

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Special Meeting

January 28, 2015

Chairman Cathleen Hall called the special meeting of the Newington Town Plan and Zoning Commission to order at 6:00 p.m. in Conference Room L101 in the Newington Town Hall, 131 Cedar Street, Newington, CT

I. ROLL CALL AND SEATING OF ALTERNATES

Commissioners Present

Commissioner Frank Aieta
Commissioner Carol Anast
Commissioner Michael Camillo
Chairman Cathleen Hall
Commissioner Kenneth Leggo
Commissioner Robert Serra Sr.
Commissioner Stanley Sobieski
Commissioner Brian Andrzejewski-A
Commissioner Anthony Claffey-A

Commissioners Absent

None

II. REVIEW OF ZONING REGULATIONS

A. Section 3 (Zone Use Regulations) continued:

1. Subsection 3.5 (Uses Permitted in R-20, R-12 and R-7 Residential Zones)

Chairman Hall: Start with a review of the Zoning Regulations, Section 3, Zone Use Regulations, continued, subsection 3.5. "Uses permitted in R- 20, R-12 and R-7."

Craig Minor: There is only one thing allowed "as of right" in all three of those zones, and that's one family detached dwellings and accessory uses and structures.

Chairman Hall: All right, there doesn't seem to be any discussion on that.

2. Subsection 3.6 (Special Exceptions Permitted in R-7 Zones)

Craig Minor: There is also only one thing allowed by Special Exception in the R-7 Zone, and that is two family attached dwellings, accessory uses and structures. Currently this is all one run-on sentence so I broke it up into two paragraphs, A and B. and I changed " Building Department" to "Building Official". That's my change; it's up to you.

Chairman Hall: And for people who are either listening to us, or the public: "Each dwelling unit shall have individual and separate utility connections and/or meters in accordance with State, local and public utility regulation. Also, firewall protection, independent access to attic and independent lighting in attic space.

B. For re-subdivision of existing duplex structures the petitioners shall receive certification from the Building Department Official, well, Building Official, we are deleting Department, that these utility services are separate. This certificate shall be obtained prior to submission of an application for re-subdivision". Does anyone have any questions? I have a question about the attic. Not all structures, believe it or not, have access to attics, and in a duplex, it might be on one side, or the other. Are we going to require that it be on both sides?

Commissioner Aieta: If it's a duplex, a side by side duplex, there's usually a parting wall. I don't know, does it go all the way up to the roof?

Craig Minor: I don't know, but this came up when we were looking into whether that commercial building on the Berlin Turnpike, with that shed roof that they were building on top of their flat roof, whether that would be increasing their floor area. I asked about that, and the ZEO told me is that per building code, you have to be able to get up into the attic, if for no other reason than to fight a fire up there or to check the electrical, so I think a duplex home, the building codes would require that there be some way to get up into the attic. A trap door or something for purposes of being able to inspect up there, if nothing else.

Commissioner Aieta: I know that in the condo units that I have owned they were all attached and we were able to get into each. In my unit, in the closet there was a trap door that you could just slide over and get up in there.

Craig Minor: And was it separated from the other units?

Commissioner Aieta: Well, it wasn't, because someone could go into the attic and go into someone else's unit. There was no firewall all the way up.

Craig Minor: Oh really!

Chairman Hall: Well, those were built in the 80's, so things have changed.

Commissioner Aieta: Well, what do you want to do?

Chairman Hall: Well, moving forward anybody who wants to have a two family attached dwelling, if they are going to be building it in an R-7 it is going to have to have independent access to the attic. We can't make them retro-fit obviously ..

Craig Minor: I do get inquiries from people fairly often about the process of splitting a home into a duplex, and I tell them that these are the rules that you have to comply with if you want to retro-fit a house as a duplex.

Commissioner Aieta: People actually come in? I don't even know if there are any zones

Craig Minor: This one, R-7, that's the only place that you can do a duplex.

