

**TOWN OF SOMERS
ZONING COMMISSION
P.O. BOX 308
SOMERS, CONNECTICUT 06071**

**ZONING MINUTES
REGULAR MEETING
Monday, March 6, 2006
7:00 pm Town Hall**

I. PUBLIC HEARINGS

Chairman Peter Klein opened the public hearings at 7:00 p.m. Town Planner Patrice Carson read the notices for all the hearings.

a. Modification of Special Use Permit Application for Gravel Bank, South Road, Bordeaux Farm

Mr. Bordeaux presented plans for the project, explaining that the modification will incorporate a Phase 11, comprised of a 3-acre parcel of land located between the two completed Phases 6 and 10. The reason for adding this Phase is to eliminate the jog of unmodified land that sits between the two finished phases.

The gravel bank is now nearly complete, with all subsoil grades basically in place. Bumpers and stockpiles still remain and will have to be removed. There are a few cuts that have to be completed and grades to be finished to incorporate the new phase and create a smooth, uniform finish. This work will add another 12 to 15 months to the project, depending how the market goes. Once gravel work is complete, it is intended that the land will be used for agriculture.

Town Planner Patrice Carson explained that this was referred by the Zoning Commission to the Planning Commission, who reviewed the modification plan on February 23 and recommended approval. It was also sent to the Town Engineer who reviewed it and submitted a letter commenting that this relatively minor change will make the area more uniform and provide a better utilization of the floor for expansion of the apple orchard. He finds the plans acceptable and the bond already in place will cover the additional area.

No questions or comments were received from the audience.

A member of the Commission inquired as to the amount of the bond and Mrs. Carson stated that it is \$28,844.00.

A motion was made by Lise Wood, seconded by Peter Chipouras and unanimously voted to close this portion of the public hearing at 7:09 p.m.

b. Zoning Commission's Amendment to the Zoning Regulations Section 214-84.A. Areas of Special Flood Hazard, to Update Flood Requirements

- Mr. Klein opened this portion of the public hearing at 7:09 p.m. noting that this proposed amendment to the Zoning Regulations is a requirement of DEP and FEMA. Mrs. Carson explained that FEMA is updating their flood maps and has made changes that will become effective in August 2006. Additionally, the town adopted a Floodplain Management Study of the Scantic River and its tributaries. The proposed regulation would require that anyone considering a project in a floodplain will be required to comply with these updated maps and the study. The change has gone before the Planning Commission, who recommended approval, and was sent to CRCOG. A letter was received March 3, 2006 from CRCOG noting no difficulties with this change and no conflict of interest with any of the surrounding towns and, therefore, recommending approval of the amendment.

- There were no questions or comments from the audience or from the Commissioners. A motion was made by Lise Wood, seconded by Peter Chipouras and unanimously voted to close this portion of the public hearing at 7:12 p.m.

- **c. Application for Renewal of Special Use Permit for Flea Markets and Auctions, 430 South Road, Pleasant View Farms Realty**

- Mr. Klein opened this portion of the public hearing at 7:12 p.m. Applicant Jeff Lipton explained that he is seeking annual renewal of the Special Use Permit which Pleasant View Farms Realty has had since approximately 1993 or 1994.

He provided a brief history of the regulation amendments and application, explaining that it originated because he has a golf driving range and recreational facility on Route 83 and was seeking to make the business more viable. He came before the Zoning Commission in 1993 with the suggestion to amend the Zoning Regulations by adding a provision that if someone has a commercial use, as an accessory to it, they could apply to be able to run flea markets, car shows, and music festivals, similar to what he does now. With respect to the activities being held by Pleasant View Farms Realty, the town had received no complaints up until this year regarding the activities.

The Commission recently discovered that the provision to waive public hearings as written could be subject to appeal, so when Mr. Lipton sought to renew the permit this year, he was informed of the requirement for a public hearing. Should the permit be renewed, Mr. Lipton expects to hold probably 4 to 5 fundraising events throughout the year at the Route 83 site. Any music would end by 10:00 p.m. The events being proposed before the Commission at this hearing relate only to this permit and are not associated with the other activities at his business or the restaurant.

