

# **2014-01-07 P&Z Special Meeting Minutes**

## **PLANNING & ZONING COMMISSION**

**Clifford B. Green Meeting Center**

**69 South Main Street**

**Tuesday, January 7, 2014**

**7:00 p.m.**

### **Special Meeting Minutes**

**I. Call to Order:** - Chair, Carlene Kelleher, called the meeting to order at 7:03 pm

**II. Roll Call:** Carlene Kelleher, Craig Dunlop, Deane Rettig, Aaron Kerouack, David Fuss, Michelle Sigfridson and Derek Wesolowski.

Don Francis - Absent with notice.

Staff present: Jana Roberson, Land Use Administrator

**II. Seating of Alternates:** - None

**IV. Election of Officers.** - Jana Roberson read the By-Laws of the Planning and Zoning Commission regarding the elections of officers.

Motion made by David Fuss to open the floor to nominate a Chairman for the Planning and Zoning Commission. David Fuss next moved to nominate Carlene Kelleher as Chair. Second by Deane Rettig. Motion made by Deane Rettig to close nominations. Second by David Fuss. The motion passed unanimously.

All in favor of the nomination of Carlene Kelleher as Chairman.  
Motion passes.

Motion by David Fuss to open the floor to nominate Vice Chairman.  
David Fuss moved to nominate Michelle Sigfridson as Vice Chair.  
(No second). Motion by Deane Rettig to close nominations. Second  
by David Fuss.

All in favor of the nomination of Michelle Sigfridson as Vice Chair.  
Motion carried unanimously.

Motion by Deane Rettig to open the floor to nominate Secretary.  
David Fuss moved to nominate Deane Rettig as Secretary. Craig  
Dunlop second the motion. Motion made by Deane Rettig to close the  
nominations. Second by Michelle Sigfridson.

All in favor of the nomination of Deane Rettig as Secretary. Motion  
carried unanimously.

**V. Review of Bylaws:** - Deane Rettig pointed out that there needs to  
be a correction in the numbering sequence. Page 3 - Annual Meeting  
should be Article VII. There are also some typographical errors that  
need to be corrected. Jana Roberson commented that she will do a  
review of the document.

Deane Rettig next wanted to discuss with the Commission the Order of  
Business, Article XIII, specifically Public Commentary and if it should  
be held twice at the meeting. Discussion was heard. Jana Roberson felt  
that if the Commission decided to do away with one of the Public  
Commentaries, then they should consider holding it at the beginning of  
the meeting in order to allow the public the time to speak early on  
instead of having them sit through the entire meeting. She further  
commented that she felt it should be heard twice in the meeting as this  
is a service to the community. Time limits can be set regarding this  
matter.

David Fuss asked for a poll of the Commission.

Aaron Kerouack stated that he would like to have public commentary both at the beginning of the meeting and end. Derek Wesolowski will go with the majority of the Commission. David Fuss would like it to be held at the end of the meeting. Michelle Sigfridson would like it to remain the same as it is currently held. Deane Rettig will also go with the majority of the Commission. Craig Dunlop would like it to be heard twice. Consensus to leave public commentary as it currently is held in Order of Business.

Rick Ives asked for clarification of a quorum (5) five and how that will relate to the Article XVIII - Amending the By-Laws. Jana Roberson explained that a 2/3rds vote will be needed in the event that only a quorum is in attendance.

The Commission agreed that the following should be amended to Article XVIII - Amending the By-Laws. *These By-Laws may be amended by a majority (5) vote of the Commission members at any meeting of the Commission provided that notice of said proposed amendment is given...*

#### **VI. Adoption of Minutes:**

1. Regular Meeting Minutes of November 6, 2013 - David Fuss made a motion to accept the Regular Meeting Minutes of November 6, 2013. Deane Rettig Second the motion with the following corrections: Page 2. 5<sup>th</sup> Paragraph. *Deane Rettig asked for further clarification regarding the submission of this application.* Motion carried unanimously.

2. Regular Meeting Minutes of December 4, 2013 - Deane Rettig moved to accept the Regular Meeting Minutes of December 4, 2013 as presented. Motion second by David Fuss. Motion carried. Craig Dunlop abstained.

**VII. Public Commentary:** - James Celio, Realtor, was present to

discuss the property located at 148 Prince Hill Road, a/k/a Excalibur Gym and the zone that it is currently located in, Restricted Business Zone. Mr. Celio presented the Commission with a booklet regarding the zoning information, site information and building information of this property.

Mr. Celio stated he has some interest in this property, however the business would not fall under the RB zone but would fall under Light Industry. He reviewed the property with the Commission and asked how the Commission would feel about an application that does not fit in the RB zone and what they would prefer the process be in order to allow an application to be heard before them. Discussion was heard on the process. Ultimately the owner would make an application for a text change. Then the potential buyer of the property can come in with an application for a special permit.

#### **VIII. Unfinished Business:**

**a. Reading of Legal Notice: - None**

**b. Continued Public Hearings: - None**

**c. New Public Hearing: - None**

**d. Other Unfinished Business:**

1. . MI13-004 Sale of 7.3 acre land-locked parcel located between Tripp Hollow Road and Windham Road, Map 7, Lot 19.

Jana Roberson reviewed the recent history on this property. The time allowed for the Commission to hear this has expired. However, she stated that the Conservation Commission has discussed this property and would like to see an easement placed on this property if the Town agrees to sell this property. She also stated that the Selectmen agreed with this easement as well. The private bid of this property has since been withdrawn.

## **IX. New Business:**

### **a. Applications: - None**

### **b. Other New Business:**

1. Discussion of Planning and Zoning Priorities. Jana Roberson reviewed the Implementation Matrix of the PoCD and the items which were directed towards the PZC.