Chairman Hall: What is the Eighth Street, Seventh Street district? Are those R-7's?

Craig Minor: I got a call today in fact.

Commissioner Anest: Some of them are ones; taking a duplex and making it into one living space.

Chairman Hall: Correct, one owner, and they want it separate it to sell one side. Most of them have only one sewer connection, so they have to split the sewer..

Commissioner Sobieski: My question is, if somebody has a house and they want to divide it, would the fire code require them to go straight up with a fire wall?

Chairman Hall: I would think so.

Commissioner Sobieski: So therefore then a new division of an existing house would require two entrances to that attic.

Chairman Hall: New.

Commissioner Sobieski: New, or a rehab of an existing one. I thought, when they were built, I remember seeing Williamstown, I thought all of the firewalls were straight up.

Chairman Hall: Yes, that was built as an apartment.

Commissioner Sobieski: Right, but the fire walls went straight up; every other wall was a firewall I believe.

Chairman Hall: I don't know if they did that at the beginning. I know they had to do it after the fact, but I'm not sure originally what happened.

Commissioner Sobieski: Well, I'd be leery if I was buying one side and I couldn't get up to the attic to do something, and the other guy can.

Commissioner Claffey: In those zones, do we have horizontal duplexes?

Commissioner Aieta: Meaning stacked?

Craig Minor: Yes, I think so. And I would tell a person who had a house in an R-7 Zone who was thinking of doing this, yes, it's allowable, if you can comply with all of the regulations.

Commissioner Aieta: You said you had someone come in.

Craig Minor: Yes, someone called today in fact. I had front duty because the women were getting trained on the new computers, and someone called and asked if they would have to take out building permits to remodel a house that they were buying to flip. I passed the person over to Red and I overheard him talking to the person, and the person also asked about converting it to a duplex. I think when they find out what's involved, people go on to some other get-rich quick scheme.

Commissioner Aieta: I don't know of too many spots in Newington that are R-7's zones. I know builders have come in and tried to change some R-12's to R-7 zones.

Chairman Hall: All right, so everybody is on board for 3.6?

3. Subsection 3.7 (Special Exceptions Permitted in R-12 and R-7 Residential Zones)

Craig Minor: These are all, I think there are about four or five of them, different types of housing that are allowed by special exception in these two zones. I didn't change any of them, other than a little wording...well actually I did make a couple of changes later on. The first one, 3.7.1: "Alternate residential building types". These are allowed by special exception with the following conditions: ten acres; has got to be within three hundred feet of a major street; other things of that sort. I didn't make any significant changes to this section.

Chairman Hall: All right, but again, people aren't going to be able to understand what we are talking about just sitting around the table.

Craig Minor: But there will be a full public hearing on this.

Commissioner Anest: I have a suggestion. Put it on your laptop and show it on the screen.

Craig Minor: Okay, I can do that.

Commissioner Anest: That way, people sitting out there will be able to follow.

Craig Minor: I was thinking of these as a workshop meeting for the Commission, which would eventually become a public hearing. I think it would go a lot faster if you treated it like a workshop meeting, for your benefit.

Commissioner Anest: But if you put it on your laptop, people would be able to see it.

Chairman Hall: And I think even people around the table would benefit, because not everybody has been on this Commission for twenty years, so it's helpful for them too to go through this and know it. It helps them to get to know the regulations a little bit better as well.

Commissioner Aieta: I've got something on 3.7.1 C, Density.

Chairman Hall: What's that?

Commissioner Aieta: "When, in the opinion of the Commission", I don't know if we can say that.

Craig Minor: Yes, I know what you are alluding to, and I thought about that too.

Commissioner Claffey: What is he alluding to?

Chairman Hall: The lawsuit.

Commissioner Aieta: The part that the judge threw out in the law suit, the part of us being arbitrary on some of this stuff.