He added that he is basically seeking only to continue the events that he has been doing for the past 10 years or so, such as the Lion's Club events or other fundraisers.

Louis Stetson, 42 Kibbe Drive, spoke in favor of the application as a member of the Lions Club and other athletic organizations in town. He wished to speak to all the fundraising events held last year and the great time that everyone had taking part in them and the financial support they provide to the organizations. There is really no other place around to hold fundraisers where the kids can be safe and all-day family-

style events can easily be held.

Ron Bernard, 65 Suncrest Drive, is on both sides of the issue. He is not necessarily against the permit but he is against the noise. He thinks that there are a lot of good things that happen on the site and in general he is in favor of the fundraising aspect.

Scott Kinney, 16 Isabella Drive, is part of the Lions Club and he appreciates the ability to use the facility because they have had some great events.

Ron Bernard, 65 Suncrest Drive, also spoke against the application noting that it is confusing to understand what a permit for a flea market and auction means. At this time, Mr. Klein read the regulation as it presently is written.

Mr. Bernard explained that when the noise level is high from a live band concert, he does not know where he should go to complain. He spoke with the First Selectman who recommended that he write to Mr. Lipton which he did, but he also wanted to speak out in this forum. His only concern is with the live band concerts, and he wanted to make it clear that he was not upset with any other aspect of the activities taking place at the location. The problem has grown during the last few years when a stage was erected and the music carries up to his neighborhood. Now when there is a live concert scheduled, they have to make plans to leave their home. He recommends that if a live band is involved that they not be allowed to play after 10:00 p.m. He also recommends that the stage be set up facing west to prevent some of the noise from reaching the neighbors. He suggests that the number of events be regulated and that the noise be kept below the state-regulated level.

Jim Call, 51 Suncrest Drive, is Mr. Bernard's next door neighbor and also takes issue with the noise level. When the larger sound system was put in about 2-1/2 years ago, it became intrusive and the events do run past 10 p.m. He recommends either putting the sound system back to the way it was or re-orienting the stage.

Pete Southwick, 431 Billings Road, stated that there should be a mechanism to deal with the excessive noise. Twice last summer it was loud enough that he thought the noise was coming from across the street at the clubhouse. When he asked if something could be done, he discovered that apparently there was no recourse.

Mr. Lipton responded that he would have a problem with facing the stage to the west. He thinks the noise everyone is referring to came from two events in particular. He can scale back the noise and limit the number of large events to 4 or 5 per year. The Cancer Relay has been scheduled for June. At this annual event, which has been held at the high school in the past, he expects that music will be played at night, but a large sound system is not generally used.

He noted that they do not do many of these large events. Last year there were 4 of them. He has no problem putting in a time limit as to when these events need to end because he doesn't want to disturb the neighbors. He appreciates and understands everyone's concerns. If there is a problem after the 5 or 6 events this year, then next year the Commission can scale the events back. He hopes the permit will be

renewed because he doesn't want to see such important events with no place to go.

A motion was made by Lise Wood, seconded by Peter Chipouras and unanimously voted to close this portion of the public hearing at 7:31 p.m.

d. Zoning Commission's Amendment to the Zoning Regulations Section 214-93. Temporary Commercial Uses to Include Uses for Farms

Mr. Klein opened this portion of the public hearing at 7:31 p.m. and asked Zoning Enforcement Officer Jim Taylor to explain how he came up with this amendment. He used Pinney Farms as an example as they have had Halloween events for many years which include hayrides, haunted houses, entertainment and food. It has grown over the years and Zoning has never required any permits. Now it has come to the point where it might be good to have some sort of conditions on an approval. The concern has been expressed that if conditions are going to be placed on events held at such facilities by way of a special use permit, perhaps a permit process should be established for events that may be held at working farms, thus ensuring that the general safety and welfare of the public is maintained during such events as well.

