



# The Planning Commission

Town of New Fairfield

New Fairfield, Connecticut 06812

## REVISED MINUTES

### Regular Meeting

Monday, January 31, 2011

Sr. Center Community Room

### MINUTES

- Commissioners Present:** Mr. Mike Daood, Chair,  
Ms. Cynthia Ross-Zweig, Vice-Chair,  
Mr. Greg Porpora, Mr. Paul Bruno (arrived 7:40 pm)
- Commissioners Absent:** Mr. Robert Murtha
- Alternates Present:** Ms. Donna Byers (departure at 8:30 pm), Mr. Chris Gould
- Alternates Absent:** None
- Town Officials Present:** Mr. John Hodge, 1<sup>st</sup> Selectman  
Ms. Susan Chapman, Selectman
- Call to Order:** 7:31 pm
- Elevation of Alternates:** Ms. Donna Byers

### Appointment of Alternates

Mr. Mike Daood, Chair, made a motion to elevate Ms. Donna Byers to full voting member. Seconded by Vice-Chair Cynthia Ross-Zweig. Vote 4-0.

### Approval of Minutes

Tabled to end of meeting to wait for appropriate representation.

Commissioners Paul Bruno made a motion to approve the May 24, 2010 Minutes as drafted. Seconded by Greg Porpora. Vote 5-0.

Mr. Mike Daood, Chair, made a motion to approve the September 27, 2010 Minutes as drafted. Seconded by Commissioner Paul Bruno. Vote 3-0-2. Mr. Greg Porpora and Ms. Donna Byers abstain.

Mr. Mike Daood, Chair, made a motion to approve the November 22, 2010 Minutes as drafted. Seconded by Commissioner Cynthia Ross-Zweig. Vote 3-0-1. Ms. Donna Byers abstain.

**Correspondence/Announcements** - None

**Public Comment** – None

**OLD BUSINESS** – None

### **NEW BUSINESS**

#### **Election of Officers**

Per our Bylaws, we are to do an election every year. Mike Daood's term is up November, 2011, and if not interested in running again would like to assure some continuity in the commission and asked the commission to consider this in the elections. Mr. Greg Porpora, Vice-Chair advised that if anyone else was interested in the Vice-Chair responsibility he would be willing to not be re-elected. Commissioner Cynthia Ross-Zweig expressed her interest in the Vice-Chair role. Mike would like to make sure that who ever becomes Vice-Chair would seriously become interested in becoming Chair at some point after November.

Mr. Greg Porpora, Vice-Chair, made a motion to nominate Mr. Michael Daood, Chair, to carry on and continue as Chair; seconded by Commissioner Cynthia Ross-Zweig. Vote 5-0.

Mr. Mike Daood, Chair, made a motion to nominate Commissioner Cynthia Ross-Zweig to carry on the Vice-Chair position after Greg steps down; seconded by Greg Porpora, Vice-Chair. Vote 5-0.

Mike Daood thanked Greg for his service as Vice-Chair.

#### **Revised 2011 Calendar with Deadlines**

There were some updates and revisions on the calendar; all on the commission have received these updates. If there are any questions, etc., please contact Ms. Diane Hykes, Secretary.

#### **Discussion of Shortwood Acres Subdivision – Expiration Date 3/27/11 – Mr. Spendim Jusufi, Applicant.**

Mr. Mike Daood informed the commission that this item was placed on the agenda at the request of John Hodge, 1<sup>st</sup> Selectman. Mike let the Commission know that the expiration of approval related to the subdivision expires 3/27/11 and asked Mr. Hodge to update the

commission on the status of the work per his request. Mr. Hodge stated there was a \$57,000 bond required by the Planning Commission back in 2005. This money was deposited in the bank in a joint account as a Certificate of Deposit. Mr. Jusufi, subdivision applicant, was notified when this CD matured and, in error, the bank distributed the bond money to Mr. Jusufi plus interest, instead of retaining it as collateral for the subdivision. Mr. Hodge became aware of this a few months ago advised the bank that they needed to carry the collateral. According to Mr. Hodge the bank agreed and the Town is now protected with the \$57,000 as originally deposited by the applicant. Mr. Hodge also stated that Mr. Jusufi does not have the \$57,000 received by the bank and does not have the money to finish this subdivision.

