

**Zoning Commission Meeting -
MINUTES
7:00 PM Thursday, April 09, 2015
April 9, 2015**

1) Convene Meeting

The meeting was convened by Commissioner J. Cordisco at 7:15 p.m. It was noted that the meeting room was changed to Room 135 to accommodate another more largely-attended meeting in Room 133.

Present: E. Kukk, J. Cordisco, Alternate and Voting Members J. D'Entremont and M. Frankel

Absent: Chairman R. Blessey, Vice Chairman M. Grimes, Secretary F. Lollie

Also Present: Zoning Enforcement Officer A. Dew, Recording Secretary D. Cioffi

- a) Review Minutes of Previous Meetings:
Not a sufficient quorum.

2) Land Use Enforcement

- a) Enforcement Officer's Report:

ZEO A. Dew reported on the following:

Request for Voluntary Compliance:

330 Candlewood Lake Rd., No Activity No. – ZEO Dew reported that she spoke with D. McKee, who is installing the signs, and he has applied for a permit. The attorneys are discussing how much square footage of signage is permitted because of a pre-existing, non-conforming use. The business owner has advised that he will cover the “Lemon Ice” portion of the sign.

227 Whisconier Rd., No Activity No. – This violation relates to the presence of a clothing bin. ZEO Dew has called Mr. O'Donovan, who said he would remove the bin immediately; however, it is still there. ZEO Dew stated she will send a Cease and Desist Order on Monday.

5 Pleasant Rise Circle, #201500152 – ZEO Dew has re-inspected, and there are no violations. This matter will be removed from the report.

636 Federal Rd., #20150146 – This violation relates to extremely deep potholes, and a Cease and Desist was sent on April 11. The property owner advised it would be taken care of by April 12. A Show Cause Hearing has been schedule for April 25, but if the matter is resolved, that can be cancelled.

51 Berkshire, #201401153 – ZEO Dew will inspect this site after the tenants leave.

Cease & Desist:

291 Federal Rd., #201500081 – This violation relates to exterior material that has been removed. The violation will be cleared. The tenants are present this evening to discuss a use, later on the agenda.

594 Federal Rd., No Activity No. – The business tenant is still putting up signs. ZEO Dew will remove the signs and encouraged the assistant deputy ZEO's to do the same.

Town Counsel Action:

44 Old Middle Rd., #201301041 – The paperwork has been completed.

1 High Ridge Rd., #201000315 – The property owner is still in jail.

14 Oak Grove Rd., #201300832 – The property is still in foreclosure remediation until June.

148 North Lakeshore Rd., #20131115 – All of the legal papers served were served by a marshal for the Health Department, Wetlands and Zoning violations. Because the Health Department violations are the most severe, the Sanitarian has been working with the Town Attorney towards resolution.

Commissioner Cordisco moved to accept the Zoning Enforcement Officer's Report. Commissioner Kukk seconded the motion, and it carried unanimously.

3) Review Correspondence

- a) Minutes of other Boards and Commissions:
Noted.

4) Continued Public Hearing: none at this meeting

- a. Proposed Regulation Change #201500050: Section 242-202 and Section 242-501 - Breweries and Brew Pubs (*continued on 4/23/15*) ZEO Dew advised that she has looked at a few other municipalities' handling of this type of regulation. She welcomed input and assistance from interested Commissioners. **Continued.**

Commissioner Cordisco moved to go to Item 6.b. Commissioner Kukk seconded the motion, and it carried unanimously.

5) Old Business:

- a) 248 Whisconier Rd #201300925: Request for Bond Release of \$1,000.00

ZEO Dew reported that four of the plantings did not survive, so only a partial release will occur at this time. **Commissioner Frankel moved to release \$1,000 of the original bond, maintaining \$1,000 until the trees are replaced, for 248 Whisconier Rd., #201300925. Commissioner D'Entremont seconded the motion, and it carried unanimously.**

- b) 131 Tower Rd #201400996 (DiGrazia Vineyards): Use for the Vineyards
Continued.

6) New Business:

- a) 533 Federal Rd #201500201: Design Review including Natural Resource Removal of 1,600 cu. for the construction of a 2,476 sq. ft. Medical Building and associated parking (earliest PH date 5/14/15)

Commissioner Frankel moved to set a Public Hearing for 533 Federal Rd., #201500201, Design Review including Natural Resource Removal of 1,600 cu. for the construction of a 2,476 sq. ft. Medical Building and associated parking, for May 14, 2015, at 7:30 p.m. Commissioner Kukk seconded the motion, and it carried unanimously.

Commissioner Frankel advised that there are no architectural plans for this application. ZEO Dew advised that a pre-application meeting will be held next week.

