

Digitally recorded on 9/8/14
SPECIAL MEETING

Present: Tom Failla, Chairman; Jane Connolly, Vice Chairman; Don Saltzman, Ken Edgar, Sally Korsh
Via Speaker phone: Jim Carlon . Jim Carlon and Britta Lerner later arrived for the educational workshop.

Also present: Land Use Director and Town Attorney Pat Sullivan
Attorney Bill Fitzpatrick and Builder, Steven Nemiroff

Present in the audience: Robert Walpuck and Vivian Simons

REFERRAL FROM THE CODE ENFORCEMENT OFFICER: REQUEST FOR A LOT LINE REVISION AND CERTIFICATE OF ZONING COMPLIANCE, LOT 3 OF THE FAR HORIZON SUBDIVISION, 10 LADDER HILL ROAD SOUTH (SKUNK PROPERTIES LLC/ATTORNEY FITZPATRICK) (REFERRAL IS PURSUANT TO P&Z JUNE 20, 2011 STANDARD OPERATING PROCEDURES MEMORANDUM)

The Chairman noted that this matter was referred to the Commission from the Zoning Enforcement Officer. Attorney Fitzpatrick presented Skunk Properties LLC's request for a lot line revision and a certificate of zoning compliance (CZC), stating that his client would like a certificate of occupancy for his new home.

Attorney Fitzpatrick stated that the lot line revision is proposed in order to construct a shed and generator pad some distance away from the new home. He reviewed the lot line revision plan, Data Accumulation Plan Depicting Lot Line Revision Lots #2 & #3 Far Horizons Subdivision, prepared by the Huntington Company, LLC, dated June 4, 2014 (the "Lot Line Revision Map"). The proposal is to add 4,635 square feet to the house lot (Lot 3) and deduct the same from Lot 2.

Attorney Fitzpatrick then presented the request for the issuance of a CZC for Lot 3. He stated that Lot 3 complies with Section 321.5(c) of the Zoning Regulations, one of the exceptions to the frontage requirement. He further stated that all issues raised in the letter of complaint received by the Planning & Zoning Commission regarding the issuance of a CZC for this lot were heard and decided by the Commission on July 16, 2012, when the Commission approved the lot development plan. That decision was never appealed. Permits were issued and the house was constructed in reliance upon and in conformity with that site plan approval.

Steven Nemiroff, the builder, stated the house is 100% finished, is fully approved by Health Dept. and the Conservation Commission and has been inspected by the Building Department. Mr. Nemiroff described the shed and generator pad.

Discussion followed regarding the procedure for the lot line revision and the constructed shed and generator.

Jim Carlon joined the meeting via speaker phone. The Land Use Director stated that Mr. Carlon has all the materials and maps.

FAR HORIZONS CONT:

Comments from the public:

Robert Walpuck, the representative of Vivian Simons, the owner of Mei Li Shan LLC, the adjoining property owner, came forward and objected to the lot line change, as well as the proposed issuance of a CZC. He explained in some detail the bases for his objections, which for the most part related to facts and conditions that existed prior to the Commission's July 16 2012 approval cited by Attorney Fitzpatrick.

After extensive further discussion, and after conferring with the Town Attorney regarding the legal aspects of these issues, the Commission decided not to refer these matters back to the ZEO, but to make the decisions itself.

Motion:

Ken Edgar moved that the Commission accept the lot line revision as proposed on the Lot Line Revision Map.

Seconded by Jane Connolly. Vote in favor (6-0). Britta Lerner absent.

The Commission members decided that it would not refer CZC request back to the ZEO.

Motion: Tom Failla moved that the Commission approve the Certificate of Zoning Compliance.

Seconded by Ken Edgar. Vote (6-0) Britta Lerner absent.

COMMISSION MEMBER EDUCATION WORKSHOP WITH TOWN ATTORNEY

Britta Lerner and Jim Carlon in attendance.

Pat Sullivan, Town Attorney provided an overview of, and the Commission members asked questions regarding, current issues and practices on the following topics. There may be additional workshops planned. The topics were as follows:

Zero Incremental Runoff

Planning & Zoning and Health District Jurisdiction with Respect to Groundwater

Neighborhood Shopping Center District – Definition, Boundary, Other locations

Uses – Expansion versus Intensification

Affordable, Incentive and Rental Housing

Accessory buildings

Lodgings, Bed and Breakfasts – Current Trends and Issues

Blight – Zoning Issues, Town Ordinance

Building Heights- How are Other Towns Addressing The Issue.

Freedom of Information Act

WORKSHOP BY TOWN ATTORNEY CONT:

A discussion ensued. The Town Attorney will research regulations related to zero incremental runoff and will prepare a packet on how building heights are regulated by other towns.

APPROVAL OF MINUTES:

Postponed until the next meeting on September 22, 2014.

Meeting adjourned.

Respectfully submitted.

Joan Lewis, Administrative Assistant

Approval: Unanimous approval on September 22, 2014