



TOWN OF NEW MILFORD

Town Hall
10 Main Street
New Milford, Connecticut 06776
Telephone (860) 355-6095 • Fax (860) 210-2664

Office of the Zoning Commission

August 29, 2007

Julie D. Kohler, Esq.
Cohen and Wolf, PC
1115 Broad Street
P.O. Box 1821
Bridgeport, CT 06601-1821

Re: Optasite Towers, LLC Proposal
425 Litchfield Road, New Milford

Dear Julie:

Enclosed please find the Commission's Summary of Findings and Recommendations with regard to the Optasite Tower proposal. In addition, I have enclosed the minutes from the informational hearing, staff report, and a letter submitted by a neighbor.

Please contact me should you have questions or require more information.

Thank you.

Very truly yours,

Kathy Castagnetta
Zoning Enforcement Officer

Copy: File


**Town of New Milford
Zoning Commission
Summary of Findings with regard to Informational Hearing
Optasite Towers, LLC proposed Telecommunications Facility
425 Litchfield Road
August 28, 2007**

Background:

At the August 14, 2007 regular meeting of the New Milford Zoning Commission the Commission held an informational hearing with regard to a proposed telecommunications facility at 425 Litchfield Road. A staff review from the Zoning Enforcement Officer dated August 3, 2007 which was previously distributed to Commissioners was summarized. The applicant's legal counsel was present as well as engineers from the proposed tower occupant, T-Mobile. The proposal was discussed and the applicant's representatives answered questions from staff and the commission and presented more detailed information. Members of the public posed questions and presented concerns. The applicant attempted to answer all questions and respond to concerns. The hearing was closed.

Findings and Recommendations:

1. The Commission finds that based upon the Visual Resource Evaluation Report presented by the applicant, that the proposed telecommunications facility will have minimal visual impact.
2. The Commission recommends that the site cleanup which has begun involving removal of old construction and farm equipment, miscellaneous debris, dilapidated structures, and slabs of stone must continue and requests the applicant continue to work with the property owner and to continue to encourage this cleanup.
3. The Commission finds that based upon testimony from the public it appears there are other telecommunications facilities proposed for the Route 202 corridor which have the potential to provide the coverage which it is anticipated the subject tower will provide. The Commission recommends the applicant and the Siting Council closely review the telecommunications facility proposals for this corridor so as to minimize the numbers of towers and to ensure they are placed in the most strategic locations so as to avoid construction of unnecessary facilities.


William Taylor, Secretary
New Milford Zoning Commission
August 28, 2007



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Office of the Zoning Commission

MEMO TO: New Milford Zoning Commissioners
FROM: Kathy Castagnetta, Zoning Enforcement Officer
DATE: August 3, 2007
SUBJECT: Optasite Towers, LLC Public Informational Hearing

Applicant: Opatasite Towers, LLC and Omnipoint Communications, Inc.
Property Address: 425 Litchfield Road
Map 80 Lot 1
Property Owner: Estate of Edward J. Drzal, Jeanne Anne Campbell, Fiduciary
Lot Area: 29.50 acres
Zone: B-2/R-40

Optisite Towers, LLC and Omnipoint Communications, Inc. have submitted an application to the Connecticut Siting council for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a wireless communications facility at 425 Litchfield Road. I have reviewed the following documents:

1. Application for Certificate of Environmental Compatibility and Public Need dated June 22, 2007.
2. Copy of Memorandum of Lease dated 12-7-06.
3. Copy of tax map with sketch of proposed tower area.
4. Warranty Deed, filed in land records, Volume 195 page 646.
5. Abutters Map, prepared by Clough Harbour and Associates LLP revised through 6/11/07.
6. Site Access Sheet, prepared by Clough Harbour and Associates, LLP, revised through 3/21/07.
7. Compound Plan, prepared by Clough Harbour and Associates, LLP dated 3/1/07.
8. Tower Elevation, prepared by Clough Harbour and Associates, LLP dated 3/21/07.
9. Aerial Photo, prepared by Clough Harbour and Associates, LLP dated 3/1/07.
10. USGS Topo Map, prepared by Clough Harbour and Associates, LLP, dated 3/1/07.