Craig Minor: Right. You can't waive a zoning regulation anymore. You used to be able to by a two-thirds vote, but not anymore. But you can still use your judgment when in your opinion, your judgment, the geological topography of the site renders a portion of it unsuitable for development. I can ask the Town Attorney if he thinks that this is the kind of language that McKenzie vs Hebron, whatever the suit was, prohibits, but again, what you can't do is waive the regulations any more,

but I think you can still use your judgment. You can still approve Special Exceptions, but what you can't do is to waive the zoning regulations.

Commissioner Claffey : How do you determine if it is suitable or unsuitable per the calculations? Is it the engineer who is doing the calculations, or the Commission that oversees it?

Craig Minor: Good point. Let's see...well, "slopes in excess of fifteen percent", that's pretty factual, and we'd turn to the Town Engineer to produce a map showing the areas that are – no, actually we would make the applicant do it, and we would double check.

Commissioner Claffey: Then that would be not suitable for development, and not be in the calculation of required open space?

Craig Minor: Well, the first step is determining the areas that are in excess of fifteen percent and that's pretty black and white. Once that information is in front of you, you will use your judgment as to whether that area is unsuitable, because it might be a thirty percent slope. I can't imagine anything steeper than that.

Commissioner Claffey: But we're not doing the calculations.

Craig Minor: You're right, the applicant will do that for you and then you will make the decision as to whether this is acceptable or not.

Commissioner Aieta: Think about that for a second. You have a piece of land, and it was flat, and then you had a hilly section, and you can't use the hilly section, even though you are not using it as part of the overall square footage of the site?

Craig Minor: If, after reviewing the totality of the project, the Commission feels that that hill is not appropriate for development then this Commission can, I forget where we're going with this, what the penalty is, but that's only in your opinion it's unsuitable for development.

Commissioner Aieta: We're trying to determine density, that's what you are trying to determine by this section. It says at least 8,000 square feet of land area and how to compute it, and if you have a slope that is fifteen percent, that you can't use that in your computations.

Craig Minor: No, you keep saying "you can't". The Commission can determine that the applicant may not use that land in computing the density.

Commissioner Aieta: And what are they using as a basis to do that?

Chairman Hall: The opinion of the Commission.

Craig Minor: Your opinion.

Commissioner Claffey: Fifteen percent gradient is not a very steep slope.

Craig Minor: Correct, so it's

Commissioner Claffey: Even if you build a house on it, it's very

Commissioner Aieta: Take for example the Toll Brothers site. There were tons of areas there that were in excess of fifteen percent, and they did an open space subdivision. I can just picture a larger piece of property and us saying, well, you can't use this big chunk of property because it's hilly, and in your computations as to how many units you can get. A ten acre piece where only seven acres are nice and flat to build on, and you can't use the others as computation for density.

Chairman Hall: Most of the east side of the Turnpike would be un-buildable.

Craig Minor: This has been the rule since at least 2011, maybe earlier.

Chairman Hall: Yes, I know it did.

Commissioner Claffey: Can I ask a question about how the process goes? . When a plan comes before us, does it also go before the Fire Marshal and the Police Department for slope issues with trucks? Certain trucks cannot get up, a full fire truck with 500 gallons of water, there's a gradient on that.

Craig Minor: Yes. I would ask the Town Engineer and the Fire Marshal to issue an opinion on that kind of issue.

Commissioner Claffey: Well, that might clear up the cloudiness.

Commissioner Serra: Doesn't that get into where it says, "in the opinion"?

Craig Minor: Exactly.

Commissioner Claffey: But you are also taking the opinion of said departments that have a lot more knowledge of that, so we take our opinion, and their professional opinion. If they say no, I don't like this, it would behoove us not to approve it. So it's like everyone is getting their ducks in a row.

Chairman Hall: Right.

Commissioner Sobieski: I think when you are referring to roads though, there is a certain gradient that the Town allows. If you are talking about bringing fire apparatus on a paved portion, that's one thing, you are not talking paved portion, you are talking grass area.

