



TOWN OF NEW MILFORD
Office of the Zoning Commission
10 Main Street
New Milford, Connecticut 06776
(860) 355-6095 • zoning@newmilford.org
www.newmilford.org

**New Milford Zoning Commission
Regular Meeting Minutes
January 23, 2024**

RECEIVED
TOWN CLERK
2024 JAN 30 P 2:19
NEW MILFORD, CT

PRESENT: Charles Bogie, Vice Chairperson, *seated and voting*
Joseph Baker, Member, *seated and voting*
Greg Mullen, Member, *seated and voting*
Robert DiMichele, Alternate, *seated and voting*
Patricia Bogie, Alternate, *seated and voting*
Laura Regan, Zoning Enforcement Officer, *not seated or voting*

ABSENT: William Taylor, Chairperson
Mario Scalfani, Member

1) CALL TO ORDER AND PLEDGE OF ALLEGIANCE:

Mr. Bogie opened the Regular Meeting of January 23, 2024 at 7:01 pm and led the room in the Pledge of Allegiance and a moment of silence. Mr. Bogie seated Mr. DiMichele for Mr. Taylor and Ms. Bogie for Mr. Scalfani.

2) PUBLIC PARTICIPATION: None

3) PUBLIC HEARINGS:

- a. Bee Farm, LLC, Special Permit and Site Plan Applications, ZSA-23-54 under Chapters 60, 140, 175, and 180 to allow the construction of 2 additional multiunit buildings: 36' x 60' and 48' x 100' with tradesman shop and storage uses; outside storage; earth excavation in excess of 700 CY; and associated parking, drainage, lighting, and landscaping improvements on property located at 568 Danbury Road, Map 4, Lot 20, in the IC Zone. ***Request to waive traffic study. Close by February 13, 2024*** (or receive extension, 65 days remaining)

Ms. Regan reminded the Commission that the Public Hearing was quickly opened at the last meeting then immediately tabled so the applicant could respond to comments and submit his certified mail receipts, which have since been submitted. Ms. Regan reviewed the items in the Commissioners' packets which were Ms. Regan's staff report dated January 3, 2024, a review memo from Jack Healy, PE, dated January 23, 2024, a response memo from Mr. Posthauer dated January 12, 2024, and a revised plan set.

Russ Posthauer, P.E., with CCA, LLC was present for the applicant and reviewed the proposal. He said the project consists of adding 2 new buildings: a three unit building in the northeast corner and a four unit building on the southeast side. These buildings, he noted, would max out the site. The proposal also includes parking, loading, landscaping, lighting, and outside storage. The whole site will be connected to sewer; it is currently connected to Aquarion Water.

Mr. Posthauer reviewed his comment response letter to Ms. Regan's staff report. Comment #1, who might be on the site, is difficult to answer, he said but the expectation is electricians, plumbers, storage, and home improvement contractors. They will be small companies. Mr. Bogie questioned how that would be controlled. Mr. Posthauer answered by the parking on the site. Mr. Bogie notes parking is already maxed out. Mr. Posthauer said he had previously miscalculated the parking by noting 1 building twice, so the parking table in the revised plan set has been corrected. With regards to the number of required parking spaces per unit, a new chart has been provided on the plans and each unit has an assigned number of parking spaces. Mr. Posthauer pointed out a tenant who has vans for their employees that swap out their personal cars daily. Ms. Regan asked the Commission how they view vehicle fleets and other business vehicles. Mr. Bogie said he considers it like outside storage because those vans sit there over the weekend. Mr. Posthauer countered that the vans are motor vehicles that can park in a parking space and no other vehicle could use those spaces when the business is closed and there is no demand for those spaces over the weekend.

