

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

MINUTES

Regular Meeting
June 2, 2009

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

PRESENT: Faline Schniederma Fox, Chairperson, John Moran, Vice chairperson, Joe Letizia, Patrick Hearty, Maria Horowitz, Zoning Enforcement Officer, Lyn Sheaffer, Secretary.

Call to Order

Meeting called to order at 7:37 p.m. by Chair, Faline Schniederma Fox

2. Public Comment

None

Public Hearing

1. Amendment to the Current Zoning Regulations section 2.4.3 adding:

E. Any vertical expansion or extension of all or a portion of a structure or building that is nonconforming as to setback from a property line (or as to any other dimensional or bulk requirement) shall be deemed a prohibited expansion of such nonconforming building or structure. This vertical expansion prohibition applies to raising a roof or to second and third floor additions on a building footprint that is nonconforming as to any setback or other dimensional requirements. Further, where a variance has been granted to permit a building or structure or portion thereof to encroach into a setback, no vertical expansion or extension of such building or structure is permitted without the grant of an additional variance from the Zoning Board of Appeals for the specific vertical expansion or extension proposed.

Ms. Fox read the verbiage for section 2.4.3 E into the record. Ms. the Zoning Enforcement officer read the legal notice into the record published in the Citizen News 5/20/09 and 5/27/09.

Ms. Fox explained why the Commission was revising this regulation at this time. She explained it was to close a loophole in the written regulations; this procedure had been followed for many years.

PUBLIC COMMENT

Several members of the public made comments including the following:

- Janet Gibbons, Candlewood Knolls expressed concern over the change in the regulations.
- Jerry Braun, 63 Bogus Hill Rd. was concerned it was preventing homeowners from expanding; he felt it was not necessary.
- Tom Gibbons felt the regulations were going in the wrong way.

- John Day explained minutes for ZBA are on the town website.

MOTION

Mr. Moran motioned to close the Public Hearing. Mr. Letizia seconded the motion.

Ms. Fox read a letter from Jim Ogden into the record asking why the change was being rushed through. She explained the rush because the Commission was concerned there would be a lot of applications trying to get through the “loophole” and expand without a review from the Zoning Commission or ZBA. Vote taken:

Joe Letizia	Yes
Patrick Hearty	Yes
John Moran	Yes
Faline Schniederma Fox	Yes

Motion carried unanimously. Public Hearing closed.

Business Items

1. Amendment to the Current Zoning Regulations section 2.4.3 adding:

E. Any vertical expansion or extension of all or a portion of a structure or building that is nonconforming as to setback from a property line (or as to any other dimensional or bulk requirement) shall be deemed a prohibited expansion of such nonconforming building or structure. This vertical expansion prohibition applies to raising a roof or to second and third floor additions on a building footprint that is nonconforming as to any setback or other dimensional requirements. Further, where a variance has been granted to permit a building or structure or portion thereof to encroach into a setback, no vertical expansion or extension of such building or structure is permitted without the grant of an additional variance from the Zoning Board of Appeals for the specific vertical expansion or extension proposed.

MOTION

Mr. Moran motioned to approve amendment to Current Zoning Regulations section 2.4.3 adding “E” Mr. Hearty seconded the motion. Vote taken:

Joe Letizia	Yes
Patrick Hearty	Yes
John Moran	Yes
Faline Schniederma Fox	Yes

Motion carried unanimously.

Meeting took 3 minute break to clear the room. Meeting resumed at 8:35 p.m.

2. Site Plan Application 09-09, Town of New Fairfield, 54 Gillotti Rd. (Cashman Field), Dug-outs. Steve Merullo, applicant.

Mr. Steve Merullo approached the Commission. Mr. Merullo reviewed the proposed application for Cashman field dugouts. The ZEO reported the dugouts meet all regulations and a variance was obtained.

MOTION

Mr. Moran motioned to approve Site Plan Application 09-09. Mr. Letizia seconded the motion. Vote taken:

Joe Letizia	Yes
Patrick Hearty	Yes
John Moran	Yes
Faline Schniederma Fox	Yes

Motion carried unanimously.

MOTION

Mr. Moran motioned to move agenda item 7 & 8 up to items 3 & 4. Mr. Hearty seconded the motion Vote taken:

Joe Letizia	Yes
Patrick Hearty	Yes
John Moran	Yes
Faline Schniederma Fox	Yes

Motion carried unanimously.