11. Untitled List of Miscellaneous Information on stationary of Clough Harbour and Associates, LLP.
12. A summary of "Application Guideline" and "Location in Application", untitled, undated.
13. Certification of Service.
14. "Notice" prepared by Julie D. Kohler, Esq. And Carrie L. Larson, Esq.
15. Map entitled "Existing T-Mobile On Air Coverage", undated, preparer unknown.
16. Map entitled "Existing T-Mobile On Air Coverage with CTNH370A @137'", undated, preparer unknown.
17. Existing Tower Listing, undated.
18. Map entitled "Topo USA", date and preparer unknown.
19. Report entitled "Site Search Process and Selection", preparer unknown, undated.
20. Another Topographic Map, undated, preparer unknown.
21. Visual Resource Evaluation Report, prepared by VHB dated June 2007.
22. Memo from Mike Libertine of VHB dated June 18, 2007.
23. Memo from Scott Heffernan, Radio Frequency Engineer, of T. Mobile, dated March 20, 2007.
24. Letter from Carrie L. Larson, to Mayor Murphy dated March 16, 2007.
25. Photos of the property dated January 25, 2007.
26. TOWAIR Determination Results, undated, preparer unknown.

On or about June 22, 2007 the zoning office received notification of the pending application for a telecommunications facility as noted above. In accordance with CGS Sec. 16-50 l (B)(3), the town was notified with regard to the filing of this application in mid March, and at that time the town had 60 days to conduct public hearings and meetings and provide comment to the applicant with regard to their proposal. It is my understanding the Mayor met with the petitioner and discussed the proposal, and offered comments. The deadline for commenting on the proposal has passed. I was not aware of the official notification, and so scheduled this informational hearing as we have done with all other telecommunications facilities in the past of which we were made aware. Previous petitioners for telecommunications facilities have provided the Zoning Commission with separate notice early in the process to allow the commission to conduct informational hearings, although it appears the statutes do not require this additional early notification. Since the informational hearing notice has been placed in the newspaper, I would recommend the commission hold the hearing and discuss the matter, and if it so chooses, provide comment, for what its worth.

The subject property is currently classified as vacant by the assessor's office. The property is heavily wooded with slopes averaging approximately 30%, and some as steep as 56%. The property was mined for gravel many years ago. In 2001 dozens of large granite blocks were dumped on the property, and many still remain. The property also contains many pieces of rusted commercial vehicles and equipment which do not appear to be operational.

The applicant plans to lease a portion of land, 100' x 100' and will be granted a 25' wide access and utility easement. Numerous trees are proposed for removal with excavation and regrading to bring the pad site to elevation approximately 642'. The roadway is currently at elevation 498'. The fenced in portion of the facility will be 70' x 70' and the proposed fencing is chainlink, 8' in height. The tower is proposed to be a height of 140' above grade. The application information states that the tower is proposed to be several hundred feet to all property lines, with the shortest distance being 272' to the south, and 665', the longest distance to the north. It will be 405' to the west/rear, and 598' to the east/front.

Based upon a review of the application materials, I have the following comments and questions:

1. What other tall structures in the area have been evaluated with regard to potential co-location other than the "Existing Tower Listing"? I could find no other information regarding tall structures?
2. The propagation maps provided do not appear to give all the information necessary to determine the need for this facility. The "Existing Tower Listing" states "Not one of the below existing towers would provide adequate coverage to the target area". A propagation map should be provided for each of these towers to prove this statement. The propagation map provided to the Commission in 2002 with regard to the 399 Chestnutland Road facility indicated this corridor would be adequately covered when that facility was constructed. Why can't T-Mobile co-locate on that tower? I think a propagation map should be provided depicting coverage if T-Mobile were to co-locate on the Chestnutland Road facility. It should be noted that the "Existing T-Mobile On Air Coverage" map is strictly T-Mobile existing coverage, and that it appears, based upon the 2002 map, that coverage is available to other carriers in the Route 202 corridor.