In regards to lot coverage, comment #2, Mr. Posthauer said the calculations have been updated to include the proposed outside storage. Comment #3, Mr. Posthauer explained that the application now includes proposed outside storage, but he also acknowledged that there is some work to do. He explained how 1 tenant in particular continues to have outside storage where they should not and there are also approximately 20 parking spaces currently being used for storage. Mr. Posthauer said since the plans were prepared some of the dumpsters have been moved around and consolidated (Comment #4). Ms. Regan noted she recently observed a dumpster in a travel way. Mr. Posthauer said he saw that and said they need to be returned to where they belong. He added that they will also be enclosed, which is detailed on the plan.

Discussion shifted to concerns over turning movements and Ms. Regan said that the Town Engineer has also noted concerns in his review letter. He points out that the largest vehicle the northerly driveway can accommodate is an SU-30. Mr. Posthauer responded that the entrance will be improved, arrows will be painted, and "Do Not Enter" signs are already present in different areas to control traffic. Ms. Regan pointed out that currently one has to come to almost a complete stop to turn into this driveway and asked if DOT has been consulted. Mr. Posthauer responded that they are proposing to widen the driveway. Ms. Regan questioned how loading and unloading in front of the new building, Building 6, would work. This building is proposed to have overhead garage doors facing this northerly driveway, so she asked how vehicles would pull in and out of these overhead garage doors without blocking the travel lane of the northerly driveway. Mr. Posthauer said loading would occur parallel to the building.

Discussion ensued regarding the concerns over circulation and the northerly driveway. Mr. Posthauer was asked to explore the possibility of closing the northerly driveway and different ideas about how this could be accomplished without impacting circulation were discussed. Mr. Posthauer said he would look at it further.

Going back to the Response Letter (Comment #5), Mr. Posthauer said the Phasing Plan has been revised to clarify landscaping, and (Comment #6), the total site landscaping calculation has been revised.

Again, Mr. Posthauer said the Phasing Plan has been corrected (Comment #7). During construction, he said traffic barrels or cones will be used to direct traffic away from the area under construction (Comment #8). The proposed sidewalk and easement (Comment #9), he said, have been updated on the revised plan set.

In regards to lighting (Comments 10 & 11), Mr. Posthauer stated that additional lighting details have been provided which he said need to be discussed. Mr. Bogie questioned why more lighting for the existing buildings was needed as the property already has lighting issues, as the property is over lit. Mr. Posthauer

responded that the additional lighting is necessary for security. Ms. Regan interjected and stated that the Zoning Regulations require any security lights to be equipped with motions sensors so they are not left on all night. Mr. Posthauer responded that the owners have had less security issues with the all night lighting and requested that they be allowed to remain. He explained that the lighting that was installed without approvals would be swapped out with compliant fixtures, but they are still requesting to leave the lights on throughout the night. Ms. Regan said, under certain circumstances, the Regulations allow modifications to the lighting requirements with Special Permit Approval, and reading from the Regulations (Section 131-050-1) she said one of those circumstances being “where an applicant can demonstrate, by means of a history of vandalism or other objective means, that an extraordinary need for security exists”. She asked Mr. Posthauer if the owner had copies of any police reports or other records documenting the vandalism. Mr. Posthauer said he would ask his client.

Mr. Posthauer went on to state and acknowledge that the property requires a lot of clean-up. Some has been done. Ms. Regan is concerned that the applicant is already struggling to manage and maintain the property in compliance with the Zoning Regulations, and now they are proposing to add more. Mr. Mullen asked why the application had been submitted again for the third time if these issues still have not been addressed.

Mr. Bogie asked the Commission members perform a site visit before the next meeting to look at site access, circulation, outside storage, and lighting.

Ms. Regan noted that Mr. Posthauer did not respond to Comment #12 concerning the 2 illegal apartments. Mr. Posthauer said it is his understand that they are no longer being used, but he needs to speak with the applicant about them being removed.

Mr. Baker asked for clarification of lot coverage which was asked under Comment 2a in the staff report. Ms. Regan stated that it was revised to include the proposed outside storage on the site plan, but in order for it to be finalized, the actual amount of outside storage (existing and proposed) needs to be clarified. She noted, Mr. Posthauer stated earlier approximately 20 parking spaces are currently being used for outside storage.

