

THE ZONING COMMISSION

Town of New Fairfield
New, Fairfield, CT 06812

REGULAR MEETING MINUTES

Wednesday, May 2, 2018
7:30pm

New Fairfield Library Community Room

Present: John Moran (Chairman), John Brown, Joe Letizia, Gary Mummert (Alternate), Steve Hanrahan and Town of New Fairfield Zoning Enforcement Officer Evan White

Absent: Kevin Van Vlack (Vice Chairman)

Alternate Gary Mummert was elevated to a full member for the purpose of this meeting.

Members of the public present: Engineer Michael Mazzucco, Kujtim Shej, David Bernardini, Pat Toth, Jorge Martins and many residents with concerns regarding short term rentals.

1. **Call to Order:** Chairman John Moran called the meeting to order to at 7:32pm.

Chairman John Moran moved the agenda item “Discussion of issues with Air BnB & Short Term Vacation Rentals” to the beginning of the meeting in order to accommodate members of the public present.

Discussion: Issues with Air BnB’s & Short Term Vacation Rentals in the Town of New Fairfield- Many members of the public expressed their concerns about residents in New Fairfield renting their houses on a short-term basis similar to Air BnB’s. They spoke of the safety issues, the burden to the lake and the septic and wells, noise and difficulty parking. Chairman John Moran noted that there are no current regulations in New Fairfield for AirBnB’s or rentals. If a regulation is approved against Air BnB’s it must also regulate rental properties and there can be no distinction. He noted that the Zoning Commission will look into the regulations for surrounding towns especially the lake communities and will continue to look into this at future meetings.

2. **Public Comment:** New Fairfield High School Senior Luis Toscano presented the commission with a paper that he and some classmates wrote for their American Government class entitled “Preserving Candlewood Lake” regarding the health of Candlewood Lake. He spoke of buffer zone implementations and ways to reduce algae in the lake. He noted that this will also be presented to the BOS in the near future. He offered to help the Zoning Commission if necessary.

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May 2, 2018

PUBLIC HEARING

1. **Special Permit SP-18-009;** 41 Dick Finn Road-Section 6.4-Excavation, Filing and Grading of Earth Materials-Applicant-Kujtim Shej (Timmy’s Masonry)- Applicant is proposing to bring in a large amount of fill to reestablish a low laying area in front of the house between roads to access attached garage with moderate grade and provide a level front yard. Engineer Michael Mazzucco showed maps which included the site line and the slope of the property after the stone wall is cut back. The site was reviewed by the Town Engineer who asked for the construction debris to be tested. It was noted that permission is needed if any town trees are taken down. It was decided to continue this to the June 6th Zoning Commission meeting.

MOTION: Steve Hanrahan made a motion to table Special Permit SP-18-009 until the June 6th meeting. Joe Letizia seconded the motion.

John Brown	yes
Joe Letizia	yes
Steve Hanrahan	yes
John Moran	yes
Gary Mummert	yes

2. **Special Permit SP-18-002;** 80 State Route 39-Section 4.1-Business/Commercial-Construct Front Outdoor Patio for seating at Icons Restaurant; Applicant-David Bernardini spoke of his desire to put outdoor seating at Icons Restaurant from May 1st until October 31st. The proposal would be 6 tables with a total of 24 chairs. There will be no lights outside by the tables. It was noted that this seating would be mostly for lunch customers. There was a discussion among the commission members regarding the safety issues with cars going around the bend. There will be a retaining wall approximately 2 feet thick by 2 ½ feet high to serve as a barrier. No additional parking is required but it was noted that the Zoning Commission has the right to not renew this permit in a year if parking is an issue. There is a concern from the Health Department regarding the septic and it was noted that there would not be an increase in the total number of tables and some indoor tables would be moved outside.