The Zoning Commission decided to propose an amendment to the Regulations which would require a special use permit for secondary commercial-type uses on property of an active farming operation. If an active farm is selling Christmas trees or pumpkins or produce and it is determined that a large number of people may gather at one time, they will be required to get a special use permit. This will allow for control over traffic, hours of operation or other potential issues that may arise. Mr. Taylor stressed that it is important to remember that this will be a requirement for active farms and accessory uses only.

Mr. Taylor explained that this amendment should help farmers as well because it will put a regulation in place designed to make conditions fair for all residents and encourage such creative and positive business activities within the community.

Mr. Klein read a letter from the Town Attorney in addressing the proposed amendment. Attorney Landolina suggested that changes in the wording be made to the amendment so that the active farming operations did not have to be situated on a state highway in order to receive a permit. However, any other applicant seeking to get a special use permit for commercial activity would need to be situated on a state highway. He also suggested that there be certain conditions put in place under which a public hearing would be required prior to issuing a special use permit.

Mrs. Carson stated that this proposed amendment was referred to the Planning Commission on January 12, 2006 and at that the meeting it was voted to recommend approval. The Commission submitted a few suggestions regarding the language and these have been taken care of by way of the Town Attorney's changes. The Planning Commission also concurred with Jim Taylor's assessment that the proposal allows farmers to enhance their business operations in such a way that positively effects the community.

A letter was received from CRCOG dated January 20, 2006 which affirms that they find no apparent conflict with the proposed amendment. However, one of the goals of CRCOG is to protect working farmland. Limiting commercial activities associated with farming through this process could have a

negative impact on farmers and therefore work against the region as a whole. They suggested that the Commission may wish to clarify the types of temporary commercial use activity they are seeking to regulate. Also they suggested that the regulation clearly specify that a public hearing would only be held during the time of the initial permit application process and not with each successive renewal.

Joan Naylor, 728 Stafford Road, asked what the Zoning Commission's definition of farm use is. Mr. Klein read the definition included in the Zoning Regulations and stated that to qualify, farming would have to be the primary use of the property.

Leonard VanWingerden, Grower Direct Farms, 164 Hampden Road, sought clarification as to whether a permit would be required to sell plants or produce at a farm or farm stand and he was told that no permit would be necessary in such an instance.

Bob Socha, 95 Franklin Woods Drive, wanted to be sure that a back-up plan was in place with the police to ensure enforcement in case one of these events got out of hand.

Cliff Bordeaux, 27 Mountain View Road, thinks that this is a good step in the right direction and that it will preserve some of the good activities in town. It may need tweaking once in a while as the town grows, but it is definitely a positive step. It will serve to help farms stay in business longer.

Dan Fraro, 70 Wood Road, asked how the town will assess the land if the use is temporarily commercial land – would it be like gravel banks? Mr. Klein said that this probably wouldn't change the assessment because it would be a secondary use that is temporary and added that such a question should be posed to the Assessor.

Mrs. Carson read into the record letters received in opposition to the amendment from Lynn Andrews, 195 Mountain Road, dated February 6, 2006 stating that commercial activities should take place in commercial zones and not in residential neighborhoods; Robin McDonald, 57 Stafford Road, dated February 8, 2006 stating that the farm land in town would be adversely impacted should such activities be encouraged to take place; Kenneth P. Coelho, 605 Stafford Road, dated March 6, 2006 who said that farms are an important asset and we should be promoting activities directly related to a farms use and not promoting secondary use activities. Secondary activities negatively impact the health, safety and welfare of the community.

Mr. Klein commented that First Selectman David Pinney inquired previously if the Zoning Commission might consider proposing a regulation which addressed farms specifically with regard to this issue. Mr. Klein added that the Plan of Conservation and Development stated that one of the traits of the town that most people appreciate is the agricultural aspect. He commented that it is important to realize that the purpose of proposing the amendment is to improve the current situation and gain better control over activities, thus ensuring the protection of the environment and the safety of the general public. Many of the issues addressed in opposition to the amendment will actually be improved should the amendment pass.

