

Planning and Zoning Commission
Town of Sherman

P.O. Box 39
Sherman, Connecticut 06784

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Minutes – May 3, 2007
Regular Monthly Meeting

The Chairman called the meeting to order at 7:03 p.m. at Mallory Town Hall. Commissioners present: Chairman David N. Hopkins, Vice Chairman Barbara Ackerman, Commissioners J. Paul Voorhees, Richard Hudson, Joel Bruzinski, Alternate Mark Weber. Absent Commissioners were Commissioner Clay Cope, Robert Ostrosky, Alternates John Dwyer and Al Burgasser. Secretary Pro Tem was Joel Bruzinski, followed by Richard Hudson [Note: when Joel left the meeting.].

Public Hearing

- 1.) 27 Route 37 Center LLC – Certificate of Zoning Compliance & Special Permit to operate a Real Estate office at 27 Route 37 Center

Secretary Pro Tem Bruzinski read the Legal Notice for the Public Hearing. The Chairman gave an overview of the site walk. Bill Hunniford and David Day owners of the property attended the meeting. Mr. Hunniford stated that he would be converting the residence to a commercial use. He gave an overview of their application (see letter of March 29, 2007).

Commissioner Ackerman said that she had some concerns regarding entering and exiting the parking area to Route 37/39. She also asked about the garage and parking. Mr. Hunniford said that the rented garage has very low usage and that the parking met the regulations. Commissioner Hudson asked about parking in front of the garage and coming in and out of the garage. Mr. Hunniford said that there would not be any parking in front of the garage. The Chairman asked if there was an adequate turnaround for the vehicles if all of the parking spaces were taken up. Mr. Day said that they could do a K turn in the parking lot.

Joy Luongo, Regional Manager for William Ravies said that on the weekends there would be more traffic, usually in the early mornings. She also said that they would be closed on holidays. The Chairman said that this area is very busy on the weekends.

Commissioner Ackerman was concerned regarding exiting the property onto Route 37/39 and asked if a sign could be placed at the driveway asking the people to take extra care when exiting. She also agreed that there was a lot of traffic on the weekends in that area of Town. Mr. Day said that there are 2 stop signs at that intersection and that they meet the sight lines. They might also cut back the hedges a little if they need to.

The Chairman read information from the Health Department received March 27, 2007. The Clerk told the Chairman that she spoke with the Fire Marshal and he said that he would be reviewing the site prior to a CO being issued.

There was no public comment and no correspondence received.

The Chairman said that on the site walk there was a possibility that the property might be turned back to residential use. He would like to see the appearance to continue to look like a residential property. Mr. Hunniford said that they want a vintage

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look for the property. The Chairman asked if the hedges had to be cut back, whether they can be relocated to screen the property from the road. Mr. Day said that he would have to see how it would look at the time. The owners will be looking at the walkway and see if there will be any changes made. The Chairman asked that the vegetation behind the property be maintained to keep this property separate from the Town owned property. Mr. Day said that there is a rock wall in that area. The Chairman asked the owners to meet with the LUEO to review the parking area to see if they meet the regulations. The Chairman also said that the lighting for the property should be shielded and lit downward on the property. Mr. Hunniford said that he would do that.

Commissioner Ackerman moved to close the public hearing with Commissioner Hudson seconding. Motion carried unanimously. The public hearing was closed at 7:24 p.m. at Mallory Town Hall.

**Old Business**

- 1.) 27 Route 37 Center LLC – Certificate of Zoning Compliance & Special Permit to operate a Real Estate office at 27 Route 37 Center

The Chairman said that the LUEO was trying to get in touch with DOT regarding the impact on the area. Commissioner Hudson said that they should inform the people exiting said property to be careful. Commissioner Ackerman said it would be good if a sign of some sort could be located at the end of the driveway for people exiting the property giving them notice to be careful when entering the road. Commissioner Bruzinski said that there would probably no more traffic than a family of four had given 2 vehicles for the parents and 2 vehicles for 2 teens. The Chairman gave a list of possible conditions he would propose, if approved. The conditions were as follows:

- The general appearance of the property shall be maintained as the residential property it has been. The outward appearance of the building shall continue to appear as a residence. Landscaping shall be compatible with a residential property, with grass, flowers, shrubs, flowering trees and the like. The parking areas shall be screened from the road and from the adjacent business property with trees or other natural screening. Signage may be visible but should not be obtrusive and should not clash with the rest of the property.

-- If the existing hedge / screen along the front of the property must be removed, or significantly reduced, to provide for sight lines, it should be relocated a bit further back from the road so it still provides a screen along the road.

-- Lighting should be adequate for foot traffic in and out, but shielded so that the light does not shine upward and the point source of the light is not visible from off the property.

-- A vegetated screen shall be maintained along the rear property line to separate it from the town land behind.

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-- The number of parking slots should be enough for the garage rental as well as the main structure. There should be a turn-around spot kept free from parking, so that cars do not have to back out onto Route 37.