Mike Daood advised the commission that we have not heard from Mr. Jusufi to request an extension of the expiration date for this property.

Mr. Spendim Jusufi, Applicant, was present and asked by a member of the commission to explain to the commission what are the size of the lots and a little about the lots and a quick update. Mr. Jusufi explained there was an existing lot separated into 2 lots with a house on the property. He is now waiting for a CO on the house. He claims all was inspected on it, but the hold-up is driveway and drainage. He also claimed that the delays were related to multiple calls for inspections and difficulty in getting a response.

Mike Daood wanted to remind everyone that the scope of the Planning Commission is not to issue a CO and advised the commission and the applicant that our responsibility is to grant an extension to the expiration date of the subdivision, if requested by the Applicant and deemed appropriate by the commission.

Mr. Hodge added that Mr. Tony Iadorola, Town Engineer, will speak when he arrives and give us an update as to where the project is at this point. Mr. Hodge advised the commission that he wanted this item on the Agenda because the expiration date is rapidly approaching and if the applicant requests an extension he wanted the commission to be informed of the substantial issues related to the subdivision. He further stated that it is highly unlikely that all of these problems will be resolved before March, because of the weather.

Mr. Tony Iadorola, Town Engineer, states that this property requires improvements including a common driveway, including drainage work, which requires a bond and inspection of the work. The improvements to this common driveway includes drainage work, a brook crossing that had to be constructed; a retention area that was also required; retaining wall as the driveway was constructed and graded to the proposed grades; and, numerous other improvements that were required. Mr. Iadorola visited the site and saw all the improvements except for the paving had been finished.

Mr. Iadorola stated there were no inspections done by the Public Works Department. He called the Wetlands Commission and they advised they had received no calls to inspect the wetlands at that location. The driveway, wall, or drainage work was inspected. The filling, or construction of the common driveway was not inspected. There was a wall that was constructed out of rubble that was very unstable and in a state of failure. A commissioner asked if the rubble wall is the retaining wall, and Tony confirmed this is true. Mr. Iadorola contacted the design engineer to figure out how we can move through

these issues. Mr. Iadorola also discussed with the engineer if the driveway was constructed within the easement that was granted. According to Mr. Iadorola it was not but could be resolved. A common driveway typically are owned by someone, but there is an area to pass and re-pass and what we found after we had a developer conduct a survey is that a portion of the driveway is actually outside the easement. The the easemtnes will need to be adjusted. Mr. Iadorola stated that the Town was working their way through this process, but weather has been a problem. We are looking to see how the driveway was actually constructed and the culverts – looking to see if they were bowed or if there is any standing water in them.

Mr. Iadorola believes we need to have an independent engineer to see if the retaining wall needs to be reworked, or if it is stable enough to stay as is. Mr. Iadorola and the design engineer met approximately 3 weeks ago and laid out this course of action. Paving plants are not open until April and this work will not get done before April. We have timing concerns.

Mr. Jusufi was asked by Mike Daood to comment on all that was said above and to state his full name. He replied Mr. Spendim Jusufi, Design Home Builders, homeowner of property discussed here. He went on to say that Mr. Iadorola said that everything in this town is done properly, i.e., elevations, etc. Mr. Tim Simpkins, Health Department, said that everything is approved; everything is fine. The elevation of the driveway is fine. Now regarding the stone wall and the guardrail: when I got this approval from the Health Department, no one asked for the guardrail; I do not know where this guardrail came from. Then I said okay, I will order the guardrail. Because from the edge of the stonewall, we had to go to the edge of 4 to 5 feet, according to Tony. Now, if I go 4 to 5 feet in than the guardrail, we are going back where we were; then why did I cut all those trees; why did I do all this work? Okay then, I'll put in a guardrail, but it will be put on the side, where there are wetlands, and Tim said no chance at all; you're not going into the wetlands. So, I've asked Tony to come and he does not come. I've lost my buyer – with that money I was going to finish the driveway.

