



# The Planning Commission

Town of New Fairfield  
New Fairfield, Connecticut 06812

**Special Meeting**  
**Monday, June 30, 2008**  
**Library Community Room**

## MINUTES

**Commissioners Present:** Susan Chapman, Chair, Paul Bruno, and Bob Murtha

**Commissioners Absent:** Mike Daood, Vice Chair and Roger Wise

**Alternates Present:** None

**Alternates Absent:** Gregory Porpora

**Town Officials:** John Hodge, 1<sup>st</sup> Selectman

**Call to Order:** 7:30pm

### Elevation of Alternates:

Approval of Minutes—Tabled

### Correspondence/Announcements

- Correspondence from Attorney Jim Strub dated June 23, 2008 regarding open space procedures and how to move forward with the Rock Ridge Resubdivision Application.

### Public Comment

### OLD BUSINESS

#### Spruce Ridge Subdivision, Peter Joram Applicant

Susan Chapman read a letter into the meeting dated May 28, 2008 from Attorney Jeremiah Dineen requesting a 2<sup>nd</sup> and final 90-day extension on the approval time for Spruce Ridge Subdivision. Susan Chapman also read a letter dated May 13, 2008 from Tony Iadarola, Town Engineer into the meeting recommending the bond be set at

\$884,420.00 (eight hundred eighty four thousand four hundred and twenty dollars). The Commission discussed these two letters. Susan Chapman made a Motion to accept Tony Iadarola's bond recommendation of \$884,420.00 and grant a 2<sup>nd</sup> and final 90-Day Extension to Spruce Ridge Subdivision's Approval Time, 2<sup>nd</sup> by Bob Murtha 3-0, approved.

**Austin Woods Resubdivision, Mike Ford and Joe Romanello, applicants**

Susan Chapman read a letter dated June 6, 2008 from Attorney Joseph Romanello and Mike Ford requesting a 90 day extension on their approval time. Susan Chapman made a motion to grant Austin Woods Resubdivision a 90-Day Extension on their Approval Time, 2<sup>nd</sup> by Bob Murtha, vote 3-0, approved.

**High Winds Road Resubdivision, aka Dunham Ponds, Nathan Kahn, applicant:**

Susan Chapman read a letter into the meeting dated June 6, 2008 from Attorney Robin Kahn requesting a 3 year extension on the completion time. Susan Chapman also read a letter dated June 22, 2008 from Town Engineer, Tony Iadarola into the meeting which based on the June 20, 2008 inspection outlined a revised list of items that must be completed, noting the report does not attempt to capture all of the items and issues and it is the responsibility of the developer to make sure that the development is constructed in accordance with the approved plans and drawings.

Bob Clark approached the Commission and requested a copy of Tony Iadarola's letter, which he received. Bob Clark handed out and discussed a 2-page document dated June 30, 2008 of the work that still needs to be completed and what was completed. Last week 1 fire tank ruptured and one is leaking. These tanks are fiberglass and due to the rocky terrain of the lot, it is possible a boulder was pushed up against the tanks, causing them to leak. Bob Clark has contacted several fire tank companies regarding repairing and or replacing the tanks. The Commission discussed the original plans may have called for two (2) 15,000 gallon concrete tanks, and one (1) 30,000 gallon fiberglass tank was substituted. Further discussion focused on the seriousness of this issue. The Commission was concerned that one tank is empty. Bob Clark stated that per Mike Gill of the Water Supply Committee, if the process to repair or replaces them takes more than 30 days then a temporary tank must be put into place. Bob Clark noted there is still one 30,000-gallon tank that is still working.

Susan Chapman asked for any public comment—as follows:

Linda Ruthford, 64 Heron View Road: Discussed her concern over the empty fire tanks.

Cheryl Reedy, Unit 1 Heron View Drive: Discussed her concerns with the original project manager installing fiberglass fire tanks without approval, the fire road should be a priority and the applicant's lack of concern for public safety. Ms. Reedy also expressed her frustration in dealing with safety and homeowners issues for the past several years and while some progress has been made in the past few months, there are still safety issues that need to be dealt with.

George Sykes, Heron View Drive: Would like to see the fiberglass tanks replaced with poured concrete tanks.

Decker Omberg, 4 Heron View Drive: Discussed his concerns regarding the empty water tanks, and the applicant's complete disregard for homeowners' safety. Also noting his deck was built on fill and it is collapsing for the 3<sup>rd</sup> time and the Building Inspector never approved the new footings.

Nathan Kahn: addressed the Commission stating he was not aware of the fire tank issues a few months ago; the fire access road has been completed and the cost to finish the High Winds Road is not any where close to what the Town thinks it will be. Mr. Kahn stated he has 2 estimates to pave the roads, one for \$31,000 and the other for \$33,000, noting both of these estimates do not include items such as repairing the 1<sup>st</sup> course of paving and repairing or replacing any curbing. Mr. Kahn also intends to pave the Phase II portion of the road as the condos sell. He does not see a reason to pave the road in front of a condo before it is sold.

The Commission along with John Hodge discussed their concerns with the matters at hand. While progress has been made in some of the matters, the big ticket items such as the issues with High Winds Road as outlined in Tony Iadarola's letter still have not been completed, and now 2 of the 3 water tanks need to be replaced. Discussion focused if the developer had enough money and if so was he willing to put up that money to take care of these items within the next 30 days, noting the estimates he received for the road seems awfully low. The Commission felt that enough is enough and they have granted enough extensions for this work to be completed. The property owners on High Winds Road still have issues with the developer and the Town must have a clear Title in order for the Town to take Title of the Road, unfinished work may result in the homeowners placing liens on the road, which would prevent the Town from taking Title. John Hodge noted that the Dunham Ponds Project is on the Agenda for the July 10, 2008 BOS meeting. Further discussion focused on granting a 30-day extension contingent upon the High Winds Road issues as outlined in Tony Iadarola's letter and fire tank issues are resolved. Susan Chapman reminded the Commission they must stick to the issues that pertain to the Planning Commission. Tony Iadarola's report dated June 22 addresses issues that belong to other departments such as building and zoning, because this is one big project but we as a Commission must stick to the Planning issues and nothing else.

The applicant discussed work that will be starting on July 7, 2008 for the homeowners along High Winds Road. These homeowners include Anderson, Kotalick, Gucker, McNeil, Maniforte, and O'Donnell.

Paul Bruno made a Motion to grant a 30-day extension on the High Winds Road Resubdivision aka Dunham Ponds to be reviewed at our July Meeting with stipulations that over the next 30 days the 2 cracked fiberglass tanks are replaced with concrete tanks as per the original plan and filled with water and the items on the Town Engineer's Report dated June 22, 2008 under the heading High Winds Road are addressed as well. In addition the Planning Commission must receive a letter from Mike Gill of the Water Supply Committee stating he is satisfied with the emergency access road.

**NEW BUSINESS**

**Adjourn**

Paul Bruno made a motion to adjourn at 8:45pm, 2<sup>nd</sup> by Bob Murtha vote 3-0.