

Zoning Commission

MINUTES Public Hearings – Regular Meeting January 23, 2017

7:30 p.m.

Upper Level Meeting Room

MEMBERS PRESENT: Mr. Solley, Mr. Reich, Mr. Werkhoven,
Mr. Solomon, Mr. Averill
ALTERNATES PRESENT: Mr. Burnham
ALTERNATES ABSENT: Mr. Sivick
STAFF PRESENT: Mrs. Hill, Ms. Pennell
ALSO PRESENT: Atty. Fisher, Mrs. Solomon, Mr. Rogness, Ms. Giampietro

PUBLIC HEARING:

Continued Public Hearing for Town of Washington/185 New Milford Turnpike/Special Permit: Section 4.4.9/Training Facility for Fire Department:

Mr. Solley called the Public Hearing to order at 7:30 p.m. and seated Members Solley, Reich, Averill, Solomon and Alt. Burnham for Mr. Werkhoven who had recused himself.

Mr. Solley stated that the Commission received a letter on 01-12-17 from Mr. Lyon, First Selectman, requesting the withdrawal of the applications.

MOTION: To close the Public Hearing for Town of Washington/185 New Milford Turnpike/Special Permit: Section 9.4.3/Training Facility for Fire Dept. By Mr. Averill, seconded by Mr. Burnham, passed 5-0 vote.

No further discussion was held.

REGULAR MEETING:

Mr. Solley called the meeting to order at 7:33 p.m.

Seated: Members Solley, Reich, Averill, Werkhoven, Solomon

Consideration of the Minutes:

MOTION: To accept the Regular Meeting Minutes of the December 27, 2016 as submitted. By Mr. Solley, seconded by Mr. Averill, passed 5-0 vote.

New Application:

Alltorelli/131 New Milford Turnpike/Special Permit: Section 7.6/Reduction of Minimum Front Yard Setback to Enclose, Connect Buildings for Doctor's Office:

MOTION: To schedule a the Public Hearing on February 27, 2017 at 7:30 p.m. in the Main Level Meeting Room at Bryan Memorial Town Hall to consider the application for Alltorelli/131 New Milford Turnpike/Special Permit: Section 7.6/Reduction of Minimum Front Yard Setback to Enclose, Connect Buildings for Doctor's Office. By Mr. Solley, seconded by Mr. Reich, passed 5-0 vote.

OTHER BUSINESS:

Update on Wykeham Rise, LLC/101 Wykeham Road:

Mr. Solley gave a brief update on this matter. He noted that Zoning and its Counsel are waiting for the final plans so that Counsel can determine if the project being marketed complies with the terms of the Settlement Agreement. Mrs. Hill clarified that the Special Permit for the inn has not yet been issued because the Zoning Commission has not yet received notification from the State that the septic plans are approved.

Revision of the Zoning Regulations/Upcoming Work on Possible Revisions: Section 17.4, Signs for Town Land- Mark Sites, Woodville Business District, Accessways, Reconstruction of Nonconforming Buildings, etc.:

Mr. Solley read the latest draft revisions to Section 17 completed by Atty. Zizka, which were distributed at the last month's meeting. This section is Section 17 – Non Conforming Lots, Land, Structures and uses. The Commission members were given the opportunity to ask questions and comment. Mr. Solley stated he believes it would be a good idea to have counsel available at a meeting to address Commission's questions and/or comments. Clarification was noted in regard to 17.8 and 17.9 language and consult with Counsel will be necessary. Mr. Solomon questioned the need to have clear definition for "abandonment". Discussion took place with regard to Section 17.9, Replacement of a Nonconforming Structure. Mr. Solley noted this section is a new one. Members discussed in more detail their views on Section 17.9.A 1 & 2. It was noted that current practice has been regulations states that a structure can be taken down regardless of its defects. Mr. Solley noted that new language suggested by Counsel states that if an applicant wants to tear down a nonconforming building and replace it, the applicant must prove such defects of the building, which would include a written opinion from Building Inspector or a licensed engineer. Ms. Hill noted that in 17.9.1, it states that a Special Permit application is necessary before the removal of a nonconforming structure. She stated that this does not address when said structure has already been taken down by an act of nature. Ms. Hill also pointed out that under 17.9 B.2 the same circumstance applies. Mr. Solley noted that this section will need to be worked on further.

ENFORCEMENT REPORT:

The Enforcement Report dated January 23, 2017 by Zoning Enforcement Officer Ajello, was distributed to Commission members.

COMMUNICATIONS:

Mr. Solley stated there is a referral from the Town of Warren with regard to 379 Lake Road Special Permit for accessory apartment as it is within 500 ft. of the Town of Washington. The file is in Land Use for anyone interested in reviewing it.

ADJOURNMENT:

MOTION: To adjourn the meeting at 9:45 p.m. By Mr. Solley, seconded by Mr. Reich, passed 5-0 vote.

By: _____

Donna Pennell, Land Use Clerk
January 26, 2017