In summary, I believe the site is probably a good location for a tower. The "Visual Resource Evaluation Report" depicts and concludes minimal visual impact and the site is located a good distance from homes in a heavily wooded area. My biggest concern is that the need for the tower has not been adequately proven based upon the materials provided to the Zoning Commission.

Copy: Carrie L. Larson

My name is Molly Leonard and I am a property owner at 35 McNulty Drive, which is the *one of* property that abuts the land where this company wants to erect tower.

First, I want to say that my husband and I bought our property for two reasons. One is that the land in front of our home ^{is} ~~was~~ deemed undevelopable land by town zoning standards. Your proposing that a road can now be put on it and a tower erected on land *that is* deemed undevelopable. The other is that we have the most beautiful southern view. We can see clear to Danbury airport and this tower will now obstruct it. This visual impact would impair our use and our enjoyment. It should be also noted that there is no photographic documentation of the tower at our residence.

Secondly, I feel that the tower company has not found reasonable options other than this one stop. This spot sits at the base of a mountain, trust me a very steep mountain as I run up it every morning. To put the tower at the base, I would think would limit service for the providers, I would think common knowledge would lead anyone to think that the top of the mountain would be ideal. But has anyone higher on the mountain been approached.

Along with our beautiful view, the tower ^{top of} will be at the same level as our house, approximately 600 feet from where my children sleep and play in the yard. Is it not the top of the tower in which the radiation blows from. Also, in the fall, we can see a tower at 399 Chestnut land road, when this tower was proposed, the coverage maps showed coverage in all the places that this tower proposal shows not covered. I think it should

also be mentioned that there are already 7 existing towers within 4 miles of this proposed tower. *Washington also has an application in to the city council for a tower at 167 NM Turnip approx 1.5 miles*

Aside from all these other reasons, I have full coverage at my house and I personally checked with 2 different cell phones the coverage within a 3 mile radius around my house. In my opinion, to put a cell tower up where there is sufficient coverage makes this request all about the revenue, and not about sufficient coverage.

This proposal is also stating that the tower is to be built in a b 2 zone, which is a business zone. This is not true. Though some of this property is a b 2 zone, the actual tower would be put in an R 40, or residential, zone.

On a completely personal note, I know from doing loads of research, that the health risks argument holds no water with you, but I think anyone with any common sense knows that

the city council

that is insane. Any object that's radiates poison is of obvious health risks. The list of examples of ignoring health risks for revenue goes on and on. Asbestos started as a cost effective building material in the early 1900's and by the 1970's, the world finally knew that it caused cancer. That was seventy years of exposure. I hope in seventy years, you are not the cause of countless deaths. These towers belong in industrial areas, it is completely unnecessary to put anything blowing radiation in residential areas.

**NEW MILFORD ZONING COMMISSION
REGULAR MEETING
MINUTES
AUGUST 14, 2007**

Present: Janice Vance, Vice Chairwoman
William Taylor, Secretary
Stephen Paduano, Member
Sharon Ward, Member
Kathy Castagnetta, Zoning Enforcement Officer

Absent: Eleanor Florio, Chairwoman
Walter Rogg, Alternate
Donald Marsh, Alternate
James Walker, Alternate

1. CALL TO ORDER

Mrs. Vance brought the meeting to order at 7:00 p.m. in the Loretta Brickley Conference Room of Town Hall.

2. PUBLIC PARTICIPATION

There was no public participation at this time.

3. PUBLIC HEARINGS

- A. Candlewood Trails Association, special permit and site plan applications to allow construction of a water system pump station under section 025-100 on property located at 29a Cedar Drive, Map 13.3, Lots 87, 89, 94, 95 in the R-80 zone. Close by August 28, 2007.**

Mrs. Castagnetta stated the surveys have been done and the applicant is currently working on a site plan.

