini asked if Chairman Doring had had informal contact with Attorney Byrne concerning this issue? Chairman Doring said that Mr. Bauer and Mrs. Brickley had.

Mrs. Brickley said that because it is an Industrial Zone, Attorney Byrne said to treat it as a site plan but don't worry about the landscaping.

Mr. LaTour asked where the crushers would be located and where the materials would be stored? Chairman Doring said that these were questions that needed to be answered...

No motions were made concerning Connecticut Rock, and the office staff was instructed to work with Connecticut Rock to get answers to the Commission's questions.

#### **BUSINESS MEETING**

**Douglas & Judy Packard - 31 Stephanie Drive**

LaTour moved to approve the proposed resolution for an accessory apartment at 31 Stephanie Drive. Mr. Davin seconded. Passed unanimously. [Chairman Doring disqualified himself from the preceding discussion and decision because he and the applicant are professional associates. Mr. Lambert also disqualified himself because he is the contractor for this project]. The adopted resolution read as follows:

**RESOLVED TO APPROVE** a Special Permit #26 under Article II - # 11 to permit an accessory apartment and the accompanying site plan consisting of 65,000 square feet  $\pm$  located at 31 Stephanie Drive in Parkwood Estates in the R-40 zone.

Owner of Record: Douglas & Judy Packard

**PROVIDING:**

1. That the accessory apartment be constructed per drawings submitted at the hearing of September 10, 1991.
2. That the accessory apartment consist of the 727 square feet with access ways as presented.
3. That the primary unit continue to be owner - occupied.
4. That the parking be provided for the secondary unit and recorded on the site plan prior to issuance of a zoning permit.
5. That the renewal of this permit shall be re-issued, if no violations exist and the accessory apartment continues to comply with the standards set forth in Article II # 11 of the New Milford Zoning Regulations.
5. That the application for renewal shall be made by August 9, 1992.
6. That the transfer of title requires a new affidavit verifying owner occupancy.
7. That the failure to renew the Special Permit shall result in immediate revocation of the permit.
8. That the refusal of any lawful inspection of the secondary unit by the Zoning Enforcement Officer shall revoke the special permit.

**REASONS:**

In granting the special permit, the Zoning Commission of the Town of New Milford wishes to state upon its records that the Commission's judgement, the subject property will not exert a detrimental effect on the development of the district nor on the value of nearby properties.

**Buck Rock Work Camp - Buck Rock Road**

Chairman Doring moved to approve the proposed resolution for a 75' x 35' inground swimming pool at Buck Rock Road. Mr. Lavalette seconded the motion and it carried unanimously. The adopted resolution read as follows:

**RESOLVE TO APPROVE** special permit application as an accessory use to Article II 7b and site plan to construct a 75' x 35' in ground swimming pool as applicant has received a certificate of Inland Wetlands Compliance approved August 22, by the Inland Wetlands Commission; property located on Buck Rock Road; Tax Assessors Map No. 159 Lots 17, 20, & 42.

**PROVIDING:**

1. That except as modified by this resolution; the facility shall be constructed and completed as per drawings prepared by L.W. Marsh, surveyor, dated November 1940.

**REASONS:**

In granting the above Special Permit and site plan, the Zoning Commission and the Town of New Milford wishes to state upon its records, that in the Commission's judgement, the proposed construction of a swimming pool would not impact on the neighboring properties concerning noise, traffic, and/or parking and further the proposed pool conforms to the setback requirements of the Zoning Regulation and based on the fact a previous Zoning Commission declared Buck Rock Work Camp classification to be a school at its meeting of January 12, 1982, the use therefore is proper.

**Height Limitation**

Chairman Doring instructed the office staff to compose a letter to the Mayor and to Attorney Sienkewicz to find out the current status of height limitation.

**MINUTES 8/27/91**

Chairman Doring moved to approve the minutes of 8/27/91 with the following amendments:

- 1) Page 3, Paragraph 7 (Squash Hollow Associates) - to read as follows: Mr. LaTour asked [for] that Mr. Murphy further clarify the request of Squash Hollow Associates.
- 2) Page 4, Paragraph 4 (Squash Hollow Associates) - to read as follows: Chairman Doring moved to approve the



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application of Squash Hollow Associates to import Earth materials from construction of the Iroquois pipe line subject to [approval] REVIEW by Attorney Byrne. and provided that the materials come only from within the New Milford boundaries.

3) Page 4, Paragraph 5 (Candlewood Valley Country Club) - The representative for Candlewood Valley was Barry Ames.

4) Page 8, Paragraph 1 (T & N Associates) - The motion to approve the revised site plan of T & N Associates was opposed by Mr. LaTour.

5) Page 8, Paragraph 6 (Monro Muffler) - Mr. Marsh disqualified himself due to a possible conflict in interest. Mr. LaTour, Mr. Lavalette, and Mr. Lambert also disqualified themselves because they had not been present for the previous discussion (7-23-91) on Monro Muffler/Brake.

6) Page 8 - Deletion of the last line of this page [Mr. Lavalette said that if this permit has to be renewed each year...].

7) Page 9, Paragraph 2 - Chairman Doring opposed the application of Barbera Struger for an accessory apartment at 83 Sherry Lane.

8) Page 9, Paragraph 3 - Mr. Lavalette opposed the motion to remove from the table the application for Town Landmark District at 9 South Main Street.

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9) Page 9, Paragraph 6 - Mr. Lavalette opposed the proposed resolution for approval for a Town Landmark District at 9 South Main Street.

10) Page 9, Paragraph 10 - (Bills & Communications) - Mr. Santini did not second the motion - he was not present at the meeting of 8/13/91. Mr. Lavalette moved to approve the New Milford Republican Town Committee's application to hold a circus at the Pettibone School grounds and Mr. Davin seconded. Mr. Lavalette moved to approve the minutes of 8/13/91 as amended, and Mr. Davin seconded.

Mr. Davin seconded the motion to approve the minutes of 8/27/91 as amended. Passed unanimously.

**Multiple Use in B-1 Zone**

Mr. LaTour addressed the Commission with a preliminary idea that he had on Multiple Use in B-1 Zone.

Mr. LaTour referred to the proposal that had been made By Attorney Pellegrini concerning a proposed amendment for the B-1 Zone Combination of Uses and also to the document from Nick Romaniello, Town Planner, concerning cash/fees in lieu of parking. Mr. LaTour said that he had been thinking about cash in lieu of parking - this gave him an idea - the Commission wants to to promote the adaptive reuse of these buildings, a revision of the regulation would promote this. Even with the constraints in place there has a reasonable amount of that going on anyway. A revision of the regulation would promote adaptive reuse even more so than in the past - but also could be a windfall as compared to what is allowed under the current regulations - if you accept that as the view of the world today - then the idea would be - what happens if we say yes, you can have residential uses in the business zone with lesser restrictions, but the residential use must either meet the affordable housing guidelines of this community or you pay a cash fee for the residential rate to make up the differential - you can rent at market rates but we will not be allow you to have an economic incentive to do so - the differential goes to the Affordable Housing Commission.

Mr. LaTour said that something else that had brought this idea to mind, was that through correspondence, it was his understanding that someone in Litchfield was currently rewriting the regulations on accessory apartments and was going to propose it to the Commission. Mr. Brickely said that this was correct - Attorney McGowan would present the regulations.

Mr. LaTour said that his main concern was how to reconcile affordable housing and the regulations - and is it possible to blend ideas to have it all?

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**King's Mark Environmental Review Team**

Mr. Lavalette moved that the Zoning Commission support the Mayor's decision to give a special appropriation \$5,000.00 to King's Mark Environmental Review Team, with regret that the full request of \$20,000.00 was not granted. Chairman Doring seconded the motion and it passed unanimously.

Mr. Lavalette moved to adjourn the meeting at 9:58 p.m. Mr. Davin seconded and the motion carried unanimously.

Respectfully submitted,

*Duane Davin* (40)

Duane Davin, Jr.  
Secretary

/meq

Town Clerk

TOWN CLERK  
NEW MILFORD

SEP 16 10 50 AM '91

ADOPTED RESOLUTION

Accessory Apartment  
31 Stephanie Drive  
Special Permit #26

Lot 36  
R-40 Zone

RESOLVED TO APPROVE a Special Permit #26 under Article II - # 11 to permit an accessory apartment and the accompanying site plan consisting of 65,000 square feet  $\pm$  located at 31 Stephanie Drive in Parkwood Estates in the R-40 zone.

Owner of Record: Douglas & Judy Packard

PROVIDING:

1. That the accessory apartment be constructed per drawings submitted at the hearing of September 10, 1991.
2. That the accessory apartment consist of the 727 square feet with access ways as presented.
3. That the primary unit continue to be owner - occupied.
4. That the parking be provided for the secondary unit and recorded on the site plan prior to issuance of a zoning permit.
5. That the renewal of this permit shall be re-issued, if no violations exist and the accessory apartment continues to comply with the standards set forth in Article II # 11 of the New Milford Zoning Regulations.
5. That the application for renewal shall be made by August 9, 1992.
6. That the transfer of title requires a new affidavit verifying owner occupancy.
7. That the failure to renew the Special Permit shall result in immediate revocation of the permit.
8. That the refusal of any lawful inspection of the secondary unit by the Zoning Enforcement Officer shall revoke the special permit.

REASONS:

In granting the special permit, the Zoning Commission of the Town of New Milford wishes to state upon its records that the Commission's judgement, the subject property will not exert a detrimental effect on the development of the district nor on the value of nearby properties.

ADOPTED RESOLUTION

Buck Rock Work Camp  
Buck Rock Road R40/R80  
120.76 ±

Special Permit #25-91

**RESOLVE TO APPROVE** special permit application as an accessory use to Article II 7b and site plan to construct a 75' x 35' in ground swimming pool as applicant has received a certificate of Inland Wetlands Compliance approved August 22, by the Inland Wetlands Commission; property located on Buck Rock Road; Tax Assessors Map No. 159 Lots 17, 20, & 42.

**PROVIDING:**

1. That except as modified by this resolution; the facility shall be constructed and completed as per drawings prepared by L.W. Marsh, surveyor, dated November 1940.

**REASONS:**

In granting the above Special Permit and site plan, the Zoning Commission and the Town of New Milford wishes to state upon its records, that in the Commission's judgement, the proposed construction of a swimming pool would not impact on the neighboring properties concerning noise, traffic, and/or parking and further the proposed pool conforms to the setback requirements of the Zoning Regulation and based on the fact a previous Zoning Commission declared Buck Rock Work Camp classification to be a school at its meeting of January 12, 1982, the use therefore is proper.

TOWN CLERK  
NEW MILFORD

SEP 16 10 50 AM '91

ZONING COMMISSION  
SEPTEMBER 24, 1991  
PUBLIC HEARINGS & REGULAR MEETING  
MOTIONS

- PRESENT: George Doring - Chairman  
 Duane Davin - Secretary  
 Arthur Lavalette  
 Donald Marsh  
 Gerald LaTour [arrived 7:35 p.m.]  
 James Lambert -Alternate [seated until Mr. LaTour's arrival]  
 Charles Raymond - Alternate  
 Gary Santini - Alternate  
 Robert Bauer - Zoning Enforcement Officer  
 Loretta Brickley - Assistant Zoning Enforcement Officer

Mr. Lavalette moved to waive the parking study for the proposed accessory apartment of Mary Alice Damato at 19 Bridge Street due to the fact that the new use would be less than the previous use. Mr. Davin seconded and the motion passed unanimously.

Mr. Lavalette moved to close the public hearing of Mary Alice Damato for an accessory apartment at 19 Bridge Street in the B-1 zone. Mr. Davin seconded. Passed unanimously.

Mr. Lavalette moved to waive the traffic study for the United Methodist Church's application for expansion of parking at 68 Danbury Road in the B-1 zone as it would not cause an increase of traffic and Mr. Davin seconded. Motion passed unanimously.

Mr. Lavalette moved to close the public hearing of the United Methodist Church for expansion of parking at 68 Danbury Road in the B-1 zone and Mr. LaTour seconded. Passed unanimously.

Mr. Davin moved to close the public hearing of Rosalie DesBiens for a proposed amendment to Article XIV regarding the serving of alcoholic beverages. Mr. LaTour seconded and the motion passed unanimously.

Mr. Lavalette moved to close the public hearing of the New Milford Water Company for a water storage tank in the R80 zone at Brentwood Road. Mr. Davin seconded. Motion passed unanimously.

Mr. Lavalette moved to close the Commission initiated public hearing on the following proposed amendments: Article I-VIII (Definitions), Article II-I (Permitted Uses), Article II-III (Permitted Uses In All Residential Zones), Article II-IV (Additional Conditions and Standards), Article II-VIII (Uses Permitted in Multi-Residence District), Article X (Deletion of Residential), and Article XII (Parking). Mr. Davin seconded and the motion passed unanimously.

Mr. Lavalette moved to approve the site plan of Rosalie DesBiens and Francis Leto for a 16' x 35' addition to their existing restaurant at 651 Kent Road in the B-2 zone [variance #1821 was granted by the New Milford Zoning Board of Appeals on 8/28/91 for relief from the side setback from Article X to increase the non-conforming building to permit construction of a 16' x 35' addition on the northern side of the existing building, to come no closer than 40' to the front property line]. Mr. Davin seconded and the motion passed unanimously.

Mr. LaTour moved to approve the site plan of Dimitrois Kouloganis for expansion of a restaurant at 73 Bridge Street in the VC zone.[variance #1822 was granted by the New Milford Zoning Board of Appeals on 8/28/91 for relief from Article XII to permit 2162 ft. expansion of the existing restaurant and change of use from retail to restaurant]. Mr. Lavalette seconded and the motion passed unanimously.

Mr. Lavalette moved to approve the site plan of Michael Papp for retail sales and indoor lessons at 401 Danbury Road in the B-1 zone. Mr. Davin seconded and the motion passed unanimously.

Mr. Lavalette moved to approve the site plan of CT Rock Products for rock storage at Kent Road and Rocky River Road in the industrial zone, subject to submittance of a revised map showing the correct distance from the storage area and the approval of the Director of Public Works. Mr. Marsh seconded and the motion passed unanimously.

Chairman Doring moved that the Commission go into an executive session to discuss Height Limitation with the Town Attorney, Jeffrey Sienkiewicz. Mr. Lavalette seconded. Passed unanimously.

Chairman Doring moved to come out of the executive session and Mr. Lavalette seconded. Motion passed unanimously.

Mr. Lavalette moved to approve the proposed resolution for an accessory apartment at 19 Bridge Street. Mr. Davin seconded and the motion passed unanimously. The resolution read as follows:

RESOLVED to APPROVE a Special Permit #28-91 under Article II- #10 to permit a third apartment in accordance with the accompanying site plan presented at the hearing of September 24, 1991 for premises located at 19 Bridge Street in the B-1 Zone.

Owner of Record : Mary Alice DaMato

Providing:

1. That the existing beauty parlor be removed
2. That the proposed apartment be constructed per the drawings submitted at the public hearing

3. That there is no external evidence of any alterations to the structure which would indicate it was being used for other than a residential use.
4. That the third apartment be subject to the New Milford Water Pollution Control Authority's approval.

REASONS:

In granting the Special Permit and accompanying site plan, the Zoning Commission of the Town of New Milford wishes to state upon the record that in the Commission's judgement the subject project would not exert a detrimental effect on the district nor on the values of the nearby property.

Mr. Lavalette moved to approve the proposed resolution for the expansion of the parking area at United Methodist Church. Mr. Davin seconded and the motion passed unanimously. The resolution read as follows:

RESOLVED TO APPROVE Special Permit #27 under Article II #7 a. to permit expansion of the parking area located on the west side of Danbury Road, Assessors Map #150 - Lot 119 in a B-1 (Restricted Business Zone); Owner-of-Record: The Board of Trustees of the Methodist Church of New Milford.

PROVIDING:

1. That except as modified by this resolution, the parking area shall be constructed and site improvements completed per drawings prepared by Carroccio-Covill and Associates, Ind, dated 4/02/91
  - a. Site plan 1' = 40'
  - b. Notes and details
  - c. Sedimentation and Erosion Control Plan
  - d. Sedimentation and Erosion Control Plan
2. That all work to be done on Danbury Road access be approved by the Department of Transportation.
3. That all disturbed areas are to be landscaped, top soiled and seeded.
4. That all curbing shall be bituminous concrete.
5. That all parking and driveways shall be of bituminous concrete.
6. That material to be excavated shall not exceed 600 cu. yds.
7. That fill to be brought onto the site shall not exceed 1200



cu. yds.

8. That all new parking area lighting is to be of the same type as presently exists and no lighting shall be directed outside the property lines.

9. That the parking lot expansion shall serve the existing use with no expansion or renovation to any building on site.

REASON:

In granting the above Special Permit and accompanying site plan, the Zoning Commission of the Town of New Milford wishes to state upon its records that in the Commission's judgement, the subject property will not exert a detrimental effect on the development of the area nor the value of nearby properties.

Mr. LaTour moved to approve payment of a bill from Attorney Byrne for professional services rendered from 8/15 - 9/16 in connection with the Ginsburg appeal for \$1725.00. Mr. Davin seconded and the motion passed unanimously.

Mr. Davin moved that the Commission send Mrs. Brickley to the seminar to be held 10/7 by the CT Council of Small Towns - "Legislative Review - Impact on Affordable Housing." Mr. LaTour seconded. Passed unanimously.

Mr. Lavalette moved to adjourn the meeting at 11:30 p.m. and Mr. Marsh seconded. Motion carried unanimously.

Respectfully submitted,



Duane Davin, Jr.  
Secretary

/meq

TOWN CLERK  
NEW MILFORD

SEP 26 4 19 PM '91

ADOPTED RESOLUTION

Conversion of Building  
19 Bridge Street  
Special Permit #28-91

At the New Milford Zoning Commission's regular meeting, the following resolution was rendered:

RESOLVED to APPROVE a Special Permit #28-91 under Article II- #10 to permit a third apartment in accordance with the accompanying site plan presented at the hearing of September 24, 1991 for premises located at 19 Bridge Street in the B-1 Zone.

Owner of Record: Mary Alice DaMato

Providing:

1. That the existing beauty parlor be removed
2. That the proposed apartment be constructed per the drawings submitted at the public hearing
3. That there is no external evidence of any alterations to the structure which would indicate it was being used for other than a residential use.
4. That the third apartment be subject to the New Milford Water Pollution Control Authority's approval.

REASONS:

In granting the Special Permit and accompanying site plan, the Zoning Commission of the Town of New Milford wishes to state upon the record that in the Commission's judgement the subject project would not exert a detrimental effect on the district nor on the values of the nearby property.

September 24, 1991

TOWN CLERK  
NEW MILFORD

SEP 27 4 30 PM '91

**ZONING COMMISSION MINUTES  
SEPTEMBER 24, 1991**

The meeting was called to order at 7:34 p.m. Present: George Doring - Chairman, Duane Davin - Secretary, Arthur Lavalette, Donald Marsh, Gerald LaTour [arrived 7:35 p.m.], James Lambert - Alternate [seated until Mr. LaTour's arrival], Charles Raymond - Alternate, Gary Santini - Alternate, Robert Bauer - Zoning Enforcement Officer, Loretta Brickley - Assistant Zoning Enforcement Officer.

**PUBLIC HEARINGS**

**19 Bridge Street - Accessory Apartment - Mary Alice DaMato**

Mr. Americo DaMato of Newtown was present to represent his wife, Mary Alice DaMato, who could not attend the public hearing. Mr. DaMato had all return receipts except for the one from the State of Connecticut which had been returned to him as undeliverable. Mr. Davin read the legal notice. Chairman Doring read the Sanitarian's report of 9/9/91, the Zoning Enforcement Officer's report of 9/18, which stated that the applicant was requesting a permit to convert the first floor from a business to an apartment. Presently there is an apartment in the basement and on the second floor. The new apartment has 1026 ± sq. ft., with egress in the front and rear of the floor. Mr. Bauer's report also stated that although parking was not addressed, it appeared that there was adequate space in the rear of the building, and also that the applicant would have to submit a request for a waiver from the traffic impact study as there would be no impact on traffic by the conversion from business to an apartment.

Mr. Damato stated that he and his wife have owned the building for thirty-five (35) years and that for thirty (30) they had used it as a beauty salon. The salon was closed on December 1st of last year, and they tried to rent the space for nine (9) months but were unable to do so with the economy the way it was. After being unable to rent, they decided to use it as an apartment.

Chairman Doring asked about the parking? Mr. Damato referred to the site plan. Mr. Bauer stated that it is last building going north on Bridge Street. Mr. Damato said that the parking is level and not blocked off - it is the same as it was when the beauty salon was in existence. Chairman Doring asked if there was anyone present wishing to speak in favor of or against the application? Mrs. Brickley stated that Jack Straub's property abuts on both sides but that he could not be present this evening, and asked that it be noted for the record that he is in favor of this application. Chairman Doring noted that Mr. DaMato was requesting a waiver from the traffic study.

Mr. Lavalette moved to waive the parking study for the proposed

accessory apartment of Mary Alice Damato at 19 Bridge Street due to the fact that the new use would create less traffic than the previous use.

Mr. Davin seconded and the motion passed unanimously.

Mr. Lavalette moved to close the public hearing of Mary Alice DaMato for an accessory apartment at 19 Bridge Street in the B-1 zone. Mr. Davin seconded. Passed unanimously.

#### **UNITED METHODIST CHURCH - PARKING EXPANSION - 68 DANBURY ROAD**

Mr. Russell Posthauer, project engineer, and Mr. Hobart, member of the Board of Trustees of the United Methodist Church were present to discuss the application of the United Methodist Church for expansion of the parking area at 68 Danbury Road in the B-1 zone. Mr. Hobart had all of the return receipts. Mr. Davin read the legal notice. Chairman Doring read the report of the Zoning Enforcement Officer, which stated that the applicants wish to extend their parking area to the west side of the church and rework the entrance on to Danbury Road, and although parking is not addressed as required for seating, they are increasing their parking capabilities. Since no expansion of the present building is to take place, the parking exceeds what they have presently. Since there is a traffic light at the site and no additional traffic is anticipated a traffic analysis waiver has been requested. Also, the plans have been reviewed by the Department of Transportation.

Mr. Posthauer stated that the church needs the extra parking for Sunday and other special events and the church would like to be able to provide this extra parking and sidewalks for its congregation. At present, people are parking all over. Mr. Posthauer referred to the site plan to explain the proposed parking and explained the drainage which will be allowed to dissipate on seeded areas or to the two catch basins and dry well shown at the entrance to the premises.

Mr. Lavalette moved to waive the traffic study for the United Methodist Church as the expanded parking area would not cause an increase of traffic and Mr. Davin seconded. Motion passed unanimously.

Mr. Lavalette moved to close the public hearing of the United Methodist Church for expansion of parking at 68 Danbury Road in the B-1 zone and Mr. LaTour seconded. Passed unanimously.

#### **ROSALIE DESBIENS - PROPOSED AMENDMENT TO ARTICLE XIV**

Attorney Peter Arturi was present to represent Rosalie DesBiens' proposed amendment to Article XIV, re: alcoholic beverages. Mr.

Davin read the legal notice. Chairman Doring read a letter from Nick Romaniello, Town Planner, which stated that a "service bar" is no less a place to buy and consume liquor than any other type of bar, and the method by which liquor is served was not the issue when this regulation was adopted, and should not be the criterion for this proposed "ad-hoc" amendment. Communications were also received from the Housatonic Valley Council of Elected Officials which stated that this issue is local not municipal, a 8/2/91 letter from the applicant, and a 9/9/91 letter from the Planning Commission was read. Attorney Arturi said that the letter from the applicant served basically as a statement of what she would like to do: Ms. Desbiens is currently permitted to sell wine and beer for consumption with meals pursuant to a special permit granted by the Commission by special permit 4/10/90. She would like to have a full liquor permit which would require a change to Article XIV as the property upon which her restaurant, IL Colosseo, is within 500 feet of a church. Ms. DesBiens would like to have permission to have a full liquor license with the understanding that the use of the bar would be confined to a service bar only, meaning that waiters/waitresses would take drink order from patrons at tables only and serve them. Patrons would not be allowed to order liquor at the bar. This would allow her to be competitive with other establishments.

Mr. Raymond asked if Ms. Desbiens knew of this regulation when she opened her restaurant? Ms. Desbiens said no she had not known - if someone had told her that she would have such problems back in 1989 - she would have thought twice - but nobody said anything - she would like to relive 1989 if only she could've foreseen what was coming....

Mr. Davin said that for the record he would like it noted that when he previously voted no that it had to do with the zoning regulations of the Town of New Milford - not with what the previous use of the premises had been. The previous use, "The Captains Quarters", was not the issue. Mr. Davin further stated that when this restaurant was approved it was stated that there could be no liquor. Attorney Arturi said that they were aware of this.

Ms. Desbiens said that she wanted to make one point clear - that yes, it was her own stupidity - but in this kind of business she needs a full liquor license - and she couldn't sleep last night because she knows that the Commission is against the full liquor license - but she has to make a living - she knows about the church distance - but it is a tradition in this culture, not hers, to have a drink with dinner. She does not even drink. Ms. Desbiens said she has put a lot of money into keeping this restaurant up and may have to close if she doesn't get this approval.

Attorney Arturi said that he thought Ms. Desbiens was trying to say

that there is not a significant difference between being allowed to serve wine and beer and being allowed to serve hard liquor. Mr. Marsh asked if they had referred to the state regulations? Mr. Arturi said that it really had to do with the local regulations.

Ms. DesBiens said she was willing to remodel the building if the Commission wished. Attorney Arturi added that anyone else seeking a full liquor license would still have to come before the Commission for special permit.

Chairman Doring asked if there was anyone present to speak for or against the application?

Mr. Larry Greenspan of 17 Terrace Place was present. Mr. Greenspan stated that he didn't consider this to be an "ad hoc" amendment, as the Town Planner had referred to it in his letter to the Commission. There's a difference between a service bar and a full service bar. There are different crowds in each. He referred to the Village Center where there are 3 restaurants, 2 full service and 1 service, and although he has not measured the distance to Saint John's, he does not think it is a matter of moral upheaval. Mr. Greenspan referred to Rudy's as a restaurant he particularly admires which has a full service bar - and he hasn't seen people walking out drunk. Mr. Greenspan said he felt that this went back to the blue laws and this would not make a difference in moral or behavioral control - it is important for the community and for tourist attraction - and if there is such a harm as is being suggested, than the harm would be just as great from serving wine and beer.

No one else spoke in favor of or against the application.

Mr. Davin moved to close the public hearing of Rosalie DesBiens for a proposed amendment to Article XIV regarding the serving of alcoholic beverages. Mr. LaTour seconded and the motion passed unanimously.

#### **NEW MILFORD WATER COMPANY - WATER STORAGE TANK - BRENTWOOD ROAD**

Mr. Kevin Moran, the manager of the New Milford Water Company, and Mayor Walter Rogg were present to discuss the application of New Milford Water Company for a water storage tank at Brentwood Road. Mr. Davin read the legal notice.

Chairman Doring stated that the Commission's role in this hearing was to act as an agent of the state, and this was why the legal notice had only appeared in the paper once. Chairman Doring said that it was his understanding as explained by Attorney Thomas Byrne, the Commission was not dealing with use, but with the issue of whether or not the structure meets setbacks and side



requirements, and that it will not interfere with the health, and safety of the community, especially children in the neighborhood.

Kevin Moran said that the New Milford Water Company is proposing construction of a 250,000 gallon water tank on an easement they have obtained fronting on Brentwood Road in the R80 zone, with the purpose of fire protection to the Schaghticoke School. The school is currently being renovated, and in the process of renovation is having a fire sprinkler system installed and there is a need for increased water flow to operate that sprinkler system. In addition to that immediate need, the tank will serve to improve service to existing customers and potential customers in the area, and it will become the backbone component of the system that will be used to supply the Camelot Estates area in the future.

Basically, that is the intent of the construction of the tank.

Chairman Doring asked if it was a supply tank or a pressure tank?

Mr. Moran said that it is a supply tank - an atmospheric tank, it is not under pressure.

Chairman Doring read the 9/9/91 memo from Larry Liebman which stated that this project had not yet received approval from the Inland - Wetlands Commission. It was noted that the Zoning Commission could not make a decision until the Inland - Wetlands Commission made a decision.

Mayor Rogg said that the Commission probably remembered going through this exercise once before, but the easement that had been acquired - the owner had backed out, which, in retrospect was a blessing, as this proposed location was much more suitable for the tank. The Mayor further stated that the town is looking for the best possible and most reliable fire protection the town can buy for the school renovation project. The alternative would be that we would have to construct a big holding tank at the school with pump facilities which would be dependent on power supply and you can't run big pumps without power. So, this is, by far the more reliable set up.

Chairman Doring asked if would be gravity fed?

Mayor Rogg said yes, the water is already there - all it needs is for a spigot to be opened - and there it is, there is no power needed, nothing. It is by far better, and the cost saving is really secondary.

Chairman Doring asked about the exact location of the easement and Mr. Moran referred to the site plan to show the Commission the exact location. Mr. Moran explained how the tank would be obscured from the view by trees and said that he could understand this being

Zoning Commission Minutes

September 24, 1991

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a major concern of people living in the vicinity. The entire area is heavily wooded and it is the intent of the New Milford Water Company not to cut any more trees than they have to construct and maintain the tank. The area will be kept as densely wooded as possible to obscure the tank - there is no motive in clearing the lot, there would be no benefit in clearing more than necessary. Hopefully, the tree trunks will obscure a great deal of the tank in the winter, although part of it will be visible, but in the summer, it should be fully obscured.

Chairman Doring asked what the tank would look like?

Mr. Moran did not have an exact picture of the tank, but did have a picture from the manufacturer of a tank very similar to what they plan to install and also a color chip - the tank will be forest green.

Chairman Doring asked if there were any more questions from the table for either Mayor Rogg or Mr. Moran? There were not. Chairman Doring asked if there was anyone present from the public wishing to speak? The following people spoke:

**Paul Partwell - 21 Cobbler Lane - Against**

"I live on property that adjoins the sight of the proposed water tank. I have several questions: 1) The risk to the children - this is a neighborhood with a lot of families with small children and I have a baby myself. From the pictures I can see that there are ladders that go up this thing and I am concerned about the safety of the children both during construction and after - who will be there to supervise if a child climb up a ladder and falls off? 2) I attended the Inland-Wetlands and there is a intermittent stream that does go through the property and they will be making a site walk there - so it is an Inland-Wetlands issue as well. 3) On our side of the neighborhood, we have not had any problems with our water, so we are wondering if the problem is over in the Essex Drive area, why they can't locate it over there, perhaps in the area where there is a power line going through. It already is an eye sore over there, perhaps something could be worked out somewhere over there where there is an easement for the power company and run the line down the hill into Schaghticoke. We also would be interested in knowing when the proposed take over of the Camelot water supply will take place by the New Milford Water Company - we have not been notified of such a take over by Camelot Water Supply - we were not aware of this. Lastly, we have heard that the reason for this location is due to financial savings for the town by having a water supply for Schaghticoke that would be gravity run rather than power fed - we would be interested in hearing these figures as well. It seems to me that there is plenty of land on Schaghticoke so that it could go somewhere there without having to disrupt a residential neighborhood. Thank you."

Mr. Moran: "Regarding the danger to children - we are proposing to have a chain link fence going around the area of the tank. This is an unmanned facility. There will not be people there to discourage children from coming on to the property. It will be posted as private property and we would hope this would discourage anyone from proceeding any further. If they did climb over, there is an access ladder to the tank, however, that ladder is positioned at about ten feet off the ground, so it would be difficult to get at. The intermittent stream we are looking into. We have a soil scientist doing a study now which will be made available to the Inland Wetlands on Thursday to address that question. As for the power line, locating the tank there - the first objective of the tank is to provide protection to the school, and use of the power line would require an additional large diameter pipe running to the school. As for the take over of New Milford Water Company - we are currently in negotiations with the owners of Camelot Water Supply - actually the owner of the company is deceased - and ownership of the company is part of the reason why it is taking so long. Concerning the power line, they own some of the utility land under the power line which we have tried to purchase in the past but they were asking an unreasonable amount for it - they wanted \$250,000.00 for the two building lots with the pump house on them, and negotiations fell through. Also, I am not sure how successful we would be in putting a tank under a power line. This easement that we have acquired is exactly the right elevation, right off of a town road, and from many perspectives it is the ideal location for the tank. The financial savings to Schaghticoke - I know the ball park numbers that the town was using as far as the on site pumping system to provide the power protection - and it is somewhat comparable to what our entire project will cost - the water main extension and the water tank - however, we have agreed to have the town pay for approximately half of that because we know that we'll be using it to service Camelot in the future. The same investment will now serve a far greater number of people."