BUSINESS ITEMS

1. Site Plan SI-18-002; 80 State Route 39-Section 4.1

MOTION: Steve Hanrahan made a motion to accept Special Permit SP-18-002; 80 State Route 39 Section 4.1-Business/Commercial-Construct Front Outdoor Patio for seating at Icons Restaurants from May 1st until October 31st without lights. Gary Mummert seconded the motion.

John Brown	yes
Joe Letizia	yes
Steve Hanrahan	yes
John Moran	yes
Gary Mummert	yes

2. Site Plan SI-18-012; 104 State Route 39-Section 6.3-Signs, Updating pre-existing Business Signage. Applicant-New Fairfield Automotive- Applicant Jorge Martins showed a picture of the existing sign and it was noted by the Zoning Commission that this sign was grandfathered regarding the new sign regulations. It was noted that a new sign must stay in the same location and the sign can only be the same size or smaller. It was noted that it is preferred to be in Black and White. If the sign is taken down then the new sign would have to adhere to “Neighborhood Business” regulations. There was a discussion of whether or not a phone number is permitted on the sign. Zoning Enforcement Officer Evan White will check with the attorney regarding the phone number.

MOTION: Gary Mummert made a motion to approve site plan SI-18-002; 104 State Route 39-Section 6.3 Signs in Black and White without the phone number on the sign. Joe Letizia seconded the motion. (Phone number on sign is pending attorney approval)

John Brown	yes
Joe Letizia	yes
Steve Hanrahan	yes
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Gary Mummert	yes

3. 3 Dunham Drive- Deferred Parking Request for 3 Dunham Drive; Applicant Pat Toth approached the commission asking for a deferment from 24 parking spots to 10 parking spots. This would give more parking spots for 3 Dunham Drive.

MOTION: Steve Hanrahan made a motion to reduce the parking at Village Hardware from 24 parking spots to 10 parking spots. Joe Letizia seconded the motion.

John Brown	yes
Joe Letizia	yes
Steve Hanrahan	yes
John Moran	yes
Gary Mummert	yes

4. Current Regulations for 7.1 Nonconforming Lots- Evan White spoke of current regulations and noted that there are no regulations for R-44 lots. He is currently working with the attorney on this.

5. Enforcement Actions

36 and 40 Lavelle Ave- Excess amount of fill. There is a lot of debris that needs to be removed. The homeowner has hired someone to remove this. There is a concern about run off into the lake.

6 Hewlett Ave- A commercial log operation and transfer station is being operated. Evan White is writing a violation.

43 Ye Old Road- Vaughn's Neck- entire home built without permits or septic. Evan White is currently working with the Fire Dept. on this. The resident is willing to work with the town to rectify this.

There was a brief discussion of the flashing lights at the nail salon. Evan White will look into this.

6. Minutes

Gary Mummert made a motion to approve the minutes of the April 4, 2018 meeting as presented.

Joe Letizia seconded the motion.

John Brown	yes
Joe Letizia	yes
Steve Hanrahan	yes
John Moran	abstained
Gary Mummert	yes

7. Adjournment

Steve Hanrahan made a motion to adjourn the meeting at approximately 8:49pm. John Brown seconded the motion - **All in favor**

Respectfully submitted,
Suzanne Kloos

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2. **Special Permit SP-18-002;** 80 State Route 39-Section 4.1-Business/Commercial-Construct Front Outdoor Patio for seating at Icons Restaurant; Applicant-David Bernardini spoke of his desire to put outdoor seating at Icons Restaurant from May 1st until October 31st. The proposal would be 6 tables with a total of 24 chairs. There will be no lights outside by the tables. It was noted that this seating would be mostly for lunch customers. There was a discussion among the commission members regarding the safety issues with cars going around the bend. There will be a retaining wall approximately 2 feet thick by 2 ½ feet high to serve as a barrier. No additional parking is required but it was noted that the Zoning Commission has the right to not renew this permit in a year if parking is an issue. There is a concern from the Health Department regarding the septic and it was noted that there would not be an increase in the total number of tables and some indoor tables would be moved outside.