- B. Optasite Towers, LLC public informational hearing to construct, maintain and operate a wireless telecommunications facility consisting of a 140 foot, self-supporting monopole, antennas, associated equipment and other site improvements integral to a wireless telecommunications facility on property owned by the Estate of Edward J. Drazl at 425 Litchfield Road in the B-2 zone.**

Attorney Julie Kohler, Mr. Keith Toppins of T-Mobile, and Mr. Scott Heffernan were present for the application.

Mr. Taylor read the legal notice. Mrs. Castagnetta noted that the Zoning Commission has no jurisdiction in regards to this agenda item, but it is on the agenda for public information. Mrs. Castagnetta confirmed with members that they had reviewed the staff report, and summarized her concerns from this report, which were that the applicant has not provided sufficient information to prove the tower is necessary.

Mrs. Kohler stated that her team had previously met with the Mayor about the proposal and she expressed a concern over the state the property is in and asked the applicant to "oversee" the cleanup on this site.

The proposed tower would allow co-location for all licensed FCC carriers and the New Milford Emergency Services equipment.

Mr. Heffernan gave a brief overview of a table noting why the current towers in New Milford would not work for this company and the coverage threshold maps. It was noted that building a tower is a last resort for communications companies. They would co-locate on another tower before building a new facility.

T-Mobile needs coverage heading north and the proposed tower site is advantageous to them in regards to terrain. Brief discussion ensued as members spoke of other tower sites and Mr. Heffernan tried to explain how threshold models are made and change. He noted that Optasite fine tunes their models by constantly having people out driving the area and trying to get signal.

At this time there are four different cell phone carriers in Connecticut and two more have just applied for and received licenses.

Mrs. Kohler noted for the record that although there are a lot of towers around and carriers to co-locate on them, there are big differences in what heights they need to be on a tower. The proposed tower will have four carrier positions and a position for the emergency services equipment.

Mr. Paduano expressed concerns for how this would affect the neighborhood and asked if the tower could be higher than the proposed 140 ft. Mrs. Kohler stated that the applicant is not proposing anything over 140 ft., however, if it wanted to go higher, it would have to put in another application with the Siting Council and take its chances on whether or not it would be approved. The Siting Council would determine if there is a need to go higher.

The proposed tower would be located in the middle of the site property. The property owner is continuing the site cleanup, but it will take a lot of time. The applicant figures it will take eight months to one year to fully remedy the problems on the site. Mrs. Kohler stated that the applicant is getting behind the cleanup to make sure it gets completed.

When asked about a stealth tower (such as those shaped like trees) Mrs. Kohler stated that the applicant has no inclination towards that end. They have found that they do not fit into the landscape well.

Speaking for/against/questions:

Mr. Larry Stillman of 9 Saddle Ridge Road asked if the coverage for the proposed tower would cover the Bee Brook and Steep Rock areas of Washington. There is no cell coverage there and there is a definite need.

The applicant did not think that that area would be entirely covered.

Mrs. Molly Leonard of 35 McNulty Drive read a letter expressing her displeasure with the proposed tower. She spoke about concerns regarding health, her view from her property and that there is no need for another tower in the area. She felt the applicant is putting revenue over health.

Mr. John Kuck of the Northville Fire Department spoke against the tower stating there was no need for it when there are others in the area. He also noted that there would be one being erected on Northville F.D. property in the future.

Mr. Robert Gambino, speaking for the Northville Residents Association stated that there is a dead area in Marbledale and that would be the better place to have a tower than the proposed site. He felt the Siting Council should look at dead areas first. He also expressed concerns for the right of way through the property and the time frame for the clean up.

Ms. Cynthia Battista of 9 Sand Pit Road did not feel the proposed tower would help her area. She also thought that if a tree looks bad, the tower would look equally as bad. She also expressed concerns for the right of way. When she asked when the Siting Council would meet, Mrs. Kohler told her that there would be a public hearing on this matter by the Siting Council to be held on September 10, 2007 at the New Milford High School from 3-5 p.m. and from 7-9 p.m.