Mayor Rogg: "There is one thing I would like to add and I don't really want to stress dollars that much at this point. We all know of the natural disasters that can occur - usually they result in a power loss. Quite often in a storm, before the power goes out - there a fire. Fire shorts out the power. The probability exists that you have a fire and you have no power. This installation is independent of power, so this is a good, reliable system - the water is there, if there is a fire, even if the power has shorted out."

Dan Quinn - 5 Charter House Road - Against

"I'd like to know how the tank will be filled and from what kind of a system, what path the pipe will take to get down to Schaghticoke, is it really gravity fed - and if so, why is there

a pump station?"

Mr. Moran: "The water will be coming from the existing wells of New Milford Water Company which are located behind 110 Kent Road, what we call Indian Field. We have several wells there which range in capacity from 300 gallons per minute to 1,000 gallons per minute. These wells pump into water distribution centers - mains - pumps which are already moving water up to the Schaghticoke School. What we'll be doing is converting an existing hydrostructure which is currently repumping that same water into the Hipp Road, Palomino Estates area, but this structure is a relatively small pump and big tank with an air bubble in it, - so the water comes from our existing wells - the pipes leading to the take will be laid in public/private way alongside of public road. It will start at the out ward loop of Palomino, up the North side of Hipp Road, to intersection of Route 109, make a right - or hit south on 109, go down 109, cross 109, go up the left hand side of Western View - telephone and cable are on the right side, so we will favor the left side up Western View and to the cul-de-sac and up to the easement. The pumps will be located in an in ground pumping facility. "

**Ron Lathrop - Western View Road - Against**

"My kids went to Schaghticoke School 15 years ago and now suddenly we have a water problem - what has happened to our water supply capacity to cause this?. Western View isn't really involved in this water problem - and yet I am because this thing is going to be in my back yard. How does Pine Hollow come into this - I understand that a lot of development can't presently occur over there because there are water problems?"

Mr. Moran: "The New Milford Water Company currently supplies domestic service to the Schaghticoke School. The state has passed a statute requiring that schools of a certain configuration must be sprinkled. The existing system at Schaghticoke does not have the capacity to sprinkle the surface that the state now requires.

When we heard about it, we offered an option to the school - were we would install and maintain the equipment and keep the tank full. Western View is involved because we run a water main up through there and I can only say that if you give us a year to let grass grow, I don't think you'll be able to tell it is there. As for Pine Hollow, its the same as what will be used to supply Camelot - I apologize for only referring to Camelot - its all one system, the same wells, etc... its all connected."

**Mrs. Kilpatrick - Western View Road - Against**

"Why can't the tank be dropped down underground so it isn't as

visible - because it is more costly? We're worried about our property value."

Mr. Moran: "In our effort to look at all of the available properties, this is the most ideal. We do believe that the trees will block most of it. If we were to drop it into the ground, there would still be a mound."

**Carl Stolsok - Adjoining Property Owner - Against**

"I have a few questions about safety - first of all, with all of this water - the kinetic energy and such - just sitting there -has the manufacturing company every had a history of a tank bursting - is there any kind of study of this sort? And is there a study of how this will affect drainage?"

Mr. Moran: "I don't know. We have not decided on the manufacturer yet. It's a relatively small tank. The drainage - our contour study shows that (a) the swail is not much and (b) it doesn't follow the easement of the property. We don't plan to effect the drainage, whatever is there now will be maintained, but if this were somehow to occur, we would restore it - it will get no worse than it already is."

**James Hill - 7 Western View - Against**

"The reason I live at 7 Western Hill is because I also own a home at Lone Oak Drive, right across from the community well. I also have a business in this town and I pay a lot of taxes. When I lived there, several nights a week at 2 or 3 o'clock in the morning I would have to call the police - bonfires, kids, guns, booze, you name it, they had it. I called the police at least 3 or 4 times a week, and they would come down and tell the kids to go home and that was all. One night, this was about 4 o'clock in the morning, my dog starts barking, I get up, look out the window, and the community well property is all in flames. The New Milford Fire department comes down, sprays it out, finds two little kids. A week after that, my dog gets stabbed to death. So, I rent that house, and buy another one at 7 Western View, and now you want to come in and do the same thing there. Unbelievable, I gave my other house away just to rent it to get away from the fires, the guns, the fights, the booze,.... it will attract parties, people parking, drinking,....the only life that you're going to make busy up there is the hospitals and the liquor stores.

**Ray Rizzo - 16 Brentwood Drive - Against**

"I've lived here for fifteen years and have just seen the site plans for the tank for the first time. This poses a hazard to my children - they ride there bikes down there. This will cause

increased traffic. It is not fair to our community. Who will benefit from this? Not us. Someone is. Especially since there are lots sitting over there in Pine Valley that are not buildable now, but you're going to make them buildable. Who is going to profit from this? That's all I have to say."

**Lawrence Greenspan - New Milford Resident**

"There are a couple of questions I would like to ask. The first one is very naive - what is the relationship of the reservoir to this property?"

Mr. Moran: "There is none."

Mr. Greenspan: "Couldn't the pipe be run from some holding place up at the school? Will this create more impact on the Wetlands? How about a facility on school grounds itself - perhaps this should be given closer consideration."

Chairman Doring: "I understand that your are trying to offer suggestions, but I would ask that you please remember that this Commission has a very limited charge in this issue and would ask that the public please retain to these concerns. Whether this is the correct site, etc... is not within the power of this Commission."

Mr. Raymond: "Why is the ladder necessary?"

Mr. Moran: "We need it right at the very top. Ladders on the sides have been discouraged in more recent reports."

Mr. Lavalette moved to close the public hearing of the New Milford Water Company for a water storage tank in the R80 zone at Brentwood Road. Mr. Davin seconded. Motion passed unanimously.

**\*COMMISSION INITIATED - PROPOSED AMENDMENTS**

- ARTICLE II-II - Definitions
- ARTICLE II-I - Permitted Uses
- ARTICLE II-III - Permitted Uses in All Residential Zones
- ARTICLE II-IV - Additional Conditions & Standards
- Article II-VIII - Uses Permitted in Multi-Residence District
- Article X - Deletion of Residential
- Article XII - Parking

Mr. Davin read the legal notice.

ARTICLE I-VIII - Definitions - Mrs. Brickley said that bed and breakfast had been provided for in the permitted uses so as there would be no question of definition and therefore should be in the

definitions.

ARTICLE II-I - Permitted Uses - Mrs. Brickley said that this had been in Article X - all districts were, including the commercial zones, were grouped together with the residential, telling you what the restrictions were for the front and rear set backs. We have worked this out so it would be just for residential use, but we would put in "minimum" front yard, "minimum" side yard, "minimum" rear yard, and "minimum" side corner yard. There are no changes other than location - this is an attempt to make the regulation more readable.

ARTICLE II-II - Mrs. Brickley said that golf courses had accidentally been deleted and should be added back under H) Public Parks/"Golf Courses". Also, under S) Tourist Homes - "Bed & Breakfast Inns" and "Boarding Houses" have been added. Also, under municipal buildings we have included "fire houses". Mrs. Brickley said there had been no change in home occupations, professional offices remains the same for #5, and for # 6) the renting of rooms and/or table board for not more than 4 persons in a dwelling used by the owner as his own residence was deleted because the Commission has no control over parking when dealing with a boarding house. It is now proposed under special permit, where the Commission does have control over parking.

ARTICLE II-III - Permitted Uses in All Residential Zones  
The only change is that number 9 has been renumbered to Article II-II 1. regarding the dwelling conversions in the central sewer district, and Article X regarding mixed uses the same language but has been renumbered to Article II-II-2., and regarding single family conversions has been renumbered to II-II-3. The standards, number 5 - the exterior alterations, we've deleted "shall be made only the existing foundation and shall be limited only to insulation and removal of windows, doors, and porches" and we have added "if made shall not create the appearance of a structure being used for other than a single family dwelling." Mrs. Brickley stated that the part that had been deleted was really building code and not zoning.

ARTICLE II-IV - Additional Conditions and Standards  
Mrs. Brickley said that this was all new. Planning had suggested that under Parking and Residential Zones A) Residents shall have at least one (1) parking space for each dwelling unit in the building or buildings - Planning had suggested perhaps two would be better. Chairman Doring said to make that change. Under B) Auditoriums, stadiums, theaters, or other places of assemblage, together with churches, shall have at least one (1) parking space for each five (5) seats therein, to be based on the maximum seating capacity - Mrs. Brickley said this is not a change, just added to where it belongs. These are all residential uses that

are related to parking. The height and area have been deleted in Article X, but the commercial use was left in Article X. The living area requirements for dwellings have been revised, deleting all references to that requirement in the residential zone. Article XII-III - a. Residents shall have at least two (2) parking spaces for each dwelling unit in the building or buildings - this had to do with multi family - this has all been deleted - c. auditoriums, etc... because it did not belong there.

There were no questions on this section.

Chairman Doring read Attorney Byrne's letter of recommendation. Mrs. Brickley said that all the changes had been made as per the advice of Attorney Byrne, and were also acceptable by the letter read from the Planning Commission. Chairman Doring read the letter from the Housatonic Valley Council of Elected Officials.

Article II-VIII - Uses Permitted in Multi Residence District  
Under 1. Site, a. Instead of saying no less, we say no fewer.  
Under 2. Building, a. Deleted other than for (1) janitors' apartment per multiunit dwelling building. Chairman Doring said that the regulation had previously allowed for a below grade apartment and he did not see why the janitor's apartment should be below ground. Mr. Marsh said that in a raised ranch there could still be below grade living space - Chairman Doring said his goal was to a) not to have apartments that are like the black hole of Calcutta in underground areas - Mr. Marsh said that the way this was written you could never have a walk down apartment in the basement. Mr. LaTour said that the Commission was over intellectualizing the issue and that he felt that exact ratios should be forgotten - what was trying to be said was that an apartment could not be below grade on more than three sides. Mrs. Brickley said that this was going to require a new public hearing. Mr. LaTour said he did not think this was substantial and didn't require another public hearing. Everyone agree that three sided was better wording - and that it was clarification rather than substantial change.

Under 3) Accessory Buildings & Uses - "And there guests" has been added to the last sentence. Under 4) Parking - it shall now read "shall be considered" - it used to be "shall not be considered." Under 5) Refuse Collection Area & Facilities, in the current regulation it says the owner of the multi unit dwelling shall provide facilities for the disposal of garbage and refuse from all dwelling units - we have added "or the homeowners association." Under 6. Landscaping and recreation, a. The area of tennis courts should be counted as recreation area (per recommendation of Nick Romaniello). At the end, a section of affordable housing has been added per advice of Attorney Byrne which will meet the requirements of the state, and which will also be sent on to the affordable



housing people for their review.

Chairman Doring asked if there was anyone present from the public wishing to comment on any of the proposed regulation changes?

Russell Posthauer, a New Milford resident, was present. He referred to II-I, item 6. He said that he understood the Commission's concern with parking, etc...He would like the Commission to consider reducing the number rather than eliminating it, as he thinks that would be in the best interest of young couples starting out - the expense of a house, maintenance of a house, this would also be helpful to the elderly. If four are now allowed, and this whole section is eliminated, - Mrs. Brickley said that a boarding house was allowed by special permit. Chairman Doring asked if he had a three bedroom house and his children were away at school - could someone rent a room with him - he could not see that this would be a problem. Mr. Marsh said that the regulation change would make such situation more restrictive.

Mr. Lavalette moved to close the Commission initiated public hearing on the following proposed amendments: Article I-VIII (Definitions), Article II-I (Permitted Uses), Article II-III (Permitted Uses In All Residential Zones), Article II-IV (Additional Conditions and Standards), Article II-VIII (Uses Permitted in Multi-Residence District), Article X (Deletion of Residential), and Article XII (Parking). Mr. Davin seconded and the motion passed unanimously.

#### PUBLIC PARTICIPATION

There was no one present from the public wishing to speak before the Commission.

#### NEW BUSINESS

Rosalie DesBiens & Francis Leto - 651 Kent Road

Mrs. Leto was present to discuss with the Commission the site plan for a 15' x 35' addition to the existing restaurant at 651 Kent Road in the B-2 zone. Mrs. Leto said that she had received a variance from the New Milford Zoning Board of Appeals .

Chairman Doring read the Zoning Enforcement Officer's report which stated that a variance had been granted on August 28, 1991. The addition will be added to the north side of the restaurant, and 4 of the front parking spaces will be moved to the rear.

Dimitrois Kouloganis - 73 Bridge Street

Attorney Carl Dunham represented Mr. Kouloganis, who was also

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September 24, 1991  
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present to discuss the site plan for expansion of Dimitri's Restaurant, and change of use from retail to restaurant, at 73 Bridge Street.

Chairman Doring read the Zoning Enforcement Officer's report which noted that a variance had been granted.

Chairman Doring asked about the already existing space in the building? Attorney Dunham said that the variance that had been granted was only for the existing areas. The other portions will be the renters responsibilities as the variance only allocated for expansion of the restaurant area.

Chairman Doring said that this meant the Commission would have to worry about what else might go into the other portions of the building.

#### **Michael Papp - 401 Danbury Road**

Michael Papp was present to discuss the site plan for retail sales and indoor lessons at 401 Danbury Road in the B-1 zone.

Chairman Doring read the Zoning Enforcement Officer's report which stated that the subject premises are an integral part of the Candlewood Valley Country Club and are currently vacant. The premises have previously housed a retail sales art gallery, butcher shop, and other retail outlets. Extra parking will be in the parking lot for the golf course.

Chairman Doring noted that the use that Mr. Papp was requesting was a permitted use as long as the setbacks are met.

#### **Revocation of Docktor Gravel Mine Permits #14 & #19**

Chairman Doring stated that the Commission and the office have made many requests to Mr. Docktor and he has flat out refused to conform. Chairman Doring said that at this point, he would like to ask the Zoning Enforcement Officer to take whatever action necessary to have this land restored, and noted that it would be strictly legal, as there is no bond.

### **OLD BUSINESS**

#### **CT Rock Products - Site Plan for Rock Storage**

Chairman Doring read the Zoning Enforcement Officer's report which stated that the site plan presented was an A-2 survey dated 8/8/84

and revised 9/10/91 showing the rock storage area. The premises shown is the area where the crushing plant is located and the area where the storage of off site rocks is to be located. All storage of product either before or after processing must be stored at least 100' of property line, in this case Rocky River Road.

The Public Works Director has reported that Rocky River Road is still a town road and therefore it is the boundary from which the setbacks are set. In as much as the haul road from the scale house to the crushing plant crosses Rocky River Road, a permit to do so should be on file with the Public Works department. The proposed siltation pond has been completed and has received approval from the Inland Wetlands Commission. Mr. Bauer's suggestion was that any activity within the setbacks of Rocky River Road be moved to the 100' setback line and that any crossing of Rocky River Road be approved by the Director of Public Works.

#### ZONING ENFORCEMENT OFFICER'S REPORT

Mr. Bauer reported to the Commission on six (6) major points :

1. The Director of Health, at the staff meeting of 9/10/91 noted that there was a problem with sloped premises where silt fencing was used to protect surrounding properties but was not protecting silt deposit on the septic areas. This occurs when the house or driveway is located above the approved septic area. All agency staffs will no be taking proper steps to control the erosion of such disturbed areas.

2. Mr. Bauer has become involved in several cases of non conforming building lots where a structure is able to be placed upon the premises and meet the setbacks. However, the owner of the property also own a contiguous non conforming lot or lots, and according to Article I-V, paragraph 3, if 2 or more lots of record, one or both of which fail to meet the requirements of these regulation with respect to lot area and/or lot width are in single ownership at the time of adoption of these regulations or at any time thereafter and if such lots taken together would form one or more lots, each meeting the requirements of these regulation or any amendment there to ---such lots must be joined and used in compliance with these regulations irrespective of subsequent change of ownership. In both cases Mr. Bauer has refused to issue a permit.

3. Mr. Bauer went to serve a Cease & Desist Order to Mr. Kovacs after having witnessed delivery of rock product to the premises of Advanced Stone on Friday, September 13, 1991. Mr. Kovacs verbally abused Mr. Bauer and said he would sue, tear up the Cease and Desist Order and would continue to operate claiming that he was preexisting. Mr. Bauer told Mr. Kovacs that he only had to get a

permit to process material from off site as it was a permitted use in an industrial zone. Because Mr. Kovacs was so irate, M. Bauer contacted Chairman Doring, and both spoke to Attorney Byrne. It was decided that a patrol man would accompany Mr. Bauer to deliver the Cease & Desist order. This was accomplished the following Monday (9/16). Mr. Kovacs has ten days to comply.

4. Mr. Bauer reported on Middle Street School Associates, who were granted a permit in 1988 to build a 4 apartment, 1 office building at 28 Middle Street in 1988. Mr. Bauer recently became aware that it now houses five apartments. Mr. Bauer informed the associates that this is illegal and ordered a Cease & Desist was issued on September 19th and they have ten days to comply. Mr. Bauer suspects they will approach the Commission for a zone change.

5. Mr. Bauer has been make inspections mainly along Route 7 South for A Frame Signs. 16 were cited and most have complied. Those businesses which do not remove their A-Frame Signs will be issued Cease and Desist Orders.

6. Mr. Bauer received a copy of the eviction notice delivered by the sheriff to Wilfred Megin. Chester Walajyts is evicting him for non payment of rent on premises located at 535 Danbury Road. The property was cited for failure to obtain necessary permits and violations of the regulations.

#### BUSINESS MEETING

Mr. Lavalette moved to approve the site plan of Rosalie DesBiens and Francis Leto for a 16' x 35' addition to their existing restaurant at 651 Kent Road in the B-2 zone, with variance #1821 attached, granted by the New Milford Zoning Board of Appeals on 8/28/91 for relief from the side setback from Article X to increase the non-conforming building to permit construction of a 16' x 35' addition on the northern side of the existing building, to come no closer than 40' to the front property line. Mr. Davin seconded and the motion passed unanimously.

#### **73 Bridge Street**

Mr. LaTour moved to approve the site plan of Dimitrois Kouloganis for expansion of a restaurant at 73 Bridge Street in the VC zone, with variance #1822 attached, granted by the New Milford Zoning Board of Appeals on 8/28/91 for relief from Article XII to permit 2162 ft. expansion of the existing restaurant and change of use from retail to restaurant. Mr. Lavalette seconded and the motion passed unanimously.

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**September 24, 1991**  
**Page Seventeen**

**401 Danbury Road**

Mr. Lavalette moved to approve the site plan of Michael Papp for retail sales and indoor lessons at 401 Danbury Road in the B-1 zone. Mr. Davin seconded and the motion passed unanimously.

**CT Rock Products**

Mr. Lavalette moved to approve the site plan of CT Rock Products for rock storage at Kent Road and Rocky River Road in the industrial zone, subject to the correct distance as signed on the map and the approval of the Director of Public Works. Mr. Marsh seconded and the motion passed unanimously.

**Height Limitation**

Chairman Doring moved that the Commission go into an executive session to discuss Height Limitation with the Town Attorney, Jeffrey Sienkiewicz. Mr. Lavalette seconded. Passed unanimously.

Chairman Doring moved to come out of the executive session and Mr. Lavalette seconded. Motion passed unanimously.

No motions or decisions were made while in executive session.  
**19 Bridge Street**

Mr. Lavalette moved to approve the proposed resolution for an accessory apartment at 19 Bridge Street. Mr. Davin seconded and the motion passed unanimously. The resolution read as follows:

**RESOLVED to APPROVE** a Special Permit #28-91 under Article II- #10 to permit a third apartment in accordance with the accompanying site plan presented at the hearing of September 24, 1991 for premises located at 19 Bridge Street in the B-1 Zone.

Owner of Record : Mary Alice DaMato

Providing:

1. That the existing beauty parlor be removed
2. That the proposed apartment be constructed per the drawings submitted at the public hearing
3. That there is no external evidence of any alterations to the structure which would indicate it was being used for other than a residential use.

4. That the third apartment be subject to the New Milford Water Pollution Control Authority's approval.

REASONS:

In granting the Special Permit and accompanying site plan, the Zoning Commission of the Town of New Milford wishes to state upon the record that in the Commission's judgement the subject project would not exert a detrimental effect on the district nor on the values of the nearby property.

UNITED METHODIST CHURCH

Mr. Lavalette moved to approve the proposed resolution for the expansion of the parking area at United Methodist Church. Mr. Davin seconded and the motion passed unanimously. The resolution read as follows:

**RESOLVED TO APPROVE** Special Permit #27 under Article II #7 a. to permit expansion of the parking area located on the west side of Danbury Road, Assessors Map #150 - Lot 119 in a B-1 (Restricted Business Zone); Owner-of-Record: The Board of Trustees of the Methodist Church of New Milford.

PROVIDING:

1. That except as modified by this resolution, the parking area shall be constructed and site improvements completed per drawings prepared by Carroccio-Covill and Associates, Ind, dated 4/02/91
  - a. Site plan 1' = 40'
  - b. Notes and details
  - c. Sediment and Erosion Control Plan
  - d. Sedimentation and Erosion Control Plan
2. That all work to be done on Danbury Road access be approved by the Department of Transportation.
3. That all disturbed areas are to be landscaped, top soiled and seeded.
4. That all curbing shall be bituminous concrete.
5. That all parking and driveways shall be of bituminous concrete.
6. That material to be excavated shall not exceed 600 cu. yds.
7. That fill to be brought onto the site shall not exceed 1200 cu. yds.

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September 24, 1991  
Page Nineteen

8. That all new parking area lighting is to be of the same type as presently exists and no lighting shall be directed outside the property lines.

9. That the parking lot expansion shall serve the existing use with no expansion or renovation to any building on site.

REASON:

In granting the above Special Permit and accompanying site plan, the Zoning Commission of the Town of New Milford wishes to state upon its records that in the Commission's judgement, the subject property will not exert a detrimental effect on the development of the area nor the value of nearby properties.

Mr. LaTour moved to approve payment of a bill from Attorney Byrne for professional services rendered from 8/15 - 9/16 in connection with the Ginsburg appeal for \$1725.00. Mr. Davin seconded and the motion passed unanimously.

Mr. Davin moved that the Commission send Mrs. Brickley to the seminar to be held 10/7 by the CT Council of Small Towns - "Legislative Review - Impact on Affordable Housing." Mr. LaTour seconded. Passed unanimously.

Mr. Lavalette moved to adjourn the meeting at 11:30 p.m. and Mr. Marsh seconded. Motion carried unanimously.

Respectfully submitted,

*Duane Davin* (MD)

Duane Davin, Jr.  
Secretary

/meq

TOWN CLERK  
NEW MILFORD

OCT 2 4 34 PM '91



ADOPTED RESOLUTION

Parking Expansion  
68 Danbury Road  
Special Permit #27

At the New Milford Zoning Commission's regular meeting, the following resolution was rendered:

RESOLVED to APPROVE Special Permit #27 under Article II #7 a. to permit expansion of the parking area located on the west side of Danbury Road, Assessors Map #150 - Lot 119 in a B-1 (Restricted Business Zone); Owner-of-Record: The Board of Trustees of the Methodist Church of New Milford

PROVIDING:

1. that except as modified by this resolution, the parking area shall be constructed and site improvements completed per drawings prepared by Carroccio-Covill and Associates, Ind, dated 4/02/91
  - a. Site plan 1" = 40'
  - b. Notes and details
  - c. Sedimentation and Erosion Control Plan
  - d. Sedimentation and Erosion Control Plan
2. that all work to be done on Danbury Road access be approved by the Dept. of Transportation
3. that all disturbed areas are to be landscaped, topsoiled and seeded.
4. that all curbing shall be bituminous concrete.
5. that all parking and driveways shall be of bituminous concrete.
6. that material to be excavated shall not exceed 600 cu.yds.
7. that fill to be brought onto the site shall not exceed 1200 cu.yds.
8. that all new parking area lighting to be of the same type as presently exist and no lighting shall be directed outside the property lines.
9. that the parking lot expansion shall serve the existing use with no expansion or renovation to any building on site.

REASONS:

In granting the above Special Permit and accompanying site plan, the Zoning Commission of the Town of New Milford wishes to state upon its records that in the Commission's judgement, the subject property will not exert a detrimental effect on the development of the area nor the value of nearby properties.

September 24, 1991

TOWN CLERK  
NEW MILFORD

SEP 27 4 30 PM '91

Town Clerk

# TOWN OF NEW MILFORD

PHONE (203) 355-6095



10 MAIN STREET

NEW MILFORD, CONNECTICUT 06776

Office of ZONING COMMISSION

October 1, 1991

Peter Arturi, Esquire  
Baker, Moots, & Pellegrini  
46 Main Street  
New Milford, CT 06776

RE: PROPOSED AMENDMENT TO ARTICLE XIV: ALCOHOLIC BEVERAGES

Dear Attorney Arturi:

The New Milford Zoning Commission at their regular meeting of October 8, 1991, rendered the following decision:

DENIED the request of Rosalie DesBiens to amend Article XIV Alcoholic Beverages 1) because the proposed amendment fails to meet the Zoning Regulations Statement of Purpose which states, ". To protect and conserve the existing or planned character of all parts of the town and thereby did in maintaining their stability and value, to encourage the orderly development of all parts of the town," (Article I, Zoning Code). The regulations allow for beer and wine only after public hearing within 500' radius of any part of a lot used for public or private school, a church, a charitable organization (whether supported by public or private funds), a hospital or library (Article XIV, Zoning Code). 2) The proposal is to revise the regulations, which same regulation was amended in March, 1985. 3) The proposed amendment is an effort to accommodate a specific situation, rather than the goals or objectives of the community. 4) The Commission does not feel that the method of serving alcoholic beverages to a customer does not relate to the intent for enactment of Article XIV.

Copies of the above decision are duly filed in the office of the Town Clerk and shall become effective October 18, 1991.

Should you have any questions, please feel free to contact this office.

Very truly yours,  
*George Doring (MD)*  
George Doring, Chairman

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

GD/meq

Copy: Rosalie DesBiens  
Town Clerk  
File

## MEMORANDUM OF DENIAL

RE: Application to amend New Milford Zoning Regulations  
Rosalie DesBiens - Park Lane Road

The Zoning Commission voted to DENY the proposed amendment to the New Milford Zoning Regulations because of the proposed amendment's incompatibility with the regulations, to which:

1. The proposed amendment fails to meet the Zoning Regulations Statement of Purpose which states, "5. To protect and conserve the existing or planned character of all parts of the town and thereby did in maintaining their stability and value, and to encourage the orderly development of all parts of the town," (Article I, Zoning Code). The regulations allow for beer and wine only after public hearing within 500' radius of any part of a lot used for public or private school, a church, a charitable organization (whether supported by public or private funds), a hospital or library ( Article XIV, Zoning Code). The regulation is clear and meaningful and it would be inappropriate to grant a full liquor license to an establishment within the 500' radius of a church.
2. The proposal is to revise the regulations, which regulation was amended in March, 1985. At the time of enactment, the Planning Commission approved the amendment citing, "This change would promote beneficial and convenient relationship among residential, commercial, industrial, and public areas within the Town," (Planning Commission Memo, March 2, 1991).
3. The proposed amendment is an effort to accommodate a specific situation, rather than the goals or objectives of the community (Planner's Memo, September 24, 1991).
4. The Commission further noted that the method of serving alcoholic beverages to a customer does not relate to the intent for enactment of Article XIV.

October 8, 1991

TOWN CLERK  
NEW MILFORD

OCT 10 4 36 PM '91

**ZONING COMMISSION  
OCTOBER 8, 1991  
PUBLIC HEARINGS & REGULAR MEETING  
MOTIONS**

**Present:** George Doring - Chairman  
Duane Davin, Jr. - Secretary  
Arthur Lavalette [arrived 7:36 p.m.]  
Donald Marsh  
Gary Santini - Alternate  
Charles Raymond - Alternate  
Robert Bauer - Zoning Enforcement Officer  
Loretta Brickley - Assistant Zoning Enforcement Officer

**Absent:** Gerald LaTour  
James Lambert - Alternate

The Zoning Commission meeting of October 8, 1991 was called to order at 7:30 p.m. Mr. Santini was seated for Mr. LaTour. Mr. Raymond was seated for Mr. Lavalette until 7:36 p.m.

Mr. Raymond moved to close the public hearing for Still Meadow Condominium for a 186 unit condominium project at Fort Hill Road in the M-R zone. Mr. Marsh seconded. Passed unanimously. {Application withdrawn}.

Mr. Lavalette arrived at 7:36 p.m., at which time Mr. Raymond was unseated.

Mr. Lavalette moved to close the public hearing of Candlewood Valley Country Club for a 40' x 60' addition to the existing 45' x 60' maintenance garage in the R-80 at 401 Danbury Road in the R-80 zone. Mr. Santini seconded. Passed unanimously.

Mr. Lavalette moved to approve the request of J. F. Michaud for a one (1) year extension for construction at 72 Park Lane, with start date of October 5, 1992. Mr. Santini seconded. Motion passed unanimously.

Mr. Lavalette moved to accept the following public hearing dates:

(1) Article XV	Excavation of Earth Products	November 26, 1991
(2) Article I-VII	Definitions	November 26, 1991
(3) Article II-II	Uses Permitted in B-1 Restricted Business	November 12, 1991
(4) Article XII-III	Parking	November 26, 1991
(5) 2 Sterling Place - Landmark District - 9 Unit Project	Condominium	November 26, 1991

Mr. Santini seconded. Motion passed unanimously.

Mr. Lavalette moved to approve the request of Watkins Brothers Machinery Corporation for a six month extension on their driveway permit at Wells Road, with the date of April 1, 1992, subject to receipt of revised bonding. Mr. Marsh seconded. Passed unanimously.

Mr. Marsh moved to add the New Milford Water Company to the business meeting agenda. Mr. Lavalette seconded. Motion passed unanimously.

Chairman Doring moved that an executive session be added to the business meeting agenda for discussion of height limitation. Mr. Marsh seconded. Passed unanimously.

Mr. Lavalette moved to approve the memorandum of denial for the application of Rosalie DesBiens for the proposed amendment to Article XIV regarding alcoholic beverages. Mr. Marsh seconded. Passed unanimously. The memorandum of denial read as follows:

RE: Application to amend New Milford Zoning Regulations  
Rosalie DesBiens - Park Lane Road

The Zoning Commission voted to DENY the proposed amendment to the New Milford Zoning Regulations because of the proposed amendment's incompatibility with the regulations, to which:

1. The proposed amendment fails to meet the Zoning Regulations Statement of Purpose which states, "5. To protect and conserve the existing or planned character of all parts of the town and thereby did in maintaining their stability and value, and to encourage the orderly development of all parts of the town," (Article I, Zoning Code). The regulations allow for beer and wine only after public hearing within 500' radius of any part of a lot used for public or private school, a church, a charitable organization (whether supported by public or private funds), a hospital or library ( Article XIV, Zoning Code).
2. The proposal is to revise the regulations, which regulation was amended in March, 1985. At the time of enactment, the Planning Commission approved the amendment citing, "This change would promote beneficial and convenient relationship among residential, commercial, industrial, and public areas within the Town," (Planning Commission Memo, March 2, 1991).
3. The proposed amendment is an effort to accommodate a specific situation, rather than the goals or objectives of the community (Planner's Memo, September 24, 1991).
4. The Commission further noted that the method of serving alcoholic beverages to a customer does not relate to the intent for enactment of Article XIV.

Mr. Lavalette moved to adopt the proposed resolution for the location of a water storage tank by the New Milford Water Company. Mr. Marsh seconded and the motion carried unanimously. The resolution read as follows:

Water Storage Tank - 42' diam. x 24' high  
New Milford Water Company  
Zone - R-80  
Location - Brentwood Road  
Tax Assessors Map #184  
Lot 135 Permit #35

**RESOLVE TO APPROVE** permit application #35 in accordance with Connecticut General Statutes, Section 16-235 to locate a .25 MG water storage tank and water line to be situated on an easement over Lot 1 Sticker Hill consisting of 38, 484 sq. ft.; Western View Road from Leslie and Phyllis Scott; Applicant: New Milford Water Company.

