

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

MINUTES

Regular Meeting
July 7, 2009

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

PRESENT: Faline Schniederma Fox, Chairperson, Fred Zering, Joe Letizia, Kevin Van Vlack, Alternate, Maria Horowitz, Zoning Enforcement Officer.

Call to Order

Meeting called to order at 7:34 p.m. by Chair, Faline Schniederma Fox

Ms. Fox elevated Alternate Kevin VanVlack to full voting status.

2. Public Comment

Mr. Fray Manny, 1 Indian Hill Lane, approached the Commission. Mr. Manny explained he felt there were numerous vehicles parked at Mr. Zakeo's house at 14 Williams Road. He stated that New Fairfield Inland/Wetlands commission has issued violations to Mr. Zakeo. Mr. Manny submitted the Inland Wetlands commission minutes into the record. He also stated Mr. Zakeo had a shed on the property with no permit.

Public Hearing

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

The Zoning Enforcement Officer read the legal notice into the record. Published in the Citizen News 6/24 & 7/1/09.

Mr. Edward Janus and Dr. Drat Rahmate approached the Commission. Mr. Janus explained the applicant proposed converting the empty space above the garage into living space.

The ZEO read a letter dated 6/25/09 into the record from the New Fairfield Health Director Tim Simpkins with no objections.

The Commission reviewed the application. The garage was 32 x 46, 1,472 Sq. Ft. The Commission asked about the deck with stairs. The ZEO reported adequate parking.

The ZEO read a letter into the record from Gary W. Kurz, 79 Lake Drive South asking the Commission to deny the application. The ZEO also read a letter into the record from William & Katherine Scully, 136 Lake Dr. South also asking for a denial.

Public Comment.

Mike Mocariski, Board of Director Candlewood Isle Assoc., 15 Ridge Road, Candlewood Isle. Mr. Mocariski speaking for

himself asked the Commission to deny the application. He also stated the Board of Directors, CI were unanimously opposed to the application.

Ms. Fox reviewed how the Zoning Commission was bound to their regulations. The Commission discussed.

Linda Shire Wise, CI approached the Commission and was opposed to the application.

Ms. Fox felt maybe the Commission should go visit the property, make sure there is proper buffering.

MOTION

Mr. Letizia motioned to continue the Public Hearing until the August 4 2009 regular meeting. Mr. VanVlack seconded the motion. Vote taken:

| | |
|------------------------|-----|
| Joe Letizia | Yes |
| Kevin Van Vlack | Yes |
| Fred Zering | Yes |
| Faline Schniederma Fox | Yes |

Motion carried unanimously.

The Commission members will visit the property.

Business Items

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

Public Hearing continued until next regular meeting.

2. **Continued 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.**

Atty. Ray Lubus and Mr. Danes Bartha approached the Commission. Ms. Fox explained the Commission had an issue about keeping stock and trade at the last meeting.

Atty. Lubus explained that Mr. Bartha was willing to restrict his hours of operation to Tues – Sat. 7:00 – 8:00 p.m. with a limit of 1 patient per evening; Monday 9:00 a.m. – 5:00 p.m. with a limit of 4 patients per day. Closed Sunday. Atty Lubus also submitted a letter in support from Mr. Bartha’s neighbor, Dr. Cheryl Chappa. He also submitted a second letter of support from Scott Mimnaugh, 9 West View Trail.

Atty. Lubus felt Mr. Bartha’s office should be considered a “Professional Office” rather than a “Customary Home Occupation.” The Commission reviewed the definition of each in the regulations and agreed. The Commission discussed parking.

MOTION

Mr. Letizia motioned to approve Site Plan Application 11-09 with the stipulation that an approval is received from the Health Dept. and the hours of operation are Tues-Sat 7:00-8:00 p.m. with 1 appt/evening. Monday 9:00 a.m. – 5:00 p.m. with a maximum of 4 appointments. Mr. VanVlack seconded the motion. Vote taken:

| | |
|------------------------|-----|
| Joe Letizia | Yes |
| Kevin Van Vlack | Yes |
| Fred Zering | Yes |
| Faline Schniederma Fox | Yes |

Motion carried unanimously.

SIGNAGE

The Commission discussed Mr. Bartha’s sign with the verbiage “Optician”.