Commissioner Claffey: But that density calculation includes roads for that developer to take that 8,000 square foot minimum or whatever that is, because the road is going to include some portion of it. Are you taking the 8,000 as specific individual lots?

Chairman Hall: Yes, that's what this is. It is what is required for every dwelling unit.

Commissioner Sobieski: The roadway itself belongs to the town, and not part of the housing, so therefore that would not be.....

Commissioner Claffey: But for the developer to calculate how many lots he can get on that portion of land, he will say, "I can't make this affordable on 8,000 square foot lots, I need ten or a twelve", so that changes it, so that fifteen percent can be very beneficial or it can be very detrimental to the developer.

Chairman Hall: It would be up to the developer to decide what he is going to do. We're just saying, at least 8,000 square feet is required. They could choose to do eight, ten, twelve, thirteenthat's their prerogative.

Commissioner Leggo: And they are still able, at the end, to use that space as required open space.

Chairman Hall: "May be used to provide the required open space".

Craig Minor: I added that phrase. My intent was to clarify that they could use it as open space.

Commissioner Claffey: Well, look at the second sentence: "such computation of total number of dwelling units permitted on a site will be based on the usable area of the site". So, in one sentence, you are telling them that the lot has to be 8,000 square foot, and the next sentence you're telling them that there are other issues that go into this density. In one thing you are talking about a topographical issue for the development, and in the beginning sentence you are talking about the dwelling unit.

Craig Minor: I think what we are saying is that steep areas, wetlands and flood hazard areas have to be taken out of the math to determine how many lots the developer can have. It's a two step process. He goes through the math to determine how many lots he can have, but land that he wasn't allowed to use to calculate how many lots he can have, he can still use as open space. He can use it for ballfields, things of that sort. It's not like he can't use it at all. He just can't take credit for that land in calculating how many lots, what the density can be.

Commissioner Aieta: We're talking about subdivisions that are in the 12 and 7 zones, correct?

Chairman Hall: 12 and 7.

Craig Minor: And I'm not sure that we have been talking about subdivisions only, necessarily, because I think someone could come in for a PUD under this regulation.

Commissioner Aieta: I thought we had done away with PUD's.

Craig Minor: Okay..."multiple family structures, but not exceeding twelve units per structure." So we are also talking about potentially a twelve unit building. It's pretty flexible, this regulation.

Chairman Hall: Does anyone have questions or comments on this part?

Commissioner Anast: You are going to check with the Town Attorney.

Commissioner Aieta: Well, it's as clear as mud.

Chairman Hall: It is, but you know what? How many ten acre parcels do we have where this is ever going to come up?

Commissioner Aieta: And that's what this is based on?

Chairman Hall: Yes.

Craig Minor: Yes, you need at least ten acres.

Chairman Hall: Ten contiguous acres.

Commissioner Anest: You are going to check with the Town Attorney regarding that language?

Craig Minor: I'll do that.

Commissioner Claffey: Are there any ten acre parcels that aren't residential that could be changed to residential? That a developer could come in, at the busway?

Craig Minor: Sure. Theoretically, someone could come in any time and ask for a zone change.

Commissioner Claffey: So you potentially have, not that the reality of it happening, I don't think.

Chairman Hall: Is everyone set with 3.7.1? I mean, it does go into a lot of detail with the roadways, the sidewalks, homeowners association, common parking, and again, that would have to be an approved, I guess a PUD with a homeowners association, because you are not going to have that in private homes.

Commissioner Anast: I have a question on building type. Are you saying that we could have a building with twelve units?

Craig Minor: Right.

Commissioner Anast: Either vertical or horizontal units.

Craig Minor: Right.

Commissioner Anest: Is that what we want?

Craig Minor: I did delete one paragraph, paragraph J. I deleted it because I think it is clearly the type of zoning regulation that we are not allowed to have; we're not allowed to vary the requirements. Only the ZBA can do that. The same with K. I deleted, "however the Commission may waive this requirement" because that is exactly the kind of language that you are not allowed to have.