Commissioner Hudson moved to approve 27 Route 37 Center LLC's applications for a Certificate of Zoning Compliance & Special Permit to operate a Real Estate office at 27 Route 37 Center with the above noted conditions. Commissioner Bruzinski seconded. Motion carried unanimously. The Clerk explained the procedures following the approval to the applicants.

2.) Clark Weinreb - Advisory Consultation, 8 Old Greenwoods Road

The Chairman said that Clark Weinreb had stated, at the previous meeting, that he thought he did not need a Special Permit for the old hat shop. The Chairman said that the Commissioners had received all of the information from the last meeting that Mr. Weinreb had submitted. The Commission had also received a letter from Mr. Weinreb dated April 18, 2007. After the Commissioners reviewed the information, they came to the conclusion that a Special Permit was required. The Chairman said that after his research it was his opinion that the old hat shop was a place to assemble the product and then it was shipped to Danbury. The Chairman also stated his opinion that Emil Heinz, when he owned the property in question, was a resident contractor and that it was not a shop or a store, and that the place was used for plumbing, landscaping, etc. He also said that, in his opinion, either a change of use or a change of occupancy was still needed and that he felt a Special Permit was required.

Commissioner Bruzinski moved to state that Mr. Weinreb needs to follow the procedures for a Special Permit and a Public Hearing. Commissioner Hudson seconded. Motion carried unanimously.

**New Business**

No New Business

**Audience Participation**

The First Selectman informed the Commission that Chapel Hill Road had been staked as a 24' road and asked if the Commission wanted to walk it. She said that they would like to reclaim the road and then have Mr. Zarecki see it. The First Selectman said that Don Borkowski said that they had to widen the roadway for the base so that the edges do not break off. Commissioner Ackerman felt that it would be beneficial if Mr. Zarecki looked at the roadway first. Commissioner Bruzinski agreed with Commissioner Ackerman. The Chairman said that the Commission's job was to look at the scenic features and the Board of Selectmen would review the safety aspect. First Selectman O'Connor said that the Commission should be looking at whether or not it is in the spirit of the scenic road ordinance.

Margery Josephson asked what the width of the road was. Commissioner Voorhees said that the roadway was 24' and a portion of it was 19' wide. Commissioner Voorhees said that it

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would be good if the Commissioners reviewed the site individually. The First Selectman asked if it was okay to discuss this at the next meeting. The item will be placed on the June agenda.

Janet Hopkins said that maybe there could be sensor lights at the 27 Route 37 Center property just like at the Old Town Hall. Since it is near the Historic District lighting is an important issue. Mrs. Hopkins asked if the Commission would take into consideration the barns (old hat shop etc) in the center and if they could somehow be adapted in some fashion so as not to lost them.

Carol Faure asked why Clark Weinreb did not want to go for a Special Permit. The Chairman said that he did not know why.

Commission Education Session

- Affordable Housing (postponed until after River Oaks discussion)
- Other

Minutes

Commissioner Bruzinski moved to approve the April 5, 2007 minutes as amended at tonight's meeting. Commissioner Voorhees seconded. Motion carried unanimously. Changes were made to pages 1, 4, and 5.

Correspondence

The following correspondence was reviewed: 1.) Sherman Center Pedestrian Plan by the Housatonic Valley Council of elected Officials; and 2.) letter dated April 26, 2007 from Attorney Robert A. Fuller.

Enforcement

- Land Use Enforcement Officer's Report

The Chairman said that the LUEO will have to submit a two month report to the Commission at next month's meeting.

Follow-up on approved applications

The Chairman said that the two items (Dodge & Costa/Cope) have some changes the surveyor has to make on the mylar and will submit same to the Commission for approval.

Committee Reports

River Oaks Sub-division and Golf Course - Review status of permits

Commissioner Voorhees said that the Committee met and he suggested that they give the applicant time to respond to the Committees findings. He would like to get a list to the applicant. Commissioner Voorhees would like the applicant to come to the June meeting. A letter was sent to the applicant last year dated June 7, 2006 concerning remaining issues regarding the approval of the River Oaks subdivision and the approval of a Special Permit for River Oaks golf course community. This item will be on the June agenda for discussion.

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**Commissioners' Comments**

*Chairman Report*

*1.) statements on e-mails*

*No discussion.*

**Commission Education Session \* (postponed until after River Oaks discussion)**

*- Affordable Housing*

*Attorney Mikael Zizka attended the meeting and gave an educational workshop on the Affordable Housing statute. Mr. Zizka spoke for about 1 hour and there was a question and answer period.*

*Commissioner Ackerman moved to adjourn the meeting with Commissioner Hudson seconding. Motion carried unanimously. The meeting was adjourned at 10:06 p.m.*

*Respectfully submitted,*

*Prepared by:*

*Elizabeth-Ann Blois*

*Clerk*

*Joel Bruzinski, Secretary Pro Tem*