Mr. Baker questioned the exterior lighting photometric calculations because, according to the plan approximately 90% of the site is noted as having no light. Mr. Posthauer replied that it is for the proposed lighting for the 2 new buildings only. Ms. Regan asked about the new lighting that is proposed to replace the lighting that were installed without any permits. Mr. Bogie requested the photometric plan be updated for the whole lot, including any lights that are to be replaced.

Mr. Bogie opened to public participation and there was none. The public hearing was continued to the next regularly scheduled meeting.

- b. Avi Shevah, Special Permit and Site Plan Applications, ZSA-23-45 under Section 025-110(B)(3) to allow a 1-story 65' x 58' (3,770 SF) detached accessory building (85' x 58' / 4,930 SF overall, including roof overhangs) with a maximum peak height of 24'-3" on property located 47 Still River Drive, Map 14.4, Lot 14, in the R-40 & R-80 Zones, and 100 Year Floodplain. ***Request to waive parking & loading plan, lighting plan, landscaping plan, stormwater management report, and traffic study. Close by February 13, 2024 (no extensions remaining)***

No one was present for this application, so it was tabled and continued to the next regularly scheduled meeting.

- c. Arthur H. Howland & Associates, PC, Special Permit and Site Plan Applications, ZSA-23-60 under Chapters 60, 175, and 180 to allow the construction of a 115' x 200' (23,000 SF) building, 47.7' in height for boat/personal watercraft storage, 56,000 SF of accessory outside storage, and associated parking, drainage, lighting, and landscaping, on property located at 565 and 567 Danbury Road, Map 4, Lots 30 & 31, in the IC Zone, to be constructed in 2 Phases with the temporary conversion of the existing single family residence on 565 Danbury Road into a construction and business office. ***Request to waive traffic study. Close by February 27, 2024*** (or receive extension, 65 days remaining).

Mr. Szymanski, PE with Arthur H. Howland & Associates was present for the applicant and submitted copies of the certified mail receipts. Mr. Baker read the Public Hearing legal notice. Ms. Regan reviewed what was in the Commissioner's packets, which included an engineering review letter from the Commission's engineering consultant, SLR, dated January 12, 2024, the architectural plan set, and the site plan set. She also noted that the application is still pending with the Wetlands Commission.

Mr. Szymanski said they have not yet had an opportunity to respond to the comments, so tonight they are just going to give an overview of the application. The property, 565 and 567 Danbury Road, he said is a little over 4 acres with frontage on the east side of Danbury Road / Route 7. It slopes from the westerly portion of the property along the road down to a wetland system at the rear of the site. Currently, he explained there are 2 existing, single-family homes on each property. The proposal calls for a phased development approach.

During phase 1, the home on the southerly lot will be removed, as well as the driveway and the septic, and the existing home on the northerly lot will be converted to an office. The stormwater infrastructure for the entire property and the majority of the landscaping will also be installed during phase 1, and the construction of an outdoor storage area for boats at the rear of the property. The existing home on the northern property, he said was considered in the drainage calculations. Mr. Mullen questioned where the outside storage was located on the plan and Mr. Szymanski explained the outline of the outside area on the plan and said asphalt millings will be used as the base.

Ms. Regan noted that for other projects the Commission has requested a split rail fence or other barrier to delineate the boundaries of the outside storage area, and suggested something similar should be required with this application. Mr. Szymanski stated there is an existing stockade fence along the northern boundary with ABC Fuel and along the Gibbon's property vegetation is proposed, however, they are willing to do whatever the Commission would like, and in the southeast corner of the Gibbon's property split rail fencing is proposed.

Ms. Regan asked Mr. Szymanski to point out the 100 Year Floodplain. Mr. Szymanski stated it is the dashed brown line which goes right along the base of the property adjacent to the wetlands. Ms. Regan noted no outside storage was proposed within the 100 Year Floodplain and Mr. Szymanski confirmed that was correct. He said the only activity in the wooded area is the removal of debris and garbage on the slope up gradient of the wetlands, which the applicant is proposing to remove.

