

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

MINUTES

Regular Meeting
Thursday, December 2, 2010

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

PRESENT: John Moran, Chairman, Joe Letizia, Fred Zering, Kevin Van Vlack, Maria Horowitz, Zoning Enforcement Officer.

1. Call to Order

Meeting called to order by Chairman John Moran.

2. Public Comment

None

Public Hearing

1. Special Permit 10-39 - 20 Pheasant Dr. – Legalize existing accessory apartment. Gerard & Rose Byrnes, owners / applicants.

Gerard Byrnes approached the Commission. He explained he wanted to legalize an accessory apartment in his house. The ZEO reported she had visited the property and reported there is adequate parking. The Commission reviewed the pictures. Mr. Byrnes reported the construction was done in 2000; however, the builder did not get the permits. The ZEO did not have any issues with the Special Permit. The Commission reviewed the property survey.

MOTION

Mr. VanVlack motioned to close the Public Hearing for Special Permit 10-39. Mr. Letizia seconded the motion. Vote taken:

Kevin Van Vlack	Yes
Fred Zering	Yes
Joe Letizia	Yes
John Moran	Yes

Motion carried unanimously. Public Hearing Closed.

Business Item

1. Special Permit 10-39 - 20 Pheasant Dr. – Legalize existing accessory apartment. Gerard & Rose Byrnes, owners / applicants.

MOTION

Mr. VanVlack motioned to approve Special Permit 10-39, legalizing an existing accessory apartment as presented. Mr. Letizia seconded the motion. Vote taken:

Kevin Van Vlack	Yes
Fred Zering	Yes
Joe Letizia	Yes
John Moran	Yes

Motion carried unanimously.

PUBLIC HEARING

2. Petition to Amend the Zoning Regulations – P10-01 – 132 Route 37 – Amendment to Zoning Regulations from Residence R-88 District, 2-Acre Zone to Neighborhood Business District / ND. Kevin Hart, owner; Peter Young, agent.

Mr. Peter Young, agent approached the Commission. The Commission discussed the location of the property. Mr. Young reviewed the application. Property surrounded by Neighborhood Business Dist. Except the extreme North side. The Applicant would like to use it for a small office.

Mr. Moran stated a parking lot was already installed. No Storm Water Management Plan was done. The ZEO stated part of the property is in the aquapher protection area.

Mr. Letizia stated the Town Plan of Development was supposed to move south, not north. He didn't see any reason to move north. He also questioned if the property fell in the historical zone. Mr. Young to research.

The Commission discussed. Mr. Young stated the Senior Center was across the street with an active parking lot.

Public Hearing Continued to January 6, 2010

3. Outdoor Wood Furnaces / OWF – Should the Zoning Commission enact a regulation to ban outdoor wood furnaces / OWF or should they be allowed.

Mr. Moran stated the Zoning Commission does not have any regulations with regard to Outdoor Wood Furnaces. He explained he felt a lot of people in town burn wood. Not necessarily Outdoor Wood Furnaces, but Wood stoves & fireplaces. He explained the reason for this meeting was to take input from the residents of the town. He stated he wasn't even sure it was a Zoning issue, may be a Health Dept. issue.

The ZEO reported the notice for the Public Hearing appeared in the Citizen News

Jean Cassavechia, town resident approached the Commission

Mr. Moran reported Mr. Cassavechia was his accountant for 18 years, he hasn't been his accountant for 1 year. He felt he could hear this with no bias, and stated if anyone had any objections he would step down and let Kevin VanVlack chair the meeting. Hearing no objections Mr. Moran continued.

Mr. Cassavechia stated he had been working with Zoning Commission sharing education and research for about 6 months. He explained his neighbor installed an Outdoor Wood Furnace. He explained he had to close his windows on a warm spring day because of the fumes from the furnace. 13 towns in CT have banned them. Mr. Cassavechia read a statement about the hazards of OWF's into the record and asked the Zoning Commission to ban them in New Fairfield.

Ms. Joanna Pound, 10 Donna Drive approached the Commission. She explained she purchased an Outdoor Wood furnace about 2 years ago and it was fully permitted. She stated she likes to burn wood, and wants to get away from foreign oil and has not heard any complaints in town. Mr. Moran asked if a regulation that limited the months the furnace could be burned would be an option. Tom Sullivan approached the Commission. He stated some of the information stated is incorrect especially regarding childhood asthma. The Commission reviewed a picture of Mr. Sullivan's OWF while it was burning. If it smokes 1 hour a day that's a lot. The OWF is much more efficient than wood stoves with less smoke.

Mr. Van Vlack asked if there are different ratings and efficiencies. Ms. Pound stated they paid additional money for a more efficient furnace that produced less smoke.

Mr. Edward Belik approached the Commission. He stated he burned wood for 50 years. He felt with the prices of oil wood burning is going to be on the rise. He felt they should not be banned.

Mr. Thomas Piel approached the Commission and he stated he has owned a wood burning stove for 15 years. This year they are going geothermal. He wants to take a neutral position. He felt this technology is self-limiting. He did not feel that there would be an increase of OWF's in town. He felt the future is geothermal.

Mr. Bill O'Keeffe approached the Commission. Mr. O'Keeffe is Ms. Pound's neighbor. He stated he has not smelled smoke in 2 years. He felt they should not be banned.

Mr. Bill Gallagher approached the Commission. He felt it was difficult to keep the furnaces efficient. He felt they are a health issue and should be banned.

Mr. Jacques Proteau, 177 Ball Pond Road, approached the Commission. He explained he was raised with a wood stove. He stated his family lived to be in their 90s and were all raised with a wood stove. He stated his other 3 neighbors did not know he burned an OWF. He stated he has a state permit, he meet all their requirements. He explained if he heated his house with wood burning stoves he would need 3 stoves and that would be more smoke. He did not feel they should be banned.

Mr. Jean Cassavechia approached the Commission. He stated the packet he distributed in Sept. had a lot of evidence on health issues.

Mr. Moran stated he wasn't sure this should fall into the Health Dept. He is going to meet with the Health Dept. & John Hodge to discuss.

Mr. VanVlack asked how does OWF smoke compares with wood stove smoke. Is it the same smoke? The Commission discussed.

Public hearing continued to January 6, 2010

Mr. Zering asked how the Commission is going to make a decision with all this information. The Commission discussed. Mr. Moran felt maybe a regulation restricting the number of months they could be burned is a possibility. The ZEO stated the OWF is not a shed and we don't regulate where you can put your furnace. Mr. VanVlack felt the location should be regulated. Mr. Zering asked if there were any other complaints beside Mr. Cassavechia. The ZEO stated he was the only one to send in information against. The Commission discussed. Mr. VanVlack questioned if it is not in the Regulations it is not permitted.

4. Correspondence / Communication / Minutes

None

5. Adjournment

Meeting adjourned at 9:12 p.m.

Respectfully submitted

Lyn Sheaffer
Zoning Commission Secretary