BUSINESS ITEMS

1. Site Plan SI-18-002; 80 State Route 39-Section 4.1

MOTION: Steve Hanrahan made a motion to accept Special Permit SP-18-002; 80 State Route 39 Section 4.1-Business/Commercial-Construct Front Outdoor Patio for seating at Icons Restaurants from May 1st until October 31st without lights. Gary Mummert seconded the motion.

John Brown	yes
Joe Letizia	yes
Steve Hanrahan	yes
John Moran	yes
Gary Mummert	yes

2. Site Plan SI-18-012; 104 State Route 39-Section 6.3-Signs, Updating pre-existing Business Signage. Applicant-New Fairfield Automotive- Applicant Jorge Martins showed a picture of the existing sign and it was noted by the Zoning Commission that this sign was grandfathered regarding the new sign regulations. It was noted that a new sign must stay in the same location and the sign can only be the same size or smaller. It was noted that it is preferred to be in Black and White. If the sign is taken down then the new sign would have to adhere to “Neighborhood Business” regulations. There was a discussion of whether or not a phone number is permitted on the sign. Zoning Enforcement Officer Evan White will check with the attorney regarding the phone number.

MOTION: Gary Mummert made a motion to approve site plan SI-18-002; 104 State Route 39-Section 6.3 Signs in Black and White without the phone number on the sign. Joe Letizia seconded the motion. (Phone number on sign is pending attorney approval)

John Brown	yes
Joe Letizia	yes
Steve Hanrahan	yes
John Moran	yes
Gary Mummert	yes

3. 3 Dunham Drive- Deferred Parking Request for 3 Dunham Drive; Applicant Pat Toth approached the commission asking for a deferment from 24 parking spots to 10 parking spots. This would give more parking spots for 3 Dunham Drive.

MOTION: Steve Hanrahan made a motion to reduce the parking at Village Hardware from 24 parking spots to 10 parking spots. Joe Letizia seconded the motion.

John Brown	yes
Joe Letizia	yes
Steve Hanrahan	yes
John Moran	yes
Gary Mummert	yes

4. Current Regulations for 7.1 Nonconforming Lots- Evan White spoke of current regulations and noted that there are no regulations for R-44 lots. He is currently working with the attorney on this.

5. Enforcement Actions

36 and 40 Lavelle Ave- Excess amount of fill. There is a lot of debris that needs to be removed. The homeowner has hired someone to remove this. There is a concern about run off into the lake.

6 Hewlett Ave- A commercial log operation and transfer station is being operated. Evan White is writing a violation.

43 Ye Old Road- Vaughn's Neck- entire home built without permits or septic. Evan White is currently working with the Fire Dept. on this. The resident is willing to work with the town to rectify this.

There was a brief discussion of the flashing lights at the nail salon. Evan White will look into this.

6. Minutes

Gary Mummert made a motion to approve the minutes of the April 4, 2018 meeting as presented.

Joe Letizia seconded the motion.

John Brown	yes
Joe Letizia	yes
Steve Hanrahan	yes
John Moran	abstained
Gary Mummert	yes

7. Adjournment

Steve Hanrahan made a motion to adjourn the meeting at approximately 8:49pm. John Brown seconded the motion - **All in favor**

Respectfully submitted,
Suzanne Kloos

THE ZONING COMMISSION

Town of New Fairfield
New, Fairfield, CT 06812

REGULAR MEETING MINUTES

Wednesday, May 2, 2018
7:30pm

New Fairfield Library Community Room

Present: John Moran (Chairman), John Brown, Joe Letizia, Gary Mummert (Alternate), Steve Hanrahan and Town of New Fairfield Zoning Enforcement Officer Evan White

Absent: Kevin Van Vlack (Vice Chairman)

Alternate Gary Mummert was elevated to a full member for the purpose of this meeting.

Members of the public present: Engineer Michael Mazzucco, Kujtim Shej, David Bernardini, Pat Toth, Jorge Martins and many residents with concerns regarding short term rentals.