Chairman Hall: Can we go back to D.4...

Commissioner Anast: I know that we are concerned about high density housing and this falls right into it.

Commissioner Aieta: Yes, you might be able to amass ten acres.

Commissioner Anast: If you combined lots, if someone bought multiple lots....

Commissioner Aieta: But our Plan of Conservation and Development says that we discourage changing Industrial and Commercial type land to residential.

Chairman Hall: Right.

Commissioner Anest: I don't know, do you want to reduce the number of units?

Commissioner Claffey: I think we should. You would have multiple buildings and if you had five or six buildings with twelve units in each, you've got pretty dense.....

Commissioner Anest: It doesn't say what the square footage of these units should be, either, so you could have six, seven hundred square foot little studio units. Something to think about.

Craig Minor: And these are for anybody, these "alternate residential building types". It doesn't say who the intended units are for. It could be anybody.

Chairman Hall: Let's put a big question mark next to 4. D-4. Utilities, sidewalks, buffer, roadway, homeowners; does anybody have anything else on 3.7.1? Going on to 3.7.2 which is the affordable age restricted housing.

Craig Minor: It says it's for seniors and "service use buildings", but I don't know what "service use buildings" means, so I deleted it. If someone can tell me what it means, I'll recommend putting it back in there.

Commissioner Anast: You would have to go back to 3-31-09.

Craig Minor: Okay, good idea. I'll do that.

Commissioner Claffey: Question on B in 3.7.2. "The following requirements are specifically designed for the development of affordable age-restricted senior housing". Is it common that we would say, affordable age restricted, is it always just seniors for only? Senior is very subjective. If we give it in A, why would you add "senior", because someone that is 55 is not a senior, I mean, by law.

Commissioner Leggo: Putting my two cents in, under the "service building" part, having been to a couple of developments lately and seeing what I think they could be talking about, in those developments there actually is a building where a doctor's office is, or some other service for the seniors.

Craig Minor: Okay, that's possible.

Commissioner Leggo: I thought that might be what it means.

Commissioner Aieta: Like a recreation center?

Commissioner Leggo: Yes, like a recreation hall, that might be what they are talking about.

Commissioner Claffey: I asked my question because we are deleting age in the bottom of that paragraph.

Craig Minor: No, we're not. I mean, if I did, I put it back in somewhere else.

Commissioner Claffey: "Since the above described limitations..."

Craig Minor: Oh, I deleted that sentence because it was gibberish, and the whole context of this section is "seniors"..

Commissioner Claffey: Give a definition of senior age.

Craig Minor: We already do up at the top: "55 or older".

Commissioner Leggo: Yes, it's in the purpose statement.

Commissioner Sobieski: What I see here is "any spouse ..."

Craig Minor: A spouse who is not 55 shall be allowed to remain after the spouse dies, yes.

Commissioner Aieta: You want to leave that in?

Craig Minor: Yes.

Commissioner Anest: What happens if someone is living there with their child of eighteen?

Craig Minor: And both parents die, or a single parent dies? The child probably would be able to stay, but how often would that happen?

Chairman Hall: It happens, and they kick them out.

Commissioner Claffey: Is that required by the covenants, or requirements by this? The covenants of the homeowners association?

Craig Minor: It could be both. If the zoning regulations were really draconian and say, no one under 25 lives there in any way, shape or form, then the zoning enforcement officer would enforce it. I'll make sure that a surviving spouse is covered.

Chairman Hall: There was a case in Florida where grandparents were guardians of their grandchildren because the parents had been killed in a car accident, and the condominium association kicked them out; they didn't want any kids under any circumstances, and those people had to move out. It was terrible.

Craig Minor: That is terrible. I wouldn't want to be party to that.

Chairman Hall: No, it was awful.

Commissioner Claffey: Does the State of Connecticut oversee any age restricted senior housing? I ask because we say "either the Newington Housing Authority or a non-profit or limited profit developer"; are there any other people who oversee it?