Ken Prior, 364 Mountain Road, is opposed and doesn't see how this amendment supports the Plan of Conservation and Development because these activities do not promote quiet neighborhood developments

because the activities themselves are loud. Also thought notification of abutters within 200 feet wasn't enough.

Karen Richard, 59 Juniper Hill Road, believes that music jamborees, auctions and flea markets are commercial activities that don't relate to agricultural uses. The regulation is far too broad and is expanding a use that is not currently permitted for farms adjacent to town roads, and will be difficult to enforce. There is no enforcement by the police when there is a special use permit in place and she opposes the amendment.

Marion Richard, 372 Mountain Road, is in favor of permits for the corn mazes, etc. but has difficulty with the broad definition of what constitutes a farm according to regulation and would therefore broaden the things that some farms, that aren't really farms, would be able to do. She thinks that this amendment would expand too much what is allowed on secondary roads and they are not equipped to handle excessive traffic and activity. Fairs and jamborees could be held at the fairgrounds which are empty most of the year. She also thinks that the public hearings should not be waived because they are beneficial for the residents and keep them informed.

Jane Legg, 13 Lindell Drive, is concerned that complaints aren't getting to the Zoning Commission.

Dave Remenik, 140 Root Road, does not have a problem with 4 or 5 events a year, but is concerned about Dan Roulier who was given a special use permit with no limitations and is now able to have it forever and do whatever he wants.

Ron Bernard, 65 Suncrest Drive, questioned how a music jamboree is a farm use.

Jim Morey, 26 Northwest Drive, has 3 farms near his home and when he considers the possibility of special events 4 times a year at each of these farms, he would have 12 events near his property. His concern is that if the farms are sold and the next owner comes in and wants the special permits for activities like jamborees, concerts and auctions, these don't fit within in the realm of the farm.

Joan Naylor, 728 Stafford Road, questioned how Camp AYAPO does what they do almost every summer weekend. They live 1/2 mile from the Camp and can hear every word on the amplifiers and also felt traffic needed to be controlled there.

Ken Prior, 364 Mountain Road, doesn't think that every farm in town is in dire straits.

A motion was made by Lise Wood, seconded by Peter Chiporouas and unanimously voted to close this portion of the public hearing at 8:28 p.m.

- **e. Special Use Permit Application for Gravel Bank, 164 Hampden Road, Grower Direct Farms**

- Lise Wood recused herself from this portion of the public hearing.

Applicant, Leonard VanWingerden, explained that he is asking for a special use permit to have a gravel

bank; however, his intention is not to operate a gravel bank for commercial purposes, but to grade the area and remove material to expand the outdoor growing beds.

Environmental Engineer Mike Mocko presented the plans showing the detailed grading plan. He explained that the applicant's business is growing plants and he has a need for additional outdoor growing space and this activity requires a level growing area so a good drip irrigation system can be installed. The work involved is of large enough scale to require working within the regulations of a gravel bank operation. His intention is that this will be completed by spring 2007.

Mr. Klein asked where the material was going when it left the site. Mr. VanWingerden replied that Herb Holden was removing the material and has not told him where he is putting it. He explained that he is not concerned about the marketing of the gravel being moved and nothing is being stockpiled on his property.

No one spoke in favor of the application.

Henry Broer, 74 Hampden Road, asked why the applicant is seeking a permit now for what he has been doing.

Mr. Klein explained that the applicant didn't realize that he needed a permit but was contacted by the Zoning Enforcement Officer about the need to get one.

Mr. Broer read a letter that he wrote to the Zoning Commission for submission this evening stating that the numbers, noise and vibrations caused by the trucks is far above anything they have ever experienced in decades of living on Hampden Road. There have been cease-and-desists and stop-work orders issued but Grower Direct ignores the regulations. He has read the minutes of the various commissions and Grower Direct seems to do whatever it wants. He now learns that this activity will continue for another year. The trucks begin before 7:00 a.m. and he gave examples of how many trucks went by. He suggests that the hours of operation be reduced to 9:00 a.m. to 3:00 p.m. and that the days of operation be reduced to 3 days a week and the number of trucks be limited.