Mr. Szymanski went on to explain that phase 2 of the project is the construction of the indoor boat storage building, which will be located towards the front of the property. The majority of the landscaping is to be completed in phase 1, but the plantings around the building and along the southerly property line will be completed in phase 2. A parking area north of the building would also be constructed in phase 2, and the dwelling on the northerly lot that was converted into an office would also be demolished in phase 2, when the new building construction is completed.

Mr. Szymanski stated that he is in the process of responding to SLR's comments which will be submitted in writing, as well as revised plans ahead of the next meeting. Mr. Bogie question if Candlewood East Marina was going to use the property personally to which Mr. Szymanski answered in the affirmative.

Ms. Regan pointed out that the property is in the IC Zone, which has the largest maximum building height restriction of 50'. Mr. Szymanski said the proposed height of the building is 47.7'.

Mr. DiMichele questioned if there would be any condensers on the roof and if those would come into consideration with the height. Mr. Szymanski answered no.

Ms. Regan questioned if there would be any racking systems in the outside storage area. Mr. Szymanski responded absolutely not, the racking systems will be inside the storage building. Mr. Szymanski made certain everyone was aware this is seasonal boat storage for the winter months.

Mr. Bogie asked what color shrink wrap would be used, out of concern for the neighbors, to which Mr. Szymanski replied the wrap would be white.

Mr. DiMichele asked if shutters or something could be added to Route 7 facing side of the building to dress it up. Mr. Szymanski stated that the applicant did try to go for a barn look, but he would ask.

Mr. Baker questioned why the building was so high. Mr. Szymanski answered that it was for the interior racking system. The boats would be stacked 3 high with an aisle down the center.

Ms. Regan shared the public comments received late in the day from Marie Grace with Northwest Land Conservancy, dated 1/23/24, and from Joan and Lee Gibbons, 563 Danbury Road, dated 1/23/24. Copies were uploaded to the application and provided to each of the Commission members.

Mr. Bogie opened the floor to public comment.

Hillary Ram, 154 Guernsey Lane - Ms. Ram asked if the letters would be read aloud. Mr. Bogie answered that they would not be read, but noted they have been uploaded to the online application. Ms. Ram also questioned, with the safety of Route 7, why a traffic study would be waived. Ms. Regan stated that with the estimated low traffic volumes from the proposed use, SLR the Commission's engineering consultant did not find that a traffic study was warranted. The landscape median also only allows right turns into and out of this property. Mr. Bogie stated that the SLR engineering report is uploaded to the online application.

Ms. Regan noted that it was not mentioned during the presentation, but a sidewalk easement along the front of the property is proposed.

There was no other participation, so Mr. Bogie said the public hearing would be continued to the next regularly scheduled meeting.

- d. Flagstaff Investments, LLC, Special Permit and Site Plan Applications, ZSA-23-61 under Chapters 35, 140, 175, and 180 to allow the construction of a multifamily development consisting of 12 buildings and a total of 107 townhouse units, earth excavation in excess of 700 CY, traffic generation in excess of 500 vehicle trips per day, and associated driveway, parking, drainage, lighting, and landscaping improvements on property located at 240 Pickett District Road, Map 14.3, Lot 80, in the MR Zone. **No waivers requested. Close by February 27, 2024** (or receive extension, 65 days remaining).

Mr. Baker read the published Public Hearing legal notice. Ms. Regan said the Commission members had copies of SLR's Engineering Review Letter, dated 1/19/24 in their packets and copies of the site plan sets were distributed. She noted the certified mail receipts were also submitted for the record.

Paul Szymanski, PE with Arthur H. Howland & Associates, representing the applicant, Flagstaff Investments, was present. He said the subject property is located at 240 Pickett District Road with frontage along Pickett District Road. It is a little over 13 acres in size and located in the Multiple Residence (MR) District. The proposal calls for the construction of 107 townhouses across 12 buildings with driveway access off Pickett District Road. Mr. Szymanski explained how the buildings do not start until about several hundred feet back into the property and how the internal driveway is laid out in a loop for easy circulation. He said, the property will be served by both sewer and water.

