



## Zoning Commission

Town of New Fairfield

4 Brush Hill Road, New Fairfield, CT 06812



### Minutes

**DATE:** September 7, 2017

**TIME:** 7:30 pm.

**LOCATION:** New Fairfield Town Library Community Room

**Present:** John Moran (Chair), Joe Letizia, Steve Hanrahan, Lee Scott, Garry Mummert and Evan White, Zoning Enforcement Officer. All present members have been elevated to full members for the purpose of this meeting.

**Absent:** Kevin VanVlack (Vice Chair) and John Brown

**Call to Order:** John Moran called the meeting to order at approximately 7:30 pm.

**Public Comment:** None

### **Public Hearing(s)**

- 1) **Special Permit SP-17-020;** 5 State Route 39 & 25 State Route 39 Section 4.1 Business/Commercial-Provide for an existing restaurant to better service existing customer base with more convenient drive-up window. Applicant-Charter Realty & Devel.

As discussed at last months meeting of August 17, 2017. A diagram was presented regarding the and six car addition for drive up window with allowance of four feet between cars, screening around the dumpsters and planting of trees and shrubs such as arborvitaes and marine locusts instead of the use of umbrellas. Also an employee parking arrangement will be considered. A diagram presented to the board and has met expectations.

Joe Letizia motioned to approve hearing Special Permit SP-17-020: 5 State Route 39 & 25 State Route 39-Section 4.1 based on the six car addition for drive up window with allowance of four feet between cars, screening around the dumpsters and planting of trees and shrubs. Lee Scott seconded

**Vote taken 4-1-0**

### **Business Items**

- 1) 1) **Special Permit SP-17-020:** Lee Scott has motioned to accept application Special Permit SP-17-020 5 State Route 39 & 25 State Route 39-Section 4.1 for next months meeting to be held on October 5, 2017 and Joe Letizia seconded

**All in favor**

- 2) **Special Permit SP-17-021;** 3 Dunham Drive- Section 4.3 Light Industry-Auto Repair & Auto Sales by Brodster's Roadsters Inc. Applicant-Pat Toth.

Drainage, parking and engineering has been approved upon the Fire Marshal final inspection. Auto business of private auto sales and repairs are on a on-line basis and by appointment only. This motion has been previously approved to sell antique cars, There is to be no outside

signage. Approval of ten cars which will be stored behind the building and three additional cars in front of the building is also based upon the also the approval of the Fire Marshal and can be withdrawn.

John Moran motioned to approve Special Permit Sp-17-021 with the addendum of the three front additional parking spaces be denied by the board and Joe Letizia seconded.

**All in favor**

**3) Accepting Special Permit SP-17-032;** 42 State Route 39-Section 4.1 Business/Commercial – Construct a Retail/Office/Restaurant Commercial Building by HKMQ, LLC. Applicant-HKMQ, LLC.

This motion has been accepted for application for next months meeting to be held on October 5, 2017. Joe Letizia motioned to accept Special Permit SP-17-032 based on Zoning Board of Appeals and wetlands and Lee Scott seconded.

**All in favor**

**4) Accepting Petition P-17-002:** #64, #66, #65 and #70; State Route 37-Zone Change Petition from Residential to Business/Commercial. Section-8.9-Amendments to Zoning District Boundaries and Regulations. Applicant-Camillo M. Santomero.

The zoning commission has received 10 copies of official map, 10 copies of engineering calculation and area lots within 500 feet distance from above, 10 copies of zoning map, 10 copies of boundaries lines.

Fifteen days before the Public Hearing, which will be held on October 5, 2017, a ten foot sign (at the petitions expense) shall be placed in a visible area and shall contain the following. The premise proposed for zone change and shall state the area and premise proposed for zone change.

Planning and development will look into this area of town to see if this can be re-zoned into business. John Moran motioned to accept zone Petition P-17-002 and Joe Letizia seconded

#### **Votes taken 4-1-0**

**5) Site Plan-SI-17-034:** 100 State Route 37-Section 4.1  
Business/Commercial – Build out of Access Physical Therapy & Wellness Office (appx. 2,216 Sq. Ft.) In an existing Commercial Building .  
Applicant ECB Realty & Access Physical Therapy & Wellness.

A study has been done on traffic and operation of tenant hours and parking. 118 parking spaces are required, this study fell short by 28 spaces.

This motion will be based on a engineering group study of a 7 consecutive day traffic and parking study and will be carried onto the next meeting which will be held on October 5, 2017.

**6) Discussion-Lavelle Ave. Tax District Concerns with Summer Rentals & Air BnB's.**

Chuck Corbin presented a letter to the board regarding rental regulations. These regulations should be refined and detailed. For now owner must live on the premises. Research on nearby town regulations will be done prior to the November 2, 2017 meeting.

**7) Discussion-Multi Family District for The Elderly (MFDE)-Length of Affordability & State Statues.**

The statue supersedes the board. The units were purchased in 1997 after the statue was changed. Attornies will look into the 20 year statue after regulations were changed. They will also research the statuary rules and regulations for multi-families in comparable towns.

**Minutes**

Lee Scott motioned to approve outstanding minutes of July 13, 2017 and Joe Letizia seconded.

**All in favor**

Lee Scott motioned to approve the minutes of July 26, 2017 and Joe Letizia seconded.

**Vote taken 3-1-0**

John Moran motioned to approve the minutes of August 17, 2017. with the reference that the Town Engineer gave a report that all the conditions have been met regarding parking issues and entrance and exit for site flow traffic for Special Permit SP-17-012 & Special Permit SP-17-013. Also noted Gary Mummert was in attendance at this meeting and the correct spelling of locust. Steve Hanrahan seconded.

**Vote taken 3-0-0**

**Enforcement Actions**

Discussions regarding 440 Restaurant located at 236 Rt. 37 regarding smell of grease traps and unregistered vehicles. Also discussed was 12 Camp Barden boats to be cleaned.

**Adjournment**

Lee Scott made a motion to adjourn the meeting at approximatley 8:55. Joe Letizia seconded.

**All in favor**