Mrs. Kohler addressed some of the concerns of the public. She stated that a photo simulation is not possible from every house, but a property owner can look at the view shed that was submitted with the application to see if a property would see the tower whether year round or seasonally.

The tower is offered to the New Milford Emergency Services for its use free of charge. At this time, she has not heard back from them.

The right of way is not a regulatory issue. It is a leasing issue. The applicant has no control over the balance of the property. It is the property owner's business. The applicant is only interested in the leased area. The right of way ends at a stream and is just an access way.

Cleanup of the site is not part of the project, but the applicant is encouraging the process as per the Mayor's request and to allow them better access to the leased area.

When asked if they can move higher up on the mountain, Mr. Heffernan stated that going higher up does not allow for better coverage and gave the example of why it would not work (plateau and snowballs). The tower must be placed lower to reach its coverage objectives.

Mr. Kuck stated the tower on Chestnutland Road can be seen from Route 202.

Mrs. Kohler stated that T-Mobile does not have coverage in the proposed area and thus the reason for the tower.

Mr. Taylor moved to close the public hearing for Optasite Towers, LLC public informational hearing to construct, maintain and operate a wireless telecommunications facility consisting of a 140 foot, self-supporting monopole, antennas, associated equipment and other site improvements integral to a wireless telecommunications facility on property owned by the Estate of Edward J. Drazil at 425 Litchfield Road in the B-2 zone.

4. NEW BUSINESS

- A. Danny Kallivrousis, site plan application to allow construction of a commercial building under Chapter 65, Industrial District, Section 065-020 paragraphs 1 & 2, on property located at 9 Old State Road, Map 14.3, Lot 82 in the Industrial Zone. Decision by September 25, 2007.**

Mrs. Castagnetta stated that a letter of withdrawal was received. Mr. Taylor read the letter of withdrawal.

Mr. Paduano moved to accept the letter of withdrawal from Danny Kallivrousis, site plan application to allow construction of a commercial building under Chapter 65, Industrial District, Section 065-020 paragraphs 1 & 2, on property located at 9 Old State Road, Map 14.3, Lot 82 in the Industrial Zone. The motion was seconded by Ms. Ward and carried unanimously.

B. Mesude Bajrami, letter of request to recognize a change of use from a non-conforming mixed use office/residence to a non-conforming four family dwelling, on property located at 53 Park Lane Road.

Mrs. Castagnetta asked if members had reviewed the staff memo and then she summarized the memo. Mrs. Castagnetta stated that the building was built in 1989 and there are use change signoffs, but she is not sure when the use change was approved. She thinks the use has always been nonconforming. There is no increase in bedrooms and there is enough parking onsite.

Mr. Bajrami was present for the application. He purchased the property in 1989. It was originally a real estate company downstairs and an apartment upstairs. When the real estate office closed, another business use was put in there. However, that office is now closed and it has been over a year that the applicant has not been able to rent the space out. Rather than keeping it empty or putting another use in there, the applicant felt that changing it to a four apartment building would be a better use.

Mr. Bajrami stated the apartment use would create less traffic than the business use. As there is no sewer, soils test are necessary, however, at first blush, the site looks easily convertible. A dumpster exists on site and could be enlarged if necessary.

5. OLD BUSINESS

There was no old business on the agenda at this time.

6. ZONING ENFORCEMENT OFFICER'S REPORT

No Zoning Enforcement Officer's report was submitted for review. Members briefly discussed the conversion of the Oriental House and how the surrounding properties were held to a higher standard and the Oriental House is not sticking to any standard. Brief discussion ensued as to how a Village Center District is needed to uphold architectural and aesthetic standards for that area of town.

Mrs. Castagnetta stated the Village Center District public hearing is being held September 11, 2007.

Members also briefly discussed Home Depot and the problem of outside storage on that property. It reflects badly on the town when some businesses can't or won't adhere to the regulations. Members felt it was also unfair to the businesses that do hold to the regulations. They discussed sending a letter to the editor thanking those businesses that uphold the regulations.