Carlene Kelleher commented on Historic Preservation #7 - Consider creation of a Local Historic District for the Brooklyn Green Historic District. Mrs. Kelleher has made contact with the Historic Society regarding this matter and they have conveyed to her that they do not have the membership to do this task. She felt it was a mute subject at this point. David Fuss would like to make sure that these building are identified in this area. Carlene Kelleher stated the VCD Committee has reviewed this however, it can be reviewed again in the future by Jana Roberson and the PZC.

The Commission next reviewed and discussed the 2013 Priorities in order to prepare their 2014 Priorities.

The following are the Priorities the PZC has discussed for 2014:

1. Continue to work on the PC zone - i.e.: Build-Outs, Signs etc - this will include the following from the PoCD Matrix items - Govt & Admin. #13 & ECD #8.
2. Route 169 (Regulate the protection of the scenic highway.) PoCD Matrix items- Transportation #8 & Historic Preservation #5.
3. Enact Green energy regulations - Jana Roberson will contact Jim Larkin for the previous information that he had on this subject i.e.: Wind turbines and solar energy.
4. Revision of VCD Regulations, including the expansion of the VCD - This is currently ongoing. A suggestion was made to look at the VCD regulations to make it easier for a property owner to make alterations to their property with the proper oversight to these alterations.

5. Establish committee to consider VCD's for East Brooklyn and Wauregan: Carlene Kelleher feels discussion should be heard regarding the area of South Main Street area where there are currently two separate zones on either side of the street. David Fuss feels there may need to be a different type of regulation rather than a VCD zone. The Commission agreed. He feels that something else should be discussed for these two areas.
6. Promote adoption of LID and BMP regulations
7. Gravel Bank Regulations - Section 13.5.3 - definition of a cubic volume.
8. Affordable Housing - Discussion was heard regarding affordable units and the creation of incentives which could be given to build/convert a property to affordable housing. Carlene Kelleher would like to see the regulation revised.
9. Review/Revise Subdivision Regulations.
10. Aquifer Protection - PoCD Matrix items - Open Space #9 & Open Space #10. The PZC needs to become aware of the Level A mapping in order for the Agency to start the process these areas. Discussion was heard. Jana Roberson will contact the State to find out when the mapping for Brooklyn will be complete

First Selectman, Rick Ives, feels this list should be made public to the Town to show what the PZC is working on.

2. Discussion of Budget 2014-2015 - The Commission discussed the following regarding this matter:

- David Fuss asked Jana Roberson if she needed anything to perform her duties. She stated that she has the equipment required as of this time.
- Carlene Kelleher discussed legal fees and felt there should be an increase of \$500 as a letter has been received from Council that they will be increasing their hourly rate as of the new fiscal year.
- Deane Rettig inquired about the transportation budget line item. Jana Roberson explained that she does not use the amount that is allotted for this item. Rick Ives informed the Commission that any travel that they do for the PZC is also reimbursable and included in this line item.
- Professional Services - Carlene Kelleher asked Jana Roberson if should would need someone to confer with regarding the regulations. Ms. Roberson stated that it would be a great help to have someone. She will research this

issue and get back to the Commission.

Jana Roberson stated that she will need to attend the CAZIO training for certification as a CZEO which is part of her condition of employment. She also stated that there may be the need to update some of the software as well in the future. Rick Ives commented that one of his goals is to work on the separation of the Town Planner and Zoning Enforcement Officer duties.

3. Review of New Zoning Map showing changes - The Commission reviewed the map which was effective at 12:01 am on 12/25/13.

4. Scheduling of next planning meeting - January 21, 2014 at 7:00pm

## **VIII. Reports of Officers and Committees:**

### **1. Zoning Enforcement Officer's Report October 2013.**

Jana Roberson reviewed the most recent updates of Courtesy Ford. The painting of the stripes in the parking lot have not been completed as Courtesy Ford fired the paving company and will have to hire a new company. Jana Roberson has spoken to John Martin regarding this matter and is waiting to hear back from him. The Commission discussed the current parking issues, specifically parking in the ingress and egress areas along with parking in the fire lanes. Deane Rettig made a suggestion that a post can be installed along the edge of the gravel to depict the areas of where parking can be allowed. He also stated that fines should be issued if this not completed. Jana Roberson will send a registered letter regarding this issue to Courtesy Ford and report back at the next meeting.

2. Wal-Mart Update. - None.

3. Correspondence. - Land Use Academy Course - None

4. Regulations Subcommittee. - Jana Roberson handed out the new regulation changes which now reveals the date that the specific regulation was changed. This will make an easier reference. Discussion was heard regarding the addition of building and structures to non-conforming. This also includes signs. Ms. Roberson has stated that some towns have redefined structures in their regulations. Further

discussion ensued.

5. Route 169 Recommendations Follow-up Subcommittee. - No report.

Jana Roberson reviewed the Appellate Court Case - Donna MACKENZIE et al. v. PLANNING AND ZONING COMMISSION OF The TOWN OF MONROE et al. whereby the PZC of Monroe approved an application that dealt with the varying of setbacks and landscape buffers. Varying their own regulations is something that is heard by the ZBA. Ms Roberson stated that many towns are now reviewing the terms vary, modify and wave.

7. Chairman's Report. - None.

#### **XI. Public Commentary: - None**

**X. Adjourn:** David Fuss to adjourn the meeting at 10:00 pm. Motion second by Aaron Kerouack. Motion carried unanimously.

Respectfully submitted,

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Karen M. Desrosier, Clerk