1. That except as modified by this resolution, the facility shall constructed and site improvements completed as per drawings prepared by R. Rylander and C. James Osborne, Jr. and entitled:
  - a) Proposed .25 MG storage tank  
Brentwood Road, New Milford, dated 5/30/91
  - b) A-2 Map showing proposed easement -  
Lot 1 - Sticker Hill - dated 8/29/91
2. That the applicant/developer shall erect fencing around the area of the structure and construction of the fence shall be a minimum of eight (8) feet and further provided that a sphere with a diameter of six (6) inches (152 mm) cannot pass through any opening. (Boca Nat'l. Bldg. Code/1987 - Section 827.3).
3. That the pump station be placed completely underground with only the meter box above ground.
4. That all properties shall be shielded, as shown on the plan certified by R. Rylander and dated May 30, 1991, and as amended by the Zoning Commission, by two (2) rows of 16' white pine ever green trees and preferably or 16' Norway spruce on an average of 20' to 25', on center to be maintained as a solid screen between the water supply tank and the abutting residential uses to minimize any negative effect between the proposed tank and the residential neighbors. No previously existing trees will be cut down. Any variation to this plan will be subject to the approval of the Zoning Commission. This plan shall be amended and accepted as final



on August 1, 1992, based upon the prescribed conditions upon completion of construction of the tank.

5. That soil erosion measures be in place prior to excavation and continue to remain in good condition until final grading has been completed and seed has taken root.
6. That the driveway apron leading to Brentwood Road be constructed with a 30' mud tracking pad.
7. That the ladder on the dome be of the minimum size, not to exceed 4' down, needed to perform maintenance procedures on the tank.
8. That the tank shall be painted green.

**REASONS:**

In granting the above Special Permit, the Zoning Commission of the Town of New Milford, acting as an agent for the State of Connecticut, wishes to state upon its records that in the Commission's judgement, the subject project will not exert detrimental effect on the development of the district nor on the value of nearby properties. The Commission believes further that for public safety reasons, the project would be beneficial to the New Milford Schaghticoke Middle School and the surrounding area.

Chairman Doring moved that Article XII - III be added to the agenda for the business meeting under proposed amendments to the Zoning Code. Mr. Lavalette seconded. Passed unanimously.

Mr. Lavalette moved to approve the proposed amendment to Article I-VIII. Mr. Santini seconded. Passed unanimously.

Mr. Marsh moved to approve the proposed amendment to Article II-I of the Zoning Code. Mr. Lavalette seconded and the motion carried unanimously.

Mr. Lavalette moved to approve the proposed amendment to Article II-III of the Zoning Code. Mr. Marsh seconded. Passed unanimously.

Mr. Lavalette moved to approve the proposed amendment to Article II-IV of the Zoning Code. Mr. Marsh seconded. Passed unanimously.

Mr. Lavalette moved to approve the proposed amendment to Article II-VIII of the Zoning Code. Mr. Marsh seconded. Passed unanimously.

Mr. Lavalette moved to approve the proposed amendment to Article X of the Zoning Code. Mr. Marsh seconded. Passed unanimously.

Mr. Lavalette moved to approve the proposed amendment to Article X-II of the Zoning Code and Mr. Davin seconded. Passed unanimously.

Mr. Lavalette moved to approve the proposed amendment to Article XII-III of the Zoning Code. Chairman Doring seconded and the motion carried unanimously.

Mr. Lavalette moved that the approved amendments to the Zoning Code become effective as of October 31, 1991. Chairman Doring seconded. Passed unanimously.

Chairman Doring moved to approve the minutes of the September 24, 1991 Zoning Commission meeting as amended by Mr. Lavalette. Mr. Marsh seconded. Passed unanimously.

Mr. Lavalette moved that the Commission go into an executive session to discuss height limitation. Mr. Davin seconded. Passed unanimously.

No motions were made during the executive session.

Chairman Doring moved that the Commission come out of the executive session. Mr. Santini seconded. Passed unanimously.

Chairman Doring moved to approve payment of a bill from Attorney Byrne for \$975.00 for professional services. Mr. Lavalette seconded. Passed unanimously.

Mr. Lavalette moved to approve a requisition for publishing of the Zoning Code, inclusive of all updates, \$1,300.00. Chairman Doring seconded. Passed unanimously.

Mr. Lavalette moved to adjourn the October 8, 1991 meeting of the Zoning Commission at 9:29 p.m. Mr. Davin seconded. Passed unanimously.

Respectfully submitted,

(MQ)

*Duane Davin*

Duane Davin, Jr.  
Secretary

/meq

TOWN CLERK  
NEW MILFORD  
OCT 9 3 48 PM '91

*AC.*

## ADOPTED RESOLUTION

Water Storage Tank - 42' diam. x 24' high  
New Milford Water Company  
Zone - R-80  
Location - Brentwood Road  
Tax Assessors Map #184  
Lot 135 Permit #35

**RESOLVE TO APPROVE** permit application #35 in accordance with Connecticut General Statutes, Section 16-235 to locate a .25 MG water storage tank and water line to be situated on an easement over Lot 1 Sticker Hill consisting of 38, 484 sq. ft.; Western View Road from Leslie and Phyllis Scott; Applicant: New Milford Water Company.

1. That except as modified by this resolution, the facility shall constructed and site improvements completed as per drawings prepared by R. Rylander and C. James Osborne, Jr. and entitled:
  - a) Proposed .25 MG storage tank  
Brentwood Road, New Milford, dated 5/30/91
  - b) A-2 Map showing proposed easement -  
Lot 1 - Sticker Hill - dated 8/29/91
2. That the applicant/developer shall erect fencing around the area of the structure and construction of the fence shall be a minimum of eight (8) feet and further provided that a sphere with a diameter of six (6) inches (152 mm) cannot pass through any opening. (Boca Nat'l. Bldg. Code/1987 - Section 827.3).
3. That the pump station be placed completely underground with only the meter box above ground.
4. That all properties shall be shielded, as shown on the plan certified by R. Rylander and dated May 30, 1991, and as amended by the Zoning Commission, by two (2) rows of 16' ever green trees, preferably white pine or Norway spruce on average of 20' to 25', on center to be maintained as a solid screen between the proposed tank and the residential neighbors. No previously existing trees will be cut down. Any variation to this plan will be subject to the approval of the Zoning Commission. This plan shall be amended and accepted as final on August 1, 1992, based upon the prescribed conditions upon completion of construction of the tank.
5. That soil erosion measures be in place prior to excavation and continue to remain in good condition until final grading has been completed and seed has taken root.
6. That the driveway apron leading to Brentwood Road be

constructed with a 30' mud tracking pad.

7. That the ladder on the dome be of the minimum size, not to exceed 4' down, needed to perform maintenance procedures on the tank.
8. That the tank shall be painted green.

**REASONS:**

In granting the above permit, the Zoning Commission of the Town of New Milford, acting as an agent for the State of Connecticut, wishes to state upon its records that in the Commission's judgement, the subject project will not exert detrimental effect on the development of the district nor on the value of nearby properties. The Commission believes further that for public safety reasons, the project would be beneficial to the New Milford Schaghticoke Middle School and the surrounding area.

Adopted 10/8/91

Certified by George Doring (MQ)  
George Doring, Chairman

TOWN CLERK  
NEW MILFORD

OCT 15 2 35 PM '91

**ZONING COMMISSION  
OCTOBER 8, 1991  
PUBLIC HEARINGS & REGULAR MEETING  
MINUTES**

**Present:** George Doring - Chairman, Duane Davin, Jr. - Secretary, Arthur Lavalette [arrived 7:36 p.m.], Donald Marsh, Gary Santini - Alternate, Charles Raymond - Alternate, Robert Bauer - Zoning Enforcement Officer, Loretta Brickley - Assistant Zoning Enforcement Officer.

**Absent:** Gerald LaTour, James Lambert - Alternate

The Zoning Commission meeting of October 8, 1991 was called to order at 7:30 p.m. Mr. Santini was seated for Mr. LaTour. Mr. Raymond was seated for Mr. Lavalette until 7:36 p.m.

**PUBLIC HEARINGS**

**STILL MEADOW CONDOMINIUM - FORT HILL ROAD - M-R ZONE**

Mr. Davin read the legal notice for the proposed 186 unit condominium project at Fort Hill Road in the M-R zone. Attorney Terry Pellegrini was present to represent the applicant, Dominick Peburn. Attorney Pellegrini told the Commission that he was sorry for any inconvenience, but that this application was being withdrawn due to the absence of the project engineer, and that hopefully it could be rescheduled for the November 2, 1991 meeting.

Mr. Raymond moved to accept the withdrawal of the application for Still Meadow Condominium. Mr. Marsh seconded. Passed unanimously.

Mr. Lavalette arrived at 7:36 p.m. at which time Mr. Raymond was unseated.

**CANDLEWOOD VALLEY COUNTRY CLUB - 401 DANBURY ROAD - R-80 ZONE**

Mr. Davin read the legal notice for Candlewood Valley Country Club's application for a 40' x 60' addition to the existing 45' x 60' maintenance garage at 401 Danbury Road in the R-80 zone.

Barry Ames, the superintendent of Candlewood Valley Country Club, was present to discuss the application with the Commission. Mr. Ames had all of the return receipts. Mr. Ames said that the addition to the garage would be for the storage of equipment.

Chairman Doring read communications from the Inland Wetlands Enforcement Officer, the letter sent by Candlewood Valley Country Club to abutting property owners, the letter sent by Candlewood Valley Country Club to the Zoning Commission stating the request.

Mr. Ames explained the site plan, showing the location of the existing building and the proposed area for the addition.

Chairman Doring asked if there was anyone present wishing to speak in favor of or against the application?

Mrs. Greenspan, a New Milford resident, said that she feels that the golf course is such an attractive addition to the town and wondered if there would be any more landscaping?

Mr. Ames said that Candlewood Valley Country Club plants about 100 trees each year.

Mr. Lavalette moved to close the public hearing of Candlewood Valley Country Club for a 40' x 60' addition to the existing 45' x 60' maintenance garage in the R-80 at 401 Danbury Road in the R-80 zone. Mr. Santini seconded. Passed unanimously.

#### PUBLIC PARTICIPATION

There was no one present wishing to speak before the Commission.

#### NEW BUSINESS

##### J. F. MICHAUD - 72 PARK LANE ROAD

J. F. Michaud was present. Chairman Doring read a letter from Mr. Michaud written to the Commission requesting that he be granted a one year extension on the site plan approval which had been approved by the Commission on March 27, 1990 and which had become effective April 5, 1990. The letter stated that the reason for the request for the extension was due to the sluggish economy which has prevented Mr. Michaud from starting the project on time.

Mr. Lavalette moved to approve the request of J. F. Michaud for a one (1) year extension for construction at 72 Park Lane, with start date of October 5, 1992. Mr. Santini seconded. Motion passed unanimously.

#### ACCEPT FOR PUBLIC HEARING

Mr. Lavalette moved to accept the following public hearing dates:

- |   |   |                   |
|---|---|-------------------|
| (1) Article XV  | Excavation of Earth Products              | November 26, 1991 |
| (2) Article I-VII   | Definitions                               | November 26, 1991 |
| (3) Article II-II   | Uses Permitted in B-1 Restricted Business | November 12, 1991 |
| (4) Article XII-III                                       | Parking                                   | November 26, 1991 |
| (5) 2 Sterling Place - Landmark District - 9 Unit Project | Condominium                               | November 26, 1991 |

Mr. Santini seconded. Motion passed unanimously.

#### OLD BUSINESS

There was none.

ZONING ENFORCEMENT OFFICER'S REPORT

Mr. Bauer reported to the Commission on 5 major points:

1. The Devon Woods project on Heacock Crossbrook Road has been suspended as of the present time. However, the material removal was still in operation that was approved in conjunction with the Willow Square development. Since the Devon Woods project was dropped for the present time, it was felt that the grading plan should be voided at the same time.

A meeting with the developer and contractor was held and the situation discussed. The contractor had sold some materials as is on premises and the purchaser had approximately 30 yards left to be removed. Since it had already been sold, he was obligated to the purchaser for approximately 30 yards. An on site inspection showed this material to have been scraped up into piles.

It was agreed that no material would be taken from the site except for the material already deposited in piles. Any further removal would require permission of the Commission.

2. Mr. Bauer had talked to Russell Robinson's attorney, David Wallman, concerning the parking of registered vehicles in front of the wall at 13 Danbury Road. In speaking with Mr. Robinson about this he said they were not his cars and he had no control over them. In checking plates they all showed current registrations, but the owners were not identified. These cars, however, were parked in the front set back which is to be maintained as open space. Since this is Mr. Robinson's land he is obligated to keep it open. Mr. Wallman said he would talk to Mr. Robinson about this matter and Mr. Bauer will follow up on it.

Mr. Santini asked if there is a method for finding out if cars are registered? Chairman Doring said that it is very difficult because it is a police matter - it extremely difficult to have police records released. Mr. Santini suggested that a report occasionally be sent to the police. Mr. Marsh noted that the issue of unregistered motor vehicles deals with private property.

3. Mr. Bauer said that A Frame signs are still a problem as they are not used during the week, but are put out over the week ends. A couple of Cease and Desist orders have been issued and it will remain to be seen if the signs are still put out over the weekend.

4. Advanced Stone, Inc. have appealed Mr. Bauer's Cease and Desist order to the Zoning Board of Appeals for the processing of material being brought in from off site [Iroquois Pipe Line] into their crushing plant permitted with their gravel mine permit. Apparently they will attempt to prove they were doing this prior to 1971 and don't need a permit. They also might be just staying the Cease and Desist order until they are through with the off site



material.

5. Mr. Bauer has sent the Commission's attorney a copy of Cease and Desist order issued to Docktor Brothers to stop the mining of gravel at their bank on Pickett District Road. This was issued when Mr. Docktor did not renew his application for a permit and didn't submit a bond. Mr. Bauer has asked Attorney Byrne to start proceeding to have him restore the bank to acceptable grades.

Mr. Bauer further reported on the inspections he has done since the last meeting of the Zoning Commission, and stated that he has issued 11 permits since his last report.

Mrs. Brickley, Assistant Zoning Enforcement Officer, told the Commission that a letter had been sent to the Zoning Commission by Watkins Brothers Machinery Corporation requesting a six month extension for their driveway permit. The request was due to the mild winter and bad economy which has prevented them from disposing of enough sand to complete the driveway. The letter was sent to the Zoning Commission, but the Zoning Board of Appeals had previously put seven stipulations on the permit.

Chairman Doring said that one extension had already been granted and asked when that extended ended? Mrs. Brickley said that the previous extension had been granted October 9, 1990. Mrs. Brickley also noted that Mr. Watkins would be bringing in a letter of credit.

Mr. Watkins was present to answer questions.

Chairman Doring asked how many tons of material have gone out of the site? Mr. Watkins said not many, 12 - 14 thousand, may 20 at the very most.

Chairman Doring asked if it was state approved. Mr. Watkins said yes.

Chairman Doring said that he had a problem with the fact that the Zoning Board of Appeals had previous limited this permit to six months, and then the Zoning Commission had extended it - he did not see a problem with extending the permit again, but wondered if it was correct to do so. Mr. Marsh said that since the Zoning Commission had extended the permit once before and there had not been a problem, they could do it again.

Mr. Watkins confirmed that he would bring in a letter of credit.

Mr. Lavalette moved to approve the request of Watkins Brothers Machinery Corporation for a six month extension on their driveway permit at Wells Road, with the date of April 1, 1992, subject to receipt of revised bonding. Mr. Marsh seconded. Passed unanimously.

Mr. Bauer informed the Commission, that Connecticut Rock Products had brought in an amended site plan as stipulated by the Zoning Commission at the last meeting, and a letter from the Director of Public Works has also been received.

Mrs. Brickley said that she had gone to the Cordeiro Construction "Farm" and left word that they should come before the Commission. There is an office, barns, buildings, and a sign ["Construction Farm"] at the site. Mr. Bauer will follow up on this issue.

#### BUSINESS MEETING

Mr. Marsh moved to add the New Milford Water Company to the business meeting agenda. Mr. Lavalette seconded. Motion passed unanimously.

Chairman Doring moved that an executive session be added to the business meeting agenda for discussion of height limitation. Mr. Marsh seconded. Passed unanimously.

#### PROPOSED AMENDMENT TO ARTICLE XIV

Chairman Doring said that the regulation is clear and meaningful. It would be inappropriate to make this a full service liquor establishment considering its proximity to a church, and referred to the report to the Commission from Nicholas Romaniello, Town Planner. This is something that, if it were ever to be changed, should be changed in general, not just for a specific place. Changing this regulation could create problems in the future.

Mr. Santini said that if this amendment were approved, it would open the window for restricted to permissive regulations. For the purpose of consistency, the regulation should not be changed.

Mr. Davin said that such an amendment should be for the entire town, not just for one specific piece of property.

Mr. Marsh said that he agreed with Mr. Romaniello's recommendation that this amendment should not be approved, for the reasons as stated on the report read by Mr. Doring. Mr. Marsh further added that Ms. DesBiens was aware of the regulation when she started her business.

Mr. Lavalette moved to approve the memorandum of denial for the application of Rosalie DesBiens for the proposed amendment to Article XIV regarding alcoholic beverages. Mr. Marsh seconded. Passed unanimously. The memorandum of denial read as follows:

RE: Application to amend New Milford Zoning Regulations  
Rosalie DesBiens - Park Lane Road

The Zoning Commission voted to DENY the proposed amendment to the

New Milford Zoning Regulations because of the proposed amendment's incompatibility with the regulations, to which:

1. The proposed amendment fails to meet the Zoning Regulations Statement of Purpose which states, "5. To protect and conserve the existing or planned character of all parts of the town and thereby did in maintaining their stability and value, and to encourage the orderly development of all parts of the town," (Article I, Zoning Code). The regulations allow for beer and wine only after public hearing within 500' radius of any part of a lot used for public or private school, a church, a charitable organization (whether supported by public or private funds), a hospital or library ( Article XIV, Zoning Code).
2. The proposal is to revise the regulations, which regulation was amended in March, 1985. At the time of enactment, the Planning Commission approved the amendment citing, "This change would promote beneficial and convenient relationship among residential, commercial, industrial, and public areas within the Town," (Planning Commission Memo, March 2, 1991).
3. The proposed amendment is an effort to accommodate a specific situation, rather than the goals or objectives of the community (Planner's Memo, September 24, 1991).
4. The Commission further noted that the method of serving alcoholic beverages to a customer does not relate to the intent for enactment of Article XIV.

#### **NEW MILFORD WATER COMPANY**

Chairman Doring said that the Commission must approve the tank because it is a public utility, but had the power to put stipulations on it.

Mr. Kevin Moran, Vice President, New Milford Water Company, was present.

Mrs. Brickley informed the Commission that this is a permit, not a special permit, and that the Commission was approving the location of the tank, not the construction.

Mr. Lavalette said he did not think that trees should be cut down for the purpose of planting other trees. Also, it should be noted that the tank will be green.

Mr. Lavalette moved to adopt the proposed resolution for the location of a water storage tank by the New Milford Water Company. Mr. Marsh seconded and the motion carried unanimously. The resolution read as follows:

Water Storage Tank - 42' diam. x 24' high  
New Milford Water Company  
Zone - R-80  
Location - Brentwood Road  
Tax Assessors Map #184  
Lot 135 Permit #35

**RESOLVE TO APPROVE** permit application #35 in accordance with Connecticut General Statutes, Section 16-235 to locate a .25 MG water storage tank and water line to be situated on an easement over Lot 1 Sticker Hill consisting of 38, 484 sq. ft.; Western View Road from Leslie and Phyllis Scott; Applicant: New Milford Water Company.

1. That except as modified by this resolution, the facility shall constructed and site improvements completed as per drawings prepared by R. Rylander and C. James Osborne, Jr. and entitled:
  - a) Proposed .25 MG storage tank  
Brentwood Road, New Milford, dated 5/30/91
  - b) A-2 Map showing proposed easement -  
Lot 1 - Sticker Hill - dated 8/29/91
2. That the applicant/developer shall erect fencing around the area of the structure and construction of the fence shall be a minimum of eight (8) feet and further provided that a sphere with a diameter of six (6) inches (152 mm) cannot pass through any opening. (Boca Nat'l. Bldg. Code/1987 - Section 827.3).
3. That the pump station be placed completely underground with only the meter box above ground.
4. That all properties shall be shielded, as shown on the plan certified by R. Rylander and dated May 30, 1991, and as amended by the Zoning Commission, by two (2) rows of 16' ever green trees, preferably white pine or Norway spruce on an average of 20' to 25', on center to be maintained as a solid screen between the water supply tank and the abutting residential uses to minimize any negative effect between the proposed tank and the residential neighbors. No previously existing trees shall be cut down. Any variation to this plan will be subject to the approval of the Zoning Commission. This plan shall be amended and accepted as final on August 1, 1992, based upon the prescribed conditions upon completion of construction of the tank.
5. That soil erosion measures be in placed prior to excavation and continue to remain in good condition until final grading has been completed and seed has taken root.

6. That the driveway apron leading to Brentwood Road be constructed with a 30' mud tracking pad.
7. That the ladder on the dome be of the minimum size, not to exceed 4' down, needed to perform maintenance procedures on the tank.
8. That the tank shall be painted green.

**REASONS:**

In granting the above permit, the Zoning Commission of the Town of New Milford, acting as an agent for the State of Connecticut, wishes to state upon its records that in the Commission's judgement, the subject project will not exert detrimental effect on the development of the district nor on the value of nearby properties. The Commission believes further that for public safety reasons, the project would be beneficial to the New Milford Schaghticoke Middle School and the surrounding area.

**PROPOSED AMENDMENTS TO THE ZONING CODE**

Chairman Doring moved that Article XII - III be added to the agenda for the business meeting under proposed amendments to the Zoning Code. Mr. Lavalette seconded. Passed unanimously.

Mr. Lavalette moved to approve the proposed amendment to Article I-VIII. Mr. Santini seconded. Passed unanimously.

Mr. Marsh moved to approve the proposed amendment to Article II-I of the Zoning Code. Mr. Lavalette seconded and the motion carried unanimously.

Mr. Lavalette moved to approve the proposed amendment to Article II-III of the Zoning Code. Mr. Marsh seconded. Passed unanimously.

Mr. Lavalette moved to approve the proposed amendment to Article II-IV of the Zoning Code. Mr. Marsh seconded. Passed unanimously.

Mr. Lavalette moved to approve the proposed amendment to Article II-VIII of the Zoning Code. Mr. Marsh seconded. Passed unanimously.

Mr. Lavalette moved to approve the proposed amendment to Article X of the Zoning Code. Mr. Marsh seconded. Passed unanimously.

Mr. Lavalette moved to approve the proposed amendment to Article X-II of the Zoning Code and Mr. Davin seconded. Passed unanimously.

Mr. Lavalette moved to approve the proposed amendment to Article XII-III of the Zoning Code. Chairman Doring seconded and the motion carried unanimously.

The amendment to the Zoning Code, as approved by the Commission, read as follows:

I-VII. Definitions.

Add: Bed and breakfast inn: To provide temporary travelers' accommodations and breakfast in a single family residence for a fee.

Lodgers are limited to a 7-14 day stay.

ARTICLE II. PERMITTED USES

II-I. Division into Districts and Building Schedule  
For the purpose of these regulations, the Town of New Milford is hereby divided into the following residential districts

R-80	Single Family dwelling	Min. area =80,000 sq.ft.				
			min	min	min	min
	Height	Frontage	Front	Side	Rear	Side Corner
	35'	200'	50'	40'	50'	50'
R-60	Min area = 60,000 sq.ft.					
	35'	150'	50'	40'	50'	50'
R-40	Min area = 40,000 sq.ft.					
	35'	150'	40'	30'	40'	25'
R-20	Min area = 20,000 sq.ft.					
	35'	100'	40'	20'	25'	25'
R-8	Min area = 8,000 sq.ft.					
	35'	60'	15'	10'	25'	10'
R-8-2	Two Family dwelling	Min. area 8,000 sq.ft.				
	35'	60'	15'	10'	25'	
R-5	Single Family Dwelling	Min area 5,000 sq.ft.				
	35'	40'	10'	5'	20'	10'

Where a lot fronts on a road having a right-of-way of fewer than

fifty (50) feet, the setback shall be one hundred twenty-five (125) feet from the center of the road to the building line.

II-I-II. Living area requirements per dwelling unit.

	Minimum for all Floors	1 Story	1 1/2 Stories	2 or more Stories
R-80	1,300 Sq.ft.	1,300 Sq.ft.	1,000 Sq.ft.	900 Sq.Ft.
R-60	1,000	1,000	800	750
R-40	1,000	1,000	800	750
R-20	700	700	650	650
R-8	500	500	450	450
R-8-2	500	500	400	400
R-5	400	400	350	350

II-I-III. Uses permitted in all residential zones.

A. Standards

Amended to read:

- (5) Exterior alterations, if made, shall not create the appearance of the structure being used for other than a single family dwelling.
- (6) Parking as set forth in Article XII of these regulations for single-family dwellings shall be provided for each secondary unit.
- (7) There shall be no more than one (1) accessory apartment per primary residence.

B. Procedures. Application shall be made to the Zoning Commission, subject to special permit and site plan review, as set forth in Articles III and IIIA of these regulations.

In addition, the following information must be submitted to the Commission upon application.

- (1) A letter from the resident owner requesting approval of conversion.

- (2) A certified plot plan showing single-family residence, accessory buildings, lot area, setbacks and zone designation.
- (3) An affidavit verifying that the owner, as shown by the Tax Assessor's records, is in residence determination.

II-I-IV. ADDITIONAL CONDITIONS AND STANDARDS:

IN ADDITION TO THE CONDITIONS AND STANDARDS STATED IN ARTICLE I ARE THE FOLLOWING:

1. PARKING IN RESIDENTIAL ZONES:

- A. RESIDENTS SHALL HAVE AT LEAST ONE (1) PARKING SPACE FOR EACH DWELLING UNIT IN THE BUILDING OR BUILDINGS.
- B. AUDITORIUMS, STADIUMS, THEATERS OR OTHER PLACES OF ASSEMBLAGE, TOGETHER WITH CHURCHES, SHALL HAVE AT LEAST ONE (1) PARKING SPACE FOR EACH FIVE (5) SEATS THEREIN, TO BE BASED ON THE MAXIMUM SEATING CAPACITY.
- C. CLUBS SHALL HAVE AT LEAST ONE (1) PARKING SPACE FOR EVERY THREE (3) MEMBERS.
- D. CONGREGATE HOUSING, HOSPITALS, SANATORIUMS OR NURSING HOMES SHALL HAVE AT LEAST ONE (1) PARKING SPACES FOR EACH FIVE (5) BEDS, AT LEAST ONE (1) PARKING SPACE FOR EACH TWO (2) EMPLOYEES AND ASSOCIATED PROFESSIONAL PERSONNEL AND AT LEAST ONE (1) LOADING SPACE.
- E. HOME OCCUPATIONS FOR PHYSICIANS, DENTISTS AND SURGEONS SHALL HAVE THREE (3) SPACES FOR EACH PRACTITIONER. OTHER PERMITTED HOME OCCUPATIONS SHALL HAVE TWO (2) SPACES FOR EACH PRACTITIONER.

FOR ANY USE NOT ENUMERATED IN THIS SECTION, THE REQUIRED OFF-STREET MOTOR VEHICLE PARKING FACILITIES AND OFF-STREET LOADING SPACES SHALL BE DETERMINED IN EACH CASE BY THE ZONING COMMISSION, WHICH SHALL BE GUIDED IN ITS DETERMINATION BY THE REQUIREMENTS OF THIS SECTION APPLICABLE TO COMPARABLE USES.

[Please note that the above additions to Article I have been deleted from Article XII -III were they were previously listed.]

7. The following uses or additions to existing uses or changes of existing uses may be permitted subject to a special permit and public hearing and site plans and landscaping plans as approved by the Zoning Commission as stated in Article III:

Add:

- u. Municipal buildings INCLUDING FIRE STATIONS



X. Golf courses

II-VIII. Uses permitted in Multiple-Residence District.

1. Site.

a. Each lot shall contain no fewer than four thousand (4,000) square feet for each family dwelling unit and shall have a frontage on a public highway of not less than one hundred fifty (150) feet.

b. The aggregate ground cover for each multi-unit dwelling(s) and accessory building(s) shall not exceed twenty-five percent (25%) of the lot area.

c. If more than one (1) multi-unit dwelling is located on any one (1) lot, the aggregate ground coverage of such multi-unit dwellings and accessory buildings shall not exceed twenty-five percent (25%) of the lot area.

d. The lot shall be located so that its vehicular access and egress are onto a state highway or onto a town road of sufficient width and capacity to absorb the expected increase in traffic. The standards, including any amendments thereof, of the Commissioner of State Transportation or his successor shall govern compliance with this requirement.

e. The land within the required lot area shall contain soil having no severe limitations for urban use as determined by the United States Department of Agriculture, Soil Conservation Service.

f. No site location shall be approved unless served by a public water supply and connected to the town sanitary sewer system.

2. Building.

a. No building shall exceed a height of thirty-five (35) feet, and no space have more than three sides of floor level below the subterranean grade shall be used for dwelling purposes.

c. All multi-unit dwellings and accessory buildings shall have a minimum of fifty (50) feet from the front lot line or if there is no established street line, then a minimum of seventy-five (75) feet from the center of the paved road, sixty (60) feet from the side lot lines and sixty (60) feet from the back lot lines.

d. No multi-unit dwelling parking area or other

accessory buildings or uses shall be located within fifty (50) feet of any front lot line, or within fifteen (15) feet of any back lot line or side lot line.

e. The distance between the front of any multi-unit dwelling and any side of any other multi-unit dwelling on the same lot shall be not less than one hundred (100) feet.

f. The distance between the ends of any two (2) multi-unit dwellings on the same lot shall not be less than fifty (50) feet or less than twice the height of the taller of the buildings, whichever is greater.

g. No court or open space which is bounded on three (3) or more sides by walls of any building or buildings, principal or accessory, shall be less in any horizontal dimension than fifty (50) feet or less than twice the height of any building wall facing such court or open space, whichever is greater.

h. No multi-unit dwelling shall contain more than twelve (12) units.

i. Each family dwelling unit shall have two (2) separate and remote means of egress, each leading directly outdoors and stairways meeting a hour fire-resistant rating, as provided in the State Building Code.

j. The floor area and number of rooms devoted to living area in each family dwelling unit shall be not less than is listed below. All measurements shall be inside dimensions. Only that space within the dwelling unit used exclusively for living purposes shall be considered. Laundries, halls, closets, vestibules and stairways shall be expressly excluded from consideration.

Minimum Floor Area

Number of Rooms	(square feet)
Fewer than 3	500
For 3	750
For each additional	125

Bathrooms of fewer than sixty (60) square feet and kitchens of less than ninety (90) square feet in area

shall each as a half-room

3. Accessory buildings and uses. Accessory buildings and uses may include minor service buildings related to the use and maintenance of the multi-unit dwelling or dwellings. Garages and swimming pools will be permitted for the exclusive use of the occupants of the premises, and their guests.

4. Parking. Parking areas shall be at least ten (10) feet from any dwelling unit within the development and at least five (5) feet from any interior line, shall comply with Article XII hereof and shall be suitably screened from abutting residential uses. Entrance and exit drives shall laid out so as to prevent traffic hazards and nuisances. Enclosed garage space, if provided, shall be considered its parking computed at parity with non-covered required parking in meeting the off street parking requirements for

the multi-family zone. No portion of any such parking area shall be more one hundred fifty (150) feet from the entrance of any building served thereby.

5. Refuse collection area and facilities.

a. The owner of the multi-unit dwelling or the homeowner association shall provide facilities for the disposal and collection of garbage and refuse from all dwelling units. Such facilities shall be in conveniently located areas, properly enclosed and screened from view.

b. Areas capable of placement of refuse collection dumpsters are to be marked on the site plans and access provided, so that a truck may process the removal of the refuse.

6. Landscaping and recreation.

a. The entire area of the lot shall be suitably landscaped, and provisions shall be made for playgrounds and other recreational areas, which shall be at least twenty thousand (20,000) square feet in a contiguous piece for the first six (6) families or less, and not less than one thousand (1,000) square feet for each additional family. Land use for recreational purposes shall have not more than an average slope of five percent (5%) and shall not exceed fifteen percent (15%) in any given area and shall be drained and maintained by the owner of the premises as directed by the Commission.

b. Playgrounds and other recreation areas shall be screened from driveways, streets and parking areas by chain link fencing or equivalent, not less than six (6) feet high, and shall be maintained by the owner of the premises as directed by the Commission.