When asked about the cease and desist process, Mrs. Castagnetta stated a non-compliance letter would go out, she would wait 2-4 weeks for compliance and

then a C& D would go out. It is then another thirty day waiting period before a citation can be issued.

7. **ACCEPT FOR PUBLIC HEARING**

- A. **Louis C. White, special permit and site plan applications to allow a combined residential and B-1 use under Section 040-020-4E, on property located at 25 West Street, Map 28.4, Lot 159 in the B-2 zone. Suggested Date: September 11, 2007.**
- B. **David Ireland, special permit and site plan applications under Section 025-110(A3) to allow a 1,280 square foot detached garage, on property located at 12 Valley View Lane, Map 13.4, Lot 23 in the R-8 zone. Suggested Date: September 11, 2007.**

Mr. Paduano moved to accept Items A & B for public hearing on the dates suggested by the Zoning Enforcement Officer. The motion was seconded by Ms. Ward and carried unanimously.

8. **BUSINESS MEETING**

A. **Discussion and possible action on this evening's agenda:**

Optasite Towers, LLC public informational hearing to construct, maintain and operate a wireless telecommunications facility consisting of a 140 foot, self-supporting monopole, antennas, associated equipment and other site improvements integral to a wireless telecommunications facility on property owned by the Estate of Edward J. Drazl at 425 Litchfield Road in the B-2 zone.

Members did not feel that this tower would be as intrusive as the one which was proposed for Gaylordsville, but suggested that the Chestnutland Road tower be looked at to see if T-Mobile can co-locate on that tower and get the coverage it needs. Members suggested that a copy of the minutes and applicable information be sent in a packet to the Siting Council. They also felt that the neighbors would be more accepting of the proposal if the site were cleaned up.

Mrs. Castagnetta would put a summary together for the applicant.

Mesude Bajrami, letter of request to recognize a change of use from a non-conforming mixed use office/residence to a non-conforming four family dwelling, on property located at 53 Park Lane Road.

Members felt that the proposal provides rental housing for the community, it is in a good location to the center of town, and there are no changes with the exception of interior work.

Mrs. Castagnetta stated that Attorney DiBella felt it to be more conforming and in harmony with the neighborhood than the current use.

Mr. Paduano moved to approve the request to recognize a change of use from a non-conforming mixed use office/residence to a non-conforming four family dwelling on property located at 53 Park Lane Road with the stipulation that the applicant make the dumpster area look aesthetically pleasing. The motion was seconded by Mr. Taylor and carried unanimously.

B. Discussion and possible decision on the following closed public hearings:

- 1. Proposed amendment to the New Milford Zoning Regulations to add Chapter 118, Mixed Use Zone #1, to encourage the development of the existing underutilized corridor adjacent to Route 7 properties and bordered by Peagler Road to the north, Sunny Valley Road to the south and Fort Hill Road to the west, into an economically diverse combination of housing types and compatible commercial uses, consistent with the New Milford Plan of Conservation and Development, as proposed by the New Milford Zoning Commission.**

Members felt that several changes needed to be made to make the regulation more flexible. Mr. Paduano felt that the intent/purpose of the regulation should follow Smart Growth Principles and reference the American Planning Association.

Members briefly went through the regulations and referenced sections that they would like to be changed or removed entirely. Another discussion ensued regarding the need to be sure that sewer capacity can be ensured before approvals are given to applicants. Mr. Taylor stated that at this time there are more approvals than there is sewer capacity and it will be a matter of time until the sewer system cannot handle any more subscribers. He felt that the Zoning Commission has the right to say no to an application if it feels that in the future the sewer won't be able to handle the load.

It was noted that residential use puts more strain on the sewer system than business does.

Using the Mixed Use Zone would require a zone change with a Master Development Plan. A site plan would then be necessary with a special permit.