3. Modification to Site Plan Permit 14-09, Town of New Fairfield, 7 Fairfield Dr. Ball Pond Fire House, Kiosk. Steve Merullo, applicant.

John Hodge, First Selectman and Steve Merullo, Director Public Works approached the commission. The ZEO reviewed where the Kiosk would be placed on the site plan. The Commission discussed. There will be no lighting. The ZEO reported the directional signs are exempt.

MOTION

Mr. Letizia motioned to approve modification to Site Plan Permit 14-09. Mr. Moran seconded the motion. Vote taken:

Joe Letizia	Yes
Patrick Hearty	Yes
John Moran	Yes
Faline Schniederma Fox	Yes

Motion carried unanimously.

4. Modification to Site Plan Permit 15-09, Town of New Fairfield, 302 Ball Pond Rd., Company A Fire House, Kiosk. Steve Merullo, applicant.

The ZEO reviewed the location the Kiosk would be placed.

MOTION

Mr. Letizia motioned to approve modification to Site Plan Permit 15-09. Mr. Moran seconded the motion. Vote taken:

Joe Letizia	Yes
Patrick Hearty	Yes
John Moran	Yes
Faline Schniederma Fox	Yes

Motion carried unanimously.

5. Site Plan Application 10-09, 5 Apple Blossom Rd., Storage of dump truck. Tony Rosati, applicant.

Mr. Tony Rosati approached the Commission. Mr. Rosati explained he purchased a dump truck in 2006 as a recreational vehicle. The vehicle weighs 13,000 lbs. At 12,500 lbs he could have applied for combination plates, but not at 13,000 lbs. He will store the vehicle inside the garage.

MOTION

Mr. Moran motioned to approve Site Plan Application 10-09 with the stipulation the truck is stored in the garage, not outside when not in use. Mr. Hearty seconded the motion. Vote taken:

Joe Letizia	Yes
Patrick Hearty	Yes
John Moran	Yes
Faline Schniederma Fox	Yes

Motion carried unanimously.

6. Site Plan Application 11-09, 2 Clark Rd. Home Occupation – Optical shop to make and repair eye glasses. Danes Bartha and Karen Castle, owner, Attorney Ray Lubus, agent.

Mr. Danes Bartha approached the commission.

The ZEO was annoyed about the article in the paper reporting on him making & selling glasses and contacts out of his home without a permit. She explained the current regulations do not permit the keeping of stock and trade.

Ms. Fox explained the way the regulations are written you cannot manufacture goods in your home.

The ZEO read the regulations for Home Occupation. The Commission discussed.

MOTION

Mr. Letizia motioned to continue Site Plan Application 11-09 to the July 7, 2009 meeting. Mr. Hearty seconded the motion. Vote taken:

Joe Letizia	Yes
Patrick Hearty	Yes
John Moran	Yes
Faline Schniederma Fox	Yes

Motion carried unanimously.

7. Site Plan Application 12-09, 25 Route 37, Changing Existing Signs for new restaurant. Gabby, Inc. applicant.

The ZEO reported there was just a change in signs. She explained the logo is smaller than what is in the package and meets regulations. The applicant is replacing existing signs, same sizes no different lighting.

The ZEO reported all letters are in and fine.

MOTION

Mr. Hearty motioned to approve Site Plan Application 12-09. Mr. Letizia seconded the motion. Vote taken:

Joe Letizia	Yes
Patrick Hearty	Yes
John Moran	Yes
Faline Schniederma Fox	Yes

Motion carried unanimously.

8. Special Permit Application 13-09, 73 Lake Dr. South, Conversion to Two Family Dwelling. Irat Rahmati, owner, Edward Janus, applicant.

Mr. Edward Janis approached the Commission.

Ms. Fox explained at this meeting a Public Hearing would be scheduled. The ZEO reported the application was complete except for a letter from the Health Dept. Mr. Janis submitted some photos.

Public Hearing scheduled for the next regular meeting, July 7, 2009.

9. Discussion on Proposed Regulations

Mr. Moran asked the Commission to meet one more time (6/11/09) to review the proposed regulations.

10. Correspondence & Communications

None

11. Minutes

May 5, 2009

Mr. Moran motion to accept the minutes as presented. Mr. Letizia seconded the motion Vote taken:

Joe Letizia	Yes
Patrick Hearty	Yes
John Moran	Yes
Faline Schniederma Fox	Yes

Motion carried unanimously.

Meeting adjourned at 9:20 p.m.

Respectfully Submitted

Lyn Sheaffer
Zoning Commission Secretary