MOTION

Mr. VanVlack motioned to approve the signage saying “Optician” with the stipulation a mock-up including dimensions is submitted to the ZEO for approval. Mr. Zering seconded the motion Vote taken:

| | |
|------------------------|-----|
| Joe Letizia | Yes |
| Kevin Van Vlack | Yes |
| Fred Zering | Yes |
| Faline Schniederma Fox | Yes |

Motion carried unanimously.

3. Modification to Special Permit 16-09, Town of New Fairfield - 54 Gillotti Rd. Rebel Field. – Lavatories. Steve Merullo, John Hodge applicants

First Selectman, John Hodge approached the Commission. The Commission reviewed the site plan proposing lavatories at the High School.

The Commission reviewed the lighting and Ms. Fox requested a picture of the lighting fixtures for the file. Mr. Hodge modified the Site Plan and initialed to include handicapped spaces in front of the building.

MOTION

Mr. Zering motioned to approve the modification of the special Permit 16-09 with addendum to add 2 handicapped parking spots in the upper lot at entrance and to supply a drawing of the exterior lighting for ZEO approval and file. Vote taken:

| | |
|------------------------|-----|
| Joe Letizia | Yes |
| Kevin Van Vlack | Yes |
| Fred Zering | Yes |
| Faline Schniederma Fox | Yes |

Motion carried unanimously.

4. Site Plan Application 17-09 – 14 Williams Rd.- Vincent Zackeo – Home Occupation – Remodeling Business and storing of one box truck and one excavator. Vincent Zackeo, owner.

Mr. Vincent Zackeo approached the Commission. Mr. Zackeo reviewed his application, he owns a detached garage and wants to store construction vehicles, and a desk in the lower part of the house. During the summer there are 2 employees parked at his house, work is done offsite.

Ms. Fox raised concern at the number of vehicles on the property.

The ZEO stated the garage was built with permits and the permit for the garage was still open. She also stated the shed did not have a permit and was built bigger than the permitted 10X12. The ZEO also reported Mr. Zackeo had been sent a notice of violation from the New Fairfield Inland/Wetlands Commission.

Mr. Zackeo’s owns 2 business and 3 personal vehicles. He stated for personal use he had

- 1) 1-Ford Excursion
- 2) 1-Ford Expedition
- 3) 1-Chevy Tahoe
- 4) 1 Recreational boat.

The ZEO read the notice of violation from the Inland/Wetlands Commission into the record signed by Timothy R. Simpkins, Environmental Enforcement Officer.

The Commission reviewed the regulations for Customary Home Occupation. Mr. Zackeo stated no work was done on site.

Ms. Fox asked if there was any storage on the property. Mr. Zackeo stated occasionally there was an overflow, and occasionally he would work in the garage on rainy days.

The ZEO was concerned that Mr. Zackeo did not meet regulation 3.1.8. He cannot meet the 100' setback from property line and highway, so he is only permitted to store 1 truck over 1 ton, so he is not permitted to store the box truck on the property.

Applicant asked to continue application to the next meeting.

The ZEO requested the applicant bring copies of the registrations for all the vehicles.

MOTION

Mr. Zering motioned to continue site Plan Application 17-09 to the next regular meeting for further information. Mr. VanVlack seconded the motion. Vote taken:

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|------------------------|-----|
| Joe Letizia | Yes |
| Kevin Van Vlack | Yes |
| Fred Zering | Yes |
| Faline Schniederma Fox | Yes |

Motion carried unanimously.

5. Discussion on Proposed Regulations

Ms. Fox explained she had edited everything and made revisions. She felt the only other thing to discuss was fees. There has been no increase in 8-10 yrs. ZEO wanted to keep the current structure with fees on a scale. ZEO to research other towns, send the information to the Commission and meet next week to discuss.

Meeting set for July 14, 2009 7:30 p.m., at a location to be determined.

6. Correspondence/Communication

The ZEO stated she had received a letter from First Selectman John Hodge re: paving Company A commuter lot.

The ZEO received a letter from URS stating they had changed the wording on the sign at the Kiosk.

ZEO reported she still has \$1,000 in budget for Atty. McTaggart to do a final review for proposed regulations. The Commission felt they didn't want another review. Ms. Fox will contact Atty McTaggart for her comment. ZEO to forward a copy of proposed regulations to Town Atty. Keating.

7. Minutes

5/28/09 & 6/2/09 – No quorum to vote, minutes tabled until Tuesday's meeting July 14, 2009.

Meeting adjourned at 9:54 p.m.

Respectfully Submitted

Lyn Sheaffer
Zoning Commission Secretary