

Present: Stephan Grozinger, Jane Connolly (late), Ridge Young, Katie Gregory, Don Saltzman (late) David Allen via speaker phone. Absent: Joe Limone

Also present: Tracy Kulikowski, Land Use Director

Meeting on tapes 1-5 dated 9/7/10

APPROVAL OF MINUTES:

Stephan Grozinger moved that the Commission approve the minutes of July 27, 2010. Seconded by Ridge Young. Vote in favor (4-0). Jane Connolly, Don Saltzman and Joe Limone absent.

Chairman's Report:

Attached is the Chairman's memo regarding issues discussed with the Zoning Enforcement Officer on August 12, 2010. Added to this report was the status of several other matters and the appointing of a committee to explore pedestrian/biking trails, including occasional closure of School Road and Valley Forge, and study means of providing greater bicycle access.

DISCUSSION/DECISION: REQUEST FOR RELEASE OF SUBDIVISION BOND FOR MONUMENTS, BARCELLO/AUTUMN RIDGE ASSOCIATES LLC SUBDIVISION, HILL CREST LANE (T. BARCELLO)

Tom Barcello and Scott Harrington, Attorney, representing PinPat Acquisitions were present. Also John Conte, P. E. Town Engineer.

Tom Barcello stated that he is requesting a partial bond release covering five items.

John Conte, P. E., Town Engineer wrote the following memo, with attachments, included with these minutes, dated September 7, 2010, as follows:

“As per your request I have reviewed the file of the Barcello Autumn Ridge Subdivision to determine if there is adequate money available to complete the subdivision improvements and to allow the applicants request for a partial bond release.

On pages No. 1 @ 2 I have listed out the subdivision items and amounts to be completed for the subdivision and the amount the applicant ha requested for a bond reduction. The amount needed to complete the items of the original bond estimate would be \$50,015.00. The total amount of bond reduction the application has requested is \$12,850.

BARCELLO CONT:

With the amount of \$50,015. to complete the project and with a balance of the remaining bond being \$46,562.50 there is a short fall of \$3,452.50. At this time I do not recommend the bond reduction of \$12,850. With the present short fall of \$3,452.50 I do not recommend any further bond reductions for this project.”

A discussion followed to include that by giving the partial bond release, it did not leave enough money to cover the remaining items required for this bond. Mr. Barcello disagreed. Chairman Grozinger was hesitant to release money and felt that there will not be enough funds for the Town to finish the subdivision.

The expiration date for the subdivision is October 11, 2010 and only Mr. Barcello can request an extension. Also the question arose about conveying lots only when the subdivision is complete. A discussion followed.

Jane Connolly arrived at this point of the meeting.

Stephan Grozinger moved that the Commission deny the applicant’s request for a partial bond release of \$12,850. Seconded by David Allen (by speaker phone) Vote in favor (4-0) Absent: Jane Connolly, Joe Limone and Don Saltzman

RECEIPT OF APPLICATION/DISCUSSION: LOT DEVELOPMENT PLAN, 7 SMITH RIDGE ROAD, LOT 4, TANNERY LANE SUBDIVISION, REBUILD HOUSE DESTROYED BY FIRE ON EXISTING FOUNDATION (SHUBBER)

Mr. Shubber was present to discuss his proposal with the Commission. He stated that his Conservation approval is good through May 2, 2011, approved in 2006. He has health approval. It was noted that Mr. Stubber should go back to the Conservation Commission for a modification on construction phasing.

The Land Use Director questioned if a lot development bond in the amount of \$3,179. was ever in place? She will research.

The Commission questioned zero incremental runoff and also asked if the zoning permit is still in place?. The Chairman felt that it should still be in place.

Stephan Grozinger moved that the Commission approve that the zoning permit remain valid along with the lot development approval in place for Lot 4, Smith Ridge Road, Tannery Lane Subdivision, for owners, John and Joyce Rather, approved on May 15, 2006, along with the original conditions of the subdivision, dated, January 5, 2004. Seconded by Katie Gregory. Vote in favor (5-0) David Allen by speaker phone. Don Saltzman and Joe Limone absent.