Add:

The Commission may permit an increase in the allowable number of units in a specific application for the purpose of providing affordable housing. This increase shall not exceed 20% and the additional units shall be dedicated to being affordable as defined by section 8-39A of the General Statutes and shall be constructed in accordance with a contract entered into between the developer applying for the special exemption and the Town of New Milford pursuant to the provisions of Section 8-2G(A) of the General Statutes.

Section 8-2G(B) of the General Statutes requires the Commission to notify the Town Council of its decision to adopt the regulation proposed herein to encourage the development of affordable housing. At the same time the Commission must request the Town to "establish or designate an agency to implement a program designed to establish

income criteria in accordance with subsection (A) and oversee the sale or rental of any units of affordable housing constructed pursuant to said subsection (A) to persons and families satisfying such income criteria."

If the Town Council does not enact such an ordinance within 120 days following the date of such request, the Commission may notify the Housing Authority of the Town, or if the Town has not by resolution authorized the Housing Authority to transact business in accordance with the provisions of Section 8-40 of the General Statutes then, in that event, the Commission must notify the town agency with responsibility for housing matters that it has adopted the above regulation and upon receiving such notice the Housing Authority or municipal agency with responsibility for housing matters must implement such program.

ARTICLE X. HEIGHT AND AREA REGULATIONS

All reference to requirementt in the Residential zone have been removed.

X-II Living area requirements per dwelling unit.

Minimum for First-Floor Area

Minimum				
for All			2 or more	
Floors	1 Story	1 1/2 Stories		Stories
(square)	(square)	(square)		(square)
Zone feet)	feet)	feet)		feet)

B-1	1,000	1,000	800	750
B-2	1,000	1,000	800	750
B-3	1,000	1,000	800	750
I	1,000	1,000	800	750
M-R	See Article II, Section VIII			

Business and Industrial Zones Site Coverage

Parcel Acres	Percent of Coverage
2	25
7	26
12	27
17	28
22	29
27	30
32	31
37	32
42	33
47	34
52	35
57	36
62	37
67	38
72	39
77+	40 (maximum)

XII-III. Amount of motor vehicle parking space to be provided.

Deleted:

- a. Residents shall have at least one (1) parking space for each dwelling unit in the building or buildings.

- c. Auditoriums, stadiums, theaters or other places of assemblage, together with churches, shall have at least one (1) parking space for each five (5) seats therein, to be based on the maximum seating capacity.
- e. Clubs shall have at least one (1) parking space for every three (3) members.
- f. Home occupations permitted under Article II, Section I, shall have at least the following number of parking spaces, screened from abutting residentially zoned parcels, in addition to those spaces required for the dwelling unit to which such use is accessory:
  - 1. Physicians, dentists, surgeons, shall have three (3) spaces for each practitioner.
  - 2. Other permitted home occupations shall have two (2) spaces for each practitioner.

Mr. Lavalette moved that the approved amendments to the Zoning Code become effective as of October 31, 1991. Chairman Doring seconded. Passed unanimously.

#### **MINUTES**

Mr. Lavalette noted the following correction to the minutes of September 24, 1991: Page Thirteen, Paragraph 4, line 7, should read as follows: Article X (Deletion of Single Family), and Article X-II (Parking). Chairman Doring moved to approve the minutes of the September 24, 1991 Zoning Commission meeting as amended by Mr. Lavalette. Mr. Marsh seconded. Passed unanimously.

#### **EXECUTIVE SESSION**

Mr. Lavalette moved that the Commission go into an executive session to discuss height limitation. Mr Davin seconded. Passed unanimously.

No motions were made during the executive session.

Chairman Doring moved that the Commission come out of the executive session. Mr. Santini seconded. Passed unanimously.

#### **BILLS & COMMUNICATIONS**

Chairman Doring moved to approve payment of a bill from Attorney Byrne for \$975.00 for professional services. Mr. Lavalette seconded. Passed unanimously.

Mr. Lavalette moved to approve a requisition for publishing of the Zoning Code, inclusive of all updates, \$1,300.00. Chairman Doring seconded. Passed unanimously.

Mr. Lavalette moved to adjourn the October 8, 1991 meeting of the Zoning Commission at 9:29 p.m. Mr. Davin seconded. Passed unanimously.

Respectfully submitted,

*Duane Davin (M.D.)*

Duane Davin, Jr.  
Secretary

/meq

TOWN CLERK  
NEW MILFORD

OCT 18 10 34 AM '91

MEMORANDUM OF DENIAL

RE: Application to amend New Milford Zoning Regulations  
Rosalie DesBiens - Park Lane Road

The Zoning Commission voted to DENY the proposed amendment to the New Milford Zoning Regulations because of the proposed amendment's incompatibility with the regulations, to which:

1. The proposed amendment fails to meet the Zoning Regulations Statement of Purpose which states, "5. To protect and conserve the existing or planned character of all parts of the town and thereby did in maintaining their stability and value, and to encourage the orderly development of all parts of the town," (Article I, Zoning Code). The regulations allow for beer and wine only after public hearing within 500' radius of any part of a lot used for public or private school, a church, a charitable organization (whether supported by public or private funds), a hospital or library ( Article XIV, Zoning Code). The regulation is clear and meaningful and it would be inappropriate to grant a full liquor license to an establishment within the 500' radius of a church.
2. The proposal is to revise the regulations, which regulation was amended in March, 1985. At the time of enactment, the Planning Commission approved the amendment citing, "This change would promote beneficial and convenient relationship among residential, commercial, industrial, and public areas within the Town," (Planning Commission Memo, March 2, 1991).
3. The proposed amendment is an effort to accommodate a specific situation, rather than the goals or objectives of the community (Planner's Memo, September 24, 1991).
4. The Commission further noted that the method of serving alcoholic beverages to a customer does not relate to the intent for enactment of Article XIV.

October 8, 1991

Certified by

George Doring (HQ)  
George Doring, Chairman



TOWN CLERK  
NEW MILFORD

OCT 15 2 35 PM '91

*Town Clerk*

**ZONING COMMISSION  
October 22, 1991  
Public Hearings & Regular Meeting  
MOTIONS**

**PRESENT:** George Doring, Chairman  
Duane Davin, Jr., Secretary  
Arthur Lavalette [Arrived 7:41 p.m.]  
Donald Marsh  
Gerald LaTour  
James Lambert, Alternate  
Gary Santini, Alternate  
Loretta Brickley, Assistant Zoning  
Enforcement Officer

**ABSENT:** Charles Raymond, Alternate

The meeting was called to order at 7:35 p.m. Mr. Santini and Mr. Lambert were seated in the absence of Mr. Lavalette and Mr. LaTour.

**PUBLIC HEARINGS**

**Charles M. Paetsch - 85 Sherry Lane - Accessory Apartment**

Mr. Santini moved to close the public hearing of Charles M. Paetsch for an accessory apartment at 85 Sherry Lane in the R-80 zone. Mr. Davin seconded and the motion passed unanimously.

[Mr. Lavalette was seated at 7:45 p.m., at which time Mr. Santini was unseated.]

**Mary McCrain - 40 Dean Road - Nursery School**

Mr. Lavalette moved to keep open the public hearing of Mary McCrain for a nursery school at 40 Dean Road in the R-20 zone, so that the Commission and the Zoning Enforcement Officer could review the parking situation. Mr. Davin seconded. Motion carried unanimously.

**New Milford Youth Agency - 94 Railroad Street - Teen Center**

Mr. Lavalette moved that all application fees be waived for the New Milford Youth Agency's proposed use of the existing building at 94 Railroad Street as a "teen center." Mr. Davin seconded. Passed unanimously.

Mr. Lavalette moved to waive the traffic study for the New Milford Youth Agency. Mr. Davin seconded. Passed unanimously.

Mr. Lavalette moved to close the public hearing of the New Milford Youth Agency for a "teen center" at 94 Railroad Street in the existing building. Mr. Davin seconded and the motion carried

unanimously.

**New Milford Interfaith Housing - Hillside Avenue**

[Mr. Marsh disqualified himself from the public hearing of New Milford Interfaith Housing because he is the engineer].

Mr. Lavalette moved to waive all fees in conjunction with the application, and site plane of New Milford Interfaith Housing. Mr. Davin seconded. Motion passed unanimously.

Mr. Lavalette moved to waive the traffic study for New Milford Interfaith Housing. Mr. Davin seconded. Passed unanimously.

Mr. Lavalette moved that the posting of any performance bonds required by Hillside Elderly Housing be postponed until final approval has been obtained from the U.S. Department of Housing and Urban Development so it will be able to secure the funding required to obtain the bond. Mr. Davin seconded. Passed unanimously.

Mr. LaTour moved to reopen the motion to waive the traffic study for New Milford Interfaith Housing. Chairman Doring seconded. Motion failed 3 - 0.

Mr. Lavalette moved to close the public hearing of New Milford Interfaith Housing for a 51 unit multi - family elderly housing complex at Hillside Avenue. Mr. Davin seconded. Passed unanimously.

**Commission Initiated Amendment to Article X**

Mr. Lavalette moved to close the Commission initiated public hearing on an amendment to Article X. Mr. Davin seconded and the motion carried unanimously.

**BUSINESS MEETING**

Mr. Lavalette moved to approve the request of Sylvia M., Inc. for the sale of Christmas trees and the return to nature of these trees at Aspetuck Ridge Road in the R-40 zone, with the operation to end no later than midnight of January 15, 1992. Mr. Marsh seconded. Passed unanimously.

Mr. Lavalette moved to approve the request of Ildiko Kurucz to operate a food vending truck at 511 Danbury Road in the Industrial Zone. Mr. Davin seconded. Passed unanimously.

Mr. Lavalette moved to accept the following public hearing dates:

Still Meadow Condominium - 11/12/91  
Lane Realty Company - 12/ 10/91  
Stanley Lutinski - 12-10-91

Mr. Davin seconded and the motion carried unanimously.

Mr. LaTour moved that the Commission go into Executive session. Mr. Marsh seconded. Passed unanimously.

Mr. LaTour moved to come out of the Executive session. Mr. Marsh seconded. Passed unanimously.

Mr. Lavalette moved to adopt the proposed resolution to approve special permit #30-91 for Candlewood Valley Country Club to construct a 40' x 60' addition to the existing 45' x 40' maintenance garage at 401 Danbury Road. Chairman Doring seconded. Passed unanimously. The adopted resolution read as follows:

#### ADOPTED RESOLUTION

Candlewood Valley Country Club  
401 Danbury Road  
129.5 acres B-1 Zone/R-80 Zone

Special Permit #30-91

**RESOLVE TO APPROVE** special permit application under Article IIIA to construct a 40' x 60' addition to the existing 45' x 60' maintenance garage with the stipulations applied to Inland Wetlands Permit Application #B91-027; property located on the last side of Danbury Road, Assessors Map #152, Lot 141;  
Owner of Record: Candlewood Valley Country Club, Inc.

#### PROVIDING:

1. That except as modified by this resolution, the facility shall be constructed and site improvements completed as per site plan, pages one and two, prepared by C. James Osborne, Jr. RLS #7398, dated July 9, 1991, scale 1" = 100'.
2. That the addition would be for the storage of equipment.
3. That the Candlewood Valley Country Club, Inc. continue the planting of trees on the site.

#### REASONS:

In granting the above Special Permit and accompanying site plan, the Zoning Commission of the Town of New Milford wishes to state upon its record that in the Commission's judgement, the lot size is more than adequate for the use proposed, no additional traffic shall be generated from this addition, the application to conduct

activities was granted by the Inland Wetlands Commission and due consideration was given to their report.

Chairman Doring moved to approve the minutes of October 10, 1991. Mr. Lavalette seconded. Passed unanimously.

Mr. Lavalette moved to approve payment of a bill to Attorney Byrne for \$1925.00 for services. Chairman Doring seconded. Passed unanimously.

Mr. Lavalette moved to a pay a bill for \$242.00 to Housatonic Valley Publishing Company for the legal advertisement of approved amendments to the Zoning Regulations. Mr. Marsh seconded. Passed unanimously.

Mr. Lavalette moved to add New Milford Interfaith Housing to the agenda of the business meeting. [Mr. Marsh abstained from discussion and votes concerning the project, as he is the engineer.] Mr. LaTour seconded. Motion carried unanimously.

Mr. Lavalette moved to adopt the proposed resolution for special permit #31, as amended by the Commission. Mr. Davin seconded. Motion passed unanimously. The adopted resolution read as follows:

#### ADOPTED RESOLUTION

New Milford Interfaith Housing  
Hillside Avenue  
Special Permit #31

At the New Milford Zoning Commission's regular meeting, the following resolution was rendered:

**RESOLVED to APPROVE** Special Permit #31 under Article II-VIII: Uses Permitted in M-R District - to permit construction of 51 rental units for the elderly and handicapped, and the accompanying site plan, located on Hillside Avenue, Assessor's Map # 164, Lot 180 in the R-M zone; Owner of Record, Hillside Elderly Housing, Inc.

#### PROVIDING:

1. That except as modified by this resolution, and the variance granted to Appeal # 1818, dated August 28, 1991, the facility shall be constructed and site improvements completed per drawings prepared by C. James Osborne (Conn. R.L.S. # 7398), and Donald G. Marsh (Conn. L.S. & O,E, # 6403), Henry Schadler Associates, P.C.

- a. Site Plan - five sheets - scale 1" = 40', dated May 21, 1991.
- b. Grading Plan - 1" = 40'
- c. Plan Profile - Housatonic Scale - 1" = 40'  
Vertical Scale - 1" = 4'

- d. Proposed Cross Sections - 1" = 10'
  - e. Soil Erosion Control & Landscaping Plan
2. That handicapped parking be as provided on the site plans.
  3. That the final drainage plans for this project be approved by the Director of Public Works for the Town of New Milford.
  4. That additional refuse collection areas be placed on the site and be enclosed and screened from view and relocated out of the fire line, as closely as possible to the fence line, at the end of the fire lane.
  5. That prior to the initiation of any construction activity on the issuance of any zoning permit, all erosion and sediment control measures, as detailed in the drawings prepared C.J. Osborne, dated May 21, 1991, shall be in effect and operable; said measures and facilities shall be maintained in effective condition throughout the development process to ensure compliance with the above mentioned drawings.
  6. That during construction activity, the Zoning Commission or its authorized agent shall reserve the right to require additional or modified erosion and sediment control measures.

**REASONS:**

In granting the above Special Permit, the Zoning Commission of the Town of New Milford wishes to state, upon its records, that in the Commission's judgement, the proposed 51 units would bring the Town of New Milford closer to the 10% level of affordable units, thereby relieving New Milford from the land uses appeals process.

Mr. Lavalette moved to add the New Milford Youth Agency to the agenda of the business meeting. Mr. LaTour seconded. Passed unanimously.

Mr. Lavalette moved approve the application of the New Milford Youth Agency for use of the existing building at 94 Railroad Street as a "teen center." Mr. Marsh seconded. Passed unanimously. The Commission unanimously agreed that the existing building is a good location for a "teen center," and this is a need project, the teen activities sponsored will benefit the town, and there is enough parking for the use.

Mr. Santini moved to add Charles M. Paetsch to the agenda for the business meeting. Mr. Davin seconded. Passed unanimously. [Mr. Lambert and Mr. Santini were seated for the discussion and vote concerning the request of Charles M. Paetsch, Mr. LaTour and Mr. Lavalette were unseated.]

Mr. Santini moved to approve the application of Charles M. Paetsch for an accessory apartment at 85 Sherry Lane in the R-80 zone. Mr. Lambert seconded. Passed unanimously. The Commission unanimously agreed that in granting a Special Permit, under Article II, No. 11, that the subject property will not exert a detrimental effect on the development of the district nor on the value of nearby properties, and that the location of the house will assure privacy of neighbors and that in this instance, it is a reasonable use of the premises.

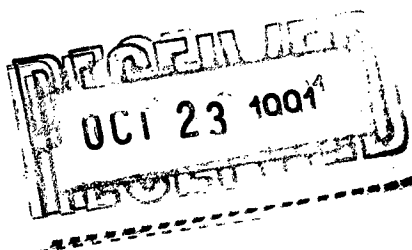
Mr. Lavalette moved to adjourn at 11:00 p.m. Mr. Davin seconded. Passed unanimously.

Respectfully submitted,

*Duane Davin* (HS)

Duane Davin, Jr.  
Secretary

/meq



TOWN CLERK  
NEW MILFORD

OCT 24 3 42 PM '91



ZONING COMMISSION  
October 22, 1991  
Public Hearings & Regular Meeting  
MINUTES

PRESENT: George Doring - Chairman, Duane Davin, Jr. - Secretary,  
Donald Marsh, Arthur Lavalette, Gerald LaTour, Gary  
Santini - Alternate, James Lambert - Alternate

ABSENT: Charles Raymond - Alternate

The meeting was called to order at 7:35 p.m. Mr. Santini and Mr. Lambert were seated in the absence of Mr. Lavalette and Mr. LaTour.

PUBLIC HEARINGS

**Charles M. Paetsch - 85 Sherry Lane - Accessory Apartment**

Mr. Charles M. Paetsch was present to discuss his application for an accessory apartment at 85 Sherry Lane in the R-80 zone. All return receipts were given to the Commission, all were deliverable.

Mr. Davin read the legal notice. Chairman Doring read the Zoning Enforcement Officer's report of 10/14/91. Mr. Paetsch is seeking to conform by requesting a special permit for an accessory apartment at 85 Sherry Lane. The apartment is located in an above grade basement which was approved for a finished recreation room in 1978. Some time after that it was converted into an apartment. The house has been in existence for over five years and is owner occupied. The apartment does meet the square footage requirement. Parking is shown as two spaces.

Mr. Paetsch said that the plan shows enough parking for two vehicles, but there are actually three spaces. The house is on a corner, on a hill - so the apartment isn't really in the cellar - it has windows that are built into the foundation. [Mr. Paetsch referred to the site plan to explain the parking accommodations].

Chairman Doring asked if there was anyone wishing to speak in favor of or against the application.

Barbera Struger of 83 Sherry Lane was present. Ms. Struger stated that she had no objections to Mr. Paetsch's request for an accessory apartment.

Mr. Santini moved to close the public hearing of Charles M. Paetsch for an accessory apartment at 85 Sherry Lane in the R-80 zone. Mr. Davin seconded and the motion passed unanimously.

[Mr. Lavalette was seated at 7:45 p.m., at which time Mr. Santini was unseated.]

**Mary McCrain - 40 Dean Road - Nursery School**

Ms. McCrain was present to discuss her application for a special permit to run a nursery school at her home at 40 Dean Road. All return receipts were given to the Commission.

Mr. Davin read the legal notice. Chairman Doring read the Zoning Enforcement Officer's report. Ms. McCrain is seeking to obtain a special permit for operation of an early education school for two year old children at 40 Dean Road. Two daily sessions would be held - 9:30 a.m. to 10:45 a.m. and 11:15 a.m. to 12:30 a.m., Monday through Thursday. Although the driveway is of such length that six (6) cars may be parked on it, its width does not allow passage for any other vehicle including emergency vehicles. The classes will be held in the basement in two rooms as shown on the plot plan with exits as shown through the garage and sliding glass doors. Approval must be obtained from the Director of Health and the Fire Marshall.

Ms. McCrain said that she feels that this would be a beneficial program to toddlers in the area - there are no other programs like this in the area.

Chairman Doring said that this program is very short - an hour and fifteen minutes.

Ms. McCrain said that it is designed for two year olds - they do not have a long concentration span. Ms. McCrain attended a program like this in Ridgefield with her two year old, and felt that it was very enjoyable and beneficial for both the children and the mothers.

Chairman Doring asked what would happen if there was a fire? What if car #1 could not get out - how would the emergency vehicle get up to the front of the house?

Ms. McCrain said that her lawn is right next to the driveway and she saw no reason why an emergency vehicle could not pull on the lawn to get to the front.

Chairman Doring suggested that the property could be regraded into a slope to cut down on congestion of parking, especially for the case of an emergency.

Ms. McCrain said she would have no problem with people parking in her backyard.

Chairman Doring said that he thought that the parking situation might be a major problem, and he would like to look at it with the Zoning Enforcement Officer.

Chairman Doring asked if there was anyone present wishing to speak

in favor of or against this application?

**Rebecca Puglisi - Dean Road**

"Will this be just during the school year?"

Ms. McCraine said yes - the school will only operate during the regular school year - not in the summer.

**Mrs. Archibald - 58 Dean Road**

"We've had a lot of problems. I've lived here for 22 years. I don't think it should be. It's a terrible idea. I am against it."

**Bill Plunkett - 42 Dean Road**

"Is this a zoning change? If this is approved will it become one of those preexisting uses? The application says she wants six (6) kids - is there a chance of expansion? What if there is a tremendous demand for the program? Can the classes be enlarged?"

Chairman Doring explained the request for special permit procedure and said the Ms. McCrain would have to come back for another public hearing if she wanted to increase the number of children - it would be treated as an entirely different case - parking and septic requirements would have to be reconsidered, etc...

Mr. Marsh said that the Fire Marshall and the Health Department would have to approve such things again as well if she were to come back with such a request.

**Kathy Diesk - 59 Dean Road**

"Is that six (6) children for each class - so actually 12 per day?"

Ms. McCrain said this was correct.

**Mrs. Archibald - 58 Dean Road**

"Another problem is our water system - our community water is right behind her house."

Chairman Doring asked what type of water problem was Mrs. Archibald referring to?

Mrs. Archibald: "We had problems and we all gave money each month to pay for a mortgage for water - now it is better - but in hot weather we have to be very careful. And there is a steep road that the bus goes down - if cars are parked out there - I don't like it. It is a nice residential zone - if you let one in, more will come."

**Janet Lynch - Dean Road**

"The corner that we live on is very dangerous. People cut very close. We had a tree taken down. I am worried about children out near that road - playtime - whatever - it is very dangerous. Also, the parking is a problem. It is a bad corner. I hope you will not allow a bunch of cars parked out there. It is not a good idea. For the record I'd like it noted that I am not in favor of this.

**Mr. Wooley - Dean Road**

My opinion is the same. There will be more traffic. There is virtually no parking. The well is a problem - the water is ok now - but we all have to work at it.

**Charlie Dougherty - 53 Dean Road**

I'm opposed. I have a two year old, so the program would benefit me. The water is a problem - the additional number of mothers and children will strain the water system. It is a blind corner - this will create more traffic. It will be a hazard to the other residents, including other children on the street. The parking - it is a steep slope - even if it were expanded it would be awful in the winter.

**Tom Pilla (owner of Pleasantville subdivision)**

"As a matter of reference - the Rock church has been allowed to expand too far. Any further expansion in this area I think could be a problem. I'm not against this application, I just wanted to make a point of reference."

**Bill Plunkett - 42 Dean Road**

"I'd like it stipulated, that if this should be approved - that no billboards be allowed on the front lawn."

Chairman Doring said that the Commission can make stipulation on an application if they approve it, and would take Mr. Plunkett's request into consideration.

**Kathy Diesk - Dean Road**

"I am against this application. The winters are bad. I can't even use my driveway in the winter."

Chairman Doring requested that the Assistant Zoning Enforcement Officer get a record of how many traffic accidents have occurred on this road in the past few years, and also said that he would like to look at this with either the Zoning Enforcement Officer or the Assistant Zoning Enforcement Officer.

Ms. McCraine said she would like to address some of the objections that had been voiced. Ms. McCraine said that she has no plans to increase the number of children. If there were a great enough demand - she would be inclined to look for a location to hold her classes. She wants to try this out to see if it would be feasible for her to get into a rental commitment. Secondly, Ms. McCraine does not thin this will cause a great increase in traffic or present a danger to the neighborhood as mothers driving with 2 years old children are usually careful and safe drivers. Third, the water situation should not be harmed because most of the children are in diapers. Finally, she would cancel the school whenever the public schools are cancelled, and even more if her driveway could not be maintained adequately.

Mr. Lavalette moved to keep open the public hearing of Mary McCrain for a nursery school at 40 Dean Road in the R-20 zone, so that the Commission and the Zoning Enforcement Officer could review the parking situation. Mr. Davin seconded. Motion carried unanimously.

[Mr. LaTour arrived at 8:25 p.m., at which time Mr. Lambert was unseated.]

#### **New Milford Youth Agency - 94 Railroad Street - Teen Center**

Mark Mankin, Youth Agency Director, and Tom Pillar, Sewer Commission, were present to discuss the application of the New Milford Youth Agency for use of the former Department of Transportation building at 94 Railroad Street as a teen center. [It was noted that the return receipts would be delivered to the office the next day].

Mr. Davin read the legal notice. Chairman Doring read the Zoning Enforcement Officer's report. The building sits on approximately 24,000 square feet and has delineated parking for 45 cars including two handicapped spaces. Reports have been received from the Fire Marshall and the Sanitarian. Waivers have been requested for all fees and also the traffic study.

Mr. Mankin said that the building would be divided into two sections. The back room would be a multi-purpose room. On Friday and Saturday nights it would be used as a night club. The front room have games, etc... There are 53 parking spaces. Mr. Mankin estimates that 50% of the teens will be Freshmen and Sophomores and will be dropped off by their parents. Juniors and Seniors usually travel in groups, so traffic and parking should not be a problem.

Chairman Doring asked if there would be any special bus runs to the center? Mr. Mankin said no.

Mr. Pillar said that this [teen center] is something the town needs. The price is reasonable to bring this building up to par.

It is engineered and as soon as the Town Council and Board of Finance give their approval, bids can be taken. A lot of the work will be volunteer, but a lot will also have to be contracted.

No one spoke in favor of or against the application.

Mr. Lavalette moved that all application fees be waived for the New Milford Youth Agency's proposed use of the existing building at 94 Railroad Street as a "teen center." Mr. Davin seconded. Passed unanimously.

Mr. Lavalette moved to waive the traffic study for the New Milford Youth Agency. Mr. Davin seconded. Passed unanimously.

Mr. Lavalette moved to close the public hearing of the New Milford Youth Agency for a "teen center" at 94 Railroad Street in the existing building. Mr. Davin seconded and the motion carried unanimously.

#### **New Milford Interfaith Housing - Hillside Avenue**

Ruth Malins, President of Hillside Elderly Housing, Inc. was present with Jim Osborne, engineer, to discuss the application for a 51 unit elderly housing complex at Hillside Avenue. Consultant Barbera Andrews was also present to answer questions.

[Mr. Marsh disqualified himself from the public hearing of New Milford Interfaith Housing because he is the engineer. Mr. Lambert was seated in his place].

Mr. Davin read the legal notice. Chairman Doring read the Zoning Enforcement Officer's memo of 10/16/91.

The proposed site for the housing project is accessed from Hillside Avenue. The following variances were granted by the Zoning Board of Appeals on August 28, 1991 [Appeal # 1818].

Area Requirement	204,000 sq. ft. to 135,000 sq. ft.
Building Height	35' to 45'
Rear Yard	60' to 20'
Side Setbacks	25' to 2'
Number of Exits/Unit	2 to 1
Floor Area	3 Room - 750 to 528 sq. ft.
Floor Area	4 Room - 875 to 697 sq. ft.
Parking Requirement	102 Spaces to 40 Spaces
Recreation Area	65,000 sq. ft. to 0 sq. ft.
Buffer Strip	60' to 0'

Communications stating approval were received from the Fire Marshal, the Planning Commission, and the Inland Wetlands Enforcement Officer. It was also noted for the record that the following information was submitted at the time of the Zoning Board

of Appeals public hearing:

- a.) Affordable Housing Land Use Appeals P.A.89-311
- b.) Application for Ct. Housing Partnership  
Development Designation for the Town of New Milford - 5/91
- c.) Housatonic Valley Council of Elected Officials  
Regional Housing Needs Assessment - 2/88
- d.) Affordable Housing Task Force Report - 4-88
- e.) On-Site Soils Investigation for NM Interfaith Housing  
in New Milford, CT prepared by Henry Moeller 4-91
- f.) HUD's Statutory Requirement for Economics

In addition, copies of correspondence supporting this project were submitted.

- a.) from T.D. Leahey, Jr., Chm. Planning
- b.) from F. Wynn, Chm. of N.M. Housing Partnership
- c.) from Mayor W.J. Rogg
- d.) from Thrift Mart of N.M. Beatrice York, Secretary
- e.) from Connecticut Community Care, Inc.
- f.) from N.M. Fire Assoc.- Wilbur Webster
- g.) from Temple Sholom, Norman Koch, Rabbi
- h.) from New Milford Hospital
- i.) from Community Action Comm. of Danbury, Inc.
- j.) from State Senator M. Adele Eads, 30th Dist.
- k.) from U.S. Senator Christopher Dodd

The following correspondence was submitted to the Board in support of the project:

- a.) Genevieve Provenzano, 16 South Main St., N.M.
- b.) Eleanor Pasquarella, 16A Summit Dr., N.M.
- c.) Catherine A. Price, Malverne, N.Y.
- d.) Michael Giorelle, Garden park, N.Y.
- e.) Anne P. Potter, Dir. Senior Citizen Services ,N.M.
- f.) Winifred Kohl, Danbury, CT

A letter in opposition was received from Rita Van Item of 6 Hillside Avenue stating her opposition to the number of units at Butterbrook in conjunction with this project, and the increase in traffic that would be caused by the increased number of people who would be riding the bus.

Chairman Doring asked if there was any way that access could be made by way of East Street? Ms. Malins said no, it is too narrow, and Inland Wetlands also has a problem with access by East Street.

Chairman Doring noted that there are three stories on the upper level and that it was not more than 50% below grade. Chairman Doring asked if there would be a problem with the building being 45 feet high - in the case of a fire?

Mrs. Malins said that Mr. Lathrop, Fire Marshall, had said there would be no problem accessing any portion of the structure, should there ever be a fire or emergency situation.

Mrs. Brickley noted that the location of the dumpster needs to be moved back to the fence line - this had been a concern of the Fire Marshall.

Chairman Doring referred to page (3) of the floor plan - is there a ramp or stairs? Mrs. Malins said this was ground level - a sidewalk. Chairman Doring asked if the landscaping would increase the runoff of the area. Mr. Osborne said no, runoff will not increase. A riprap system will disperse excess water.

Mr. Lavalette moved to waive all fees in conjunction with the application, and site plane of New Milford Interfaith Housing. Mr. Davin seconded. Motion passed unanimously.

Mr. Lavalette moved to waive the traffic study for New Milford Interfaith Housing. Mr. Davin seconded. Passed unanimously.

Mr. Lavalette moved that the posting of any performance bonds required by Hillside Elderly Housing be postponed until final approval has been obtained from the U.S. Department of Housing and Urban Development so it will be able to secure the funding required to obtain the bond. Mr. Davin seconded. Passed unanimously.

Chairman Doring asked if there was anyone present wishing to speak in favor or against this application?

**Rita Van Item - 6 Hillside Avenue**

"I would like to ask about the procedure of informing neighboring properties by return receipt mail. We were not notified. My husband owns a corner lot and he was not notified. This is not right. He only knew about the hearing because I received a letter for another piece of property that I also own. If it weren't for me, my husband would not know that this hearing was being held tonight."

Mrs. Malins stated that the corner lot that Ms. Van Item was referring to was not within the 500 mile radius required to be informed.

Van Item: "Has a traffic study been done?"

Chairman Doring said no, the Commission had just waived the traffic study.

Van Item: "Why? Didn't you just read my letter stating that I was concerned about increased traffic and the number of buses going up and down the street?"



Chairman Doring said that he did not feel the traffic would be greatly increased. Mr. Lavalette agreed - the number of people riding in the buses won't increase the traffic.

**Robert Wojanski - Hillside Avenue**

"There are no sidewalks on Brookside Avenue, no pedestrian traffic access, even now with the existing situation...and 50 more units ...and you decide that you don't need to have a traffic study...this...I live there, I know....you don't know, and you say you don't need a traffic study. It is a valid question. You should have sidewalks, it is very dangerous. It is access. It will cost money to get access, and you are going to go and put in 50 - 100 more people over there...and you decide that there's not going to be a traffic study..."

Mr. Davin said that he didn't think that a traffic study would take this, [pedestrian traffic] into consideration. During his time on this Commission he has never seen a traffic study that took pedestrian traffic into consideration - the traffic study system does not serve that purpose.

Wojanski: "Why not?"

Mr. Lavalette said that this was a question that a traffic engineer would have to answer. This Commission did not design the traffic study system.