Commissioner Gould states that you cannot even go into contract to sell this property until this subdivision has final acceptance. Mr. Gould also said you cannot sell the property and take the money to finish the work. It does not work that way. Mr. Jusufi says that he has his own money, but the money I was saving to pass through the winter, i.e., mortgage, etc. I was going to use to finish it so I could sell the house. I need that CO. If I do not get that CO, I am destroyed. The bond is there – I called the bank and my lawyer put the bond back in the bank. Even if the extension is for another 3 months, I cannot finish the work. I have no money to finish the job. Mr. Daood said to Mr. Jusufi if you are interested in extension, you should apply for that extension or notify us of that interest for the February Meeting, because our March meeting is on the 28<sup>th</sup> of March, which is one day after your extension is due. So, if you are interested, it needs to be on the February Agenda. Next time you come, I encourage you to come with facts. Please take that into consideration.

## **STANDING ITEMS**

### **Discussion on the Plan of Conservation and Development for 2014. Update from Cynthia.**

Mike advised the commission that per our conversations during our November meeting, Cynthia worked on and was ready to present to the commission a proposed course of action related to the required update of our Plan of Conservation and Development. He turned the floor over to Cynthia to present her suggestions.

Cynthia let the commission know that she was suggesting 10 Phases related to the update of the Plan of Conservation and Development.

Phase I will include a plan to put on the town's website resident input pages. These residents will only view their own input, not other residents' comments. The goal for the Phase I to be completed is within 30 days. At this point, we do not need an outside Consultant to perform this; as it would be more cost effective if Ms. Diane Hykes, Secretary, can complete this for our town. Suggestion by Paul that we should make an announcement to all the Boards, Commissions, BOS meeting, BOE meetings, etc., so that the public can view the meeting regarding our new Plan and to be aware of the website that they can contribute their comments to.

Phase II will be a letter to each town commission advising the need for an update along with their 10 year projection on their specific area of operation in the town. The letter should include the state requirements for the update to the town; including ramifications of deadlines not being met as well as a copy of the specific commissions' previous goals, policies and objectives as outlined in the 2001 Plan. We provide them with a copy of their own specific section in the Plan for their review. Then we will expect feedback from each town commissions' vital statistics, such as: growth, long-term project projections, economic factors, affordable housing, education, maintenance of roads, and rural community settings in writing to us within the next 60 days. Also, advise the various commissions where our Planning Commission members may attend a meeting of their committee to verify.

Phase III would be an introduction letter to be sent to all town residences outlining the process of updating the town Plan – soliciting feedback from the residence of what improvements they would like to see to the Plan, such as growth and development, and request that such feedback be posted to the Comments Section on the town's website, with a window for input of 30 days. In the event that no e-mail access is available, the letter should include a comments area where they could reply to us along with advise on the procedure for obtaining a copy of the current Plan.

Phase IV would be all information reviewed and incorporated in draft along with any planning recommendations for improvements or solicitation; feedback from town residents on various examples, i.e., for example of projects include: chamber of

commerce, development, possible projects; connecting schools walkways, and technology.

Phase V would be a draft presented to the outside consultant for review, feedback, and advise with the 30 day limit. Recommendation for a consultant would be based upon a cost factor, and ability to update rather than create the town plan. Consultant to be used at Phases V, VII, VIII and IX only. This consultant to provide updated land use maps, acreage by zoning and stats with growth projections.

Phase VI is an open forum date for the town residents to attend where we actually set the date, which they will be advised via Alert Now System; postcard mailings; 30 day notice; and Citizen News. Various town commissions to be advised on their need to attend this forum with a 30 day notice. Recommendation for attendance should be based upon the greatest changes to the plan and/or economic development.

Phase VII would be the town's forms schedule with various departments and commissions and consultant in attendance to answer any residents' questions. Suggestion when to hold this phase of the meeting: on a Saturday from 9:00 am to 12:00 noon.

Phase VIII is revising draft review with new and additional comments within 60 days of forum.

Phase IX is the final draft review with 60 days of forum. Note: All letters and drafts be reviewed by the Town Attorney prior to mailing.

The timeline would place the completion of the updated Plan in 2013 or 2014.

### **Adjourn**

Mr. Greg Porpora made a motion to adjourn at 8:56 pm.  
2<sup>nd</sup> by Commissioner Paul Bruno. Vote 4-0-1.