

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

MINUTES

Regular Meeting

August 5, 2010

New Fairfield Library Conference Room
7:00 p.m.

PRESENT: Jon Moran Chairperson, Joe Letizia, Kevin Van Vlack, Fred Zering, Patrick Hearty, John Parile, Alternate, Maria Horowitz, Zoning Enforcement Officer, Lyn Sheaffer Zoning Commission Secretary

1. Call to Order

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

2. Public Comment

Dr. Paul Ciatta, resident of New Fairfield approached the Commission. Dr. Ciatta wants to put a pool on his property and he feels there are too many ridiculous rules. He requested the Commission review the regulations.

Business Items

Public Hearing

1. Continued Special Permit 10-13 - Original Application Number:22-09 – 52A Route 39 – Multi Purpose Country Club – 52A Route 39 LLC by Steve Merullo it’s Member/Manager, Represented by Attorney Ray Lubus.

Mr. Moran explained the Commission had 65 days to act on this application, he reported they had a letter from Attorney Lubus to extend the application 35 days.

Atty. Daniel Casagrande, Cramer & Anderson, LLP and Mr. Joseph Canas, PE, LEED AP, Project Manager of Tighe & Bond approached the Commission.

Atty. Casagrande represents Mr. Hugh Bilecki, abutting property owner. He introduced Mr. Joseph Canas and stated he had 16 years experience with flood plains and Storm water management.

Atty Casagrande questioned if the proposed use is actually a country club. Mr. Moran stated that was a closed issue, and the Commission voted last meeting that the application would be heard as a country club.

Atty. Casagrande requested the Commission re-consider that motion as the Public Hearing is still open.

Atty. Casagrande stated he agreed with Atty. Lubus on some points. He asked the Commission to bear in mind this was a prior application with essentially the same use, for the same activity calling it a recreational area that the Commission denied. He stated the Commission has already prohibited a “private recreational area” in that location.

Atty. Casagrande reviewed several definitions of Country Club.

Atty. Casagrande stated Attorney Lubus cited Sail Harbor Club. He stated the Sail Harbor Club’s approval states it is limited to Sail Harbor club members and guests. Rental to guests is not prohibited. He felt this application as completely distinguishable from Sail Harbor Club.

Atty. Casagrande stated Atty. Lubus cited several facilities that were approved, however, he did not agree.

1. CT Sports Arena, New Milford submitted application to Commission for indoor soccer fields not country club.
2. Newtown Athletic Facility approval letter dated 10/23/07 states approved as a recreational facility not a country club.
3. North Country Lacrosse facility, Danbury in the letter dated 8/3/05 approved as a private school, educational facility.

Atty Casagrande submitted a glossary of terms from the Anderson American law of zoning that references term club. He reviewed the definition.

Atty. Casagrande stated Atty. Lubus submitted the case Carpenter vs. ZBA. This application proposed a swimming facility, in a residential zone as a club. The Supreme Court of Massachusetts ruled it was not a club. The Commission reviewed.

Atty. Casagrande submitted an Intervention Pleading under 22A19 of the CT General Statutes to the Commission.

Mr. Joseph Canas stated he reviewed the implications of the proposed facility on the surrounding area and Mr. Bilecki’s property and felt there was reasonable likelihood that the Ball Pond Brook flood way would be impaired. He submitted a copy of his findings and his resume.

Mr. Canas reviewed the Site Plan, and pointed out several concerns. He felt section 2.1 of the regulations would apply as they were altering the natural drainage flow with 4’ of fill, and section 2.12D sec4, Special Permit Considerations.

PUBLIC COMMENT

Mr. Kevin Hearty, resident for 40 years asked the Commission to reject this application, felt it would have a negative effect on the town.

Mr. Robert Glick, New Fairfield asked the Commission to consider the impact on properties upstream. He felt it would have a negative effect on the town.

Mr. Moran continued the Public Hearing for 35 days. The Commission decided on a special meeting September 2, 2010 at a location to be determined.

2. Special Permit 10-23 – Edward & Caren Silva – 11 Sunset Dr. Bogus Hill – Accessory Apartment – Set Public Hearing Date – Edward & Caren Silva, applicants.

Mr. Moran stated the application not posted in the paper, cannot hear the application.

Public Hearing date rescheduled for September 2, 2010 at a place to be determined.

Business Items

1. Special Permit 10-13 - Original Application Number:22-09, – 52A Route 39 – Multi Purpose Country Club – 52A Route 39 LLC by Steve Merullo it's Member/Manager, Represented by Attorney Ray Lubus.

Public Hearing Continued.

2. Special Permit 10-23 – Edward & Caren Silva – 11 Sunset Dr. Bogus Hill – Accessory Apartment – Set Public Hearing Date – Edward & Caren Silva, applicants.

Public Hearing date rescheduled for September 2, 2010 at a place to be determined.

3. Special Permit 10-31 – 19 Rock Ridge Court – Gary & Gwen Mead – Submit to Commission an application for Bed and Breakfast, Set Public Hearing Date – Gary & Gwen Mead, applicant.

Mr. Gary Mead approached the Commission. The Commission discussed setting the Public Hearing and agreed to the next regular meeting.

