



The Planning Commission

Town of New Fairfield

New Fairfield, Connecticut 06812

MINUTES

Regular Meeting

Monday, August 28, 2017

Town Hall Conference Room

4 Brush Hill Road

New Fairfield, CT 06812

Commissioners Present: Ms. Cynthia Ross-Zweig, Chair
Ms. Lisa Deldin, Vice Chair
Ms. Kirsten Bennett-O'Rourke
Mr. Ernie Lehman

Commissioners Absent: Mr. Peter Greco

Alternates Present: Ms. Olga Nanocchio

Alternates Absent: Mr. Louis Giannini
Mr. Paul Bruno

Guests Present: Mr. Joseph Reilly

Town Officials Present: None

Call to Order: 7:30 pm

Pledge of Allegiance

Elevate Alternatives

Ernie Lehman made a motion to elevate alternate Olga Nanocchio to voting commissioners. Kirsten Bennett-O'Rourke seconded the motion.

Vote: 4-0-0 (Motion Approved)

Amend Agenda Date

Lisa Deldin made a motion to amend the date of the minutes of the July meeting from 7/28/17 to 7/24/17 on the August Agenda. Ernie Lehman seconded the motion.

Vote: 5-0-0 (Motion Approved)

Approval of Minutes

Ernie Lehman made a motion to accept the minutes of the July 24, 2017 Meeting. Lisa Deldin seconded the motion.

Vote: 5-0-0 (Motion Approved)

Correspondence and Announcements

Municipal training workshops were presented to the board members. The workshops are free training courses in which the members are able to attend.

Public Comments

None

Old Business

Cynthia Ross-Zweig read a letter from the Town Engineer, Mr. Antonio Iadarola in regards to the ReSubdivision of Quail Ridge. Mr. Iadarola stated that he had reviewed the revised subdivision plans dated 5/13/17 revised 7/31/17 prepared by R.J. Gallaher Jr and PAH Land Surveyor and the Stormwater Management Drainage Calculations dated May 2017 revised July 2017 also prepared by R.J. Gallaher Jr. Mr. Iadarola offered the following comments in regards to the ReSubdivision of Quail Ridge.

1. A Subdivision Map has not been provided.
2. Although there is a plan and profile for the common driveway, the engineer does not show the grading of that driveway and the impact it will have on the existing driveway. Grading easements may be required if the construction of the two driveways is not done together.
3. The proposed drainage at the end of the two driveways near Shortwoods Road needs to be separate with each system being located on their own lots. Catch basins cannot be intergraded directly over the top of galleries especially Tee-Pees. Separate Catch Basins should be provided with two foot sumps to catch sediment before it goes into galleries.
4. Proper sight lines need to be shown for the single driveway along with the area to be cleared and sloped back to achieve minimum sight lines for both driveways.
5. The open space easement needs to be extended and must incorporate the proposed driveway for lot no. 3 from the proposed CB all to the end of the last parking area on the east side of driveway.
6. The design engineer shall provide a schedule of inspections that shall be communicated to the contractor and shall be made part of the approval as to avoid the issues that developed on the previous submissions.

At this time, revised drawings are required.

Mr. Joseph Reilly presented an email from Town Selectman, Michael Gill. Cynthia Ross-Zweig read the email, which stated the following. The Fire Department has reviewed the drawings for this project as revised on August 23, 2017 and approves the water supply for fire protection as noted on the drawings.

Cynthia Ross-Zweig read a letter from Kenneth R. Slater Jr, Attorney at Law. The letter stated the following.

Dear Chairman Ross-Zweig and Members of the Commission:

I am in receipt of a copy of the August 27, 2017 letter to you from Tony Iadarola, Town Engineer regarding the above-referenced subdivision. For the reasons discussed below my recommendation is that the matter should be tabled if time remains for decision under Conn. Gen Stat. 8-7d and, if not, you should obtain a consent from the applicant to extend the time to continue the hearing, if a hearing is underway, or decision if no public hearing was held.

The town engineer noted that if the Commission desired, it could consider approving the plan conditioned on compliance with his letter. The Commission does have the authority to issue an approval with modifications to the proposed plan and, to a more limited extent, conditions to the approval. If the application needed to be modified slightly to comply with the regulations then approval of the application with the modification is appropriate. The applicant would then submit a plan containing the modification required by the Commission. But where substantial information needs to be submitted for further review by the town engineer, I don't recommend that the application be approved on the condition that the town engineer is satisfied with subsequent submissions. Although the Commission will undoubtedly rely on the advice of the town engineer, it is ultimately your decision as to whether the regulations have been satisfied. If you simply condition it on subsequent review by the town engineer, you would be deferring your decision-making authority to him.

If the review by the town engineer or town attorney or other advisor is rudimentary, an approval with the condition that final documents be reviewed by consultants might be appropriate. Here, however, the town engineer is requiring substantial new information such as the filing of the subdivision map, grading easement documents, changes in the plan regarding driveway construction, construction estimates for the purpose of setting bonds, and the submittal of retaining wall plans certified by a structural engineer. In my view, that information warrants review by your Commission before final approval is issued.

If an extension of time is required to comply with the statutory deadlines to close the hearing or render a decision, I suggest that you contact the applicant in advance of the meeting tonight and advise him that the Commission might be requesting an extension of time so that the information requested by the town engineer can be provided to the Commission before a decision. If the applicant refuses and you believe that the information requested by the town engineer is necessary to determine compliance with the regulations, the Commission should deny additional information at a later date.

Please contact me if you have any questions or concerns regarding my advice.

Very yours truly, Kenneth R. Slater Jr

Cynthia Ross-Zweig read a request from Mr. Joseph Reilly requesting the public hearing for the ReSubdivision of Quail Ridge, 102 Shortwoods Road be moved to the next Planning Commission Meeting on September 25, 2017.

Lisa Deldin made a motion to accept Mr. Reilly's request for postponement of the Public Hearing until September 25, 2017 on Quail Ridge, 102 Shortwoods Road. Kirsten Bennett O'Rourke seconded the motion.

Vote: 5-0-0 (Motion Approved)

NEW BUSINESS

Cynthia Ross-Zweig read a letter from the Town Engineer, Mr. Antonio Iadarola. Mr. Iadarola recommends that the maintenance bond be released at this time for the Wild Turkey Estates Subdivision in the amount of \$13,100.00.

Ernie Lehman made a motion to accept the Town Engineer's recommendation for the Wild Turkey bond release. Lisa Deldin seconded the motion.

Vote: 5-0-0 (Motion Approved)

STANDING ITEMS

Plan of Conservation Development Town Commissions and Goals Update: Cynthia Ross-Zweig will make a request to meet with the Board of Selectman to report what the PC has at this time.

Adjournment

Lisa Deldin made a motion to adjourn the meeting at 8:09pm. Olga Nannocchio seconded the motion.

Vote: 5-0-0 (Motion approved)

Respectfully submitted,

Alison P. Lawlor