

**NEW FAIRFIELD ZONING COMMISSION**

**Town of New Fairfield  
4 Brush Hill Road  
New Fairfield, CT 06812**

**Thursday February 4, 2010  
7:30 p.m.  
Library Community Room**

**Minutes  
Regular Meeting**

PRESENT: Joe Letizia, Fred Zering, Kevin Van Vlack, Vice Chairman, Patrick Hearty, Maria Horowitz, Zoning Enforcement Officer, Lyn Sheaffer, Zoning Commission Secretary

1. Call to Order

Meeting called to order by KevinVanVlack at 7:45 p.m.

2. Public Comments

Mr. Edward Moore approached the Commission and asked for an explanation of spot zoning. Mr. Van Vlack explained.

**Public Hearing**

**1. Petition to Amend the Zoning Regulations – Section 3.2.1 – Special Permit Uses. Add a new subsection “M” Private Athletic Recreational Facilities. Atty. Raymond Lubus, petitioner, 52A RT 39 LLC / Steven Merullo, member, applicant.**

Atty. Ray Lubus, Mr. Steve Merullo approached the Commission. Atty Lubus reviewed the reason they were before the Commission. Atty Lubus questioned the fairness of the Zoning Commission because of some comments made on tape at the end of the previous regular meeting. The commission discussed.

Mr. Merullo reviewed the history of the project, he red a letter into the record in favor of the project.

The Zoning Enforcement Officer read the notice for Public Hearing into the record. The notice was published in the Citizen News 1/20/10 & 1/27/10.

The ZEO also read the notice for Public Hearing on Section5.1 Flood Plan Overlay District published in the Citizen News 1/20/10 & 1/27/10.

Atty Lubus explained there was an application approved for Sail Harbor recreational facility in an R44 Zone. He explained if the application had come in under New Fairfield Parks & Recreation it would be permitted. He explained the verbiage would include “with at lease 5 acre piece or with common border with MFDE,

Commercial, light industrial or Neighborhood Business District. Mr. Lubus explained only 4 pieces of property in town would meet the criteria described.

Atty Lubus also explained the New Fairfield Plan of Development had cited this area as earmarked for development.

The Zoning Enforcement Officer reported she had received a statement from the Zoning Planning Commission stating they had voted against the proposal with a 2-2 vote.

Atty Lubus explained the Zoning Commission would now have to decide if that was a negative referral requiring a 2/3 vote.

The ZEO read a letter from HVCEO into the record stating this was of local concern with minimal adjacent municipal impact.

The Zoning Commission discussed the Planning Commission referral.

## PUBLIC COMMENT

Mr. Hugh Belecki; adjacent land owner asked some questions. The ZEO read a letter from Robert Elsworth, New Fairfield objecting to the proposal stating he has water rights in the area.

## MOTION

Mr. Letizia motioned to continue the Public Hearing. Mr. Zering seconded the motion. Vote taken:

Joe Letizia	Yes
Patrick Hearty	Yes
Fred Zering	Yes
Kevin VanVlack	Yes

Motion carried unanimously, Public Hearing continued.

Atty Lubus reminded the Commission they were asking they not make a distinction between private and municipal.

## **2. Petition to Amend the Zoning Regulations – Section 5.1 Flood Plan Overlay District. Changes of language to comply with CTDEP eligible to participate in the National Flood Insurance Program. New Fairfield Zoning Commission, petitioner.**

Withdrawn.

## **Business Items**

### **1. Petition to Amend the Zoning Regulations – Section 3.2.1 – Special Permit Uses. Add a new subsection “M” Private Athletic Recreational Facilities. Atty. Raymond Lubus, petitioner, 52A RT 39 LLC / Steven Merullo, member, applicant.**

Public Hearing Continued

**2. Petition to Amend the Zoning Regulations – Section 5.1 Flood Plan Overlay District. Changes of language to comply with CTDEP eligible to participate in the National Flood Insurance Program. New Fairfield Zoning Commission, petitioner.**

Withdrawn.

**3. Site Plan Application – 26-09 – 4 Mountain Rd. Candlewood Hills -Storm Water Management Plan for 14’ x 32’ Kitchen and Mud Room addition. Commission approval on SWMP plan. Dennis & Christine Daddarria, owner, Murray Contracting, LLC, agent.**

Mr. Sean Murray, Murray Contracting and Tony Iadorola, Town Engineer approached the Commission. Mr. Iadorola explained he was concerned about approving this kind of plan, he was afraid they would be setting a precedent. He felt the 6.7.5 Waiver & Exception clause would be appropriate in this case. The Commission discussed. Mr. Iadorola explained if an Engineer came and applied for an exception the Town Engineer would evaluate any downstream impact. Mr. VanVlack asked for a special for a discussion on this issue.

**4. Special Permit Application 02-10 – 211 Route 37 and 1 Haviland Hollow Rd. Tower for Town wireless emergency radio telecommunication system and non-municipal telecommunications. Town of New Fairfield, applicant.**

Mr. John Hodge, First Selectman approached the Commission and reviewed he application. The Commission set the Public Hearing date for the March regular meeting, at a date to be determined. Mr. Hodge explained they were proposing a 180’ tower with 10-20’ antenna’s on top.

**5. Site Plan Application 03-10 – 4 Coves End. Breezeway Addition – Storm Water Management Plan. Edward Webb, owner applicant.**

Mr. Edward Webb, approached the Commission. Mr. Webb explained he was there asking for an exception because his 2 gravel driveways put him over the 10%. Mr. Webb met with Mr. Iadorola and reviewed the exception. Mr. Iadorola explained he meets the requirements of the exception.

**MOTION**

Mr. Letizia motioned to approve Site plan Application 03-10 with an exception being taken to the Storm Water Management requirements per section 6.7.5 based on the recommendation of Town Engineer Tony Iadorola.

Mr. Hearty seconded the motion. Vote taken:

Joe Letizia	Yes
Patrick Hearty	Yes
Fred Zering	Yes
Kevin VanVlack	Yes

Motion carried unanimously.

**6. Minutes**

Postponed for the next meeting.

**7. Correspondence/Communication**

The ZEO gave the Commission an update on Steven Roe vs. Zoning Commission.

The ZEO reviewed what they needed to do for the State flood plane issue.

**8. Adjournment.**

**MOTION**

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

Joe Letizia            Yes

Patrick Hearty        Yes

Fred Zering            Yes

Kevin VanVlack        Yes

Motion carried unanimously

Meeting adjourned at 9:15 p.m.

Respectfully submitted

Lyn Sheaffer  
Zoning Commission Secretary