Craig Minor: When you say oversee

Commissioner Claffey: As an applicant, is there anyone else that we should include here that meet the guidelines? Is there a state agency that oversees it?

Craig Minor: I think you mean as an applicant, because there are lots of state agencies that fund this kind of development, but the non-profit would be the applicant. It would not be a state agency. By saying "the Housing Authority or a non-profit or limited profit developer", I think that covers 99.9 % of who is actually out there doing building.

Commissioner Claffey: So the applicant could actually be the Town, or a non-profit or limited profit developer.

Craig Minor: That's pretty much it, because the State and Federal Government aren't building houses any more. They give money to non-profits that build houses, like the Veterans Housing that we have here in Newington. They went to the Women's Institute. I'm using them as an example of a non-profit that builds with government money, but not by the government; a private non-profit that got a grant from the government to build such housing.

Under C, Standards, I deleted that sentence because it was redundant. The whole context of the section is the special exception approval process for housing for seniors. Having this language implies that it is some additional piece of information that an applicant should know, or the staff should know, but it isn't, it's just words that don't contribute anything to our understanding of what is allowed or prohibited. I deleted a sentence in 3 because this is the Commission waiving the density requirement, which it doesn't have the right to do.

Commissioner Claffey: I have a question on Standards. Minimum parcel size - you need two contiguous acres. But then you get to Subparagraph 3 and it says I can do twenty units per acre, so I can have, in essence, forty units on one two-acre site. That's a lot of units. Think about West Hartford Road, next to the firehouse, just think how many units are on that little...

Chairman Hall: ...West Hill...

Commissioner Claffey: For people here to get a visual sense, look how many units are there. It has to be at least an acre of land, that block, from the firehouse to the railroad; there's a lot of units in there, so when you look at forty units, that's a lot.

Commissioner Anast: You're absolutely right. The Commission could think about maybe make the minimum contiguous acres larger, or make the building amount smaller per acre.

Commissioner Claffey: Then you add two people per unit, that's 80 people plus cars.

Commissioner Aieta: Does this give a minimum unit size?

Craig Minor: No.

Commissioner Aieta: I know in some of the other zones, residential use in the PD Zone, it gives you a minimum unit size, so many square foot minimum. Maybe that is the way, if you put that in here, maybe that would change the density.

Commissioner Anest: I think we need to look at this again.

Chairman Hall: This whole standards thing, including the affordability part.

Commissioner Aieta: Why did you put that in there? I'm just curious.

Craig Minor: Because I felt this was lacking from the current regulation. If this section is talking about affordable age restricted housing, then the applicant should prove that it truly is going to be affordable. If we are giving density bonuses, if we are giving concessions, if we're allowing him to do it at all, because it will supposedly be affordable, then the applicant

should prove that it is going to be affordable, and he should show how it's going to continue to be affordable for future tenants.

Commissioner Claffey: Are you going to restrict what the future owner can sell their unit for when they pass it on?

Craig Minor: We've done that in the past.

Chairman Hall: This is rental.

Commissioner Claffey: You have purchase and rentals. You have two separate.

Craig Minor: Right, I did both, because under this regulation someone could build owner-occupied affordable dwelling units, so I addressed both.

Commissioner Sobieski: Craig, maybe for our next meeting you could get the size of those senior units right across the street. What the square footage is.

Chairman Hall: Which, New Meadow or the New Samaritan?

Commissioner Sobieski: New Samaritan, because New Meadow was the existing school that was taken and changed over. The units in back, the two floors, and I'm just wondering because we are talking twenty units per acre, you're going straight up, you're not talking sideways. You certainly are not going to get twenty units of housing on one acre.

Commissioner Anest: No, you'd have to go up.

Commissioner Aieta: Is there a height restriction on this?

Craig Minor: Not a unique one, it's whatever the height restriction for that zone is.

Commissioner Sobieski: Maybe we should put in, "units not to exceed so many feet high".