Pat Broer, 74 Hampden Road, echoed her husband's comments and said the experience has been a nightmare.

Frances Clark, 104 Hampden Road, is opposed to the permit because the activities begin too early in the morning and the combination of trucks from all the activities is too much. She has counted 10 to 12 trucks in a 15-minute period during the morning when she is waiting for the bus with her daughter.

The upper pond in her back yard is no longer a pond but is now marshland due to all of the silt from Grower Direct coming down into the brook and landing in their upper pond. She thinks they need to stop what they are doing.

Roger Steding, 153 Hampden Road, commented that the noise from the trucks is outrageous. He submitted a letter with attachments, which he read. The letter outlined the various activities as well as noted specific discussions from various town board and commission meetings at which violations at

Grower Direct Farms had been addressed. He explained that the access road and town road is not being maintained creating dust and a washboard effect, and that 3 other commercial operations are currently using the road. He stated that the special use permit should not be approved.

Mark Burgdorf, 163 Hampden Road, echoed the neighbor's remarks. It is noisy, dusty and inconvenient. If they are going to continue to do this, they need to improve the access road.

Joan Rivard, 74 Maple Ridge Drive, spoke for the applicant, noting that she has been working with Grower Direct for several years because her organization does flowers around town and she sees that the roads are constantly being watered down and kept clean.

Mr. VanWingerden commented that any trucks before 7:00 a.m. or after 5:00 p.m. are for the greenhouse operation, not the gravel operations.

Henry & Pat Brower, 74 Hampden Road, disagreed with Mr. VanWingerden's comment and stated that there certainly are gravel trucks regularly waiting to enter the premises at 6:45 a.m. in the morning.

At 9:04 p.m., a motion was made by Peter Chipouras, seconded by Peter Klein and unanimously voted to continue this portion of the public hearing to March 20, 2006 at 7:00 p.m. in the Town Hall.

The Commission took a short recess.

II. CALL TO ORDER

Chairman Peter Klein called the regular meeting to order at 9:08 p.m. Members Peter Chipouras, Peter Klein, Lise Wood (who returned to her seat), and Alternate Members Jill Conklin (seated for Anita Calder) and Wes Smith (seated for Rob Martin) were present and constituted a quorum. Town Planner Patrice Carson and Zoning Enforcement Officer Jim Taylor were also present.

III. MINUTES APPROVAL

A motion was made by Lise Wood, seconded by Peter Chipouras and unanimously voted to approve the minutes of the February 6, 2006 meeting as written.

IV. OLD BUSINESS

a. Discussion/Possible Decision: Modification of Special Use Permit Application for Gravel Bank, South Road, Bordeaux Farm

Mrs. Carson explained that this modification will be incorporated into Mr. Bordeaux's current permit which expires June 30, 2006 and no additional fee is going to be charged.

A motion was made by Wes Smith, seconded by Lise Wood, and unanimously voted to approve the modification of Bordeaux's Special Use Permit for the Gravel Bank on South Road until June 30, 2006.

The application fee has already been paid and no additional bond is required.

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b. Discussion/ Possible Decision: Zoning Commission's Amendment to the Zoning Regulations Section 214-84.A. Areas of Special Flood Hazard, to Update Flood Requirements

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A motion was made by Lise Wood, seconded by Jill Conklin, and unanimously voted to approve the Zoning Commission's Amendment to the Zoning Regulations Section 214-84.A. Areas of Special Flood Hazard, to update the flood requirements, effective the day after publication in the newspaper.