Floor plans and elevations have been provided for the record. A traffic study has also been prepared by Scott Hesketh from F. A. Hesketh & Associates. Mr. Szymanski said Mr. Hesketh is addressing the comments as related to traffic in SLR's Review Letter, and his office is addressing the engineering comments, and all responses will be submitted in writing for the record.

Mr. Bogie questioned if this property was the subject of a recent Zoning Change Application, to which Mr. Szymanski answered in the affirmative. Ms. Regan noted that because it was just a Zone Change Application, a specific site layout was not presented or discussed at that time.

Mr. Szymanski noted that on Pickett District Road, across the street and to the north of the subject property, there are single family residences, but there are also Business and Industrial Zones, too. He displayed an aerial map for orientation purposes, which was also submitted to the record.

Mr. DiMichele expressed concern as to where the snow would go, to which Mr. Szymanski replied between the units, and sides of the main driveway and individual unit driveways. Mr. DiMichele then asked if all the units had a garage. Mr. Szymanski answered yes, and said all of the units would be 3 floors, a garage with storage and laundry on the lower level, a living room, kitchen, and bathroom on the main level, and bedrooms and bathrooms on the upper floor.

Mr. Mullen expressed concerns over traffic and whether the roads could handle the extra vehicles, especially the traffic circle. He said it noted that the proposal would only affect the traffic by about a second or so. Mr. Szymanski replied that SLR had several traffic questions, including about the roundabout, and Mr. Hesketh, the traffic engineer is currently working on addressing those comments.

Mr. Szymanski clarified that these units will all be market rate housing. Ms. Regan confirmed this was not an affordable housing application. Mr. DiMichele then stated that means the correct amount of green space needs to be on the property and Mr. Szymanski noted that was correct. He said SLR has also asked for clarification and will respond in writing, and explained that there is a grass recreation space behind each unit. With the location of the detention basins between each building, Ms. Regan questioned how the recreational areas were to be accessed. Mr. Szymanski replied that there is about 15 feet on each side of each unit to access the space safely. Ms. Regan then questioned if the basins would have water collected in them at any time. Mr. Szymanski stated that temporarily they would and a recommendation from SLR was that split rail fencing or some other barrier be installed around them for safety purposes.

Ms. Regan asked if the project was proposed to be phased. Mr. Szymanski answered in the affirmative and said that he would speak with his client and come up with a phasing plan.

Ms. Bogie asked what the anticipated time frame is for the project. Mr. Szymanski answered he would like to start this year and that the length of time is dictated by the market, but he anticipated this being a multiyear project.

The Commission members had no additional questions at this time.

Ms. Regan noted public comment was received by email, from Thomas Kapsiak, 94 Long Mountain Road, dated 1/23/24. A copy was uploaded to the online application and distributed to the Commission members.

Mr. Bogie opened the floor for public comment.

Keith Golembeski, 95 Lanesville Road - Mr. Golembeski expressed concerns over the narrowness of Pickett District Road and the addition of 500 more cars added to that road and it not being feasible. The access point should be on Route 7.

Annette Golembeski, 225 Pickett District Road - Ms. Golembeski lives directly across from the subject property and stated that she is not opposed to the project, just the access point. Ms. Golembeski believes the traffic study to not be accurate. She would like an alternate entrance and exit not on Pickett District Road but out the back part by Italia Mia and onto Route 7.