Craig Minor: You mean a maximum height for the building?

Commissioner Sobieski: Right.

Craig Minor: Okay.

Commissioner Aieta: Or just chop the number of units per acre down to ten.

Commissioner Anast: I agree.

Commissioner Aieta: Let's just get all the semantics out of the way, just come out and say what we want. But you have to come up with the right number, and I don't know what the right number is. I know in the PD Zone, the most you can get is ten units per acre; I think it's probably eight after the restrictions on the size of the units. If you took that, and did the calculations, you are down to probably eight units per acre for housing in the PD Zone.

Chairman Hall: How many units are at New

Samaritan? Craig Minor: I'll find out.

Commissioner Aieta: You should find out the size of the parcel too. I don't believe it is that big.

Chairman Hall: I think its 3.4 acers or something.

Commissioner Anast: Acreage, size and number of units.

Commissioner Aieta: And what is the height of it, how many stories?

Craig Minor: I'll find out.

Commissioner Aieta: I think we have to come back.to this section.

Chairman Hall: Yes, it's going to take a while. I don't see in the PD where it says the maximum, 4500 for each unit....

Commissioner Aieta: 45 what?

Chairman Hall: 4500 square feet of site area for each dwelling unit.

Commissioner Aieta: Okay, for each dwelling you need 4500 squarefeet.

Craig Minor: So roughly, you can have ten units per acre.

Chairman Hall: So it's implied, but it's not stated. Okay, Single Family Entry Level Housing.

Craig Minor: I didn't make any changes to this, except for the Commission being able to vary the regulations.

Commissioner Claffey: Under Standards, Letter C, where you deleted "Modifications of the Zoning Regulations and Subdivision Regulations shall only apply to the following specified standards". If you delete that, does that affect Subparagraphs 1, 2, 3, and 4? Because those seem to be specific to that saying.

Craig Minor: Right, that's a good point. I hadn't read it that way.

Commissioner Claffey: I read it as saying this is specific to items one, two, three and four and if you take it away, that removes pretty much.....

Craig Minor: Oh, keep going, 1 through 12.

Commissioner Claffey: I didn't turn the page, so we may want to revisit that.

Craig Minor: Yeah, I definitely.

Commissioner Claffey: Maybe re-word that.

Craig Minor: Because these are standards, these are requirements, that are going to be standards for everybody.

Commissioner Claffey: I agree with removing it from the first paragraph under C, but it has a bigger effect. I would assume that you just have to re-word it. New verbiage I guess. Could those just be included under that without any changes?

Craig Minor: I'll go back and re-word it. I need to think about this, but you raised a very good point.

Chairman Hall: Everybody okay with that section?

4. Subsection 3.8 (Conversion of Rental Apartments to Condominiums or Town Houses)

Chairman Hall: No changes. Just make sure you like what is there. Any questions on that one, 3.8?

5. Subsection 3.9 (Uses Permitted in R-D Residential Designed Zones)

Commissioner Claffey: Earlier we spoke, under 3.7, about density. Does that coincide with 3.9.6 which is under some different density requirement? Or am I looking at maximum land use requirements and not equal to density? We spoke at length about 3.7.1.C density, and we were going to correct that under R-12 and R-7. And now when we get here, under 3.9.6, or under 3.9 it talks about residential designed zone, and now we are getting back, under 3.9.6, to percentages. Some people could look at that as density. I'm asking the question: do those two coincide with each other, so if we change the language in the front, is it going to affect some of these allocation of land uses?

Craig Minor: Changes we make to 3.7.1 won't have any impact on this, but the philosophy reflected in 3.7.1 should be consistent with the philosophy reflected here.

Commissioner Claffey: That's my question. Is that what you are saying, Bob?

Commissioner Serra: I was looking at that same section, 3.9.6, subsection B.

Commissioner Claffey: You are getting back into the issue of density, and in D you talk about three and a half dwelling units per acre. Is that per single family, multi-family or is D just.....