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c. Discussion/Possible Decision: Application for Renewal of Special Use Permit for Flea Markets and Auctions, 430 South Road, Pleasant View Farms Realty

Discussion followed regarding the need for certain changes to the wording. Notice of events must be given to the town well in advance. More specifics need to be included as to noise level and a time limit of 10:00 p.m. for outside music. The applicant must be made aware that violations will result in revocation of the permit. Mr. Taylor noted that Mr. Lipton has always been very responsive when asked to comply with any request.

Discussion followed regarding the difficulty in limiting the number of events he can have during the year. It was the consensus that a limit should not be set.

A motion was made by Lise Wood, seconded by Peter Chipouras, and unanimously voted to approve Pleasant View Farms Realty's application for renewal of the Special Use Permit for Flea Markets, Auctions, and Music Festivals at 430 South Road, with the conditions of noise control, no outside music after 10:00 p.m., and presentation of a written schedule of events to the Zoning Enforcement Officer in advance of any event. The renewal period is March 6, 2006 to March 5, 2007.

d. Discussion/Possible Decision: Zoning Commission's Amendment to the Zoning Regulations Section 214-93. Temporary Commercial Uses to Include Uses for Farms

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It was noted that good comments were made at the hearing and the information will be presented to the Town Attorney for consideration.

Discussion followed that restrictions will also depend on the type of event and how to clarify the language included. Mr. Taylor added that the Statement of Purpose provided with the application is very helpful in outlining what types of activities are included.

Mr. Klein noted that by limiting the language to jamborees, music festivals, etc. we may be preventing people from applying for a Special Use Permit.

Discussion followed about holding public hearings on the renewal of applications and it was the consensus of the Commission that the public hearings will not be waived. The Commission will continue to discuss this with the Town Attorney. Any significant changes will require another public hearing.

e. **Discussion/Possible Decision: Special Use Permit Application for Gravel Bank, 164 Hampden Road, Grower Direct Farms** – This item was deferred until the next meeting.

f. **Other** – There was no other Old Business.

V. **NEW BUSINESS** – None presented.

VI. **DISCUSSION: PLAN OF CONSERVATION AND DEVELOPMENT**

The next meeting will be March 27, 2006 at 7:00 p.m. with the Economic Development Commission. The Commission will also be discussing Agricultural Zones.

VII. **STAFF/COMMISSIONER REPORTS**

Mr. Taylor presented his report for review. A motion was made by Lise Wood, seconded by Jill Conklin and unanimously voted to accept the Zoning Enforcement Officers report from February 6 to March 3, 2006.

VIII. **CORRESPONDENCE AND BILLS**

A notice was received from CFPZC about their March 23, 2006 Annual Conference meeting.

IX. **ADJOURNMENT**

A motion was made by Lise Wood, seconded by Jill Conklin and unanimously voted to adjourn the March 6, 2006 Zoning Commission meeting at 9:57 p.m.

Respectfully submitted,

A.P. Calder, Secretary

Robin Timmons, Recording Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT MEETING.

Town of Somers Zoning Enforcement Officer
For the Zoning Commission Meeting of March 6, 2006

Covering from 2/06/06 thru 3/03/06 Activities listed by Address

Enforcement activity:

1, 359 Mountain Road. Worthington Pond, LLC. Section 214-87.D. (Sales & consumption of alcoholic

beverages .Issued Cease and Desist Order. Cease and Desist Order has been appealed to the ZBA with a hearing set for Sept 14, 2004. 9/20/04, The ZBA hearing has been continued to October 19, 2004. The ZBA voted to uphold the C&D order. Mr. Roulier has appealed the ZBA decision to the Superior Court. Case Pending.

2. 12/06/05, 138 Main Street. M. Redmond. Section 214-98.B. (Failure to obtain Site Plan Approval) Requested Compliance. 2/02/06 Met with Mr. Redmond at Land Use Office. Agreed to give him reasonable time to determine what portions of the building will be use for business.

3/02/06 No Change.

3. 12/01/05. 77 Wood Road. C. Gengenbach. Sections 214.24 (Non-permitted Contractor's Yard) and 214-92.C Non-permitted Storage Container. Requested Compliance.