Wojanski: "My question is, why aren't pedestrians taken into consideration in a traffic study."

Chairman Doring said that Mr. Lavalette had just answered this question.

Wojanski: "O.K., so you have a right of way on 202 and the reason you can't develop this is because it would be too expensive."

Ms. Malins said that this access was too narrow and it would affect the Wetlands, it is also in the flood plan.

Wojanski: "How expensive is it to put access on 202?"

Chairman Doring said that when wetlands are involved, if there is another means of access, you must take it.

**Skip Hall - New Milford Resident**

"I have done a large amount of research in this area and I would like to commend New Milford and this Commission for taking a step in the right direction if this is approved. My studies show:

- (1) The traffic impact of congregate care is minimal, practically zero.
- (2) Most elderly people don't walk on the street, if they must walk for exercise, they usually go to a park, or similar area.
- (3) The East coast is way behind the West Coast in elderly housing care. The elderly have no other alternatives but to go into a nursing home.

This is a problem. The state has to pay for nursing homes. This runs about \$160.00 per person per day. This effects everyone - we are all impacted. I highly approve of this project."

**Betty Gardner - Municipal Agent for the Elderly in New Milford**

"This is the first time we've been able to bring this together. People are near town, near the Senior Citizen's Center. I've never seen a lot of people walking around Butterbrook. New Milford needs this. It is difficult for the elderly to live in New Milford because of the expense - the advantages of this project definitely outweigh the disadvantages."

**Allen Murphy - Member of Board of Directors of Butterbrook**

"I've seen the quality of life at Butterbrook - what it boils down to is that these people are so happy with the type of living they have and the closeness they have...They all live very nicely together. We have 88 people waiting on our inquiry list. This is a well needed project."

**Mrs. Wojanski**

"I'm very upset that you waived the traffic study. I'm not against elderly housing. I'm against the traffic, everything goes by our house. That bus goes by my house every day from 7:00 a.m. to 6:30 p.m. - 6 days a week, every half hour. It's obnoxious. It is a narrow road. It is not fair for you people to sit here and make a judgement like this. You should have looked into this before you decided to make a decision to waive the study."

**Rita Van Item**

"Can you people reopen the vote to waive the traffic study? I would feel much less against this if there was a sidewalk. This is dangerous. I though a purpose of Zoning was to help maintain some kind of a balance of the status quo. Everything that Mr. Wojanski said was true. I would like you to do a traffic study."

**Rolland Van Item - 6 Hillside Avenue**

"All variances have been given. This is not right. How did this

happen? Butterbrook is already outside what is allowed in New Milford. This will increase that by 50% of what is already varied. It seems like it has already been done before tonight. I object to the four (4) stories. This should not be varied - come on - it must stop somewhere - it seems like Butterbrook and Zoning already got together and decided this. I don't like it. It would be naive to think that this will not be precedent for other affordable housing. Take a look at Bridgeport, that is what happens when these things get nice and big."

**Mr. Wojanski**

"I am not against affordable housing. I am just against putting them on the street. It is dangerous. I don't want to see anyone get killed."

Ms. Malins said New Milford Interfaith Housing is concerned about safety and access and it has been an issue before. The Town should provide sidewalks and she will go to the Town Council and Board of Finance and request the sidewalks herself. Mrs. Malins said that she has heard the bus and it is obnoxious - if the people of the neighborhood want - they can petition the route - she will work with them to have the bus rerouted. In reference to Mr. Van Item, Mrs. Malins noted that the Zoning Board of Appeals is a distinct and separate board. The public hearing for variance was publically advertised in the newspaper. Mrs. Malins said she's like to work with everyone - they want to be good neighbors and not have anyone upset by this project.

Mr. Davin said that a traffic study would not make a difference. He has seen numerous traffic impact reports, and the only time that they alter a decision is if a project is going to create "grid lock - Super 7 - bumper to bumper" traffic. This would probably not be the case on Hillside.

Mr. Lavalette said that the traffic study would be as Mr. Davin had said.

Mr. LaTour moved to reopen the motion to waive the traffic study for New Milford Interfaith Housing. Chairman Doring seconded. Motion failed 3 - 1 [with Chairman Doring voting in favor of reopening the motion].

Mr. Lavalette moved to close the public hearing of New Milford Interfaith Housing for a 51 unit multi - family elderly housing complex at Hillside Avenue. Mr. Davin seconded. Passed unanimously.

**Commission Initiated Amendment to Article X**

Mr. Davin read the legal notice. Chairman Doring said that this

was a Commission initiated change and single family is omitted, which protects the residents.

Mr. Santini asked if 60 feet is wide enough in all cases? Chairman Doring said that in most cases it is enough, it is a standard buffer.

Mrs. Brickley said that 60 feet is zoned for residential use - it has that protection.

Mr. LaTour said that this should be made abundantly clear, and that he would not vote for this amendment because he did not think it was protective enough.

Mrs. Brickley said, as an example, what if someone brought property for their retirement and then when they came to build on the property twenty years later, discovered a business had been built next door.

Chairman Doring said that the person who bought the land had protection by the sidelines.

Mrs. Brickley said she would discuss this with Attorney Byrne.

Mr. Lavalette said that two sets of land - (1) residentially zoned land and (2) industrially zoned land.

Chairman Doring said that his interpretation was that a 60 ft. buffer would be required.

Mr. Santini asked if Nestle still has a football field in their plans?"

Chairman Doring said that he would assume that the Nestle representatives would come before the Commission for a public hearing to request a special permit.

Mr. LaTour said this was a grey area, and judicially he would be concerned with regarding a distinction between how land is zoned and how land is used. In his interpretation, some people would be bothered. It is the duty of this Commission to clarify the Zoning regulations to the public. For the record, Mr. LaTour said if this amendment was based on the premise that the dwelling preexists, he would vote against it, although he felt that Chairman Doring also raised a good point."

Mr. Lavalette moved to close the Commission initiated public hearing on an amendment to Article X. Mr. Davin seconded and the motion carried unanimously.

BUSINESS MEETING

**NEW BUSINESS**

**Christmas Tree Sales - Aspetuck Ridge Road**

Mr. Maloney was present to discuss the application of Sylvia M., Inc. for the sale of Christmas trees at Aspetuck Lane Road. He said that this year he was also requesting that the buyers of trees be allowed to bring them back after they were used, and Mr. Maloney would then put them through the wood chipper for mulch. The chipper would be far back enough on the property that the noise of the process would not bother anyone in the area. This would help his customers out, and he would also benefit.

Mr. Lavalette moved to approve the request of Sylvia M., Inc. for the sale of Christmas trees and the return to nature of these trees at Aspetuck Ridge Road in the R-40 zone, with the operation to end no later than midnight of January 15, 1992. Mr. Marsh seconded. Passed unanimously.

**Food Truck - 511 Danbury Road**

Ms. Kurucz was present to discuss her application to operate a food truck at 511 Danbury Road.

Mr. Lavalette moved to approve the request of Ildiko Kurucz to operate a food vending truck at 511 Danbury Road in the Industrial Zone. Mr. Davin seconded. Passed unanimously.

**ACCEPT FOR PUBLIC HEARING**

Mr. Lavalette moved to accept the following public hearing dates:

Still Meadow Condominium - 11/12/91  
Lane Realty Company - 12/ 10/91  
Stanley Lutinski - 12-10-91

Mr. Davin seconded and the motion carried unanimously.

**EXECUTIVE SESSION**

Mr. LaTour moved that the Commission go into Executive session. Mr. Marsh seconded. Passed unanimously.

Mr. LaTour moved to come out of the Executive session. Mr. Marsh seconded. Passed unanimously.

No motions or decision were made while in Executive session.

### Candlewood Valley Country Club

Mr. Lavalette moved to adopt the proposed resolution to approve special permit #30-91 for Candlewood Valley Country Club to construct a 40' x 60' addition to the existing 45' x 40' maintenance garage at 401 Danbury Road. Chairman Doring seconded. Passed unanimously. The adopted resolution read as follows:

#### ADOPTED RESOLUTION

Candlewood Valley Country Club  
401 Danbury Road  
129.5 acres B-1 Zone/R-80 Zone

Special Permit #30-91

**RESOLVE TO APPROVE** special permit application under Article IIIA to construct a 40' x 60' addition to the existing 45' x 60' maintenance garage with the stipulations applied to Inland Wetlands Permit Application #B91-027; property located on the last side of Danbury Road, Assessors Map #152, Lot 141;  
Owner of Record: Candlewood Valley Country Club, Inc.

#### PROVIDING:

1. That except as modified by this resolution, the facility shall be constructed and site improvements completed as per site plan, pages one and two, prepared by C. James Osborne, Jr. RLS #7398, dated July 9, 1991, scale 1" = 100'.
2. That the addition would be for the storage of equipment.
3. That the Candlewood Valley Country Club, Inc. continue the planting of trees on the site.

#### REASONS:

In granting the above Special Permit and accompanying site plan, the Zoning Commission of the Town of New Milford wishes to state upon its record that in the Commission's judgement, the lot size is more than adequate for the use proposed, no additional traffic shall be generated from this addition, the application to conduct activities was granted by the Inland Wetlands Commission and due consideration was given to their report.

Minutes - October 10, 1991

Chairman Doring moved to approve the minutes of October 10, 1991. Mr. Lavalette seconded. Passed unanimously.

### Bills & Communications

The following bills and communications were submitted to the Commission:

- (1) Memo from Mayor Rogg referencing Town Planner's memo of 10/15/91 [recent legislation concerning local zoning and planning].
- (2) Bill for \$242.00 from Housatonic Valley Publishing Company for legal advertisement of approved amendments to Zoning Regulations.
- (3) Bill from Attorney Byrne for \$1,925.00 for professional services rendered in connection with Rocky River Associates.
- (4) Planning Commission Agenda for 10/17/91.
- (5) Inland Wetlands Commission minutes from regular meetings of 9/26/91 & 10/10/91.
- (6) Memo to Zoning Commission from Town Planner regarding work shop re: Aquifer Protection Regulation
- (7) Town Council Minutes of 9/23/91.
- (8) Town Council Agenda of 10/15/91.
- (9) Inland Wetlands Commission minutes of 9/12/91.
- (10) Inland Wetlands Commission minutes of 8/22/91.
- (11) Planning Commission minutes of 9/19/91.

Mr. Lavalette moved to approve payment of a bill to Attorney Byrne for \$1925.00 for services. Chairman Doring seconded. Passed unanimously.

Mr. Lavalette moved to pay a bill for \$242.00 to Housatonic Valley Publishing Company for the legal advertisement of approved amendments to the Zoning Regulations. Mr. Marsh seconded. Passed unanimously.

Mr. Lavalette moved to add New Milford Interfaith Housing to the agenda of the business meeting. [Mr. Marsh abstained from discussion and votes concerning the project, as he is the engineer.] Mr. LaTour seconded. Motion carried unanimously.

Mr. Lavalette moved to adopt the proposed resolution for special permit #31, as amended by the Commission. Mr. Davin seconded. Motion passed unanimously. The adopted resolution read as follows:

New Milford Interfaith Housing  
Hillside Avenue  
Special Permit #31

At the New Milford Zoning Commission's regular meeting, the following resolution was rendered:

**RESOLVED to APPROVE** Special Permit #31 under Article II-VIII: Uses Permitted in M-R District - to permit construction of 51 rental units for the elderly and handicapped, and the accompanying site plan, located on Hillside Avenue, Assessor's Map # 164, Lot 180 in the R-M zone; Owner of Record, Hillside Elderly Housing, Inc.

**PROVIDING:**

1. That except as modified by this resolution, and the variance granted to Appeal # 1818, dated August 28, 1991, the facility shall be constructed and site improvements completed per drawings prepared by C. James Osborne (Conn. R.L.S. # 7398), and Donald G. Marsh (Conn. L.S. & O,E, # 6403), Henry Schadler Associates, P.C.
  - a. Site Plan - five sheets - scale 1" = 40', dated May 21, 1991.
  - b. Grading Plan - 1" = 40'
  - c. Plan Profile - Housatonic Scale - 1" = 40'  
Vertical Scale - 1" = 4'
  - d. Proposed Cross Sections - 1" = 10'
  - e. Soil Erosion Control & Landscaping Plan
2. That handicapped parking be as provided on the site plans.
3. That the final drainage plans for this project be approved by the Director of Public Works for the Town of New Milford.
4. That additional refuse collection areas be placed on the site and be enclosed and screened from view and relocated out of the fire line, as closely as possible to the fence line, at the end of the fire lane.
5. That prior to the initiation of any construction activity on the issuance of any zoning permit, all erosion and sediment control measures, as detailed in the drawings prepared C.J. Osborne, dated May 21, 1991, shall be in effect and operable; said measures and facilities shall be maintained in effective condition throughout the development process to ensure compliance with the above mentioned drawings.
6. That during construction activity, the Zoning Commission or its authorized agent shall reserve the right to require additional or modified erosion and sediment control measures.



**REASONS:**

In granting the above Special Permit, the Zoning Commission of the Town of New Milford wishes to state, upon its records, that in the Commission's judgement, the proposed 51 units would bring the Town of New Milford closer to the 10% level of affordable units, thereby relieving New Milford from the land uses appeals process.

Mr. Lavalette moved to add the New Milford Youth Agency to the agenda of the business meeting. Mr. LaTour seconded. Passed unanimously.

Mr. Lavalette moved approve the application of the New Milford Youth Agency for use of the existing building at 94 Railroad Street as a "teen center." Mr. Marsh seconded. Passed unanimously. The Commission unanimously agreed that the existing building is a good location for a "teen center," and this is a need project, the teen activities sponsored will benefit the town, and there is enough parking for the use.

Mr. Santini moved to add Charles M. Paetsch to the agenda for the business meeting. Mr. Davin seconded. Passed unanimously. [Mr. Lambert and Mr. Santini were seated for the discussion and vote concerning the request of Charles M. Paetsch, Mr. LaTour and Mr. Lavalette were unseated.]

Mr. Santini moved to approve the application of Charles M. Paetsch for an accessory apartment at 85 Sherry Lane in the R-80 zone. Mr. Lambert seconded. Passed unanimously. The Commission unanimously agreed that in granting a Special Permit, under Article II, No. 11, that the subject property will not exert a detrimental effect on the development of the district nor on the value of nearby properties, and the that the location of the house will assure privacy of neighbors and that in this instance, it is a reasonable use of the premises. The resolution read as follows:

85 Sherry Lane  
Zone - R-8  
Special Permit #33-91

0.26 acres

**RESOLVE TO APPROVE** a Special Permit application under Article II No. 11, to permit an accessory apartment and the accompanying site plan consisting of a one - family dwelling located at 85 Sherry Lane in the R-8 zone.

Owner of Record: Charles M. Paetsch

**PROVIDING:**

1. That the accessory apartment shall be constructed per drawings submitted at the hearing of October 22, 1991.
2. That the primary unit continue to be owner occupied.

3. That parking be provided for the secondary unit and recorded on site plan.
4. That the renewal of this Special Permit shall be re-issued, if no violations exist and the accessory apartment continues to comply with the standards set forth in Article II - No. 11 of the Zoning Regulations.
5. That the application for renewal shall be made by October 1, 1992.
6. That any transfer of title requires a new affidavit verifying owner occupancy.
7. That the failure to renew the Special Permit shall result in immediate revocation of the permit.
8. That the refusal of any lawful inspection of the secondary unit by the Zoning Enforcement Officer shall revoke the permit.
9. That the site plan reflects a legal conforming lot and is submitted as approved.

**REASONS:**

In granting the Special Permit the Zoning Commission of the Town of New Milford wishes to state upon its records that in the Commission's judgement, the subject property will not exert a detrimental effect on the development of the district nor on the value of nearby properties.

Location of the house on lot will assure privacy of neighbors and that in this instance, it is a reasonable use of the premises.

Mr. Lavalette moved to adjourn at 11:00 p.m. Mr. Davin seconded. Passed unanimously.

Respectfully submitted,

*Duane Davin* (MD)

Duane Davin, Jr.  
Secretary

/meq

TOWN CLERK  
NEW MILFORD

OCT 29 11 45 AM '91

RESOLUTION OF APPROVAL

New Milford Youth Agency - Teen Center  
94 Railroad Street  
Special Permit #34

RESOLVED TO APPROVE Special Permit #34 under Article II-I to use the former Department of Transportation building for a Teen Center; property located on the Easterly side of Railroad Street in the Village Center Zone; Tax Assessor's Map # 164 - Lot # 38 - Owner-of-Record - Town of New Milford.

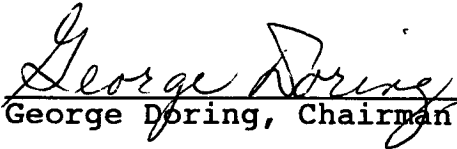
PROVIDING:

1. That all parking be delineated for 45 cars including 2 handicapped spaces.
2. That a permit and compliance with the applicable requirements of the Zoning Regulations will be required for any proposed sign.

REASONS:

1. In granting the above Special Permit, the Zoning Commission of the Town of New Milford wishes to state upon its records that in the Commission's judgement, the subject property is a good location for a Teen Center. The teen activities sponsored by the Youth Agency for the Town of New Milford and there is ample parking for the use.

Public Hearing: 10/22/91  
Approved by the Zoning Commission 10/22/91

  
George Doring, Chairman

TOWN CLERK  
NEW MILFORD  
OCT 30 10 46 AM '91  
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**ZONING COMMISSION**  
**November 12, 1991**  
**PUBLIC HEARING & REGULAR MEETING**  
**MINUTES**

**PRESENT:** George Doring - Chairman, Duane Davin, Jr. - Secretary, Arthur Lavalette - Vice Chairman [arrived 7:40 p.m.], Donald Marsh, Gerald LaTour, James Lambert - Alternate [arrived 7:41 p.m.], Gary Santini - Alternate, Charles Raymond - Alternate.

The meeting was called to order at 7:35 p.m. Mr. Raymond was seated until Mr. Lavalette's arrival at 7:40 p.m.

**PUBLIC HEARINGS**

**Dominick Peburn - Fort Hill Road - 186 Condominium Project**

Attorney Terry Pellegrini was representing the applicant, Dominick Peburn, who was also present, to discuss his application for a 186 unit, 16 building multi-family condominium project to be located on 19.089 acres on Fort Hill Road #1 and #2 in the MR zone, as prepared on a site plan by Linwood R. Gee, CT L.L. S. , dated May 1, 1991.

Mr. Davin read the legal notice and Chairman Doring read the following correspondence for the record:

1) 11/12/91 letter from Kevin Moran, Manager, New Milford Water Company, which stated the following recommendations as a minimum need to safeguard water at this site:

- 1) No storage or fuel, solvents, water soluble t o x i c substances etc. should be allowed on this site at any time.
- 2) All drainage (parking lot, gutter, etc.) should be hard piped off site and away from the NMWC well field and not discharged into the ground.
- 3) There should be no subsurface disposal of any substance including septic waste, gray water or laundry waste, etc.
- 4) Auto, boat, truck and equipment maintenance should be strictly forbidden both during construction and during the life of the project.
- 5) Notice of the project being in a well field protection zone should be given to any and all persons involved in the construction and maintenance of the project as well as any occupants of the finished project. Such notice should be given in writing and a record of its having been given should be maintained. This provision could be met by including mention of the well field protection zone in contracts for construction or service, rental or sale agreements, etc..
- 6) All town officials and inspectors should be directed to contact the D.E.P., the State Department of Health Services,

and the New Milford Water Company immediately upon discovering a dumping or spilling event that poses a hazard to the well field protection zone.

- 2) 9/23/91 Memo from the Planning Commission recommending that the Still Meadow Condominium Project be approved as there is a need in town for multi-family dwellings.
- 3) 11/12/91 letter from Richard and Charmaine Kimball, #25 Sunny Valley Town Houses, in favor of the project.
- 4) 10/2/91 letter from Dave Lathrop, Fire Marshall, stating that he found no concerns with the location of the fire hydrants for this project at this time.
- 5) 8/27/91 copy of letter from Inland Wetlands to Mr. Peburn stating that Inland Wetlands permit was granted (App. A91-024).
- 6) 5/20/89 copy of letter to Attorney Pellegrini from Tom Pilla, Chairman, Water Pollution Control Authority, concerning package treatment facilities.
- 7) 11/8/91 memo from Mike Crespan, Director of Health, recommending that approval be given with the following conditions:
  - 1) As proposed, this project is planned for connection to the municipal sewage treatment plant or construction of an on-site package treatment plant.
  - 2) Any approval would, of course, be contingent upon the ability to obtain approvals from DEP and local WPCA to construct a package treatment plant (and obtain a permit to discharge to the Housatonic River) or upon connection to the municipal treatment plant when the west side crossing is made.
- 8) 10/8/91 letter from Lauren Simpson, 23 Town View Road, in favor of the application, but listing the following concerns: sewage treatment disposal, roads, and aquifers.
- 9) 10/17/91 "No Effect" approval letter from Connecticut Historical Commission.
- 10) 11/12/91 letter from Lee Gorman, President, Sunny Valley Tax District state that the district had retained Atty. Paul Garlasco to represent in opposition to some aspects of the project.
- 11) 10/3/91 joint memo from Town Planner, Nicholas Romaniello, Zoning Enforcement Officer, Robert Bauer, and Asst. Zoning Enforcement Officer, Loretta Brickley was also received, recommending that the project be approved as requested.

Attorney Pelligrini referred to the site plan and stated that the site had been rezoned in October, 1989. The current application is proposing the development of 186 units on 19.089 acres, or 1 unit per 4,740 sq. ft. of land area. The Zoning Enforcement Officer and Assistant Zoning Enforcement Officer have gone over the "nuts and bolts" of this project extensively. The Wetlands are designated and also have received a review from Lawrence Liebman, Inland Wetlands Enforcement Officer. The Inland Wetlands Commission has reviewed the area and the application has been configured in a way that satisfies their requirements. Mr. Peburn has also submitted an addition plan of plantings. Regarding the letter from the water company - this project is in the area of an aquifer, and the Town of New Milford is currently reviewing regulations dealing with aquifers, and when this project was first proposed, there was an extensive meeting held at which Mr. Moran, Manager, New Milford Water Company, was present. At the final approval, the concerns of the Water Company were put in order as part of the approval. The letter from Mr. Moran was concerned about the construction phase and grading. Penelope Sharpe will also be involved in the construction process and grading of the Western part, it will be major, but there would not be a problem in incorporating this into the approval.

Concerning Attorney Byrne's letter to the Commission, which stated that the project need be connected to the municipal system - Attorney Pellegrini said that it should be noted that on the utility plan, there is a sewer line on the Eastern edge of the property which will essentially lead the site across the river and this area, there is a line that will connect ...

Mr. Peburn is the principal to this so it is not a problem in requiring the necessary easements.

Chairman Doring said the Attorney Byrne's letter of 10/30/91 states that this project cannot be approved unless the site is connected to the municipal sewer system. When would this happen?

Attorney Pellegrini referred to the Aspetuck Village Condominiums and River Glen, at both of these projects, the sewer lines were not on the property at the time of the approval?

Chairman Doring said that he thought Attorney Pellegrini must be thinking of the Canterbury Court condominiums.

Attorney Pellegrini said that the sewerage did not occur until he project went forth. In terms of actual mechanics, until you have some form of approval, you can't determine the exact time that the lines will go in. Attorney Pellegrini further stated that, in his opinion, if in fact, the sewerage was approved and there is an obvious plan, he could not see how the Commission would be jeopardizing the town, knowing full and well it would be connected to the town sewer. The plan will be sewerage, and they are

following the correct methodology.

Mr. Davin asked if this meant that the project would go forward with sewer not actually connected to the municipal system?

Attorney Pellegrini said it will be connected to the municipal sewer system but has not been yet.

Dudley Ashford, Engineer, was present to discuss the drainage system of the project. Mr. Ashford referred to the site plan and explained that, as indicated by Attorney Pellegrini, one of the concerns of the water company had been the drainage of the plan. Mr. Ashford said that he had noted that some of the drainage could not be used, and in lieu of on sight discharge, the system of drainage would take on the role of conventional conveyance. The storm conveyance plan is a rather straight forward approach with some unusual characteristics. Regarding storm waters, there are large culvert sizes due to the flatness of the land. Ultimately, this would be connected to the town road system on Fort Hill Road. Mr. Ashford said the drainage system would be built as Mr. MacWilliams, Director of Public Works, required. Also the suggestions of the New Milford Water Company and the Inland Wetlands Commission - it was a combined request by all of these agencies. Flooding conditions should not have any effect on this property.

Attorney Pellegrini stated that when the DeVoe project was approved, the drainage pattern was designed to come around the back of Finast, and at the same time, it took a natural water course. When the Inland Wetlands project was done, Glen MacWilliams had also been involved.

Mr. Raymond asked if the town had been happy with the way the DeVoe project had worked out?

Mr. Lambert asked if they were proposing to redirect the water on Fort Hill Road? Mr. Ashford, said yes, it would be on a section of Fort Hill Road that water would be redirected.

Chairman Doring asked if the drainage would run South and behind the Gulf station? Mr. Ashford said that this had not been specifically determined -but the out fall would go in a general pattern down to the Route 7 properties and ultimately draining to the property next to Riley's (the former Hayloft).

Mr. Lambert asked if they were proposing a culvert all the way down to the Route 7 properties? Mr. Ashford said that this would not necessarily be the case - it has not yet been determined. There is a channel that exists - it may be immediately off of Fort Hill or on Mr. Peburn's other property.

Mr. Marsh said that he would be hesitant about approving this plan

and was unsure of how it would effect the flow behind First National.

Pat Hackett, Traffic Consultant Engineer, was present to discuss the traffic impact of the project. Mr. Hackett stated that the proposed 186 unit condominium project would not have a significant impact on the local traffic quality. Volume are based on traffic data collected for this study and the Institute of Transportation Engineers (ITE) Trip Generation compilation of traffic studies for similar land use areas. Recommendations have been made to improve the level of service of certain traffic movements. In particular, the intersection of Fort Hill Road (formerly Fort Hill Road #1) and Fort Hill Street (formerly Fort Hill Road #2) should have stop signs on all approaches and the intersection of FOrt Hill Road and Kent Road (Route 7) should have a dedicated left turning lane for northbound traffic from the eastbound road (Fort Hill).

There are to be 16 separate units with 379 parking spaces provided. Access to the site will be from both Fort Hill Road and Fort Hill Street. Fort Hill Road will be the principle entrance. All of the local roads surrounding the project lead to state roads and are paved and have a speed limit of twenty-five miles per hour. Presently there is a three way stop sign traffic control at Sunny Valley Road and the South end of Fort Hill Road. At the intersection of Fort Hill Street with Fort Hill Road, there is one stop sign located on Fort Hill Street. Fort Hill Road has no traffic control. At the intersection of FOrt Hill Road and FOrt Hill Street, Fort Hill Road has a width of 19 feet and FOrt Hill Street 17 feet. At Fort Hill Road and Sunny Valley Road, Fort Hill Road has a width of 21 feet on the northbound side and 30 feet on the southbound side of the intersection. With the exception of Fort Hill Street, road grades in the area do not exceed 10 percent. Mr. Hackett said that the projected traffic volumes (anticipated site usage plus 4% local growth rate for a two-year period) are for the weekday peak hour morning and evening periods. Mr. Hackett said that the findings of this study indicated that the increase in traffic generated from this project would not have a serious impact on travel conditions and intersection performance in the study area. However, left hand turning movements on Fort Hill Road to Kent Road North should have its own lane. This would allow right hand turns to move freely. Also, the intersection of FOrt Hill Road and Fort Hill Street should have stop signs at all three approaches. Fort Hill Street should be widened a minimum of three feet at the intersection to provide easier turning movements. The bushes on the south-east corner of the intersection should be removed to allow better sight line conditions. The proposed guard rail along Fort Hill Road on the west side of the property should be installed back enough to maintain good sight line.

Chairman Doring asked if what Mr. Hackett was trying to say was that the proposed project does not have any substantial effect on the traffic? Mr. Hackett said that this was correct.



Gary Lohamadue was present to discuss and give an overview of the Riverglen Project. He said that Attorney Pellegrini had asked him if he had any hard data on the project as Riverglen was similar to the proposed Fort Hill project. As of today, 89 of the 90 units are contracted or conveyed out. There are 89 families, and about 159 people. There are 36 single persons, 40 couples, and 13 families of 3 or more. There are 9 children age 7 - 14, and 9 preschool age children age 1 - 4. Mr. Lohamadue further stated that Riverglen had not gone outside of the New Milford area to advertise. 45 of the 89 families had already lived in New Milford, 13 came from Danbury, 3 from New Fairfield, 3 from New Preston, and a bunch of "ones" from towns like Ridgefield, Bridgewater, Torrington, Pleasantville NY, etc.. 42 "heads of household are employed right in New Milford, 42 in Danbury, 6 in Brookfield, and some others in Torrington, New York state, etc... 83 of the buyers had insured full FHA mortgages.

Mr. Raymond asked if this was considered affordable housing, and if so, what was the price range? Mr. Lohamadue said the units ranges from #74,900 - \$150,900.

Chairman Doring asked if there was anyone present wishing to speak in favor or against the application. The following people were present:

Robert Russo, 38 Sunny Valley Road - "The water will be a common drain to the Hayloft - Mr. Pellegrini said that there is already a drain installed on Fort Hill. The gray water and wetland water will collect - "

Attorney Pellegrini referred to the DeVoe project, in which the drains are in back of Finast, The engineers decided to put in a cross culvert to stop the damming effect. The proposal was to put a culvert across and take the drainage down. On Fort Hill There is no gray water. Attorney Pellegrini said he considers gray water to be sink water and such. It is storm water. The system that is being proposed for this project will be connected to the New Milford sewage plant, which is now expanding, unless it were finished before that expansion is complete.

Mr. Thomas Pilla, Chairman of the Water Pollution Control Commission - "The sewer system will be flood proof."

Joe Noonan, 32 Caldwell Drive - "Has anyone looked at the entrance from Route 7?"

Chairman Doring said no, this had not been proposed.

Tony Mangi, 10 Sherwood Drive - "Why not? With a housing unit of this size, this big, why would there not be a new avenue to Route 7?"

Attorney Pellegrini said that this particular 19 acres does not border Route 7.

Mr. Marsh said that there are also Wetlands that would prevent such an avenue.

Chairman Doring asked again if there was anyone else in favor of or against the application?

Lawrence Simesek, New Milford Resident - "I am in favor of this. the town can't afford to pass this up, especially for young people. I live at Twin Oaks, which Mr. Peburn also built, and he did a fine job. His work is very good. Condos do not cost the town anything. What Mr. Peburn has done for the town is commendable."

Chairman Doring asked if there was anyone wishing to speak against the application?

Kathy Morrissey - "I am not in favor of this project because for one thing, the traffic. The number of cars per unit, if this is lower class housing, they usually have two parties, at least, that are working. Secondly, the end work on Route 7, means you have to go through Sunny Valley, it causes garbage removal and increases truck traffic during the construction, etc...Third, drainage is a problem. It has been very muddy the past couple of years. This will cause a lot of extra water and they haven't even said where it is going."

Attorney Paul Garlasco - Representing the Tax District of Sunny Valley -

Chairman Doring read the letter of representation stating that Attorney Garlasco had been retained by the tax district of Sunny Valley in opposition to this project.

Attorney Garlasco stated that his clients include 106 homes and one business. His clients do not dispute a reasonable use on the land but object to the current condominium proposal. The district's four primary concerns are as follows:

- 1) The additional traffic will end up on local road already used for the high school and as short cuts from Route 7.  
Mr. Garlasco submitted to the Commission that there will be 2 cars per household, which is almost 400 cars on the road every day, as opposed to Mr. Hackett's statements that the project would not have much impact on the area.
- 2) That there is the potential for damage to the aquifer that provides drinking water to the homes in the area.
- 3) That local property values will deteriorate. Affordable housing - this could have a significant and derogatory effect on the area households and properties. It could significantly reduce the area property values.
- 4) The possibility that the land has archeological significance.

The original settlement for the Town of New Milford was right above this property. We are looking into this additional information. We have also enacted the New Milford Historical Society.

Attorney Garlasco requested that the Commission give a one month (30 day) extension so that he could provide them with another traffic study. His firm has retained traffic engineers and he would like this hearing to be left open until he can submit a finished product for the Commission's review.

In closing, Mr. Garlasco said that for these reasons, he would ask the Commission to deny the application as proposed, and let him reapply with condition considering the concerns of Mr. Garlasco's clients.