The Commission discussed meeting dates. Next regular meeting to be September 15th or 16th depending on space available.

4. Site Plan Permit 10-32 – 5 Route 39 – Stop & Shop; Install a Peoples Bank Branch with in exiting store. John L Simpson Co., applicant.

Mr. Tim Keegan representing John L. Simpson Co approached the Commission. He reviewed the proposed bank inside the Stop and Shop grocery store. No signage proposed at this time. Banking will be done inside the building.

The Zoning Enforcement Officer reported she received a conditional approval from the New Fairfield Fire Marshall with the approval dependent on the final inspection of the sprinklers and fire suppression.

MOTION

Mr. VanVlack motioned to approve Site Plan Permit 10-32 contingent upon receiving the approval from the Fire Marshall on the sprinkler system and fire suppression. No signage on the outside of the building approved at this time. Mr. Letizia seconded the motion. Vote taken:

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

Motion carried unanimously.

5. Site Plan Permit 10-33 – 8 Wilson St. – Storm Water Management Plan – New Single Family Dwelling. Spruce Ridge Craftsman Inc. / Joe Reilly applicant.

Dan Reilly representing Joe Reilly approached the Commission. He submitted a letter from the applicant stating he was acting on his behalf.

The Commission discussed having the Zoning Enforcement Officer sign off Storm Water Management Plans.

Mr. Moran stated he felt the storm water management plan has been turned over to an engineer, and that engineer has to design it and will have to sign off on the plan and certify that it was built as shown.

The ZEO asked what she should do if she did not feel comfortable. The commission discussed. Mr. VanVlack stated the Commission discussed the site has to be inspected by and certified by the Engineer after the work is done and if it fails along with the homeowner he is responsible.

The ZEO asked if the Commission would like to see the Commercial storm water mgmt plans. Mr. Moran stated no, because the Commission does not have the expertise and they don't really know what they are looking at. He felt they also did not have the time to look at all the plans. The ZEO asked to be able to go to the Town Engineer if she had a question.

Mr. Moran explained to the applicant the procedure again, so the ZEO can sign off on this application.

6. Thomas Murrin & MaryAnn Welsh – 17 Fieldstone Dr. – per Section 1.5.11, the Murrin's are requesting that the Commission allow them to erect a fence higher than 6 feet.

The ZEO reported the applicants were not in attendance. She explained the neighbors had erected surveillance cameras and they want to raise the height of their fence.

The Commission discussed and felt then the height of the cameras could be raised as well. Applicants request denied.

7. Discussion: Thomas & Janeane LaMonte – 25 Lakeshore North C.K., to discuss the Storm Water Management Plan, Percentage Requirements as it pertains to their property and construction plans.

Thomas & Janeane LaMonte, Scott Yates, Architect, Sean Condon, Builder approached the Commission.

Mr. LaMonte explained they had already received approval from NF Wetlands and had met with the Zoning Board of Appeals. He explained they have serious drainage and flooding damage with serious mold issues. He wants to re-construct with a new septic.

Mr. Moran asked if it was on the existing footprint. Mr. LaMonte explained it was on the existing footprint, a little smaller. The garage was moved closer to the house.

The Commission discussed the storm water management. The ZEO explained the proposed rain garden is below the 440 line, and not Mr. LaMonte's property. Therefore it could not be used in the mitigation calculation.

Mr. LaMonte stated he had a letter from First Light. The ZEO stated he was still over coverage. He would need to reduce the coverage to 25%. The Commission reviewed the regulation.

Mr. Condon asked if it was a renovation and a septic permit to upgrade septic. The Commission felt that would be permitted.

Mr. Moran asked to include this issue on the Public Hearing discussion on 9/15. He asked for the Town Engineer's input.

Mr. Moran called a short recess 9:20 p.m. Meeting resumed at 9:30 p.m.

8. Discussion: Tom Nejame, Nejame and Sons – Discuss the Storm Water Management Plan to not include above ground and in ground pools to be considered an impervious structure, as they can aid in safety. i.e.: fire protection.

Mr. Tom Nejame approached the Commission. He explained he was a swimming pool builder and he was requesting the Commission to include swimming pools in the calculation as an impervious surface. Mr. Moran stated that some pools have covers that need to be pumped off. Mr. Nejame explained a normal pool can handle 6-8 inches. He explained the water was helpful for fire suppression and in an emergency.

Mr. VanVlack stated there was more than just the pool. Most pools have walkways and patios/ Mr. Moran asked the Commission to discuss this issue in the future.

MOTION

Mr. Van Vlack motioned Special Permit Application 10-34 onto the agenda. Mr. Hearty seconded the motion.

Vote taken:

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

Motion carried unanimously.

Mr. Peter Flower, Applicant and Mr. Steve Trinkaus approached the Commission. He explained they were proposing an addition; the roof water was going into a system to be used for irrigation. Mr. Trinkaus submitted the engineering plans. The Proposed impervious surface is 23%.

ZEO to approve.

9. Discussion – Outdoor Wood Furnaces.

Postponed.

10. Minutes

Postponed.

11. Correspondence/Communication

None

Meeting adjourned at 10:00 p.m.

Respectfully Submitted

Lyn Sheaffer
Zoning Commission Secretary