

ZONING COMMISSION TOWN OF NEW FAIRFIELD
4 BRUSH HILL ROAD NEW FAIRFIELD, CT 06812
PHONE: 203-312-5646

MINUTES

Regular Meeting
Thursday, May 5, 2011

New Fairfield Library Community Room
7:30 p.m.

PRESENT: Joe Letizia, Kevin Van Vlack, Vice Chairman; John Moran, Chairman, John Brown, Alternate, Maria Horowitz, Zoning Enforcement Officer, Lyn Sheaffer, Commission Secretary.

1. Call to Order

Meeting called to order by Chairman, John Moran at 7:35 p.m.

2. Public Comment

Mr. Moran reported that the Board of Selectmen has approved the appointment of John C. Brown to serve as an alternate to the Commission. Mr. Brown has been sworn in.

Mr. Moran thanked Mr. Brown for volunteering and elevated him to full voting status.

PUBLIC HEARING

1. Special Permit 11-10 – New application for The Woods at Dunham Pond – The original and revised original special permits for the Condominium project will expire in 2012. The Special Permit does not have any more extension time. Therefore, the present owners are reapplying for a new permit. Somers Development Inc., owner, Stephen Rodgers, Charter Residential Dev. LLC, applicant.

Mr. Moran explained the permit is going to expire, and the new application has to meet the current regulations.

Mr. Ralph Gallagher and Mr. Steven Rogers approached the Commission.

Ms. Horowitz, ZEO read the legal notice into the record published in both the Citizen News and News Times.

Mr. Rogers submitted the Certified mail receipts to prove notification.

Mr. Rogers explained the bank really wants to sell the project, so they want to renew the permits. Mr. Hodge stated the bond had been called, the money spent to finish the infrastructure and any extra had been refunded to the bank.

The Commission discussed the issue of bonding. Mr. Moran felt a bond would be needed.

Mr. Gallagher explained he had talked with the Town Engineer, Tony Iadorola about the storm water management plan. He will bring the plan to the next regular meeting. The Commission discussed and Mr. Gallagher would be responsible to sign off on the SWM plan at the end.

29 units are left to build, 4 units to complete.

Public Comment

Mr. Patrick Brown, 9 Crawhill approached the Commission. He complained the project has gone on for 10 years, never stopped, now want 5 more years. He asked that the buffer zone be put in before any more construction started.

Mr. Moran felt that was something the Commission could ask for.

Mr. Gallagher reviewed the landscaping plans and pointed out where the buffer would be.

Public Hearing Continued to next regular meeting June 2, 2011.

Business Items

2. Petition to Change the Zoning Regulations – Application: P11-01 – Sections: 7.5 – Telecommunication Facilities, 7.5.1 – Purpose, 7.5.3 – Permitted by Zoning or Other Permits. Sections: 9.2 - Telecommunications Policy Preferences and 9.2.4 – Specific Policy Preferences for Towers – A – Location. Steven Roe, applicant.

Mr. Moran explained the Public Hearing had been closed. He stated the Commission held a special meeting 4.28.11 to discuss petition.

At that meeting it was the consensus of the Commission to require the Balloon test be performed on a Saturday morning (weather permitting) from the hours of 7:00 a.m. – 7:00 p.m.

Mr. Van Vlack stated that Mr. Roe is a neighbor, however he felt comfortable voting on this petition.

Mr. Moran stated he didn't have a problem with Kevin voting.

MOTION

Mr. Letizia motioned to approve Petition to change the Zoning Regulations Application P11-01. Mr. Van Vlack seconded the motion. Vote taken:

Kevin Van Vlack	No
Joe Letizia	No
John Moran	No
John Brown	Abstain

Motion denied

2. Special Permit 11-10 – New application for The Woods at Dunham Pond – The original and revised original special permits for the Condominium project will expire in 2012. The Special Permit does not have any more extension time. Therefore, the present owners are reapplying for a new permit. Somers Development Inc., owner, Stephen Rodgers, Charter Residential Dev. LLC, applicant.

Continued to next regular meeting.

3. Review of the check list of the 2003 Plan of Conservation and Development to see which goals were accomplished, which are still in progress and which ones have not been done.

Mr. Moran asked for a special meeting. May 26, 2011.

4. Complaint by neighbor regarding 3 Milltown Road – Boyajian, Approved Home Occupation: Tutoring for Sculpture Classes and private showings of work being created on site by the owner or his students. In violation for showing works of others who are not students, retail sales of goods not manufactured on site; Tee shirts, mugs, hats. Fabrication services for all your metal needs: Custom furniture, interior/exterior railings, gates and trellises.

David & Mary Arnold approached the Commission. They asked the ZEO to inspect the property; they feel Mr. Boyajian is in violation of his special permit. He also stated it was being used as a retail outlet.

The Commission discussed

The Commission asked Atty. Keating to review the special permit, and see if they have a case to move forward. Mr. Moran told Mr. & Mrs. Arnold after Atty Keating reviews the permit, if they are in violation the ZEO will issue a Cease & Desist and move on from there.

5. Minutes February, March and April / Correspondence

Minutes postponed until next regular meeting.

Correspondence & Communications

Sherman ZEO Proposal

The First selectman explained due to the ZEO's back condition he felt it was in the best interest of the town to hire the Sherman ZEO as a temporary ZEO to handle the Pine Island issue. He felt one person to go into court would be helpful. HE asked the Commission to approve.

MOTION

Mr. Van Vlack motioned to hire the Sherman ZEO to cover Maria while she is unable to walk Pine Island. The Sherman ZEO would be the professional who is able to testify in court. Motion seconded by John Brown. .
Vote taken:

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

Motion carried unanimously

6. Adjournment.

Mr. Letizia motioned to adjourn. Mr. Van Vlack seconded the motion. Vote taken:

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

Motion carried unanimously. Meeting adjourned at 8:30 p.m.

Respectfully submitted

Lyn Sheaffer, Zoning Commission Secretary