1/13/06 Mr. Gengenbach has agreed to compliance before February 28, 2006. 2/02/06 No change at this time.

3/01/06. Not fully compliant due to weather conditions. Will follow up.

4. 16 Birch Hill Dr. R. Mohammah. Section 214-101 (Failure to obtain Zoning Permit for Accessory Structure. Requested Compliance. 9/22/05 Spoke with owner's attorney. They are in process of how to best come into compliance. 10/13/05 No progress on a resolution to this matter. Issued Cease & Desist Order.

11/16/05 Awaiting appeal to expire before taking further action.

11/19/05. Referred file to Town Attorney to commence injunctive action in Superior Court.

12/08/05. Mr. Mohammah has agreed to obtain a Zoning Permit and relocate the building on or before the 2nd week of May 2006. The reason for this delay is winter weather. 12/02/06 No change at this time.

3/01/06. No change at this time.

5. 1/10/06_ 318 South Road. D. Paley. Sections 214-101 (Failure to Obtain Zoning Permit) and 214-98.A. (Violation of Side Yard Set-Back). Requested Compliance. 1/18/06_Issued Cease & Desist Order.

3/02/06. Mr. Paley is serving in Iraq. Will postpone enforcement at this time.

6. **2/07/06.** 64 Main St. L. Sonski. Sections 214-101 (Failure to obtain Zoning Permit for accessory building) and 214-98.A (Failure to comply with Set-Back Requirements). Requested Compliance.

7.. 164 Hampden Rd. Growers Direct. Section 214-67 (Removal of Earth Products without Special Use Permit) and 214-101 (Failure to obtain Site Plan Approval for Site Changes and Improvements. 7/14/05 Site plan application in process of being prepared for submission according to Mike Mocko of Ward Engineering. 9/06/05 Spoke with Mike Mocko. Site Plan is approximately 80% prepared. He was advised to expedite the Site Plan Application. 9/16/05 No change. Commission may want consider setting a deadline for the submission of a Site Plan application in order for Growers Direct to avoid Enforcement of the Cease & Desist Order which was issued on May 18, 2005. 10/3/05 Commission to consider deadline for submission of completed Site Plan application. 10/11/05 Sent letter to Growers Direct setting a deadline of October 17, 2005 for submission of Site Plan Application. Subject application was received in the Land Use Department on October 14, 2005.

11/05/05 Commission is anticipating Mr. Van Wingerden or his representative to appear at the November

21, 2005 meeting to present the subject application.

12/01/05_Mr. Van Wingerden has granted to the Commission an extension to February 6, 2006 to apply for a permit for a Gravel Bank.

1/11/06. No change at this time. 1/25/06_ Notified M. Mocko's office to be prepared for February 6, 2006 zoning meeting. It was confirmed that he will attend that meeting.

3/02/06. Public hearing scheduled for 3-06/06.

8.. 11/16/05. 343 Hall Hill Road, T. Barnes. Sections 214-98.B.1.(More than one single family dwelling per lot) and 214-98.101 (Failure to obtain Zoning Permit).

11/28/05 Barnes has agreed to cease the residential use of the subject building. Waiting for promised affidavit stating that agreement to close this file.

1/05/06_Resolution of this case is pending Building Code compliance with Building Official.

2/02/06 No change at this time.

3/01/06. Building Official is working with property owner toward compliance.

10. 1/03/06. 124 Main St. F. Albano/Mickey Finn's. Section214-98.B.22. (Non-permitted Motor Vehicle Sales). Requested Compliance. 1/30/06 It was agreed that compliance will be met on or before February 15, 2006.

2/16/06. Violation Eliminated.

11. 2/01/06. 515 Springfield Rd. M. Bushior. Section 214-98.B. (Storage of Junk Material). Requested Compliance.

3/02/06. About to commence further enforcement action.

Respectfully submitted:

James R. Taylor
Zoning Enforcement Officer