Matt Oneglia, O&G Industries, 275 Danbury Road / 21 Still River Drive - Mr. Oneglia voiced his concern over the project being so close to O & G, a heavy use industrial plant. He said there are times of the year the plant will operate 24 hours a day during, especially paving season. Mr. Oneglia had concerns for the drainage from the prospective property draining onto his property because his is in a low spot. His plant has existed since the 1980s, and before that with a prior owner since the 1950s. Mr. Oneglia's other concern was the increase in the volume of people and sharing of the property line with such heavy industrial use. He did point out that 260 Pickett District Road was in between and not sure what might be built there. Mr. Bogie noted, 260 Pickett District Road, which abuts O & G's property is not currently zoned residential. Mr. Oneglia concluded by stating that Still River Drive is primarily a light industrial use area so he has concerns with having residential uses in the area.

Leigh Haeger, 229 Pickett District Road. - Mr. Haeger lives directly across from where the driveway for the property will be located. He noted that about 30 years ago the Town came through and took land to widen Pickett District Road and left him with only 14 feet of his driveway remaining. This leaves him with safety issues leaving his property now, so he is concerned what this will mean if the driveway to the proposed development is across the street. He would possibly have to move his driveway at his expense. Mr. Haeger submitted photographs of his property showing his existing driveway for the record.

Ms. Regan asked Mr. Szymanski if he has consulted at all with the Department of Public Works about the proposed new curb cut. Mr. Szymanski said he would and also offered to meet with Mr. Haeger to try and help him with his driveway problem. Mr. Haeger also wondered if speed bumps could be added near the entrance of the complex to slow cars leaving.

Mr. Mullen referred back to the traffic study stating the traffic count is about 3,200 a day, adding another 300 trips a day is about an additional 10% increase. Mr. Szymanski retorted that it is actually 500 trips/cars, just not all at once. Discussion ensued regarding trips to and from properties and peak hours.

There were no further comments at this time, so Mr. Bogie said the public hearing would be continued to the next regularly scheduled meeting.

- e. New Milford Zoning Commission, Application to Amend the New Milford Zoning Regulations, Chapter 25, Single Family Residence District, Section 025-020, Permitted Uses to comply with statutory mandates and add group and family child care homes, child care residential facilities, and community residences in accordance with the provisions of CT General Statutes (CGS) Sections 8-3e and 8-3j, as permitted uses in a Single Family Residence District, ZRA-23-2.

Mr. Baker read the Public Hearing legal notice as published. Ms. Regan then turned to the material in the Commissioner's packets. The first item, she said is the text of the proposed regulation amendment. The second item is a memo from the CT Office of Policy and Management (OPM) to all of the chief executive officers in the State of CT regarding compliance with Public Act 23-142, dated 9/12/23. Ms. Regan said this memo explains why this regulation amendment is being proposed, and read it into the record. "Public Act 23-142 made changes to laws on zoning for licensed family and group child care homes located in residences, requiring that: 1) No zoning regulation shall treat any family child care home or group child care home, located in a residence and licensed by the Office of Early Childhood pursuant to chapter 368a, in a manner different from single or multifamily dwellings, and 2) Zoning regulations shall not prohibit the operation in a residential zone of any family child care home or group child care home located in a residence or require any special zoning permit or special zoning exception for such operation."

Ms. Regan said it goes on to state that, "Pursuant to Subsection (b) of Section 1 of PA 23-142, each municipality shall submit to the Secretary of the Office of Policy and Management, not later than December 1, 2023, and annually thereafter, a sworn statement from the chief executive officer of the municipality, stating either that the municipality's zoning regulations are in compliance with the above requirements, or the specific timeframe within which the municipality will bring its zoning ordinances into compliance".

As required, Mayor Bass sent a letter to OPM, dated 11/25/23 stating that New Milford's Zoning Regulations will be revised in compliance with PA 23-143 by February 2024.

Next, Ms. Regan said the Commission member have a copy of CT General Statutes (CGS) Sections 8-3j, which contains the provisions for family child care homes and, 8-3e, which contains provisions for community residences. The proposed amendments to the Zoning Regulations are consistent with both Sections. At this time, PA 23-142 only requires the zoning regulations to be amended for family child care homes, but after consulting with Attorney DiBella, Ms. Regan said it makes sense to also include amendments consistent with CGS Section 8-3e. The proposed amendments are identical to the requirements from CGS. In her opinion, these amendments are mandatory, but the Commission still must go through the same process of amending its Regulations.

