



The Planning Commission

Town of New Fairfield
New Fairfield, Connecticut 06812

Regular Meeting
Monday, May 18, 2009
Town Hall Conference Room

MINUTES

Commissioners Present: Susan Chapman, Chair, Mike Daood, Vice Chair, and Paul Bruno

Commissioners Absent: Bob Murtha

Alternates Present: Gregory Porpora

Alternates Absent:

Town Officials Present: Faline Fox, Zoning Commission Chair and John Day, Chair of Zoning Board of Appeals (ZBA)

Call to Order: 7:30pm

Elevation of Alternates:

Mike Daood made a motion to elevate Greg Porpora as a regular member to fill a vacancy on the Commission, 2nd by Paul Bruno vote 3-0. Paul Bruno swore Greg Porpora in as a regular member

Approval of Minutes

Mike Daood made a motion to approve the Minutes to the March 23, 2009 meeting, 2nd by Greg Porpora Vote 3-0-1. Paul Bruno abstained. Mike Daood made a motion to approve the Minutes to the April 21, 2009 Special Meeting as amended, 2nd by Paul Bruno vote 3-0-1, Greg Porpora abstained.

Correspondence/Announcements

- Resignation from regular member Roger Wise dated 4/15/2009
- Letter from City of Danbury Town Clerk dated 5/12/2009 property at 93 Ball Pond Road is requesting a driveway grade variance.
- Letter dated 3/31/2009 and 1991 maps received from Jon Chew of HVCEO

- Letter from Historic Properties Commission dated 5/8/2009 regarding historic properties books and C&D Plan Recommendations.

Public Comment

OLD BUSINESS

Sonneborn Estates: Rick Jowdy Developer

Maintenance Bond Reduction

Susan Chapman read a letter from Town Engineer, Tony Iadarola dated 5/12/2009 into the meeting outlining the details for the bond reduction. Susan Chapman read an email from developer Rick Jowdy into the meeting indicating he could not be here tonight, but would like us to approve Tony Iadarola's recommendations for a bond reduction.

The Commission discussed they must give a referral to the BOS. The existing bond is in the amount of \$84,623.00 (eighty four thousand six hundred twenty three dollars). Tony Iadarola's letter states there is still approximately \$40,000.00 (forty thousand dollars) of work to be done and will not support a full bond release. He does recommend the reduction of the bond from \$84,623.00 (eighty four thousand six hundred twenty three dollars) to \$40,000.00 (forty thousand dollars). Mike Daood made a motion to make a positive referral to the BOS to reduce the existing Maintenance Bond for Sonneborn Estates in the amount of \$84,623.00 (eighty four thousand six hundred twenty three dollars) by \$44,623.00 (forty four thousand six hundred twenty three dollars) and leave a remaining balance of \$40,000.00 (forty thousand dollars) until all work is completed, 2nd by Greg Porpora vote 4-0.

Cathmere Estates; Peder W. Scott Engineering

Common Driveway Bond Reduction

Jay Hogan was present to represent this request. Susan Chapman read a letter dated 5/12/2009 into the meeting from Town Engineer Tony Iadarola. The letter states the bond reduction is for a common driveway and not a road, therefore a maintenance bond is not required. At this time he can support the reduction of the bond from \$259,032.44 (two hundred fifty nine thousand thirty two dollars and forty four cents) to \$10,000.00 (ten thousand dollars).

The Commission discussed this is for a driveway and not a road. A referral must be given to the BOS. Mike Daood made a motion to make a positive referral to the BOS to reduce the existing Common Driveway Bond of \$259,032.44 (two hundred fifty nine thousand thirty two dollars and forty four cents) to \$10,000.00 (ten thousand dollars) for Cathmere Estates, 2nd by Paul Bruno, vote 4-0.

NEW BUSINESS

8-3a Referral

Amendment to Existing Zoning Regulation 2.4.3

Susan Chapman read a memo from Maria Horowitz, CZEO dated 4/23/2009 into the meeting. The memo requested to amend zoning regulation 2.4.3 Nonconforming Use of

Building or Structure; Nonconforming Buildings or Structures with the addition of zoning regulation 2.4.3E. Discussion followed State Statute 8-3a requires the Zoning Commission to request a referral from the Planning Commission before they can vote on this amendment. Zoning regulation 2.4.3E states that all construction outside of the building envelope will require a Variance. Zoning Commission Chair, Faline Fox and ZBA Chair, John Day gave background information as to why the amendment is needed and further discussed the issues and the importance of a positive referral from the Planning Commission. Attorney Gail McTaggart wrote the language for amendment 2.4.3E. The Commission discussed their comments and questions with John Day and Faline Fox. Greg Porpora made a motion to give a positive 8-3a Referral to the Zoning Commission for the amendment of zoning regulation 2.4.3 by adding zoning regulation 2.4.3E, 2nd by Paul Bruno, vote 4-0.

Executive Session

Mike Daood made a motion to enter the Executive Session at 8:15pm, 2nd by Greg Porpora, vote 4-0. Mike Daood made a motion to exit the Executive Session at 8:30pm 2nd by Greg Porpora, vote 4-0.

Discussion on Proposed New Zoning Regulations

The Commission discussed their concerns regarding Open Space. Open Space is not defined in the Glossary however it is found in each regulation. The definition of Open Space needs to be put into the Glossary. Further discussion focused on depending on which zoning regulation you were reading, the amount of open space varies and this should be simplified. There will be a joint meeting with the Planning Commission and Zoning Commission on Thursday May 28 at 7pm. A venue will be announced when Maria Horowitz books it. All questions and comments on the new regulations should be mailed to the secretary, Laurie Busse or to Maria Horowitz or Faline Fox.

Adjourn

Mike Daood made a motion to adjourn at 8:55pm, 2nd by Greg Porpora vote 4-0.