

Minutes of the March 9, 2016 Planning and Zoning Commission

Chairman Robert Johnson called the meeting to order @ 6:35 p.m.

Members present: Robert Johnson; Kevin Boyle; Scott Wheeler; Peter Tyc;

Absent: Brook Carlson; Erin Wilson; Jay Brown

Also Present: Al Johansen; ZEO;

There were no members from the public that cared to comment.

Report of ZEO: Al Johansen updated the Commission on the following:

Al reported that the oil truck for Cozy Oil was parked back on the property @ 22 Lake Shore drive. This is in violation of the signed court agreement.

Al reported that there has been no response from Coletti @ 26 Mohican concerning a fence. Al will elevate to the next level of enforcement.

A shed @ 12 Sioux Rd. is still in violation of the order. Al will also be moving this item forward.

The latest letter sent to Mr. McInvalle on 176 Peters Lane dated 2/9/2016 has been ignored and no response from the property owner. This also will be elevated to the next level.

Chihocki: 102 Cherry Hill Rd; Al estimates that there are 7 unregistered motor vehicles. One has been out on the road for over a week, not known if it is for pick up. Al will move forward with this property.

St. Coleman's church: Inquiry has been made concerning a group home @ 145 Hubbard Street.

Al received an E-Mail from Ron Melnick in response to the request for him to attend tonight's P/Z meeting and address the Portable Classrooms @ both Lyman and Memorial School. The E-Mail stated that due to a schedule conflict he would

not be attending tonight's P/Z meeting. Chairman Johnson stated that this would be an agenda item in April and that someone from the Board is expected to attend.

Mr. Johansen expressed his desire to move forward with the court order concerning Jimmy D's. Chairman Johnson explained that an order is in place and that it is also in violation. It was expressed by the Commission that any further legal fees incurred be recouped, as this would be the second court order violation.

Jonathon Albert of 174 Cherry Hill Rd. addressed the Commission concerning a Ceast and Desist order from the Zoning Enforcement Officer. Mr. Albert stated that he was under the impression that he had completed all the necessary steps for approval. Chairman Johnson stated that he had listened to all 5 hours of audio testimony from the September 17, 2015 Special meeting and Public Hearing of the Zoning Board of Appeals and had the minutes tonight.

Mr. Albert stated that he had a septic system for the accessory apartment installed and inspected by the Sanitarian. Mr. Albert stated that the Building official inspected the frost wall and foundation for the modular accessory apartment. Mr. Albert stated that his contractor was given a permit for a 200 amp electrical service by the Building Department and that it was inspected by the building official. Mr. Albert stated that when he informed the building official that he was going to install a front porch and stairs that the building official stated he would not be available to inspect it and allowed him to install it.

During a heated back and forth discussion with the Zoning Enforcement Officer and the Commission, Mr. Albert stated that he felt that he had done all the necessary and proper steps. Chairman Johnson re-iterated that both during the discussion with the ZBA on September 17, 2015 and condition # 4 of their approval that it was very clear that P/Z approval was needed before moving forward. Mr. Albert stated that some member(s) of the ZBA had come to the site after the modular was installed to congratulate him. Mr. Albert stated that alt. member Jay Brown of the P/Z had also complimented him on the modular.

Chairman Johnson then explained that as part of his application tonight for an accessory apartment that a Public Hearing was required and that it would be on April 13, 2016 @ 7:00 p.m. Mr. Albert was advised to review the requirements of section # 10.04 of the Regulations and the requirements he needed to do for his part of the Public Hearing.

Krzysztof Kubiak of 445 Cherry Hill Rd addressed the Commission for his application for a home occupation. Mr. Kubiak explained the nature and desire for his application. Chairman Johnson asked Mr. Kubiak for proof of mailing and notification to his abutting neighbors. Mr. Kubiak stated that he did not know that it was needed. Chairman Johnson explained that notification to abutting property owners is a requirement under 09.06.01, and that if this has not been done that the Commission could not go any further, and that it would be an agenda item in April. Mrs. Kubiak then addressed the Commission and expressed her anger that when she went to the building department to obtain the permit she was told by the clerk that all she needed to do was to pay for the application, and that she would be put on the agenda. She stated that the clerk told her that the commission would only want to know if she was going to post a sign, have employees and the hours of operation. Mrs. Kubiak stated again that she felt that she was misled by the department and being pushed out another month was unnecessary.

David Slight addressed the Commission concerning his interest in the possible purchase of 43 Industrial park Rd. Mr. Slight told the Commission that if he indeed did purchase the site he would be relocating his refrigeration business and subdividing a portion of the building for an automotive repair facility. He wanted to make sure that the Commission felt that the automotive use was an approved use under the newly adopted uses in that particular zone. The Commission felt that it was appropriate, but further details would be needed if this moved forward as to the operation, environmental concerns and requirements of the automotive portion of the building.

Due to the Town Planner not attending the meeting, it was decided to hold a Special meeting on March 23, 2016 to discuss the POCD. This meeting will be @ 6:30 at the Community Center.

Chairman Johnson stated during his report that he attended the February 29, 2016 River COG meeting and thought it was productive and gave an overview.

The Commission discussed that if we are to pursue violations in reference to ZEO issues that it may be possible to address the Board of Finance at the end of the Fiscal year.

The minutes of February 10, 2016 were adopted as presented.

A motion was made and seconded to adjourn @ 8:40 p.m.

Respectfully Submitted

Robert K. Johnson

Chairman