1. **Call to Order:** Chairman John Moran called the meeting to order to at 7:32pm.

Chairman John Moran moved the agenda item “Discussion of issues with Air BnB & Short Term Vacation Rentals” to the beginning of the meeting in order to accommodate members of the public present.

Discussion: Issues with Air BnB’s & Short Term Vacation Rentals in the Town of New Fairfield- Many members of the public expressed their concerns about residents in New Fairfield renting their houses on a short-term basis similar to Air BnB’s. They spoke of the safety issues, the burden to the lake and the septic and wells, noise and difficulty parking. Chairman John Moran noted that there are no current regulations in New Fairfield for AirBnB’s or rentals. If a regulation is approved against Air BnB’s it must also regulate rental properties and there can be no distinction. He noted that the Zoning Commission will look into the regulations for surrounding towns especially the lake communities and will continue to look into this at future meetings.

2. **Public Comment:** New Fairfield High School Senior Luis Toscano presented the commission with a paper that he and some classmates wrote for their American Government class entitled “Preserving Candlewood Lake” regarding the health of Candlewood Lake. He spoke of buffer zone implementations and ways to reduce algae in the lake. He noted that this will also be presented to the BOS in the near future. He offered to help the Zoning Commission if necessary.

Zoning Commission meeting
May 2, 2018

PUBLIC HEARING

1. **Special Permit SP-18-009**; 41 Dick Finn Road-Section 6.4-Excavation, Filing and Grading of Earth Materials-Applicant-Kujtim Shej (Timmy’s Masonry)- Applicant is proposing to bring in a large amount of fill to reestablish a low laying area in front of the house between roads to access attached garage with moderate grade and provide a level front yard. Engineer Michael Mazzucco showed maps which included the site line and the slope of the property after the stone wall is cut back. The site was reviewed by the Town Engineer who asked for the construction debris to be tested. It was noted that permission is needed if any town trees are taken down. It was decided to continue this to the June 6th Zoning Commission meeting.

MOTION: Steve Hanrahan made a motion to table Special Permit SP-18-009 until the June 6th meeting. Joe Letizia seconded the motion.

John Brown	yes
Joe Letizia	yes
Steve Hanrahan	yes
John Moran	yes
Gary Mummert	yes

2. **Special Permit SP-18-002**; 80 State Route 39-Section 4.1-Business/Commercial-Construct Front Outdoor Patio for seating at Icons Restaurant; Applicant-David Bernardini spoke of his desire to put outdoor seating at Icons Restaurant from May 1st until October 31st. The proposal would be 6 tables with a total of 24 chairs. There will be no lights outside by the tables. It was noted that this seating would be mostly for lunch customers. There was a discussion among the commission members regarding the safety issues with cars going around the bend. There will be a retaining wall approximately 2 feet thick by 2 ½ feet high to serve as a barrier. No additional parking is required but it was noted that the Zoning Commission has the right to not renew this permit in a year if parking is an issue. There is a concern from the Health Department regarding the septic and it was noted that there would not be an increase in the total number of tables and some indoor tables would be moved outside.

BUSINESS ITEMS

1. Site Plan SI-18-002; 80 State Route 39-Section 4.1

MOTION: Steve Hanrahan made a motion to accept Special Permit SP-18-002; 80 State Route 39 Section 4.1-Business/Commercial-Construct Front Outdoor Patio for seating at Icons Restaurants from May 1st until October 31st without lights. Gary Mummert seconded the motion.

John Brown	yes
Joe Letizia	yes
Steve Hanrahan	yes
John Moran	yes
Gary Mummert	yes

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Joe Letizia seconded the motion.

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Joe Letizia	yes
Steve Hanrahan	yes
John Moran	abstained
Gary Mummert	yes

7. Adjournment

Steve Hanrahan made a motion to adjourn the meeting at approximately 8:49pm. John Brown seconded the motion - **All in favor**

Respectfully submitted,
Suzanne Kloos