Don Saltzman arrived at this point of the meeting.

PUBLIC HEARING: MODIFICATION TO SUBDIVISION APPROVAL, FAR HORIZONS SUBDIVISION, 10 LADDER HILL ROAD (ADC-10 LADDER HILL LLC/SPATH)

Stephan Grozinger read the legal notice for the public hearing into the record.

Chick Spath noted that there is no change in the plan and the previous file has been brought forward with the same waivers.

It was noted, for the record by Don Saltzman, that 6 members were present to vote on the waivers, one on speaker phone.

Public comment: none

The Land Use Director presented a prepared draft of approval for the Commission members.

Stephan Grozinger moved that the Commission approve the draft approval for the Modification to Subdivision approval, Far Horizons Subdivision, 10 Ladder Hill Road (ADC-10 Ladder Hill LLC/Speth. Seconded by Don Saltzman. Vote in favor (6-0) David Allen by speaker phone. Absent – Joe Limone.

Chick Spath discussed with the Commission members, a phasing plan to include selling Lot 1 first in order to fund the roadway to the other lots. It was stated that a phasing plan was approved as part of the original approval. Jane Connolly suggested that maybe Mr. Spath could come back to the Commission for a modification of the phasing plan. A discussion followed. Stephan Grozinger stated that there was a requirement that the Conservation Commission imposed and advised Mr. Spath to go back to the Conservation Commission.

ADVISORY DISCUSSION: COBBS MILL INN, 12 OLD MILL ROAD (FAIRFIELD COUNTY BANK/SHIPMAN & GOODWIN)

Carolyn Cavolo and Attorney Michael Widland, from Shipman and Goodwin, PC. were present, to discuss with the Commission the possibilities for the foreclosed property of Cobbs Mill, 12 Old Mill Road (held by Fairfield County Bank).

They directly asked the Commission “what could they do within the property?” Can it continue as a grandfathered use and are interested in preserving a very unique property. Mr. Widland stated that Cobbs Mill has been closed since June 1, 2010. It is a non-conforming use, has a liquor license and want to investigate the usage and what the owner is entitled to and as matter of right.

DISCUSSION -COBBS MILL

It was suggested by the Commission that maybe to have an applicant come in with an application requesting a change of use that maybe could be accommodated.

Discussion ensued and Don Saltzman asked if they had approached the Town for use of a Community Center Building? It was stated that the bank would like to try to sell the property assuming that it is a non-conforming use and would like to see the historic restaurant continue.

A resident of 5 Ladder Hill questioned if the Cobbs Mill is in a Historic District? Mr. Grozinger stated "not that we know of"

Michael Widland thanked the Commission for their time.

DISCUSSION/DECISION: APPOINTMENT OF TEMPORARY ZONING ENFORCEMENT OFFICER FROM 9/8/10 TO 9/13/10.

Don Saltzman moved that the Commission approve Tracy Kulikowski, Land Use Director, to be the temporary Zoning Enforcement Officer from 9/8/10 to 9/13/10, while J. Pjura is on vacation.

Seconded by Katie Gregory. Vote in favor (5-0) Joe Limone and David Allen absent.

DISCUSSION/DECISION: TOWN PLAN IMPLEMENTATION

Attached is a list of 15 items that the Commission discussed, for future implementation.

OTHER BUSINESS:

Discussed a schedule for addressing future Zoning Regulation amendments.

Discussed placing the "Discussion of the proposed Cemetery Regulations" on the next agenda for September 20th, 2010.

The Land Use Director presented a "Request for Technical Assistance and Comment – 2009 International Residential Code R313, Residential Sprinklers, Dated August 12, 2010" for discussion.

Meeting adjourned:

Respectfully submitted.

Joan Lewis, Administrative Assistant

Approval: Approved with correction, unanimous vote (7-0) 9/20/07