Lee Gorman, 6 Maloney Lane - "A little over a year ago, voters voted against a new school. This many units will increase the growth of the Town and will impact the school and the services need from the Town."

George Somerville, 68 Sunny Valley - "I have seen my road change a lot. The road now has to be patrolled by police because of the traffic. Children have been hit by cars. This will be an added burden."

Pat Greenspan, 17 Terrace Place - "I am against this project. Most units will be two ar and these cars will be used at peak period. Mr. Peburn says he wants to do a good thing for the town, but he goes berserk with his bulldozers and has created disasters on other projects in town. His past record speaks for itself."

Ken Arnott, 17 Sunny Valley - "This is the same situation as in 1989 - right after an election when New Milford had another lame duck Zoning Commission. This zone should never have been allowed to be changed in 1989, but a lame duck Commission allowed it to happen then, don't let it happen now. We are already concerned with traffic, you are increasing our problems. The noise pollution will alter the character of my neighborhood. The school population will jump 7% and this whole thing is just going to create a further tax burden on the town. If you approve this, I guarantee you, the opposition will continue to grow."

Attorney Pellegrini spoke in response to Attorney Garlasco's statements: In reference to the archeological aspect, it was part of the FHA approval that the archeology of a piece of property must be taken into consideration. Regarding the aquifer, Mr. Moran was fairly clear in his letter, and as in the DeVoe project, it will be protected. There is also a letter on file with the Commission in which the New Milford Water Company states that they will service the project. As far as impacting on services, the reason for Mr. Lambadamo's appearance this evening was to show the reality

of this - condos do not bring in a lot of children and do not impact on services.

Attorney Garlasco, said that had several comments he would like to add in response to Attorney Pellegrini's "eloquent and rather convenient comments." Attorney Garlasco said that he did not think that Mr. Moran's letter made everything clear. It had given a lot of conditions and concerns, but it must be remembered - these people are selling water and this will give them at least 186 new customers. Mr. Garlasco said that this was another reason why it was so imperative that he be allowed 30 days to submit his report.

Chairman Doring asked, for the record, when Mr. Garlasco had been retained? Mr. Garlasco replied that he had been retained by his clients on Friday, October 8, 1991.

Attorney Garlasco further stated that Mr. Peburn should withdraw this application and attend to the concerns of the 100 and some neighbors that he has in the community. Attorney Garlasco also told the Commission that they are charged with the health, safety, and welfare of the community, and this case was at their discretion and strongly advised the Commission that they disapprove the project. In addition - Mr. Garlasco would not want to live like this, in a place like this, where someone could buy a block and rent out to tenants - they could be from New York or New York City or where have you. If this project is approved, Mr. Garlasco's clients, represented by him, will take this to the Superior Court, because that is how strongly they feel about this issue.

Lee Gorman - "From the water companies point of view, New Milford is sitting on top of an aquifer. You are talking about removing 20 acres of it - you are talking about 18 million gallons of water per year. This is why we want the studies done."

Ken Arnott - "The New Milford Water Company is not even a New Milford company. It is owned by a company out of Philadelphia. They don't care what happens here. We care."

Tom Pilla, Chairman Water Pollution Commission - "I am pleased to help the Commission. Ten years ago the Town of New Milford spent about \$200,000 doing a feasibility report. This study took about a year to complete and it comprised all of the Boards and Commissions and legislative bodies of this whole town. Everyone agreed unanimously agreed that the West side of the Housatonic was (inaudible) and this was something that was perceived 20 - 25 years ago - the Commission feels, and actually I should say, the Director of Health feels there are many septic failures that need to be mitigated. With projects like this, and like Willow Square etc... are catalysts of getting this project started. A short project on the West side, as estimated, is probable going to cost in the area of seven million dollars. Projects of this nature, Willow Square, the Finast shopping center, etc... (inaudible) and

a myriad of apartments...there is a great need for sewer service. The Planning Commission of the Town of New Milford, the legislative bodies of this town, the Town Council, the Board of Finance, everyone has approved the engineer phase of this project. The engineering phase of this project is going smoothly. The Inland Wetlands Commission has assured that it will give approval within a few days. We are currently in the process of further reviewing with the EPA, the Town Clerk, and the DEP (inaudible). We see a great need for sewer service. All of the land use boards see a great need for sewer service. The most important person in this who thing is the Director of Health, Mike Crespan, and he knows this need, he has seen a lot of failures on the West side. These problems need to be mitigated. Presently, and very few people realize it, that the sewer facility handling (inaudible) has doubled in (inaudible) than what was projected because (inaudible)...there is a myriad of problem on the West side. These problems didn't just pop up yesterday, they've been there for quite a few years, and we need to mitigate those problems. The Sewer Authority sells sewer service, we don't make grandiose decisions, we don't resume property, we don't approve subdivisions, we sell sewer service, and unless the Planning Commission of the Town of New Milford approves any extension of our sewer system, it doesn't go anywhere."

Mr. Davin: "You mentioned a packaging plant, can you explain that, is that a part of the town sanitary sewer system?"

Mr. Pilla: "Let me explain the scenario, back in 1978-79, the Connecticut General Statutes created the words community sewer system and that was done for two reasons: 1) to mitigate communities that had 100 homes and failing septic (inaudible) and the community would get together and develop a sewer system which could be a) septic system or b) package plant, provided that it had proper access to (inaudible) - with package plants the DEP will not approve such a plant until a written maintenance agreement is put in place with the municipality. New Milford would be expensive to sewer all its problem areas and sewerage to facilitate proper development - town like New Fairfield, Newtown and Danbury are looking at 40 - 70 million dollar mandated sewer programs. New Milford was fortunate to have rehabilitated and expanded the West Street facility at the time it did. State and Federal funding has drastically reduced, New Milford's 9 million dollar plan has received 70% federal funding, today the funding has been reduced to 20%. It is projects like this and other projects that can help the Sewer Commission mitigate..."

Mr. Lavalette: "Tom, stop, he asked you about the package system, and you haven't answered that at all."

Mr. Pilla: "OK, package plants are a viable alternative to municipal sewer systems. A package plant has to be owned and operated by the Town of New Milford as a satellite system, and

it has to be approved by the state bureau and board of management. (inaudible)...would consider that a satellite system and municipal service because it (inaudible) of expense, again to run sewer lines all over the town, ...It is part of the town sanitary sewer system."

Attorney Garlasco: "My clients welcome the presence of sewer system on that side, as they are much wanted in the community. If projects such as Mr. Peburn's can help to achieve this, fine. But for the reasons previous stated, this project is defective and unacceptable."

Attorney Pellegrini: "This project has been before the land use commissions for quite some time and the approvals are on file. In fairness to the applicant, I would ask that this hearing be closed tonight."

Mr. LaTour: "I would not be inclined to close this hearing this evening because I feel that there has been a wealth of information. I would like to see and review the minutes and information more..."

Mr. Marsh: "The Commission can still request technical information after the hearing is closed."

Mr. Lavalette moved to close the public hearing of Dominick Peburn for a 186 residential unit condominium project at Fort Hill Road in the MR zone. Mr. Davin seconded. Motion passed, 4 - 1, with Mr. LaTour opposing.

#### **Jane Gregory - Uses Permitted in the B-1 Zone**

Attorney Terry Pellegrini and Jane Gregory were present to discuss with the Commission, their proposal to amend Article II-II - Uses Permitted in B-1 Business Zone. Mr. Davin read the legal.

Attorney Pellegrini stated that he was here tonight with Ms. Gregory out of personal interest as he also owns property in the district and has a concern with the combination of residential and business use in the area. Mr. Pellegrini referred to the defeated Sobel application.

Attorney Pellegrini said that the language he used for the proposed amendment was taken verbatim from the Zoning Regulations for the Village Center Zone. Said amendment would give the flexibility to allow for utilization of second floor space that is no longer viable for commercial use.

Chairman Doring said that he was looking at what Attorney Byrne had done, and asked if it was necessary that it be stated - doesn't the Commission have this authority without this being stated? Chairman Doring said that he had no problem with the proposed amendment but felt reluctant to go against the advice of counsel [Attorney Byrne]

and would like to request that this hearing not be closed so as he could speak to Attorney Byrne regarding the language.

Chairman Doring asked if there was anyone present wishing to speak in favor or against?

Ray Barton, 34 East Street - "I have been harping on this for years. Down town needs more use, more life. I know. This is important. This is a great step forward. Parking can be used during the day for business, and be used by residents at night."

Joe Sobel, Danbury Road - "Attorney Pellegrini has worked hard on this. If Tom Byrne's comments and Terry Pellegrini's proposition can be integrated, it is a great idea."

Tom Gillian, 44 East Street - "I agree with Mr. Pellegrini, it would be an asset to the town. It agree and think that this should go through."

Bob Earwhich, Brookfield Resident, New Milford Business Owner - "I agree. I always have people coming and asking if I have any apartments to rent but I can't. I support Gillian and Pellegrini."

Ginny Wall, 141 Pumpkin Hill - [Against] "Referring to Article II #2, you should require compliance with the parking revisions. I work at the Lillis building on the corner. On a weekly, or even daily, basis, I ask people to move their cars. Residents may have the same hours as the business - it should not just be assumed that the two will be different. In #2, it would be the word adequate. There is not enough parking in the center of town. My time is just as valuable to be having to make calls to tell people to move their cars."

Attorney Pellegrini - "We propose this as a special permit process, so the COMmission has the authority to make the decision as to whether or not there is adequate parking."

Attorney John Lillis - "I can appreciate the intent of the proposed amendment to the regulation and the purpose that it would serve, but paragraph 2 concerns parking and it seems that you are putting the property owner of a B-1 zone in a better position and I think that this will put the purely business property at a disadvantage. I think that it is a difficult thing to do, it is not always compatible to assume that business and residential hours will not be the same."

Chairman Doring moved that the public hearing of Jane Gregory, concerning a proposed amendment to Article II-II, concerning uses permitted in the B-1 business zone, be kept open. Mr. Lavalette seconded. Motion passed unanimously.

**Commission Initiated Proposed Amendments**

Mr. Davin read the legal notice for the Commission initiated public hearing on amendments to Article I-VIII, Article I-II, and Article I-VIII. Chairman Doring noted that the letter from the Planning Commission had not yet been received and said he would like this hearing kept open so as that letter could be read into the public record.

Chairman Doring moved that the Commission initiated public hearing on Article I-VIII - Definitions, Article II-II - Amount of Motor Vehicle Spaces to be provided, and Article I-VIII - Restaurants, be kept open in order that the letter from the Planning Commission could be read into the public record. Mr. LaTour seconded. Passed unanimously.

**REGULAR MEETING**

**ACCEPT FOR P.H.**

Mr. Lavalette moved to accept 1/14/92 as the public hearing date for Bruce Pierce, for conversion to an accessory apartment at One Morey Road. Mr. Davin seconded and the motion carried unanimously.

**NEW BUSINESS**

**Vito Furio, 442 Danbury Road, Building Extension**

Mr. Furio was present to discuss his application with the Commission requesting permission to rebuild a garage on the original foundation which has always been there. Also, he want to close in the porch of the restaurant for added space for a display case. 47 parking spaces were approved in 1989 for the addition of 4 tables on existing patio. This satisfied the parking required for the present restaurant and patio. Enclosure of the porch increases the parking requirements by 3 spaces. The parking lot is not delineated or hard surfaced at the present time.

Mr. Furio stated that the porch was with the original house but he had redone in it in concrete. The foot print has been there for approximately 80 years. It is an old foundation.

Chairman Doring asked what the use would be? Mr. Furio said that it would be for storage of restaurant supplies, storage for the



support of the business.

Chairman Doring moved to approved the application of Vito Furio for extension of the building at 442 Danbury Road to the existing porch line for restaurant use and to the extend garage to the existing foundation for storage, subject to the receival of a parking plan adequate for the premises by the Zoning Enforcement Officer. Mr. Lavalette seconded. Passed unanimously.

#### **OLD BUSINESS**

There was none.

#### **ZONING ENFORCEMENT OFFICER'S REPORT**

The following report was submitted to the Commission by Mr. Bauer, Zoning Enforcement Officer:

"1. Loretta, Terry Pellegrini, and I visited a site at 279-281 Candlewood mountain road to determine if any use had been made of a non conforming lot. This lot is owned by the person who resided at and owns the parcel next to it.

As you know, Article I-V refers to non conforming adjoining lots and how they must be combined to meet the regulations of the zone they are in if owned by one party. However the courts have said that if no use or activity has been imposed on the property in any shape or form, the lot could be considered as an independent lot and treated accordingly. This information we had obtained from the Zoning Commission's attorney.

Loretta and I both concluded that after the on site inspection that no use had been made of the land. The area was over grown with trees and bushes of all types and no evidence of any use what - so - ever. In this respect the parcel can be treated as a separate parcel.

2. The Devon Woods project on Heacock Crossbrook Road has been put on hold and the removal of earth products stopped. The contractor had agreed to grade and seed the exposed area to stabilize any erosion of the soil by wind or rain. Visual inspection has revealed that the site was raked, but no seed was in evidence.

I called Mr. Schott of Base Equities and explained what was required. He said he would get hold of the general contractor and see that it was done. I will make a follow up this week to verify compliance.

3. I finally got a small travel trailer removed from the road side at 70 Wheaton Road. The trailer had been used as a hired

hands bunk house. It was not until a letter from our attorney delivered by a sheriff did any activity start on removal of the trailer. Letters as to the violation, succeeding letters and a Cease & Desist Order did nothing to remove the violation. Only threat of court seemed to bring the violator into action.

There have been several such cases where only the threat of a suit brings reaction to the violation and corrective action is taken to conform to the regulations. C.A.Z.E.O. is still lobbying to give Enforcement Officers the authority to issue summons including fines for violations after a series of notifications have been issued.

4. On the 12th of November, the night of the Commission's meeting, I will be attending a workshop in Ridgefield on the Aquifer Protection Regulations. These regulations will be enforced by regulations incorporated into the Zoning Regulations as mandated by the state.

This workshop is to be presented by H.V.C.E.O. and the state D.E.P. and will deal with the regulations as set forth by the state to protect the aquifer and to control any and all activities within the aquifer areas. I will have a full report for the Commission at your next meeting.

5. Just for your information, someone on Sunday evening, as near as we can determine, put a piece of asphalt paving through the drivers side window of the town car that I use. Whether it was maliciously done against Commission or against me personally or as an act of vandalism is anyone's guess. I reported it to the police and then got the town garage to replace it, hopefully at no expense to our budget.

6. The following inspection were made since my last report:

- 1 Soil Erosion Control Installation
- 4 Soil Erosion Control Maintenance
- 6 Soil Erosion Control Restoration (Planner)
- 5 Inspections of Unregistered Motor Vehicles
- 2 Inspection for removal of Unregistered Motor Vehicles
- 4 Structures without a permit
- 1 Inspection for Earth Product Removal
- 1 Inspection for removal of Inhabited Travel Trailer
- 1 Inspection for Setback Violation
- 2 Sign Removal Inspections
- 1 Inspection of Sheds on Property for Sale
- 1 Stop Work Order Inspection
- 1 Inspection for Roadside Vendors

7. 9 permits have been issued since my last report. They are as follows:

- 3 Dwellings
- 1 Accessory Building
- 1 Addition
- 1 Stoop Extension
- 1 Signs"

#### **EXECUTIVE SESSION**

Chairman Doring moved that the Commission go into Executive Session. Mr. Lavalette seconded. Passed unanimously.

Mr. Lavalette moved that the Commission come out of executive session. Mr. Davin seconded. Passed unanimously.

#### **HEIGHT LIMITATION**

Mr. Lavalette moved to approve the proposed deletions of subparagraph a of Article XI-II of the zoning regulations and subparagraph 6 of the zoning regulations. Mr. Davin seconded. Motion failed unanimously as the Commission felt that repealing Article XI-II subparagraph a dealing with nonconforming uses being enlarged or increased or to a greater height than that which existed on December 1, 1971 would be contrary to one of the fundamental purposes of zoning which is to eliminate and/or prevent any increase in nonconforming uses of land as quickly as possible consistent with the property rights of the individuals affected and substantial justice. The Commission concludes that such action would not be in the best interests of the town in terms of health and public safety. Also, repealing Article X-III subparagraph 6 and permitting the landfill expansion is not deemed to be in the best interests of the Town of New Milford because the height limitation imposed therein is designed to regulate the height of this particular nonconforming use to a height which the Commission considers to be reasonable given the possible contamination of groundwater supplies, the odor, dust, dirt, gas and or fumes emanating therefrom, its detrimental effect on the use and enjoyment of neighboring properties and the fact that its elimination from the zoning regulations would be contrary to the comprehensive plan of zoning insofar as the regulations are designed to regulate and/or eliminate nonconforming uses as quickly as possible consistent with the property rights of the individuals affected and substantial justice.

#### **New Milford High School, Press Box**

Mr. Lavalette moved to add the application of Tom Pilla to rebuild the press box at New Milford High School. Mr. LaTour seconded. Passed unanimously.

Mr. Lavalette moved to approve the application of Tom Pilla to

rebuild the press box at New Milford High School. Mr. LaTour seconded. Passed unanimously.

**New Milford Paint Store, Face Sign**

Mr. LaTour moved to add the application of the New Milford Paint Store for a face sign to the agenda. Mr. Lavalette seconded. Passed unanimously.

Mr. Lavalette moved to approve the application of the New Milford Paint Store for a face sign. Mr. Davin seconded. Passed unanimously.

**Mary McCrain, Nursery School, 40 Dean Road**

Chairman Doring said the he had been to 40 Dean Road with Glenn MacWilliams and Loretta to look at the site and it had been worse than they had originally thought. Ms. McCrain has a very narrow driveway and it is a difficult left. Her current proposal could not show adequate parking. The plan has potential, but it would take some engineering for her to put in adequate parking, and would require taking down the retaining wall.

Chairman Doring moved to deny the application of Mary McCrain for a nursery school at 40 Dean Road due to the fact that the proposal did not show adequate parking, and that the fees would be waived on any subsequent application by Ms. McCrain. Mr. LaTour seconded. Motion passed unanimously.

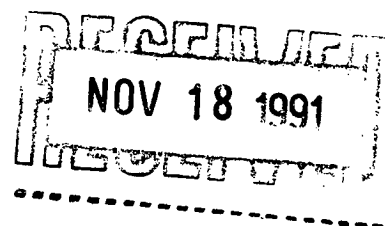
Mr. LaTour moved to adjourn the meeting of the Zoning Commission at 11:50 p.m. Mr. Marsh seconded. Motion carried unanimously.

Respectfully submitted,

*Duane Davin* (MS)

Duane Davin, Jr.  
Secretary

/meq



TOWN CLERK  
NEW MILFORD

NOV 18 10 28 AM '91

G. F.

**ZONING COMMISSION  
November 12, 1991  
PUBLIC HEARING & REGULAR MEETING  
MOTIONS**

**PRESENT:** George Doring, Chairman  
Duane Davin, Jr., Secretary  
Arthur Lavalette, Vice Chairman [arrived 7:40 p.m.]  
Donald Marsh  
Gerald LaTour  
James Lambert, Alternate [arrived 7:40 p.m.]  
Gary Santini, Alternate  
Charles Raymond, Alternate

The meeting was called to order at 7:35 p.m. Mr. Raymond was seated until Mr. Lavalette's arrival at 7:40 p.m.

**PUBLIC HEARINGS**

**Dominick Peburn - Fort Hill Road - 186 Condominium Project**

Mr. Lavalette moved to close the public hearing of Dominick Peburn for a 186 residential unit condominium project at Fort Hill Road in the MR zone. Mr. Davin seconded. Motion passed, 4 - 1, with Mr. LaTour opposing.

**Jane Gregory - Uses Permitted in the B-1 Zone**

Chairman Doring moved that the public hearing of Jane Gregory, concerning a proposed amendment to Article II-II, concerning uses permitted in the B-1 business zone, be kept open. Mr. Lavalette seconded. Motion passed unanimously.

**Commission Initiated Proposed Amendments**

Chairman Doring moved that the Commission initiated public hearing on Article I-VIII - Definitions, Article II-II - Amount of Motor Vehicle Spaces to be provided, and Article I-VIII - Restaurants, be kept open in order that the letter from the Planning Commission could be read into the public record. Mr. LaTour seconded. Passed unanimously.

**REGULAR MEETING**

Mr. Lavalette moved to accept 1/14/92 as the public hearing date for Bruce Pierce, for conversion to an accessory apartment at One Morey Road. Mr. Davin seconded and the motion carried unanimously.

Chairman Doring moved to approved the application of Vito Furio for extension of the building at 442 Danbury Road to the existing porch line for restaurant use and to extend the garage to the existing foundation for storage, subject to the receipt of a parking plan adequate for the premises by the Zoning Enforcement Officer. Mr. Lavalette seconded. Passed unanimously.

Chairman Doring moved that the Commission go into Executive Session. Mr. Lavalette seconded. Passed unanimously.

Mr. Lavalette moved that the Commission come out of executive session. Mr. Davin seconded. Passed unanimously.

Mr. Lavalette moved that the application presented by the Commission proposing to delete subparagraph 6 of Article X-III of the zoning regulations be approved. Mr. Davin seconded. Motion failed unanimously as the Commission felt that repealing Article XI-II subparagraph a dealing with nonconforming uses being enlarged or increased or to a greater height than that which existed on December 1, 1971 would be to contrary to one of the fundamental purposes of zoning which is to eliminate and/or prevent any increase in nonconforming uses of land as quickly as possible consistent with the property rights of individuals affected and substantial justice. The Commission concludes that such action would not be in the best interests of the town in terms of health and public safety. Also, repealing Article X-III subparagraph 6 and permitting the landfill expansion is not deemed to be in the best interests of the Town of New Milford because the height limitation imposed therein is designed to regulate the height of this particular nonconforming use to a height which the Commission considers to be reasonable given the possible contamination of groundwater supplies, the odor, dust, dirt, gas and/or fumes emanating therefrom, its detrimental effect on the use and enjoyment neighboring properties and the fact that its elimination from the zoning regulations would be contrary to the comprehensive plan of zoning insofar as the regulations are designed to regulate and/or eliminate nonconforming uses as quickly as possible consistent with the property rights of the individuals affected and substantial justice.

Mr. Lavalette moved to add the application of Tom Pilla to rebuild the press box at New Milford High School. Mr. LaTour seconded. Passed unanimously.

Mr. Lavalette moved to approve the application of Tom Pilla to rebuild the press box at New Milford High School. Mr. LaTour seconded. Passed unanimously.

Mr. LaTour moved to add the application of the New Milford Paint Store for a face sign to the agenda. Mr. Lavalette seconded. Passed unanimously.

Mr. Lavalette moved to approve the application of the New Milford Paint Store for a face sign. Mr. Davin seconded. Passed unanimously.

Chairman Doring moved to deny the application of Mary McCrain for a nursery school at 40 Dean Road due to the fact that the proposal did not show adequate parking, and that the fees would be waived on any subsequent application by Ms. McCrain. Mr. LaTour seconded.

Motion passed unanimously.

Mr. LaTour moved to adjourn the meeting of the Zoning Commission at 11:50 p.m. Mr. Marsh seconded. Motion carried unanimously.

Respectfully submitted,

 (H)

Duane Davin, Jr.  
Secretary

/meq

TOWN CLERK  
NEW MILFORD

Nov 14 10 48 AM '91



# TOWN OF NEW MILFORD

"Gateway To Litchfield County"

Office of the Zoning Commission

November 17, 1992

Mr. Anthony DiLeo  
223 Danbury Road  
New Milford, CT 06776

RE: CHANGE OF ZONE FROM INDUSTRIAL TO B-1

Dear Mr. DiLeo:

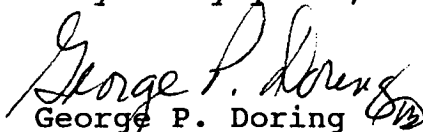
At the November 10, 1992 meeting of the New Milford Zoning Commission the following action was rendered:

APPROVED the application of Anthony DiLeo for a zone change from Industrial to B-1 at 223 Danbury Road, consisting of a parcel of land on the easterly side of Danbury road 1.562 acres. Decision was rendered due to the fact, in the Commission judgement, said rezoning will be 1) compatible to the Plan of Development, dated 1986; 2) will be compatible with abutting existing development; and 3) will not exert a detrimental impact on nearby properties or the value thereof.

Copies of the above decision are duly filed in the office of the Town Clerk and shall become effective November 20, 1992. Please be advised, this decision, under State Statute, may be appealed by any person wishing to do so. However, such action must be initiated within fifteen (15) days following the effective date.

Should you have any questions, please feel free to contact our office.

Very truly yours,

  
George P. Doring  
Chairman

GPD/lb

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Copy: Town Clerk ✓  
Atty. Terry Pellegrini  
Tax Assessor  
File

TOWN CLERK  
NEW MILFORD

NOV 17 10 59 AM '92

# TOWN OF NEW MILFORD

PHONE (203) 355-6095



10 MAIN STREET

NEW MILFORD, CONNECTICUT 06776

Office of ZONING COMMISSION

November 22, 1991

Stan and Donna Mikolajczyk  
18 Mist Hill Road  
New Milford, CT 06776

**RE: APPEAL #1839**

Dear Mr. Poster:

At the regular meeting of the New Milford Zoning Board of Appeals, held on November 20, 1991, the following decision was rendered:

**DENIED** a variance as requested by Stan and Donna Mikolajczyk for relief from Article X to come 15' from the north side line requirement of 40' to permit construction of a one family 56' x 36' dwelling on property located at 18 Mist Hill Road. Variance was denied due to the fact that no hardship was shown.

Copies of the above decision are duly filed in the land records of the Town Clerk and shall become effective December 5, 1991.

Should you have any questions please feel free to call this office.

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Very truly yours,

*William Zehrung*  
William Zehrung, II  
Chairman

Copy: ~~Town Clerk~~  
Inland/Wetlands Commission

WZ:meq

TOWN CLERK  
NEW MILFORD  
NOV 22 3 59 PM '91

*Waller*

NEW MILFORD ZONING COMMISSION  
MINUTES  
NOVEMBER 26, 1991

Present: George Doring - Chairman  
Arthur Lavalette (arrive 8:10 p.m.)  
Duane Davin, Jr. - Secretary  
Gerald LaTour  
Donald Marsh  
Gary Santini - Alternate  
James Lambert - Alternate  
Charles Raymond - Alternate  
Robert Bauer - Zoning Enforcement Officer  
Loretta Brickley - Assistant Zoning Enforcement Officer

The meeting was called to order at 7:42 p.m. Mr. Lambert was seated in the absence of Mr. Lavalette.

PUBLIC HEARINGS

John Marois - 9 Sterling Place

John Marois and Frederick Doty were present to discuss their application for a special permit to change the use of a non-conforming industrial building, located at 9 Sterling Place in the R-5 zone, to the landmark district to allow for a nine condominium housing unit project. Mr. Davin read the legal notice. Chairman Doring read the report of the Zoning Enforcement Officer, which stated that the applicants are requesting town landmark status for the building at 2 Sterling Drive at the corner of South Avenue. This building has been used for a storm window shop, baker equipment repair and sales shop in the past, and was originally a concrete tile shop. The building is to be converted to 9 housing units, 6 on the first floor and 3 on the second floor. The third floor will be used as master bedrooms and baths for 2 of the units on the second floor. Mr. Bauer's report further noted that parking is adequate but the backing out area is tight and no drainage or landscaping are shown.

No recommendations have yet been received from the review committee and approvals will also have to be received from the fire marshall and the building official.

Mr. Marois had all return receipts but one which was not deliverable. Mr. Marois referred to the site plan and said that he had changed several things in response to the recommendations by the historical society, the front door dates the building as does the window. The doors have been modified on South Avenue.

The freeze board will also remain. The building will be painted. Some windows will be replaced.

Chairman Doring asked if a letter had been received from the historical review committee? Mr. Marois said no, that the committee was supposed to have submitted the letter to the Commission by this evening.

Mr. Marois said they were also requesting that the traffic impact study be waived [a handwritten request was also submitted].

Mr. LaTour asked if they were also requesting that landscaping be waived? Mr. Doring said no, this was not being proposed. Mr. LaTour said that he felt that landscaping was a very important aspect and thought that it should be a historical setting.

Mr. Marois said he would abide by any landscaping as suggested by the Commission.

Chairman Doring asked if there were any questions or if there was anyone present wishing to speak in favor of or against the application?

Mr. Rozato - 5 Sterling Place - "I have seen a lot of changes. This will be a tremendous improvement. I'm surprised more people from my neighborhood aren't here to support this. My property value will go up because of this project."

Larry Greenspan - New Milford Resident & Member of the Historical Trust - "The reason that the letter from the historical trust because Mr. Marois changed his plan but a letter will soon be available but we just have not yet had time to review the plan in full."

Jbe Sobel - New Milford Resident - "I am in favor. South Avenue, that place was an eyesore but John has done 1000 % improvement. The people in the area have been trying to fix up their homes and this would be a worthy accomplishment."

Mr. Marsh asked where the water would go. Mr. Doty said the water would go on South Avenue. Chairman Doring said that such things should be noted on the plan. Mr. Marois said this would be done.

Mrs. Brickley asked if they knew where they would place the identification plaque.

Mr. Marois said that this had not yet been decided.

Chairman Doring moved that the traffic study for a proposed 9 condominium project (public hearing of John Marois) at 2 Sterling Drive be waived. Mr. LaTour seconded. Passed unanimously.

Chairman Doring moved that the public hearing of John Marois for a 9 unit condominium project and landmark district status at 2

Sterling Drive be tabled so that the letter from the Historical Trust could be received. Mr. Marsh seconded. Passed unanimously.

#### Article XV - Excavation of Earth Products

Mr. Davin read the legal notice for a proposed amendment to Article XV of the Zoning Regulations, Excavation of Earth Products.

Chairman Doring read a 11/25/91 letter from the Planning Commission that approved of the proposed amendment, 11/26/91 letter of approval from Housatonic Valley of Elected Officials, letter dated 11/18/91 in support of amendment, letter from Attorney Byrne (10/2/91).

In replacement of 15-7-1, the following wording was suggested by Mrs. Brickley: Earth regrading, filling, excavation and removal exempt from the provisions of this section shall be limited to necessary excavation, filling and grading incidental to: the construction or alteration of a building or structure on the same premises for which a Zoning Permit has been issued; a roadway or parking facility approved by the Commission; installation of essential septic systems, water lines, sewer pipe, storm drainage systems including dry wells, gas, electric and telephone services. and whatever necessary utility features as part of a project approved by the Commission or its staff; and to home landscaping projects carried out by or for the owner which require fewer than 20 cubic yards of excavation, fill or regrading for completion, or in the alternative consist entirely of finish grading or top soiling not altering the existing land contour by more than six inches.

Mr. Marsh said to consider the scenario of someone who has had a house for many years and needs a new septic system - does that mean that said homeowner would have to follow these guide lines as well?

Mrs. Brickley said yes but that they would not be charged.

Mr. Marsh said that he thought that this would create a problem for the homeowners and cubic yards should be upgraded to a minimum of 100 yards. This would be a more reasonable figure.

Mrs. Brickley said that the concern of the Planning Commission is the hardship of the owner.

Mr. Raymond said that he would think that with a septic situation, the amount of likelihood of soil contaminants would be greater and perhaps it would be in the best interest of the homeowner to have the town involved.

Mr. Marsh said that with septic he had no problem but that it should be specified.

Chairman Doring asked if there was anyone present wishing to speak

in favor of or against the amendment?

Attorney Terry Pellegrini - "I have some concerns. For example, the 20 cubic yards. Does that apply only to homeowner land or to other projects and if 15.7.3 is replaced being replaced, 15.7.1 should also be kept consistent. The terms are not consistent. Also in 15.8.4 - requiring special permit, if you don't fit the categories - in my mind this is also inconsistent....and if home is defined in the regulations, how is it to be construed? Nursing home, single family home, multifamily home? Also, "purity" should be clarified. Is dumping not permitted - or is it allowed in certain circumstances? In 15.8.3 the regulation says complimentary to site...."

John Marois - "Are you concerned more with dirty fill coming in?"

Chairman Doring - "It is a concern. It is a reason - I don't think we have exact percentages."

John Marois - "It is a problem for the homeowner, I don't see how you can regulate it."

Chairman Doring - "If we couldn't regulate it, it wouldn't be in our regulations."