Mr. Bogie had questions regarding parking and safety and if it could be regulated. Ms. Regan responded that the Commission cannot treat these uses any differently than it would a single family residence. Discussion ensued regarding parking and how facilities must be licensed by the State.

In accordance with CGS 8-3a, Ms. Regan said the proposed amendment was referred to the Planning Commission for a finding of consistency with the Plan of Conservation and Development (POCD). Paul Murphy, Chairman of the Planning Commission submitted a memo, dated 12/11/23, stating that at the 12/7/23 Regular Meeting, the Planning Commission recommended in favor of the regulation amendment.

Ms. Regan said in accordance with CGS 8-3b, the proposed amendment was also referred to WestCOG and NHCOC, the 2 abutting regional planning agencies. Responses were received from WestCOG, on 11/28/23 and NHCOC on 1/3/23 both indicating that the proposal was of local interest.

Mr. Bogie opened the floor to public participation.

Chris Gardner, 19 Sand Road - Mr. Gardner expressed concerns that he felt the Zoning Regulations keep getting eroded and Item 7b1 of this agenda is going to change them even more. He wanted assurance that “these” places had to be licensed and then questioned what a “community residence” is. Ms. Regan answered that it is defined in statute, but generally it is a licensed facility where residents that have some type of disability are able to live communally and staff come in daily to assist the residents. Mr. Gardner is concerned that the parking could become an issue. He then asked what would happen if the license was revoked? Ms. Regan stated that the residence would then be converted back to a single family residence.

Ms. Bogie moved to close the public hearing for New Milford Zoning Commission, Application to Amend the New Milford Zoning Regulations, Chapter 25, Single Family Residence District, Section 025-020, Permitted Uses to comply with statutory mandates and add group and family child care homes, child care residential facilities, and community residences in accordance with the provisions of CT General Statutes (CGS) Sections 8-3e and 8-3j, as permitted uses in a Single Family Residence District, ZRA-23-2. The motion was seconded by Mr. Baker and carried unanimously.

4) OLD BUSINESS:

5) NEW BUSINESS:

- a. Dinesh Rajagopalan, Site Plan Application ZSA-23-62, 93 Aspetuck Ridge Road, Map 42, Lot 4.1, in the R-40 Zone. Submitted 12/12/23 and remains incomplete.
- b. Alan Swanson, Special Permit and Site Plan Applications ZSA-23-58, 30 Danbury Road, Map 28.2, Lot 25, in the B-2 Zone. Submitted 12/12/23 and remains incomplete.

Mr. Baker moved to deny Items 5a and 5b as incomplete. The motion was seconded by Mr. DiMichele and carried unanimously.

6) ACCEPT FOR PUBLIC HEARING:

- a. Michael Jacobellis, Special Permit and Site Plan Applications ZSA-24-1 under Chapters 60, 175, and 180 to add outside storage and display of vehicles as an accessory use to the existing auto dealership and repair shop and parking modifications, on property located at 569 Danbury Road, Map 4, Lot 32.1, in the IC Zone. **Suggested Public Hearing Date: February 27, 2024**

Mr. Bogie moved to accept Michael Jacobellis, Special Permit and Site Plan Applications ZSA-24-1 under Chapters 60, 175, and 180 to add outside storage and display of vehicles as an accessory use to the existing auto dealership and repair shop and parking modifications, on property located at 569 Danbury Road, Map 4, Lot 32.1, in the IC Zone for Public Hearing on February 27, 2024. The motion was seconded by Mr. Mullen and carried unanimously.

7) BUSINESS MEETING:

- a. Discussion and possible decisions on the evening’s agenda

Agenda Item 3e:

New Milford Zoning Commission, Application to Amend the New Milford Zoning Regulations, Chapter 25, Single Family Residence District, Section 025-020, Permitted Uses to comply with statutory mandates and add group and family child care homes, child care residential facilities, and community residences in accordance with the provisions of CT General Statutes (CGS) Sections 8-3e and 8-3j, as permitted uses in a Single Family Residence District, ZRA-23-2.

