

APPROVED Minutes
Brookfield Planning Commission
Thursday June 21, 2012 7:30 p.m.
Meeting Room #133 – Town Hall: 100 Pocono Road

1, Convene Meeting: Chairman J. Van Hise convened the meeting at 7:30 p.m. and established a quorum: J. Van Hise, Chairman; A. Kerley, Vice Chairman; D. Frankel, Secretary; Regular members R. Baiad and P. Conlon (arrived 7:32).. Also present: Town Director of Public Works: R. Tedesco and K. Daniel, Community Development Director.

Absent: Alternates: L. Taylor and N. Tolmoff.

2. Review Minutes of Previous Meeting: 6/7/12: A motion was made by A. Kerley, seconded by D. Frankel, to accept the Minutes of 6/7/12 as amended.* Motion carried unanimously.

**Amendment: Page One: Indicate that the Commission has not agreed to tweet during its meetings.*

3. Old Business:

a. 101 Obtuse Hill Road #201101091: 6-lot subdivision – “Whispering Glen Section II” (dec. dated 7/7/12)

No one present. Chairman Van Hise noted that the correspondence this Commission had requested from Attorney Marcus has been received (relative to the easements). He noted, however, that the Inland Wetlands Commission has not yet reached a decision, but instead has set a special meeting for July 3, 2012. This Commission cannot act until it receives the Wetlands Commission’s decision. This Commission is *not* meeting on July 5th (which was noted on the original calendar posted on the Town’s website earlier this year). The next regular meeting would be 7/19, well after the application deadline noted above. K. Daniel, Community Development Director, noted that this Commission had originally received an extension of time from the applicant (on March 1, 2012) to close the public hearing to May 12th. The hearing actually closed on May 3rd, so that may add nine more days to the decision-making process, bringing the date to July 16th. This would give this Commission time to deliberate over what the Wetlands Commission had decided if a decision was reached by that point. Instead, there is no meeting set between tonight and the decision date of 7/7/12, which the Commission did not want to change without the applicant’s approval of the aforementioned additional days.

The Commissioners did deliberate whether or not to also set a special meeting to review what the Wetlands Commission finds at its 7/3 meeting. Chairman Van Hise did note, however, that it would be unlikely the applicant could have revised documents in place by a 7/5 Special (Planning) meeting if the Wetlands Commission asked for changes, given the holiday of the Fourth of July. There is also no guarantee that at that Special Meeting, the Wetlands Commission will render a decision. Chairman Van Hise was also concerned about this Commission gathering a quorum of members during a holiday week during which a meeting had not been scheduled on the calendar.

A. Kerley was not in favor of denying this application without prejudice, the option open to the Commission tonight without the applicant’s representative present to discuss that extension. He felt this would compromise the applicant’s due process,

given how he did comply with what this Commission has asked for during the application process. He later noted that only one member of the public spoke against the application during the public hearing process. Chairman Van Hise still maintained that per State Statute, this Commission needs the Wetlands Commission's decision before making its decision, adding that applicants do undertake some risks when filing applications concurrently with both commissions. He further added that any denial without prejudice would not thwart the Wetlands Commission's moving forward on this hearing and subsequent discussions.

Following further discussion, **a motion was made by R. Baiad to deny Application #201101091, Whispering Glen Section II, without prejudice, and waiving the application fees for resubmission for a period of six months. The motion was seconded by P. Conlon and carried 4-1-0 with A. Kerley opposing.**

4. **New Business:** There was none at this meeting.

5. **Minutes of Other Boards and Commissions:**

- **6/4 Zoning Board of Appeals:** No comments;
- **5/23: Inland Wetlands Special Meeting:** 1 High Ridge Road: this matter does not impact the Planning Commission
- **6/11: Inland Wetlands regular meeting:** Whispering Glen: reference to the two engineers (DiVesta and Gallagher) meeting with Mr. Young about post-development drainage calculations; also noted here was the Planning Commission meeting on 7/5, which is incorrect

6. **Correspondence:**

The following items were not featured on the agenda:

a. **E-mail from First Selectman W. Davidson to J. Van Hise:** This forwarded e-mail was from A. Dew of the Conservation Commission, noting that the applicant for the proposed Dog Park on the Happy Landings property may come before this Commission for an 8-24 Referral. However, a Town Referendum has been set for this item to go before the public for a vote, so the matter may not need the 8-24 Referral.

b. WPCA: 39-page document on the water flow: Chairman Van Hise will forward a copy of this to all Commissioners

c. Letter from Attorney N. Marcus/Cohen and Wolf, PC, dated 6/21/12: comments on deeds which are based on the documents presently on file. If there are any changes, this will need to be revised.

d. July 26th: FHI will lead the meeting at 7:00 about the Town Center District.

6. **Informal Discussion:**

a. **John Hegarty: 21 Hunting Ridge Road:** *Mr. Hegarty present.* Mr. Hegarty outlined a draft of a proposed subdivision of the 12.177 acre parcel which features an existing home (belonging to his deceased parents). The plan for this

R-40 zone would feature eight new one-acre lots, while retaining the existing home which is on a parcel of about 1.6 acres. Mr. Hegarty maintained that there are no wetlands on site, nor any ledge outcroppings on the property. The regulations currently limit the length of a road to 1,500 feet beyond a cul-de-sac. Hunting Ridge Road presently ends in a cul-de-sac. The Chairman reminded Mr. Hegarty that he would need to provide some open space to the Commission (at the Commission's discretion, since it prefers contiguous land). The Commission also noted its 150 foot driveway length limit for driveways coming off a common driveway. R. Tedesco favored an opinion from the emergency people on whether or not to retain the existing cul-de-sac at the present end of Hunting Ridge Road. Chairman Van Hise said he'd like the health and safety people to weigh in on the length of the driveways and (preferably a regular) road. Mr. Hegarty also asked about the option of a proposed conservation subdivision, and the Chairman said that as long as the plan featured the same number of homes as proposed on the regular subdivision. Mr. Hegarty would like to "cluster" some of the homes more towards the center of the property to keep the homes away from the Iroquois Gas line. Chairman Van Hise noted Section 234-701 of the regulations addressing Conservation Subdivisions, while K. Daniel noted that the Zoning Commission has regulations regarding setbacks for the lots.

8. **Tabled Items:** There were none at this meeting.
9. **Adjourn:** A motion was made by A. Kerley to adjourn the meeting at 8:37 p.m. D. Frankel seconded the motion which carried unanimously.

J. Van Hise, Chairman