Commissioner Leggo: To me it's saying, if it's permitted by what 3.7 says, in addition it shall not exceed twenty-five percent. That's the way I'm taking it.

Commissioner Serra: So if we change 3.7 we need to adjust this.

Craig Minor: You probably would want to, so that we present a consistent vision, but the two regulations are not in lock step. You want to make sure that they don't conflict philosophically with each other, but whatever 3.7.1 says is completely separate from 3.9. An applicant could come in with a site plan that completely complies with 3.9, and you might say, "but per 3.7 you have to do such and such", and he will politely say, "but I'm not coming to you under 3.7, I'm coming to you under 3.9 and my plans meet all the requirements of 3.9 and that's all I'm required to comply with", and he would be right. That is why you want to make sure that the philosophies.....

Commissioner Claffey: But it says, under 3.9.1.....

Craig Minor: It says, "uses that are permitted", so if he wants to come in as a 3.7 he can, but he doesn't have to. If he wants to come in as a 3.9.2,

Commissioner Claffey: I think Bob was getting to is if he comes in under that, is he going to be able to do something different from what he is allowed under 3.7, density wise. So he could get a higher density coming in under 3.9 than he could under 3.7. I don't see why we would allow a way to get around one density to allow yourself a higher density.

Craig Minor: Because theoretically the Commission has decided that in the RD Zone, a higher density is acceptable than it is in R-12, R-7 zones.

Chairman Hall: There isn't much RD.

Craig Minor: This sky blue [pointing to the zoning map] is RD, so there is a little bit of sky blue down in the southeast.

Chairman Hall: That's Apple Hill, Cortland... no, that is the whole Candlewyck area, it is RD according to this. Residential Design, yes, Candlewyck and Little Brook. Apple Hill is Residential Planned, RP.

Craig Minor: And there is a little piece here, for some reason, and a little piece up there.

Commissioner Aieta: What's that little block?

Craig Minor: I think it's a school, it's on the corner of Main and Starr.

Chairman Hall: No, that's the American Radio Relay League.

Craig Minor: Okay, and then this piece up here...

Chairman Hall: That's Eagle Park. So all the neighborhoods that were built with central neighborhood parks. Little Brook has one, Candlewyck has one...

Commissioner Aieta: They're all developed, there's nothing left.

Chairman Hall: Well, on Stoddard's Way there are about three lots, but they are all owned by Jack Sczela.

Craig Minor: But you still want to have regulations even if the town is built out, so that if people want to remodel, they know what the rules are.

Commissioner Anest: So why don't we do whatever we want to 3.7 and 3.5, tweak those, and then keep the 3.9.

Chairman Hall: Because it talks about permanent open space, and they are the only ones that have those parks, and Eagle Park.

Commissioner Aieta: How big a piece is the American Radio Relay League?

Chairman Hall: That is several acres, that's a pretty good size piece.

Commissioner Aieta: Is it?

Chairman Hall: Goes all the way back to Magnolia, so it goes from Starr to Francis, well, there are two houses in between and then it goes up to Magnolia. That's got to be four or five acres maybe, maybe more.

Commissioner Aieta: There's another piece too on the corner of Hartford, Stoddard, the whole corner.

Chairman Hall: That's where the gas station used to be.

Commissioner Aieta: The whole corner.

Commissioner Anest: So where Briarwood.....

Commissioner Aieta: Yeah, all four corners.

Commissioner Anest: So, the gas station, Yanni's,.....

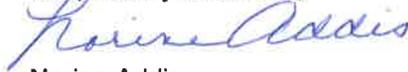
Chairman Hall: And the other gas station that they took down.

Craig Minor: Looks like we are going to have the same package next time, pretty much.

III. ADJOURN

Commissioner Leggo moved to adjourn the special meeting. The motion was seconded by Commissioner Sobieski. The meeting was adjourned at 6:58 p.m.

Respectfully submitted,



Norine Addis,
Recording Secretary