Bob Kovacs - "You're putting an awful burden on the homeowners and a cost on the people who are already here - when you start fooling around with 20 yards, you make it an awful expense for the homeowners."

Chairman Doring moved to table the public hearing on the proposed amendment to article XV - Excavation of Earth Products to allow the staff to review the amendment and also to submit to Attorney Byrne for further review. Mr. LaTour seconded. Passed unanimously.

#### **Commission Initiated Amendments**

Mr. Davin read the legal notice. Chairman Doring read the correspondence from the Northwestern Council, the correspondence between Attorney Byrne and Mrs. Brickley, and the letter from the Planning Commission.

Chairman Doring asked if there was anyone wishing to speak in favor of or against the proposed amendments?

Mike Cantanari - Mike's Fried Chicken

"I'm for it. I want 2 or 3 tables and they require me to have 38 spaces. It needs to be reformed."

John Marois - "I own Dimitri's and Daddyo's. If this lightens the load, it is good. Picnic tables outdoors should be allowed. I am in favor of these amendments."

Joe Sobel - New Milford Resident - "I compliment the Commission on its initiative. This is one of the first times that I've seen any good legislation come out of this Commission. This is good. I support the amendment."

Mr. Marsh moved to table the public hearing on the following commission initiated proposed amendments: Article I-VIII, Article II-II, and Article I-XIII. Mr. LaTour seconded. Passed unanimously.

#### Uses Permitted in B-1 Business Zone - Jane Gregory

Mr. Davin read the legal notice. Attorney Pellegrini was present and requested that the hearing be kept open for two more weeks so that he and Ms. Gregory would have more time to gather some information.

Mr. LaTour moved to close the public hearing of Jane Gregory for a proposed amendment to Article II-II - Uses Permitted in B-1 Business Zone. Mr. Marsh seconded. Motion passed unanimously.

(Mr. Lavalette was seated at 9:15 p.m. at which time Mr. Lambert was unseated).

#### ACCEPT FOR PUBLIC HEARING

Mr. Marsh moved to accept December 10 as the public hearing date for David J. Rizzardi for a carpentry business at Old Route 7 Plaza, Units 37 and 38. Mr. LaTour seconded. Motion passed unanimously.

Mr. Marsh moved to accept December 10 as the public hearing date for St. Francis Xavier Church for construction of a 60' x 30' chapel building at 26 Chestnutland Road. [Noted that variance #1839 has already been granted]. Mr. LaTour seconded. Passed unanimously.

#### NEW BUSINESS

Attorney Pellegrini was present to discuss the application of Robert Case for removal of approximately 20,000 cubic yards of earth at Ella Foh's Camp Pond. Attorney Pellegrini stated that Mr. Case has applied to the Inland Wetlands Commission to do work on the pond in order to do deepen the pond and remove sedimentation. When King Mark Environmental Review Team did a survey of the Merryall District, they reviewed Ella Fohs Camp Pond and found that it has silted in over the years. Attorney Pellegrini's client intends to use property for the purpose of a second home and no other intense use is foreseen in the future.

Chairman Doring referred to the 11/26/91 report by the Zoning Enforcement Officer which said that the foremost question would be the destination of the material removed from the site. The rout off the site of the material so that adequate anti tracking pad

will effectively stop any depositing of material on the highway off site. Whether monitored by Wetlands or Zoning, a property soil erosion control need be established prior to commencement of operations. Also the location and grading of dewatered materials on site. Attorney Pellegrini said that he will address these concerns with his client. Chairman Doring said that this is excavation in the technical sense of the word, and the Commission must also give due consideration to the Inland Wetlands Commission, and they have not yet rendered their decision.

Mr. Lavalette moved to table the application of Robert Case for the excavation and removal of approximately 20,000 cubic yards at Ella Foh's Camp Pond in the R-80 zone [so the applicant could provide the Commission with the letter of approval from Inland Wetlands]. Mr. Marsh seconded. Passed unanimously.

Kimberly Clark - Mechanical Room Facility - Danbury Road  
Kimberly Clark - Earth Removal (4650 cubic yards) Pickett District Road

Mr. Lavalette moved to add the application of Kimberly Clark for a mechanical room facility for existing trucks at Danbury Road. Mr. Marsh seconded. Passed unanimously.

Mr. Lavalette moved to add the application of Kimberly Clark for earth removal from construction of a parking lot at Pickett District Road the agenda (4650 cubic yards). Mr. Marsh seconded. Passed unanimously.

Mr. C. Worgan was present to discuss the application of Kimberly Clark

Mr. Lavalette moved to approve the application of Kimberly Clark for a mechanical room facility at Danbury Road. Mr. Marsh seconded. Passed unanimously.

Regarding the application for earth removal at Pickett District Road, Mr. Worgan said that Kimberly Clark want to upgrade their parking because the rocks at the present area make trailer parking and movement difficult. All setbacks will be conforming, planting will be done - they would like to make it a pleasant view.

Chairman Doring moved to approve the application of Kimberly Clark for earth removal from construction of a parking lot at Pickett District Road (4650 cubic yards). Mr. Marsh seconded. Passed unanimously.

Sale of Christmas Trees - Gerald LaTour - 254 Pumpkin Hill Road

[Mr. LaTour disqualified himself from the discussion because he is the applicant]. Mrs. Brickley presented the plan and explained where the Christmas trees were to be sold.

Mr. Lavalette moved to approve the application of Mr. Gerald LaTour



for the sale of Christmas trees at 254 Pumpkin Hill Road in the R-60 zone, until the date of 1/15/92 and subject to submission of a complete site plan delineating parking and signage to the Zoning Office. Mr. Marsh seconded. Passed unanimously.

#### ZONING ENFORCEMENT OFFICER' REPORT

The Zoning Enforcement Officer submitted the following report to the Commission:

1. In a separate report I have discussed the workshop on the Aquifer Protection Program held at the Ridgefield Town Hall. I have turned a copy of all the material I could appropriate over to the Mayor elect as the Town Council must adopt an ordinance designating what present commission will administer the regulations after they are approved by the state.

2. The monthly staff meeting of the land use agencies was held on Wednesday the 13th. A general discussion as to the disposal of stumps, debris, and other material was held with a task force being appointed to develop a picture file of affected areas. Some of the areas in question have been historically a dumping area. (ie...) behind the First National Store in Veteran's Plaza where a bank off Fort Hill Road has been a dumping area for years. We are presently working with the Town Attorney to identify the actual owner of the property. This task force will report to staff so that we can concentrate our efforts to clean up these areas. It may even take some amendments and reorganization of Town Ordinance to accomplish our objective.

3. I'm very happy to report that Loretta has completed her courses for certification as an Enforcement Officer and has only to pass the final exam to gain her certification as her case study has already been accepted and approved.

4. I have been contacted by the New Milford Police Department to inquire if the Commission has any regulations as to types of entertainment that are allowed in restaurants. Apparently Casual Corner in the Lore shopping plaza has been having floor shows featuring both male and female dancers such as the "Chippendales". However from what the police told me the shows are on different nights. They were concerned that it might turn into another "Crazy Vins."

We have no regulations as to the type of entertainment a restaurant may supply to its customer as I believe it falls under the first amendment to the constitution and is not in zoning's jurisdiction.

5. I have issued several Cease and Desist orders on violations from unregistered motor vehicles to encroachments to businesses in residential zones. In most cases, I am getting better responses from the violators to conform with the regulations. A couple of cases of unregistered motor vehicles I

probably will have to refer to our attorney for further action as they are not responding to me. Others have conformed or are in the process of conforming to the regulations. If anyone wishes to see individual files you are invited to stop in the office.

6. The following inspections were made since my last report:

- 2 Soil Erosion Controls
- 6 Restorations for Bond Release
- 4 Inspection of Shed for Conformity
- 5 Unregistered Motor Vehicles Inspections
- 1 Encroachment of Radio Mast
- 2 Inspection of Water Runoff
- 2 Inspection of Business in Residential Zone

7. 13 permits have been issued since my last report. They are as follows:

- 3 Dwellings
- 3 Additions
- 1 Garage
- 1 Deck
- 4 Signs
- 1 Interior Renovations (VCZ)

The Zoning Enforcement Officer submitted the following report to the Commission concerning the aquifer protection seminar that he attended on November 12, 1991:

**REPORT ON AQUIFER PROTECTION REGULATIONS  
RIDGEFIELD TOWN HALL  
NOVEMBER 12, 1991**

At the request of the Mayor and the Zoning Commission Chairman, I attended the Workshop on Aquifer Protection Regulations presented by H.V.C.E.O. and the State D.E.P.

The workshop dealt with the mandatory obligations of the Aquifer Protection Regulations. These regulations were first passed under P.A. 89 - 305 and have been codified in the General Statutes of the State of Connecticut as section 22a - 354 (a - bb). The workshop was presented by Jonathan Chew, Executive Director of the Housatonic Valley Council of Elected Officials, and Robert Hust, Bureau of Water Management, Department of Environmental Protection.

Basically, the regulations are to protect the present public water supply wells and the recharge areas. These regulations are presently being drawn up by the Department of Environmental Protection. Section 27a - 354o deals with municipality regulations of Aquifer Protection Areas. This requires the municipality to (1) authorize by ordinance an existing board or commission to act as the Aquifer Protection Agency, not more than three months after

1

adoption by the Commission of regulation for aquifer protection areas pursuant to section 22a - 354i and approval by the commissioner of mapping of areas of contribution and recharge for wells located in stratified drift aquifers in the municipalities at level B pursuant to section 22a - 354d. (2) Not more than 6 months after approval by the commissioner of mapping at level A, pursuant to section 22a - 354d, the aquifer protection agency of the municipality in which such well is located shall adopt regulations for aquifer protection, and (3) at least one member of the agency or staff of the agency shall be a person who has completed the course in technical training formulated by the commissioner pursuant to section 22a - 354v.

The state is currently behind the schedule as set forth in the regulations, however they do hope to have the level "B" maps out shortly at which time the present uses in the area have to be color coded as per the regulations. This color coded map must be returned to the D.E.P. for approval. The regulations should be available for review sometime in 1992. These regulations must be incorporated in the municipalities regulations which will become effective after the approval of level "A" maps sometime in 1995.

The Department of Environmental Protection is hoping that the municipalities will consider interim measures to protect the present as well as the future aquifer protection areas. Even though interim measures may be considered the mapping of the areas will be required as soon as the maps are received. This will take people power, as these areas must be surveyed to verify actually what is situated on the land and what hazards these uses may subject to the aquifer. It appears to have been delegated to the Zoning Commission although both the Planning Commission and the Inland Wetlands Commission might be authorized to act as the aquifer protection agency.

The primary action to be taken at this time would be to decide what present commission will act as the Aquifer Protection Agency through a town ordinance (sample ordinance is attached). The completion of the land use inventory in the aquifer protection areas and located on the map provided by the D.E.P. (guide lines attached). A summary of the act concerning aquifer protection areas is also attached although some of the dates have not been met by the state.

It is apparent whoever is to administer the regulations that a lot of work is forth coming as explained in the guidelines for land use mapping. As soon as the maps are received from the state the project should be started. I will avail myself to what I have learned and material I have obtained to the Commission who are given responsibility.

Discussion on Aquifer Protection

Mr. Bauer said that the question was which Commission would be responsible for aquifer protection.

Chairman Doring said that it would probably be the Zoning Commission. John Lillis, Town Council Member, was present, and Chairman Doring asked if he had any comment? Mr. Lillis said that a report be the Council should be out by January or February.

Mr. LaTour asked Mr. Bauer how these maps were to be prepared? Mr. Bauer said that they would first go through the water companies.

#### BUSINESS MEETING

#### Fort Hill Road - Condominium Project - Dominick Peburn

Chairman Doring read the 11/26 letter for Glen MacWilliams, Director of Public Works. Regarding the sewer system, a verbatim transcript of conversations concerning the sewer between Thomas Pilla, Chairman of Sewer Commission, and Attorney Terry Pellegrini, has been prepared and submitted to Attorney Byrne for his review, which he will submit to the Commission.

Mrs. Brickley said that according to Attorney Byrne, because of the way that the Zoning regulations read, the Commission can't approve the applications. Rather, they should deny the application, change the regulation, and have the applicant come back after the regulation is changed. A definite plan would also be needed.

Mr. Davin asked why the Commission could not approve the application contingent on it being connected to the municipal sewer system. Haven't other condos been approved contingent on sewer package treatment being brought in? Glen MacWilliams and the Sewer Commission's comments are good enough for me, if they say its ok,, they are professions in that area and I'm not. If they say its ok, then I'll go along with their professional opinion.

Mr. Lavalette said that if Attorney Byrne did not say that the Commission had the flexibility to do this, then the Commission should follow the advice of its legal council.

Mr. Marsh said that it was his understanding that Sullivan Farms and Willow Springs had state permits and the ultimate responsibility was to the town as the municipality. There are currently no permits before the Commission showing the package treatment plant.

Mr. LaTour said that the question of sewerage has great ramifications other than this application and he had a problem understanding Attorney Byrne's opinion - he respected the opinion, but did not know how he arrived at it. Also, where were the easements, ?

Mr. Marsh said that apparently Mr. Peburn owns the property on which the easements would be anyway.

Mrs. Brickley read the regulation and said the OR is the word in the sentence that prevents the Commission from approving the application.

Chairman Doring said that there are a lot of question to be asked and answers are needed. Chairman Doring further stated that it was his concern that there are several avenues open to the developer. There was no specific plan showing sewer or easements, there was no approval from state agencies, and no review by the Sewer Commission. Even in the plan submitted for reviews there is a bare bones plan that more thought should go into.. Some of these things should be addressed early on and the Commission should not be rushed into a decision and there is certainly ample opportunity for this application to take another avenue.

Mr. Lavalette said that he is not as concerned about the sewer as the Chairman and that in his opinion is that this is a good project. It is a good location and it is meritorious of Mr. Peburn to undertake it. But, Mr. Lavalette said that his problem was that if Attorney Byrne says the Commission can't approve this - he is a lawyer, he must know. Mr. Lavalette would like to see this resolved, but the legal opinion of Tom Byrne must be respected.

Chairman Doring said that the opinion from council is quite clear. In terms of legality, you follow the advice of council, or you seek different council. I think that we have yet to be misled by Attorney Byrne. A project of magnitude need to be better addressed.

Mr. Santini asked if the DEP can act without the Zoning permit - or was everyone just running around circles?

Mr. Marsh referred to Glen MacWilliams' letter and said the he had been comfortable with it.

Mr. Davin said that Glen MacWilliams' had been concerned about getting easements when he had spoken to him.

Mr. Marsh said that he understood the concerns of the people regarding the additional traffic.

Mr. LaTour said that much of this discussion had centered around the sewers, which must be integrated with Glenn's recommendations. If this is the case, shouldn't the applicant be given some direction?

Mr. Raymond asked where the mythical easement was coming from? He also saw no reason to rush this.

Attorney Pellegrini was present and said that he had inferred at the public hearing of November 12 that they could not even obtain

a pollution permit without the approval of the Zoning Commission.

Mr. Lavalette asked if this meant that they could not apply to the state without first obtaining the approval without Zoning's approval?

Attorney Pellegrini said that his understanding was that it is the state and town sewer commission.

Mr. Davin said he felt that the Commission [Zoning] had done its job and that now it was time to leave this to people who can make professional decisions concerning the sewer.

Mr. Marsh moved that a letter be sent to the Sewer Commission requesting the exact procedure of package treatment plants and sewer systems (motion made in regard to proposed 186 condominium project at Fort Hill Road). Mr. Lavalette seconded. Passed unanimously.

#### Article X

Mr. Lavalette moved to approve the proposed amendments to Article X (10/22/91). Mr. Davin seconded. Passed unanimously.

#### Minutes of 11/12/91

Mr. Marsh moved to approve the minutes of November 12 with the following amendments:

Page 2) - add letter of Attorney Byrne to correspondence  
read for the public record

Page 3) - para. 5 - to read "the third escaped him"

Page 3) - para.4 - to read "might be thinking, not must be thinking"

Page 6) - the price range was up to \$115,900, not \$150,900.

Page 7) - Attorney Garlasko was retained to represent the tax district, not to opposed the project of Dominick Peturn

Page 9) Attorney Garlasko was retained o n  
November 8, 1991.

Mr. Lafour seconded. Passed unanimously.

#### Other Business

Mr. Lavalette moved that the request of the Mayor Elect that the Commission authorize Thomas Byrne, Esq. to act a co council in any further legal proceeding concerning Waste Management be add to the agenda. Mr. Davin seconded. Passed unanimously.

Mr. Marsh moved that the Commission authorize Thomas Byrne, Esq. to act as co council in any pursuant legal activity involving Waste Management and any other legal activities that involve the Town of New Milford and the Zoning Commission. Mr. Davin seconded. Motion

passed unanimously.

Mr. Lavalette moved to adjourn at 11:30 p.m. Mr. Davin seconded.  
Passed unanimously.

Respectfully submitted,  
*Duane Davin (MEG)*

Duane Davin, Jr.  
Secretary

/meq

TOWN CLERK  
NEW MILFORD

DEC 4 4 10 PM '91



NEW MILFORD ZONING COMMISSION  
MOTION  
NOVEMBER 26, 1991

- Present:
- George Doring - Chairman
  - Arthur Lavalette (arrive 8:10 p.m.)
  - Duane Davin, Jr. - Secretary
  - Gerald LaTour
  - Donald Marsh
  - Gary Santini - Alternate
  - James Lambert - Alternate
  - Charles Raymond - Alternate

The meeting was called to order at 7:42 p.m. Mr. Lambert was seated in the absence of Mr. Lavalette.

Chairman Doring moved that the traffic study for a proposed 9 condominium project (public hearing of John Marois) at 2 Sterling Drive be waived. Mr. LaTour seconded. Passed unanimously.

Chairman Doring moved that the public hearing of John Marois for a 9 unit condominium project and landmark district status at 2 Sterling Drive be tabled. Mr. Marsh seconded. Passed unanimously.

Chairman Doring moved to table the public hearing on the proposed amendment to article XV - Excavation of Earth Products to allow the staff to review the amendment and also to submit to Attorney Byrne for further review. Mr. LaTour seconded. Passed unanimously.

Mr. Marsh moved to table the public hearing on the following commission initiated proposed amendments: Article I-VIII, Article II-II, and Article I-XIII. Mr. seconded. Passed unanimously.

Mr. LaTour moved to close the public hearing of Jane Gregory for a proposed amendment to Article II-II - Uses Permitted in B-1 Business Zone. Mr. Marsh seconded. Motion passed unanimously.

(Mr. Lavalette was seated at 9:15 p.m. at which time Mr. Lambert was unseated).

Mr. Marsh moved to accept December 10 as the public hearing date for David J. Rizzardi for a carpentry business at Old Route 7 Plaza, Units 37 and 38. Mr. LaTour seconded. Motion passed unanimously.

Mr. Marsh moved to accept December 10 as the public hearing date for St. Francis Xavier Church for construction of a 60' x 30' chapel building at 26 Chestnutland Road. [Noted that variance

#1839 has already been granted]. Mr. LaTour seconded. Passed unanimously.

Mr. Lavalette moved to table the application of Robert Case for the excavation and removal of approximately 20,000 cubic yards at Ella Foh's Camp Pond in the R-80 zone [so the applicant could provide the Commission with the letter of approval from Inland Wetlands). Mr. Marsh seconded. Passed unanimously.

Mr. Lavalette moved to add the application of Kimberly Clark for a mechanical room facility for existing trucks at Danbury Road Road. Mr. Marsh seconded. Passed unanimously.

Mr. Lavalette moved to add the application of Kimberly Clark for earth removal from construction of a parking lot at Pickett District Road the agenda (4650 cubic yards). Mr. Marsh seconded. Passed unanimously.

Mr. Lavalette moved to approve the application of Kimberly Clark for a mechanical room facility at Danbury Road. Mr. Marsh seconded. Passed unanimously.

Chairman Doring moved to approve the application of Kimberly Clark for earth removal from construction of a parking lot at Pickett District Road (4650 cubic yards). Mr. Marsh seconded. Passed unanimously.

Mr; Lavalette moved to approve the application of Mr. Gerald LaTour for the sale of Christmas trees at 254 Pumpkin Hill Road in the R-60 zone, until the date of 1/15/92 and subject to submission of a complete site plan delineating parking and signage to the Zoning Office. Mr. Marsh seconded. Passed unanimously.

Mr. Marsh moved that a letter be sent to the Sewer Commission requesting the exact procedure of package treatment plants and sewer systems (motion made in regard to proposed 186 condominium project at Fort Hill Road). Mr. Lavalette seconded. Passed unanimously.

Mr. Lavalette moved to approve the proposed amendments to Article X (10/22/91). Mr. Davin seconded. Passed unanimously.

Mr. Marsh moved to approve the minutes of November 12 as amended by the Commission. Mr. LaTour seconded. Passed unanimously.

Mr. Lavalette moved that the request of the Mayor Elect that the Commission authorize Thomas Byrne, Esq. to act a co council in any further legal proceeding concerning Waste Management be add to the agenda. Mr. Davin seconded. Passed unanimously.

Mr. Marsh moved that the Commission authorize Thomas Byrne, Esq. to act as co council in any pursuant legal activity involving Waste Management and any other legal activities that involve the Town of New Milford and the Zoning Commission. Mr. Davin seconded. Motion

passed unanimously.

Mr. Lavalette moved to adjourn at 11:30 p.m. Mr. Davin seconded.  
Passed unanimously.

Respectfully submitted,

*Duane Davin* (HQ)

Duane Davin, Jr.  
Secretary

TOWN CLERK  
NEW MILFORD  
NOV 27 8 33 AM '91  
A.C.

/meq

**ZONING COMMISSION  
MOTIONS  
PUBLIC HEARINGS & REGULAR MEETING  
JANUARY 14, 1992**

Present: George Doring, Chairman  
Gerald LaTour, Vice - Chairman  
Donald Marsh  
James Lambert  
Charles Raymond, Alternate  
Gary Santini, Alternate (arrived 7:40 p.m.)  
Robert Bauer, Zoning Enforcement Officer  
Loretta Brickley, Assistant Zoning  
Enforcement Officer

Absent: Larry Greenspan, Secretary

The meeting was called to order at 7:32 p.m.

Mr. Raymond was seated for Mr. Greenspan.

Mr. Marsh moved to close the public hearing of Bruce Pierce for an accessory apartment at One Morey Road. Mr. Lambert seconded. Motion passed unanimously.

Mr. Marsh moved to keep open the public hearing of Joseph and Angela Barna for a three family residence at 29 Summit Drive. Mr. LaTour seconded. Passed unanimously.

Mr. Marsh moved to approve the revised site plan of Dominick Peburn for a 120' x 200' building at Sullivan Road, in the industrial zone, subject to the satisfaction of the Zoning Enforcement Officer concerning the screening and storage areas. Mr. Lambert seconded. Motion carried unanimously.

Mr. LaTour moved to place the discussion of the proposed amendment of Jane Gregory to Article II-II "Uses Permitted in B-1 Business Zone" as the next item on the agenda. Mr. Marsh seconded. Passed unanimously.

Chairman Doring moved to approve the proposed amendment by Jane Gregory to Article II-II "Uses Permitted in B-1 Business Zone." Mr. Marsh seconded. Motion carried unanimously.

Chairman Doring moved to approve the request by Stanley Lutinski for a zone change at Housatonic Avenue, map 147, lot 21, from R-40 to B-2. Mr. Raymond seconded. Motion failed unanimously, for the following reasons as stated by members of the Commission:

Mr. Raymond: "I am against this request because I do not think that it is in the best interest of the town."

Mr. Lambert: "To approve this would be spot zoning, which

concerns me, and I don't think it is a proper use."  
Mr. LaTour: "I think that the request was made  
out of desperation, but this would not be a proper  
use."

Mr. Marsh: "I vote to deny because the property  
is not appropriate for B-2."

Chair. Doring: "I would vote to deny because a B-2 would be  
inappropriate for this piece of property."

Mr. Marsh moved to approve the resolution of approval as amended,  
for John Marois for a condominium project and landmark status at  
2 Sterling Drive, with bonding of \$22,500.00.

Motion passed 4 - 1, with Chairman Doring opposed because he  
thought the bond should be \$25,000.00.

Chairman Doring moved to deny the application of Richard DeMarsico  
for retail sales - storage bins at 110 Park Lane Road in the B-1  
zone. Mr. Lambert seconded. Motion carried unanimously. The  
Commission unanimously agreed that to grant this request would be  
in violation of the zoning regulations.

Mr. Marsh moved to accept February 25, 1992 as the public hearing  
date for a proposed amendment to Article II-VIII #1 f. Mr. Lambert  
seconded. Motion carried unanimously.

Mr. Marsh moved to accept February 25, 1992 as the public hearing  
date for a proposed amendment to Article XVIII - General  
Provisions. Mr. Lambert seconded. Passed unanimously.

Mr. LaTour moved to approve the payment of bills from Attorney  
Byrne for \$950.00, dated 12/29/91, and \$675.00, dated 12/31/91.  
Mr. Lambert seconded. Motion carried unanimously.

Mr. Lambert moved to adjourn at 10:57 p.m. Mr. Marsh seconded.  
Motion carried unanimously.

Respectfully submitted,

*Lawrence Greenspan* (143)  
Lawrence Greenspan  
Secretary

TOWN CLERK  
NEW MILFORD  
JAN 15 4 36 PM '92

NEW MILFORD ZONING COMMISSION  
MOTION  
NOVEMBER 26, 1991

Present: George Doring - Chairman  
Arthur Lavalette (arrive 8:10 p.m.)  
Duane Davin, Jr. - Secretary  
Gerald LaTour  
Donald Marsh  
Gary Santini - Alternate  
James Lambert - Alternate  
Charles Raymond - Alternate  
Robert Bauer - Zoning Enforcement Officer  
Loretta Brickley - Assistant Zoning Enforcement  
Officer

The meeting was called to order at 7:42 p.m. Mr. Lambert was seated in the absence of Mr. Lavalette.

PUBLIC HEARINGS

**John Marois - 9 Sterling Place**

John Marois and Frederick Doty were present to discuss their application for a special permit to change the use of a non-conforming industrial building, located at 9 Sterling Place in the R-5 zone, to the landmark district to allow for a nine condominium housing unit project. Mr. Davin read the legal notice. Chairman Doring read the report of the Zoning Enforcement Officer, which stated that the applicants are requesting town landmark status for the building at 2 Sterling Drive at the corner of South Avenue. This building has been used for a storm window shop, baker equipment repair and sales shop in the past, and was originally a concrete tile shop. The building is to be converted to 9 housing units, 6 on the first floor and 3 on the second floor. The third floor will be used as master bedrooms and baths for 2 of the units on the second floor. Mr. Bauer's report further noted that parking is adequate but the backing out area is tight and no drainage or landscaping are shown.

No recommendations have yet been received from the review committee and approvals will also have to be received from the fire marshall and the building official.

Mr. Marois had all return receipts but one which was not deliverable. Mr. Marois referred to the site plan and said that he had changed several things in response to the recommendations by the historical society, the front door dates the building as does the window. The doors have been modified on South Avenue.

The freeze board will also remain. The building will be painted. Some windows will be replaced.

Chairman Doring asked if a letter had been received from the historical review committee? Mr. Marois said no, that the committee was supposed to have submitted the letter to the Commission by this evening.

Mr. Marois said they were also requesting that the traffic impact study be waived [a handwritten request was also submitted].

Mr. LaTour asked if they were also requesting that landscaping be waived? Mr. Doring said no, this was not being proposed. Mr. LaTour said that he felt that landscaping was a very important aspect and thought that it should be a historical setting.

Mr. Marois said he would abide by any landscaping as suggested by the Commission.

Chairman Doring asked if there were any questions or if there was anyone present wishing to speak in favor of or against the application?

Mr. Rozato - 5 Sterling Place - "I have seen a lot of changes. This will be a tremendous improvement. I'm surprised more people from my neighborhood aren't here to support this. My property value will go up because of this project."

Larry Greenspan - New Milford Resident & Member of the Historical Trust - "The reason that the letter from the historical trust because Mr. Marois changed his plan but a letter will soon be available but we just have not yet had to time to review the plan in full."

Jbe Sobel - New Milford Resident - "I am in favor. South Avenue, that place was an eyesore but John has done 1000 % improvement. The people in the area have been trying to fix up their homes and this would be a worthy accomplishment."

Mr. Marsh asked where the water would go. Mr. Doty said the water would go on South Avenue. Chairman Doring said that such things should be noted on the plan. Mr. Marois said this would be done.

Mrs. Brickley asked if they knew where they would place the identification plaque.

Mr. Marois said that this had not yet been decided.

Chairman Doring moved that the traffic study for a proposed 9 condominium project (public hearing of John Marois) at 2 Sterling Drive be waived. Mr. LaTour seconded. Passed unanimously.

Chairman Doring moved that the public hearing of John Marois for a 9 unit condominium project and landmark district status at 2



Sterling Drive be tabled so that the letter from the Historical Trust could be received. Mr. Marsh seconded. Passed unanimously.

#### Article XV - Excavation of Earth Products

Mr. Davin read the legal notice for a proposed amendment to Article XV of the Zoning Regulations, Excavation of Earth Products.

Chairman Doring read a 11/25/91 letter from the Planning Commission that approved of the proposed amendment, 11/26/91 letter of approval from Housatonic Valley of Elected Officials, letter dated 11/18/91 in support of amendment, letter from Attorney Byrne (10/2/91).

In replacement of 15-7-1, the following wording was suggested by Mrs. Brickley: Earth regrading, filling, excavation and removal exempt from the provisions of this section shall be limited to necessary excavation, filling and grading incidental to: the construction or alteration of a building or structure on the same premises for which a Zoning Permit has been issued; a roadway or parking facility approved by the Commission; installation of essential septic systems, water lines, sewer pipe, storm drainage systems including dry wells, gas, electric and telephone services. and whatever necessary utility features as part of a project approved by the Commission or its staff; and to home landscaping projects carried out by or for the owner which require fewer than 20 cubic yards of excavation, fill or regrading for completion, or in the alternative consist entirely of finish grading or top soiling not altering the existing land contour by more than six inches.

Mr. Marsh said to consider the scenario of someone who has had a house for many years and needs a new septic system - does that mean that said homeowner would have to follow these guide lines as well?

Mrs. Brickley said yes but that they would not be charged.

Mr. Marsh said that he thought that this would create a problem for the homeowners and cubic yards should be upgraded to a minimum of 100 yards. This would be a more reasonable figure.

Mrs. Brickley said that the concern of the Planning Commission is the hardship of the owner.

Mr. Raymond said that he would think that with a septic situation, the amount of likelihood of soil contaminants would be greater and perhaps it would be in the best interest of the homeowner to have the town involved.

Mr. Marsh said that with septic he had no problem but that it should be specified.

Chairman Doring asked if there was anyone present wishing to speak

in favor of or against the amendment?

Attorney Terry Pellegrini - "I have some concerns. For example, the 20 cubic yards. Does that apply only to homeowner land or to other projects and if 15.7.3 is replaced being replaced, 15.7.1 should also be kept consistent. The terms are not consistent. Also in 15.8.4 - requiring special permit, if you don't fit the categories - in my mind this is also inconsistent....and if home is defined in the regulations, how is it to be construed? Nursing home, single family home, multifamily home? Also, "purity" should be clarified. Is dumping not permitted - or is it allowed in certain circumstances? In 15.8.3 the regulation says complimentary to site...."

John Marois - "Are you concerned more with dirty fill coming in?"

Chairman Doring - "It is a concern. It is a reason - I don't think we have exact percentages."

John Marois - "It is a problem for the homeowner, I don't see how you can regulate it."

Chairman Doring - "If we couldn't regulate it, it wouldn't be in our regulations."

Bob Kovacs - "You're putting an awful burden on the homeowners and a cost on the people who are already here - when you start fooling around with 20 yards, you make it an awful expense for the homeowners."

Chairman Doring moved to table the public hearing on the proposed amendment to article XV - Excavation of Earth Products to allow the staff to review the amendment and also to submit to Attorney Byrne for further review. Mr. LaTour seconded. Passed unanimously.

#### Commission Initiated Amendments

Mr. Davin read the legal notice. Chairman Doring read the correspondence from the Northwestern Council, the correspondence between Attorney Byrne and Mrs. Brickley, and the letter from the Planning Commission.

Chairman Doring asked if there was anyone wishing to speak in favor of or against the proposed amendments?