Ms. Regan made the recommendation for an effective date of February 15, 2024.

Mr. Bogie moved to approve New Milford Zoning Commission, Application to Amend the New Milford Zoning Regulations, Chapter 25, Single Family Residence District, Section 025-020, Permitted Uses to comply with statutory mandates and add group and family child care homes, child care residential facilities, and community residences in accordance with the provisions of CT General Statutes (CGS) Sections 8-3e and 8-3j, as permitted uses in a Single Family Residence District, ZRA-23-2 with an effective date of February 15, 2024. The motion was seconded by Mr. Baker and carried unanimously.

- b. Discussion and possible decision on the following closed public hearings
1. New Milford Zoning Commission, Application to Amend the New Milford Zoning Regulations, Chapter 25, Single Family Residence District, Section 025-090, Accessory Apartments, to update and revise the application requirements and standards for accessory apartments, ZRA-23-1

This item was tabled.

2. HREA-Janc, LLC, Special Permit and Site Plan Applications, ZSA-23-43 under Chapters 65, 140, 175, and 180 to allow the construction of 6 buildings with self-storage and warehouse uses and a total ground floor area of 136,500 SF, earth excavation in excess of 700 CY, and associated parking, drainage, utilities, landscaping, and lighting on property located at 160 Sunny Valley Road, Map 18.3, Lot 3, in the I Zone. **Decision by February 13, 2024** (extension remaining, 35 days)

Ms. Regan pointed out that there was a draft Resolution of Approval in the Commission members' packets. Ms. Bogie recused herself from the discussion as she was not a member when this application was originally submitted.

Mr. Mullen stated that landscaping and truck turning seemed to be the biggest concerns. Ms. Regan noted that the proposed development was not presented to be done in phases. If phasing is proposed, site plan modification approval will be required.

Mr. Bogie made an initial recommendation that at the onset of the project the landscaping should go in. He rationalized that it could be years before they got to the landscaping if it wasn't done up front. Mr. Bogie would like to see preliminary landscaping along the farm line and as you enter. Discussion ensued regarding the site work and drainage.

Mr. DiMichele likes the idea of keeping the existing screening along the front of the property but adding to it. Ms. Regan read from Condition 2d that requires a supplemental landscaping plan for the front landscape area.

Given the amount of detail in the Draft Resolution of Approval, the members agreed that they would like more time to review the final draft. Ms. Regan asked that any requested revisions be submitted to her as soon as possible. The item was continued to the next regularly scheduled meeting.

8) ACCEPTANCE OF MINUTES:

- a. January 9, 2024 Regular Meeting Minutes

Mr. Baker moved to accept the Minutes of the January 9, 2024 Regular meeting as filed. The motion was seconded by Mr. DiMichele and carried unanimously.

9) BILLS AND COMMUNICATIONS:

- a. Bill: SLR, dated 01/09/24 regarding 565/567 Danbury Rd., engineering peer review, \$825.00
b. Bill: SLR, dated 01/17/24 regarding 240 Pickett District Rd., engineering peer review & traffic peer review, \$5,857.50
c. Bill: Cramer & Anderson, dated 01/01/24, regarding misc. professional services, \$315.00

Mr. Bogie moved to approve payment of Agenda Items 9a, 9b and 9c for the amounts listed. The motion was seconded by Mr. DiMichele and carried unanimously.

10) ANY BUSINESS PROPER TO COME BEFORE THE COMMISSION:

- a. Discussion regarding Land Use Commissioner Training, Public Act 21-29, Sec. 9

This item was tabled.

11) ADJOURNMENT:

Ms. Bogie moved to adjourn the Regular Meeting of January 23, 2023 at 9:04 pm. The motion was seconded by Mr. Baker and carried unanimously.

Respectfully Submitted,



Becky Passero
Acting Recording Secretary