Mr. Taylor felt that the Zoning Commission should ask for sewer feasibility before an application is accepted for review. Mrs. Castagnetta stated that the Master Development Plan should also be brought to every meeting when an applicant is before the Commission.

Mrs. Castagnetta stated she would take all of the comments made this evening into consideration and would bring a revised version of the regulation back to the Commission for review.

Mr. Paduano moved to deny the proposed amendment to the New Milford Zoning Regulations to add Chapter 118, Mixed Use Zone #1, to encourage the development of the existing underutilized corridor adjacent to Route 7 properties and bordered by Peagler Road to the north, Sunny Valley Road to the south and Fort Hill Road to the west, into an economically diverse combination of housing types and compatible commercial uses, consistent with the New Milford Plan of Conservation and Development, as proposed by the New Milford Zoning Commission. The motion was seconded by Mrs. Vance and carried unanimously.

2. **Proposed amendment to the New Milford Zoning Regulations to add the following definitions to Chapter 15, Definitions: Arcade, Articulated Façade, Banquet Hall, Class 1 Retail, Class 2 Retail, Class 1 Service, Class 2 Service, Fitness Center, Medical Offices and Medical Clinics, Mixed-Use, Parking Structure, Pedestrian Oriented Design, Public Gathering Space, Pedestrian Way, Sequestered Parking, Shared Parking, Surrounded Parking, as proposed by the New Milford Zoning Commission in conjunction with Chapter 118, Mixed Use Zone #1.**

This proposed amendment is in conjunction with the Chapter 118 Mixed Use regulation. Mrs. Castagnetta noted that several changes would be necessary to Chapter 15 as well.

Mr. Taylor moved to approve Proposed amendment to the New Milford Zoning Regulations to add the following definitions to Chapter 15, Definitions: Arcade, Articulated Façade, Banquet Hall, Class 1 Retail, Class 2 Retail, Class 1 Service, Class 2 Service, Fitness

Center, Medical Offices and Medical Clinics, Mixed-Use, Parking Structure, Pedestrian Oriented Design, Public Gathering Space, Pedestrian Way, Sequestered Parking, Shared Parking, Surrounded Parking, as proposed by the New Milford Zoning Commission in conjunction with Chapter 118, Mixed Use Zone #1. The motion was seconded by Mr. Paduano and FAILED unanimously.

Mrs. Castagnetta stated she would rewrite both sections for the first meeting in October.

9. **ACCEPTANCE OF MINUTES**

A. **July 24, 2007**

Mr. Paduano moved to approve the minutes of the July 24, 2007 regular Zoning Commission meeting. The motion was seconded by Ms. Ward and carried unanimously.

B. **August 7, 2007**

Mrs. Vance moved to approve the minutes of the August 7, 2007 special Zoning Commission meeting. The motion was seconded by Ms. Ward and carried unanimously.

10. **BILLS AND COMMUNICATIONS**

There were no bills or communication for review at this time.

11. **ANY BUSINESS PROPER TO COME BEFORE THE COMMISSION**

Mrs. Castagnetta noted that she handed out a letter from Vin Nolan to the Commission in regards to the old CVS building. The owner would like to put in a family restaurant and hold a liquor permit. However, the building is within 500 ft. of a church. Mr. Nolan asks in his letter if the Commission would consider amending that regulation to not apply in the Village Center Zone.

Members agreed and Mrs. Castagnetta stated she would run the change past Attorney DiBella. Members also felt that Mrs. Castagnetta should look at other towns to see what they do in instances such as this.

Mr. Taylor suggested looking through the rest of town because there are situations like this in several different locations in town.

Mrs. Castagnetta noted the Liquor Control Board does look at health, safety, and welfare when each application comes in. She will call them and discuss this issue. It was also noted that the license goes with the land.

12. **ADJOURNMENT**

*Mr. Paduano moved to adjourn the meeting at 8:55 p.m.
The motion was seconded by Mrs. Vance and carried
unanimously.*

Respectfully submitted,

Judilynn Ferlow
Recording Secretary

/jlf