

THE ZONING COMMISSION

Town of New Fairfield
New, Fairfield, CT 06812

REGULAR MEETING

MINUTES

Wednesday, June 6, 2018

7:30pm

New Fairfield Library Community Room

Present: John Moran, Chairman, Kevin Van Vlack, Vice Chair; John Brown, Joe Letizia, Town of New Fairfield Zoning Enforcement Officer Evan White and Selectman Khris Hall. Gary Mummert and Steve Hanrahan were not in attendance.

Members of the public present: Applicants Kujtim Shej and David Bernardini

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

2. **Public Comment:** None

PUBLIC HEARING

Special Permit SP-18-009; 41 Dick Finn Road Section 6.4-Excavation, Removal, Filling and Grading of Earth Material-Applicant proposed bringing in a large amount of fill to reestablish a low laying area in front of house between road to access attached garage with moderate grade and provide a level front yard.

Zoning Enforcement Officer Evan White the fill that was put in did not need to be tested. There was a letter from an environmentalist confirming this.

MOTION: Kevin Van Vlack made a motion to close the Public Hearing on Special Permit SP-18-009; 41 Dick Finn Road. Joe Letizia seconded the motion.

John Brown	yes
Joe Letizia	yes
John Moran	yes
Kevin Van Vlack	yes

BUSINESS ITEMS

Special Permit SP-18-009; 41 Dick Finn Road

Kevin Van Vlack made a motion to approve Special Permit SP-18-009; 41 Dick Finn Road, Excavation, Removal, Filling and Grading of Earth Material and noted that all requirements have been met. Joe Letizia seconded the motion.

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John Brown	yes
Joe Letizia	yes
John Moran	yes
Kevin Van Vlack	yes

Site Plan SI-18-013; 90 State Route 39-Section 6.3, Signs- Applicant is proposing to install one permanent sign at Candle Creamery and one permanent sign at Candlewood Café'. Applicant-David Bernardini.

Zoning Enforcement Officer Evan White showed a picture of the proposed sign. This would be one permanent sign for Candlewood Creamery and one permanent sign for Candlewood Café. It was noted that according to the Town Attorney, the town can no longer regulate color and content on signs. The size of these signs meet town regulations. There was a brief discussion of the town regulations vs. state statute regarding content of signs. Evan White will ask Attorney Marcus to send a letter regarding state statute to the commission.

Kevin Van Vlack made a motion to approve Site Plan SI-18-013; 90 State Route 39. Joe Letizia seconded the motion.

John Brown	yes
Joe Letizia	yes
John Moran	yes
Kevin Van Vlack	yes

Site Plan SI-18-014; 90 State Route 39-Section 4.1-Business/Commercial-Construct Front Outdoor Patio for Seating at Candlewood Creamery. Applicant –David Bernardini.

Chairman John Moran noted that the outdoor patio seating at Candlewood Creamery has been put in without a permit. The commission asked the applicant to do a parking study for 7 days to see if there is sufficient parking for this establishment. If there is not sufficient parking, the applicant will be asked to remove the tables. There was a discussion of concerns regarding safety of customers crossing the street and it was noted that additional seating would encourage more customers without sufficient parking. Applicant David Bernardini spoke of his concerns of customers sitting on cars or standing in the parking lots if there is not outside seating. There was a brief discussion of the speed of cars going around the corner by the creamery and it was noted that enforcement of traffic regulations is the responsibility of state.

It was noted that the parking lot is not completed and it was noted that the establishment should not have opened without a completed parking lot. Chairman John Moran asked to have a cease and desist order for this establishment until there is sufficient parking. It was decided to continue this issue until the next regular meeting of July 11th.

Issues with AirBnbs & Short Term Vacation rentals in the Town of New Fairfield.

John Moran contacted other towns and noted that they have similar issues with AirBnbs. There was a discussion of New Fairfield regulating AirBnbs the same as Bed & Breakfast regulations. This would
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require that the rental be owner occupied and the owner must be in the home at the time of the rental. There was a discussion of how the AirBnbs could become an inconvenience to neighbors. There was a suggestion of the town offering permits for the AirBnbs. ZEO Evan White noted that the Town Attorney advised against issuing permits for AirBnbs so not to be liable for any issues that may occur with these rentals. Selectman Khris Hall spoke of situations associated with both sides of these issues and suggested getting more public input. It was decided to have a Public Hearing for this issue sometime in July.

Current Regulations for 7.1 Nonconforming Lots

Evan White noted that pre existing R44 one acre lots were left out when the regulations were redone in 2009. They should be included in the regulations.

Enforcement Actions

ZEO Evan White spoke of the following properties for Enforcement Actions:

- 60 Saw Mill Road- 2 illegal businesses
- 261,263,265 and 267 Route 39- log splitters
- 36 & 40 Lavelle Avenue- excess wood chips
- 21 Meadowbrook Road- illegal above ground pool- planning to take down
- Candlewood Creamery-Evan White will verify parking and will issue a cease and desist if not sufficient.

Approval of Minutes (May 2, 2018)

Joe Letizia made a motion to approve the minutes of the May 2, 2018 meeting as presented. John Brown seconded the motion.

John Brown	yes
Joe Letizia	yes
John Moran	yes
Kevin Van Vlack	abstained

Adjournment

John Moran made a motion to adjourn the meeting at 8:17pm. Joe Letizia seconded the motion.

All in favor

Respectfully submitted,
Suzanne Kloos