- b) 291 Federal Road (Candlewood Valley Motors) #201500147: Certificate of Zoning Compliance including within the Aquifer Protection District

J. Broderick, 7 Blackwood Rd., was present. He advised that he is utilizing the premises to detail used cars that he sells at another location. He does not sell cars at this Federal Road location, nor does he wash cars. The "detail" use is not on the Table of Permitted Uses. ZEO Dew stated it is likely an accessory use to a repair shop or car wash, but it is not listed specifically. *G. Pereira was also present.* ZEO Dew noted that because the site is changing hands, the repairer's license use will cease there. Mr. Broderick and Mr. Pereira advised that they will only be at the site for six months. ZEO Dew advised them that the Fire and Building Departments will also have requirements they will need to meet.

Mr. Broderick advised that approximately 25 cars a month will be detailed, and no chemicals will be used, only compound. The cars are washed at Green Bubbles Car Wash. Mr. Broderick's repairer's license is filed under the Town of New Milford.

The use table was reviewed. Commissioner Frankel believes that the use is an accessory to automotive, in the IRC80/40, and the site meets the 2-acre requirement. It was suggested that conditions be listed including: no spray painting, no body work, and it was stated those conditions are noted on the application. Commissioner Frankel added that there should be no retail, and no signs, as well as no body work, and no car washes. Upon inquiry from Commissioner Frankel, Mr. Broderick and Mr. Pereira stated it would be acceptable for ZEO Dew to inspect periodically.

Commissioner Frankel moved to approve #201500147, for Candlewood Valley Motors, to use 291 Federal Rd., as presented per Section IRC80/40, Automotive, as an accessory use, in the previously used Avon Motors building, strictly for buffing, waxing and interior cleaning of vehicles, that they repair in their New Milford location. There will not be any retail, signage, car wash or body work. The application will be just for buffing, waxing and interior cleaning. Commissioner D'Entremont seconded the motion. Commissioner Frankel reiterated that the aforementioned activities are the only ones allowed at the site, so it does not become an auto body repair shop. Commissioner Kukk inquired if there are vehicles being stored outside. Mr. Broderick advised that two are personal vehicles of Mr. Pereira's, and he himself had a Ford truck that belongs to a friend. Commissioner Frankel clarified that if vehicles stay more than one day at the shop, they are to stay inside. ZEO Dew advised that the property owner is going to stop putting vehicles in the front of the lot for sale. Motion carried unanimously.

ZEO Dew advised Mr. Broderick how to proceed with the permit.

- c) 25 Hickory Hill Rd #201500208: Single Family Conversion for an 800 sq. ft. apartment

Commissioner Cordisco recused himself from this matter and Commissioner Kukk took over chairing the meeting.

R. Olivier, 25 Hickory Hill Rd., was present. He advised that there is an in-law apartment in his home that he would like to have permitted. The apartment has been present since his purchase of the house 29 years ago. The applicant's mother will live in the apartment, and she meets the age requirement. Additionally, it was noted that the apartment is 800 square feet, which is within the requirement of the regulation. The applicant is aware that he will also have to apply to the Building Department and Sanitarian for approval.

Commissioner D'Entremont moved to approve 25 Hickory Hill Rd., #201500208: Single Family Conversion for an 800 sq. ft. apartment. Commissioner Frankel seconded the motion, and it carried unanimously.

Commissioner Cordisco returned to the meeting.

7) Tabled Items:

None.

8) Informal Discussion:

ZEO Dew inquired of the Commission, with regard to the accessory apartment regulation, if a property owner has an apartment approved prior to the most recent revision to the regulation (2012), and the homeowner is 55 years old, but the renter is not, and that renter leaves, does the previous regulation apply, or must the property conform with the most recent change. The Commission indicated that any change in tenancy or ownership should result in the requirement to follow the current rules.

There was discussion regarding how the regulation currently reads. Commissioner Frankel read the language of the regulation. There was discussion regarding the co-habitation of divorced individuals.

The Commissioners agreed that the regulation could be worded more concisely.

There was discussion regarding the intent of the regulation (relief for the elderly/caregivers).

ZEO Dew advised that there are often buyers interested in homes that wish to remove the apartment. Upon inquiry from Commissioner D'Entremont, ZEO Dew advised that the Land Use Office does keep a file of all permitted apartments, and she estimates the number to be approximately 75.

Commissioner Cordisco reiterated that the goal of the regulation is to help the elderly, not to allow two-family homes. Commissioner Frankel stated that a site plan modification and public hearing should be required.

There was discussion regarding the need to have standards for these regulations that relate to parking, setbacks, etc.

ZEO Dew discussed the problem of unpermitted apartments in the Candlewood Shores area.

There was discussion regarding making the permits "tenant specific"; and when the party leaves the property, the permit expires.

Discussion tabled until all Commission members are present. No motion.

9) Comments of Commissioners:

None.

10)Adjourn:

Commissioner Frankel moved to adjourn the meeting at 8:06 p.m. Commissioner Cordisco seconded the motion, and it carried unanimously.