Mike Cantanari - Mike's Fried Chicken

"I'm for it. I want 2 or 3 tables and they require me to have 38 spaces. It needs to be reformed."

John Marois - "I own Dimitri's and Dadddyo's. If this lightens the load, it is good. Picnic tables outdoors should be allowed. I am in favor of these amendments."

Joe Sobel - New Milford Resident - "I compliment the Commission on its initiative. This is one of the first times that I've seen any good legislation come out of this Commission. This is good. I support the amendment."

Mr. Marsh moved to table the public hearing on the following commission initiated proposed amendments: Article I-VIII, Article II-II, and Article I-XIII. Mr. LaTour seconded. Passed unanimously.

#### Uses Permitted in B-1 Business Zone - Jane Gregory

Mr. Davin read the legal notice. Attorney Pellegrini was present and requested that the hearing be kept open for two more weeks so that he and Ms. Gregory would have more time to gather some information.

Mr. LaTour moved to close the public hearing of Jane Gregory for a proposed amendment to Article II-II - Uses Permitted in B-1 Business Zone. Mr. Marsh seconded. Motion passed unanimously.

(Mr. Lavalette was seated at 9:15 p.m. at which time Mr. Lambert was unseated).

#### ACCEPT FOR PUBLIC HEARING

Mr. Marsh moved to accept December 10 as the public hearing date for David J. Rizzardi for a carpentry business at Old Route 7 Plaza, Units 37 and 38. Mr. LaTour seconded. Motion passed unanimously.

Mr. Marsh moved to accept December 10 as the public hearing date for St. Francis Xavier Church for construction of a 60' x 30' chapel building at 26 Chestnutland Road. [Noted that variance #1839 has already been granted]. Mr. LaTour seconded. Passed unanimously.

#### NEW BUSINESS

Attorney Pellegrini was present to discuss the application of Robert Case for removal of approximately 20,000 cubic yards of earth at Ella Foh's Camp Pond. Attorney Pellegrini stated that Mr. Case has applied to the Inland Wetlands Commission to do work on the pond in order to do deepen the pond and remove sedimentation. When King Mark Environmental Review Team did a survey of the Merryall District, they reviewed Ella Fohs Camp Pond and found that it has silted in over the years. Attorney Pellegrini's client intends to use property for the purpose of a second home and no other intense use is foreseen in the future.

Chairman Doring referred to the 11/26/91 report by the Zoning Enforcement Officer which said that the foremost question would be the destination of the material removed from the site. The rout off the site of the material so that adequate anti tracking pad

will effectively stop any depositing of material on the highway off site. Whether monitored by Wetlands or Zoning, a property soil erosion control need be established prior to commencement of operations. Also the location and grading if dewatered materials on site. Attorney Pellegrini said that he will address these concerns with his client. Chairman Doring said that this is excavation in the technical sense of the word, and the Commission must also give due consideration to the Inland Wetlands Commission, and they have not yet rendered their decision.

Mr. Lavalette moved to table the application of Robert Case for the excavation and removal of approximately 20,000 cubic yards at Ella Foh's Camp Pond in the R-80 zone [so the applicant could provide the Commission with the letter of approval from Inland Wetlands). Mr. Marsh seconded. Passed unanimously.

Kimberly Clark - Mechanical Room Facility - Danbury Road  
Kimberly Clark - Earth Removal (4650 cubic yards) Pickett District Road

Mr. Lavalette moved to add the application of Kimberly Clark for a mechanical room facility for existing trucks at Danbury Road. Mr. Marsh seconded. Passed unanimously.

Mr. Lavalette moved to add the application of Kimberly Clark for earth removal from construction of a parking lot at Pickett District Road the agenda (4650 cubic yards). Mr. Marsh seconded. Passed unanimously.

Mr. C. Worgan was present to discuss the application of Kimberly Clark

Mr. Lavalette moved to approve the application of Kimberly Clark for a mechanical room facility at Danbury Road. Mr. Marsh seconded. Passed unanimously.

Regarding the application for earth removal at Pickett District Road, Mr. Worgan said that Kimberly Clark want to upgrade their parking because the rocks at the present area make trailer parking and movement difficult. All setbacks will be conforming, planting will be done - they would like to make it a pleasant view.

Chairman Doring moved to approve the application of Kimberly Clark for earth removal from construction of a parking lot at Pickett District Road (4650 cubic yards). Mr. Marsh seconded. Passed unanimously.

Sale of Christmas Trees - Gerald LaTour - 254 Pumpkin Hill Road

[Mr. LaTour disqualified himself from the discussion because he is the applicant]. Mrs. Brickley presented the plan and explained where the Christmas trees were to be sold.

Mr. Lavalette moved to approve the application of Mr. Gerald LaTour

for the sale of Christmas trees at 254 Pumpkin Hill Road in the R-60 zone, until the date of 1/15/92 and subject to submission of a complete site plan delineating parking and signage to the Zoning Office. Mr. Marsh seconded. Passed unanimously.

#### ZONING ENFORCEMENT OFFICER' REPORT

The Zoning Enforcement Officer submitted the following report to the Commission:

1. In a separate report I have discussed the workshop on the Aquifer Protection Program held at the Ridgefield Town Hall. I have turned a copy of all the material I could appropriate over to the Mayor elect as the Town Council must adopt an ordinance designating what present commission will administer the regulations after they are approved by the state.

2. The monthly staff meeting of the land use agencies was held on Wednesday the 13th. A general discussion as to the disposal of stumps, debris, and other material was held with a task force being appointed to develop a picture file of affected areas. Some of the areas in question have been historically a dumping area. (ie...) behind the First National Store in Veteran's Plaza where a bank off Fort Hill Road has been a dumping area for years. We are presently working with the Town Attorney to identify the actual owner of the property. This task force will report to staff so that we can concentrate our efforts to clean up these areas. It may even take some amendments and reorganization of Town Ordinance to accomplish our objective.

3. I'm very happy to report that Loretta has completed her courses for certification as an Enforcement Officer and has only to pass the final exam to gain her certification as her case study has already been accepted and approved.

4. I have been contacted by the New Milford Police Department to inquire if the Commission has any regulations as to types of entertainment that are allowed in restaurants. Apparently Casual Corner in the Lore shopping plaza has been having floor shows featuring both male and female dancers such as the "Chippendales". However from what the police told me the shows are on different nights. They were concerned that it might turn into another "Crazy Vins."

We have no regulations as to the type of entertainment a restaurant may supply to its customer as I believe it falls under the first amendment to the constitution and is not in zoning's jurisdiction.

5. I have issued several Cease and Desist orders on violations from unregistered motor vehicles to encroachments to businesses in residential zones. In most cases, I am getting better responses from the violators to conform with the regulations. A couple of cases of unregistered motor vehicles I

probably will have to refer to our attorney for further action as they are not responding to me. Others have conformed or are in the process of conforming to the regulations. If anyone wishes to see individual files you are invited to stop in the office.

6. The following inspections were made since my last report:

- 2 Soil Erosion Controls
- 6 Restorations for Bond Release
- 4 Inspection of Shed for Conformity
- 5 Unregistered Motor Vehicles Inspections
- 1 Encroachment of Radio Mast
- 2 Inspection of Water Runoff
- 2 Inspection of Business in Residential Zone

7. 13 permits have been issued since my last report. They are as follows:

- 3 Dwellings
- 3 Additions
- 1 Garage
- 1 Deck
- 4 Signs
- 1 Interior Renovations (VCZ)

The Zoning Enforcement Officer submitted the following report to the Commission concerning the aquifer protection seminar that he attended on November 12, 1991:

**REPORT ON AQUIFER PROTECTION REGULATIONS  
RIDGEFIELD TOWN HALL  
NOVEMBER 12, 1991**

At the request of the Mayor and the Zoning Commission Chairman, I attended the Workshop on Aquifer Protection Regulations presented by H.V.C.E.O. and the State D.E.P.

The workshop dealt with the mandatory obligations of the Aquifer Protection Regulations. These regulations were first passed under P.A. 89 - 305 and have been codified in the General Statutes of the State of Connecticut as section 22a - 354 (a - bb). The workshop was presented by Jonathan Chew, Executive Director of the Housatonic Valley Council of Elected Officials, and Robert Hust, Bureau of Water Management, Department of Environmental Protection.

Basically, the regulations are to protect the present public water supply wells and the recharge areas. These regulations are presently being drawn up by the Department of Environmental Protection. Section 27a - 354o deals with municipality regulations of Aquifer Protection Areas. This requires the municipality to (1) authorize by ordinance an existing board or commission to act as the Aquifer Protection Agency, not more than three months after

adoption by the Commission of regulation for aquifer protection areas pursuant to section 22a - 354i and approval by the commissioner of mapping of areas of contribution and recharge for wells located in stratified drift aquifers in the municipalities at level B pursuant to section 22a - 354d. (2) Not more than 6 months after approval by the commissioner of mapping at level A, pursuant to section 22a - 354d, the aquifer protection agency of the municipality in which such well is located shall adopt regulations for aquifer protection, and (3) at least one member of the agency or staff of the agency shall be a person who has completed the course in technical training formulated by the commissioner pursuant to section 22a - 354v.

The state is currently behind the schedule as set forth in the regulations, however they do hope to have the level "B" maps out shortly at which time the present uses in the area have to be color coded as per the regulations. This color coded map must be returned to the D.E.P. for approval. The regulations should be available for review sometime in 1992. These regulations must be incorporated in the municipalities regulations which will become effective after the approval of level "A" maps sometime in 1995.

The Department of Environmental Protection is hoping that the municipalities will consider interim measures to protect the present as well as the future aquifer protection areas. Even though interim measures may be considered the mapping of the areas will be required as soon as the maps are received. This will take people power, as these areas must be surveyed to verify actually what is situated on the land and what hazards these uses may subject to the aquifer. It appears to have been delegated to the Zoning Commission although both the Planning Commission and the Inland Wetlands Commission might be authorized to act as the aquifer protection agency.

The primary action to be taken at this time would be to decide what present commission will act as the Aquifer Protection Agency through a town ordinance (sample ordinance is attached). The completion of the land use inventory in the aquifer protection areas and located on the map provided by the D.E.P. (guide lines attached). A summary of the act concerning aquifer protection areas is also attached although some of the dates have not been met by the state.

It is apparent whoever is to administer the regulations that a lot of work is forth coming as explained in the guidelines for land use mapping. As soon as the maps are received from the state the project should be started. I will avail myself to what I have learned and material I have obtained to the Commission who are given responsibility.

Discussion on Aquifer Protection

Mr. Bauer said that the question was which Commission would be responsible for aquifer protection.

Chairman Doring said that it would probably be the Zoning Commission. John Lillis, Town Council Member, was present, and Chairman Doring asked if he had any comment? Mr. Lillis said that a report be the Council should be cut by January or February.

Mr. LaTour asked Mr. Bauer how these maps were to be prepared? Mr. Bauer said that they would first go through the water companies.

#### BUSINESS MEETING

#### Fort Hill Road - Condominium Project - Dominick Peburn

Chairman Doring read the 11/26 letter for Glen MacWilliams, Director of Public Works. Regarding the sewer system, a verbatim transcript of conversations concerning the sewer between Thomas Pilla, Chairman of Sewer Commission, and Attorney Terry Pellegrini, has been repaired and submitted to Attorney Byrne for his review, which he will submit to the Commission.

Mrs. Brickley said that according to Attorney Byrne, because of the way that the Zoning regulations read, the Commission can't approve the applications. Rather, they should deny the application, change the regulation, and have the applicant come back after the regulation is changed. A definite plan would also be needed.

Mr. Davin asked why the Commission could not approve the application contingent on it being connected to the municipal sewer system. Haven't other condos been approved contingent on sewer package treatment being brought in? Glen MacWilliams and the Sewer Commission's comments are good enough for me, if they say its ok,, they are professions in that area and I'm not. If they say its ok, then I'll go along with their professional opinion.

Mr. Lavalette said that if Attorney Byrne did not say that the Commission had the flexibility to do this, then the Commission should follow the advice of its legal council.

Mr. Marsh said that it was his understanding that Sullivan Farms and Willow Springs had state permits and the ultimate responsibility was to the town as the municipality. There are currently no permits before the Commission showing the package treatment plant.

Mr. LaTour said that the question of sewerage has great ramifications other than this application and he had a problem understanding Attorney Byrne's opinion - he respected the opinion, but did not know how he arrived at it. Also, where were the easements, ?



Mr. Marsh said that apparently Mr. Peburn owns the property on which the easements would be anyway.

Mrs. Brickley read the regulation and said the OR is the word in the sentence that prevents the Commission from approving the application.

Chairman Doring said that there are a lot of question to be asked and answers are needed. Chairman Doring further stated that it was his concern that there are several avenues open to the developer. There was no specific plan showing sewer or easements, there was no approval from state agencies, and no review by the Sewer Commission. Even in the plan submitted for reviews there is a bare bones plan that more thought should go into.. Some of these things should be addressed early on and the Commission should not be rushed into a decision and there is certainly ample opportunity for this application to take another avenue.

Mr. Lavalette said that he is not as concerned about the sewer as the Chairman and that in his opinion is that this is a good project. It is a good location and it is meritorious of Mr. Peburn to undertake it. But, Mr. Lavalette said that his problem was that if Attorney Byrne says the Commission can't approve this - he is a lawyer, he must know. Mr. Lavalette would like to see this resolved, but the legal opinion of Tom Byrne must be respected.

Chairman Doring said that the opinion from council is quite clear. In terms of legality, you follow the advice of council, or you seek different council. I think that we have yet to be misled by Attorney Byrne. A project of magnitude need to be better addressed.

Mr. Santini asked if the DEP can act without the Zoning permit - or was everyone just running around circles?

Mr. Marsh referred to Glen MacWilliams' letter and said the he had been comfortable with it.

Mr. Davin said that Glen MacWilliams' had been concerned about getting easements when he had spoken to him.

Mr. Marsh said that he understood the concerns of the people regarding the additional traffic.

Mr. LaTour said that much of this discussion had centered around the sewers, which must be integrated with Glenn's recommendations. If this is the case, shouldn't the applicant be given some direction?

Mr. Raymond asked where the mythical easement was coming from? He also saw no reason to rush this.

Attorney Pellegrini was present and said that he had inferred at the public hearing of November 12 that they could not even obtain

a pollution permit without the approval of the Zoning Commission.

Mr. Lavalette asked if this meant that they could not apply to the state without first obtaining the approval without Zoning's approval?

Attorney Pellegrini said that his understanding was that it is the state and town sewer commission.

Mr. Davin said he felt that the Commission [Zoning] had done its job and that now it was time to leave this to people who can make professional decisions concerning the sewer.

Mr. Marsh moved that a letter be sent to the Sewer Commission requesting the exact procedure of package treatment plants and sewer systems (motion made in regard to proposed 186 condominium project at Fort Hill Road). Mr. Lavalette seconded. Passed unanimously.

#### Article X

Mr. Lavalette moved to approve the proposed amendments to Article X (10/22/91). Mr. Davin seconded. Passed unanimously.

#### Minutes of 11/12/91

Mr. Marsh moved to approve the minutes of November 12 with the following amendments:

- Page 2) - add letter of Attorney Byrne to correspondence  
read for the public record
- Page 3) - para. 5 - to read "the third escaped him"
- Page 3) - para.4 - to read "might be thinking, not must be thinking"
- Page 6) - the price range was up to \$115,900, not \$150,900.
- Page 7) - Attorney Garlasko was retained to represent the tax district, not to opposed the project of Dominick Peturn
- Page 9) Attorney Garlasko was retained o n  
November 8, 1991.

Mr. Lafour seconded. Passed unanimously.

#### Other Business

Mr. Lavalette moved that the request of the Mayor Elect that the Commission authorize Thomas Byrne, Esq. to act a co council in any further legal proceeding concerning Waste Management be add to the agenda. Mr. Davin seconded. Passed unanimously.

Mr. Marsh moved that the Commission authorize Thomas Byrne, Esq. to act as co council in any pursuant legal activity involving Waste Management and any other legal activities that involve the Town of New Milford and the Zoning Commission. Mr. Davin seconded. Motion

passed unanimously.

Mr. Lavalette moved to adjourn at 11:30 p.m. Mr. Davin seconded.  
Passed unanimously.

Respectfully submitted,

*Duane Davin (MEQ)*

Duane Davin, Jr.  
Secretary

/meq

ZONING COMMISSION  
SPECIAL MEETING  
DECEMBER 3, 1991  
MOTIONS

Present - George Doring, Chairman  
Donald Marsh  
Gerald LaTour  
Larry Greenspan  
James Lambert  
Gary Santini - Alternate  
Charles Raymond - Alternate  
Robert Bauer - Zoning Enforcement Officer  
Loretta Brickley - Assistant Zoning Enforcement Officer  
Thomas Byrne - Zoning Commission Attorney

The December 3, 1991 Special Meeting of the New Milford Zoning Commission was called to order at 7:30 p.m. for a Commission workshop with Attorney Byrne.

Mr. LaTour moved to adjourn the meeting at 10:00 p.m. Mr. Marsh seconded. Motion passed unanimously.

Respectfully submitted,

*George Doring* (MCR)

George Doring  
Chairman

/meq

TOWN CLERK  
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ZONING COMMISSION  
SPECIAL MEETING  
DECEMBER 3, 1991

Present: George Doring - Chairman, Donald Marsh, Gerald LaTour, James Lambert, Larry Greenspan, Charles Raymond - Alternate, Gary Santini - Alternate, Robert Bauer - Zoning Enforcement Officer, Loretta Brickley - Assistant Zoning Enforcement Officer, Thomas Byrne - Commission Attorney

The meeting was called to order at 7:30 p.m.

Chairman Doring stated that the Special Meeting was held for two major purposes, the first aspect being the Dominick Peburn, Forthill condo project, and the second so that the Commission members could ask any procedural questions, especially the new members, of the Commission's attorney, Thomas Byrne.

Chairman Doring stated that he had sent Attorney Byrne information regarding the Peburn project concerning the sewer and Attorney Byrne had advised that this project should not be approved without a sewer system. A verbatim transcript of the testimony of Terry Pellegrini, Esq. and Tom Pilla, Chairman of the Sewer Commission, concerning the sewerage of the proposed project. Chairman Doring asked Attorney Byrne if his conclusion had changed?

Attorney Byrne said no, obviously there does not appear to be a definite plan of sewer for this project. The regulation is very specific. When zoning was first adopted in New Milford in 1969, the regulation said that multi family housing would be hooked up to the sewer system, and it is Attorney Byrne's belief that this is how Commissions have continually interpreted it. The regulation says what it says. The Commission can amend it, but the application in question leaves a lot to be desired and the Commission also does not want to have to rewrite the regulations each time an application comes in.

Chairman Doring read the December 2, 1991 from the New Milford Sewer Commission/Water Pollution Control Authority to the Zoning Commission. The letter read as follows:

Presently the WPCA has completed the engineering phase of our Route 7 sewer expansion program. This phase will include sewer service from Sunny Valley Road south to Candlewood Lake Road North, Fort Hill area, Sunny Valley area, New Milford High School, Pettibone School and Pickett District Road.

As you all know there is a great need to sewer the West side

in order to mitigate many septic problems. The New Milford Water Company has requested to cross the river from the West side to alleviate their water problems on the east side. This joint venture should help defray some of the expenses in crossing the river.

The WPCA, in the Spring of 1992, will be bonding the complete West Side expansion through municipal sewer bonds. Once the new infrastructure is complete we will be assessing properties based on various methodologies established by the WPCA.

Upon implementation of the West side sewer the Town should be looking to various projects to come on line so as to defray some of the expansion costs. This will help in reducing the sewer costs to the existing users on the West side making sewer expansion more palatable.

In order for the WPCA to process any application a Zoning permit must be obtained. Any application in excess of .01 MGD must also receive approval from the DEP. Our application process is extensive and no building permit will be obtained until a sewer permit has been granted. Proper connection shall be made in accordance with the WPCA plans and specifications, otherwise no certificate of compliance by the WPCA plans and specifications, otherwise no certificate of compliance by the WPCA (Discharge Permit), will be granted, therefore no certificate of occupancy will be achieved.

To simply outline the WPCA Order of Priority:

1. Planning or Zoning Approvals.
2. Sewer Application.
3. DEP Approval - if in excess of .01 MGD Discharge.
4. Sewer Permit - shall meet any and all requirements of the WPCA.
5. Building Permit.
6. Sewer Compliance Certificate for C.O.

(Discharge Permit).

The WPCA of the Town of New Milford Rules & Regulations provide many safeguard levels within the permit process. This assures the Town proper control and yet provides the best results for the people of New Milford.

Chairman Doring said that Attorney Byrne had also presented the Commission with a possible amendment to the regulation, which was also read for the record, as submitted to Mrs. Brickley and dated 29 November 1991:

Pursuant to our telephone conference of November 26, 1991, may I suggest the following amendment to Article II-VIII paragraph 1 f of the zoning regulations - Uses Permitted In Multiple-Residence District:

- f. No site location shall be approved unless served by a public water supply and connected to the town sanitary sewer system or unless the Commission is satisfied, based upon all the evidence submitted to it, that a public water supply and/or connection to the town sanitary sewer system is a reasonable probability within five years of the approval. Any special permit approved hereunder shall state the date on which such five-year period expires. Failure to start construction within such five-year period shall result in automatic expiration of the approval granted hereunder without further action by the Commission.

The suggested new language of the proposed amendment is underlined.

Chairman Doring said a project must be underway within an 18 month period and have 5 years to finish - if this amendment were adopted, would this still stay in the regulations as well?

Attorney Byrne said that if an applicant does not start within the 18 month time frame - state statute will control and take precedent, and the applicant will still have five years to complete the project. With a site plan, the Commission is preempted by the state.

Mr. LaTour said that the prodigal issue is that there is a road in the area, and five years is a long time.

Mr. Greenspan asked if voter approval was necessary for bonding?

Chairman Doring said that to advertise for bond, Town Meeting approval is necessary.

Mr. Marsh said that he was very concerned with the drainage of this project, and also with the conditions mentioned in the letter from the Director of Public Works.

Attorney Byrne said that there are many conditions that the Commission has the authority to attach with a Special Permit. By statute, a Zoning Commission can condition that other permits are not issued until Zoning approves, with this Commission's current regulations, this can't be done, but should be able to be done.

Mr. LaTour said that it has surprised him, that as Council, Attorney Byrne has changed over the years and the regulation has not. Other Commissions have approved projects where the sewer wasn't to the door, and these others went through. Mr. LaTour said that his main public safety concern was the 30% traffic that would be coming through the Finast parking lot, but he was also concerned about where the water/drainage would go, and the easement.

Chairman Doring said that he thought the major concerns of the Commission were the drainage, the traffic, and he agreed, and said that in his opinion this application could not be approved as the regulations currently are written, and the Commission need follow the opinion of Council. If the Commission denies the application, the applicant can still reapply the day after, and Chairman Doring would hope that the applicant would deal with drainage - the only thing the Commission was told for sure was that the drainage would not go uphill. Traffic should also be better addressed - is there a right of way?

Mrs. Brickley said that there is a right of way on Route 7.

Chairman Doring said that the threshold that has to be crossed is based on what is in the regulations now - the applicant is not in the regulations now. Considering the term "reasonable probability" - referring back to the letter from the Sewer Commission, would a package treatment plant be considered reasonable probability.

Attorney Byrne said that the Commission needs something in the record from someone who knows what he is talking about.

Mr. Marsh said that there are currently two package plants in town. Both are very expensive - is an easement necessary or can they go by route of public highway, if, for example, the applicant has access to the Housatonic?

Chairman Doring said that the two previous applications that were approved did have sewer up to the property line or very close to the easement. In the case of Riverglen, the Commission had testimony which satisfied them that the sewer hook up was there - the pipe was there to come to the property - it wasn't an issue because the Commission was satisfied that it would be done. There were three such projects that the Commission approved - Willow Springs and Canterbury Court were the other two and the Commission's at the time of approval felt that the sewer was either there or was close enough that they were satisfied.

Mr. LaTour said that this should be taken as meaning that precedents don't make a difference.

Attorney Byrne said that on special permits the Commission must state reason whether it is approved or denied.

Mr. LaTour referred to Attorney Byrne's letter of 12 November 1991 and said that the Commission did not know where the project would be in five years.

Mr. Lambert asked what would happen if the applicant put up 30 units and then put up another 60...

Attorney Byrne said that work is not defined very well in the statutes.



Attorney Byrne said that he felt that the amendment that he had proposed would give the Commission a lot of latitude.

Mr. Santini referred to Article II-XI - Uses Permitted In Shopping Center Design and said that the point is that the Commission seems to have several different requirements for very similar types of site plan reviews.

Attorney Byrne agreed and said that the regulations should be more consistent.

Chairman Doring requested that Attorney Byrne submit to the Commission some workable language for Article II-XI to make it more conforming to the regulations.

Mr. Greenspan said that he thought that the use/amount of sewage for shopping center and a multi residence are entirely different. A multi residence needs a much tighter control than would a shopping center.

Attorney Byrne said that with the proposed language, the Commission would have all the control it would need.

Mr. LaTour said it is often forgotten that shopping centers often have restaurants which are large users of water. Chairman Doring said that there was still a big difference - people in restaurants are not taking showers or do laundry, etc...the use is not as tremendous.

Mr. Marsh said that beauty parlors are also big users of water and the Sanitarian usually decides on such things.

Mr. Lambert said that five years is a long time. Consider the way that the property in question looked five years ago - that is a big change.

Chairman Doring said that Commission change - members change - and therefore they will make different decisions - there will be holes because of this, as there sometimes are now.

Attorney Byrne said that if the Commission would feel better about having reasonable probability that the sewer was going to be there in two years, and wanted to take out the five year period from the proposed amendment - then some of the other wording would also have to be changed, you can't have a special permit expiring in two years.

Chairman Doring said that at the point in the meeting, if there were no further questions, concerning the project in question, that the Commission would move on to general specific questions on how the Commission works, to be addressed by Attorney Byrne.

Mr. Santini asked if Attorney Byrne was going to update the zoning book? Attorney Byrne said that it had just been republished last

year.

Mr. LaTour referred to a case that Terry Pellegrini had cited, referring to a shopping center versus Westport (?), his point was that some of the issues that we are concerned with, were that some of those questions should have been answered when this zone was initially changed - it is a fairly compelling point of view.

Attorney Byrne said that if a shopping center is allowed it is permitted depending on the zone of the site by Special Permit. The whole point of the Special Permit process is to let this Commission take each application on a case to case basis on whether the location is a good location for the proposed project, because the shopping center good go anywhere on that location, in that zone. You want to know exactly what is going to go into the location when you change the zone. Suppose you change the zone with the impression that a shopping center is coming in and then a gas station comes in instead. You might approve a shopping center at one location in a B-1 zone and deny it for another location also in B-1 zone - it will depend on the site and the location.

Mr. LaTour said that part of the rezoning of the Peburn property at Forthill Road to multi residence should have considered the traffic impact, sewer, all of those things that are obvious and that we must, as a Commission (inaudible)...

Attorney Byrne said that ordinarily, when you rezone a property, you are still designing a special permit for it. If what Terry is saying is true, then you should not be requiring a special permit now. Why are you requiring a special permit - because you want to judge each site on its own merit. In this situation here, the Commission may have done something it should not have done but it did. If they did change a specific parcel of land to multi family - you did change this specific site which means you may have invited this guy to come in now - because it may taken that the Commission, by approving the site as multi family was also stating approval that, yes, this is a good site for a multi family project. But I don't think that anyone here tonight even disputes that this would be a good site for multifamily residency, but what you are saying is that there are certain conditions of special permit that are not being met, and that's the problem. But you don't grant zone changes for specific uses unless you are certain that all of these other things are going to be taken care of.

Chairman Doring said that the Commission may have granted a zone change - right or wrong - but because they had approved a zone did not necessarily mean that they were approving what was going in. The Commission at that time did not have the worst case scenario of what could go in. We did not know what was going to go in.

Attorney Byrne said that this was why the zone change should not have been made. When considering a project like this, you should have three applications, one for zone change, one for special permit, and one for site plan, all together, all in front of you

at the same time. They should not be given the zone change without presentation of the other two, and if they fail to comply to the other two, then the zone change goes down the drain. Because once you grant a zone change, you lose an enormous amount of your leverage. Now, the applicant can bring in a lawyer to argue that by granting a zone change, you had an idea and were giving approval of what would go onto the property - with the zone change you can simply say no, we do not approve the change of zone, and no judge is going to reverse your decision. Terry Pellegrini's point is a good one, once you have granted a zone, the applicant is entitled to whatever the zone allows as long as the site plan has been approved. Once a zone is granted, down the road you must be willing to permit the applicant all the higher rights of the zone.

Mr. LaTour said that this meant that the Commission shouldn't grant a zone change without the person coming in at the same time for the use. The worst case scenario must be imagined when a zone change is considered.

Mr. LaTour said that he thought that this was very good advice and felt that the previous Commission had handed them a grenade without a pin.

Mr. Marsh said that the plan had left an enormous amount to be desired. A lot was left out. Everything was to be determined.

Mr. LaTour said that it was a prior Commission that had allowed this property to be rezoned.

Mr. Greenspan said that there has always been a lot of concern with Route 7 and Route 67 A and some towns are working this out by keeping mixed zoning. Can this commission start dealing with curb cutting on state properties?

Attorney Byrne said that some towns have done this, such as Avon and Canton.

Mr. LaTour said that he hadn't been present for the decision on Taco Bell, but that there is no way that the traffic light is going to properly service that as it is across from the shopping center.

Chairman Doring said that this is on the state highway and recalled a case where it was stated that the Commission cannot judge a site plan in regard to access to a state road.

Mr. Bauer referred to the "Cordeiro Construction Farm." Attorney Byrne said that as long as he is not selling materials off site it is not an violation.

Mr. Raymond said that he would think, with it being a residential zone, that it would be in violation and an eyesore to have a bunch

of large equipment sitting on the property.

LaTour said the test is that if it is being used for a current project or is it being principally stored there - and as Mr. Raymond said, who wants to look at it.

Attorney Byrne said that if he got a bull dozer just sitting there, then that would be different.

Mr. LaTour said that he would like to see that large equipment could not be kept on residential property be put in the Zoning Regulations.

Mr. Raymond asked if there were any towns that had an architectural review board?

Attorney Byrne said that yes, there are some, down around Grenage and that area, they are a break off from New York. But in Connecticut, by statute, they can only review, while by New York statute, such boards are allowed to make decision. In Connecticut they really do not have any influence.

Attorney Byrne said that by statute, when considering a site plan, height, size, and location can be regulated, and when dealing with a special permit, even more things can be specified.

Mr. Bauer asked if the Commission had any regulatory power over entertainment - such as male or female dance shows, such as "Chippendales?" Attorney Byrne said no, the Commission has no control over such things.

Mr. LaTour asked if traffic studies were as sloppy in other towns as they are here?

Attorney Byrne said that the Commission does not have to believe a traffic engineer when for example, you know from your own personal experience that there is gridlock traffic on Route 7 every night from 4:30 to 6:30. Traffic is not technical. It is opinional. If you are relying on your own personal experience or memory, state it for the record as your reason when the engineer presents his findings. You must take the of, say a sewer engineer, but traffic is opinional.

Mr. Marsh asked what he, being an engineer, should do when a plan is presented and he knows from experience that the drainage level is different.

Mr. Byrne said that in such a case Mr. Marsh should say that he know's the drainage of the land on the record and then give the engineer a chance to rebut. For example, ..."I know the water level of this area \* so forth etc...."

Mr. Byrne also stated that when you deny a zone change, you do not have to give a reason.

Mr. LaTour asked if anything could be done in a case where someone with a heinous rendery of past experience comes before the Commission?

Attorney Byrne said that the Commission deals with the use of land, not with whom owns the land. On the same note, restrictions also travel with land from owner to owner.

Mr. Greenspan asked if a zone could be reverted back after having been changed. Attorney Byrne said yes, you can always rezone by special permit.

Mr. Lambert asked about the Landmark District Status - how far back should it be researched? Attorney Byrne said that the applicant should do all of the research work - it is their responsibility to convince the Commission.

Mrs. Brickley said that she did not like the fact that people could use the Landmark District Status to get around the regulations and asked if this also stayed for five years?

Attorney Byrne said yes, if it is considered a zone change, which it is.

Mr. LaTour moved to adjourn at 10:00 p.m. Mr. Marsh seconded. Motion passed unanimously.

Respectfully submitted,

*George Doring* (HEP)

George Doring  
Chairman

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