

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

MINUTES
Regular Meeting
September 2, 2008

New Fairfield Senior Center
7:30 p.m.

PRESENT: Faline Schniederma Fox, Chairperson, Joe Letizia, Fred Zering, Patrick Hearty, Maria Horowitz, Zoning Enforcement Officer.

1. Call to Order

Meeting called to order at 7:45 p.m. by Faline Schniederma Fox, Chairperson

2. Public Comment

None

Business Items

1. Modification to Special Permit - 08-15 – 33 Routes 37 - Proposed New Fairfield Senior Center. Town of New Fairfield, applicant.

John Hodge, First Selectman; Steve Merullo, Permanent Building Committee and Building & Grounds Director, Steve Lazarus, Lazarus, and Sergeant approached the Commission.

Ms. Fox reviewed the materials she had in her possession:

1. Application 08-15
2. Ralph Gallagher prepared engineering plans dated 2/19/07 updated 8/26/08.
3. A2.1 drawing by GM dated 8/08, A1.3, A1.2
4. A2 Survey plan by Paul Hiro

Mr. Hodge reviewed the changes from the previous plans. Mr. Hodge reported the elevation and the size of the building had both been reduced.

Mr. Hodge reported the ZBA granted the application for variance for the setback of 41 ft.

Mr. Lazarus explained the proposed modular building. The single story, building in the first scheme has a flat roof and in the second scheme has a gabled roof. The Depth of the building is identical to the previously proposed building. The existing house is maintained.

Mr. Lazarus reported the gabled roof was purely for aesthetics, and the decision will be based on the numbers. He also reported the site work was simplified. From the farthest end of the parking lot to the southern end of the parking lot about 1-20 slope, similar to the road.

All ramps and stairs have been removed. The only stair/ramp is to gain access to the upper level of the existing building.

The curb cuts were reduced from 3 to 2.

Ms. Fox asked if the revised grade was adequate for wheel chairs. Mr. Lazarus reported the slopes of the sidewalk and the parking lot is never steep enough to require a ramp railing. It meets ADA requirements to navigate the entire site.

Mr. Lazarus reported the Senior Center portion of the project is all on the lower level; the entire modular building and the existing lower level of the house.

The second floor space can be used for community meetings, completely independent from the Senior Center. There will be no access from the lower level; the stairs in the existing house will be removed. In the existing house another entrance will be added as required for the community room.

The Commission reviewed the parking calculations. Mr. Merullo reported 72 spaces. 72 were approved before and the square footage was reduced.

Ms. Fox asked about the lighting.

Mr. Letizia objected to the flat roof scheme. Mr. Hodge explained their preference was Gabled if they could afford it.

The Commission reviewed the lighting schedule. The ZEO reported she spoke with Mr. Gallagher and requested the lighting remain the same as what was previously approved. She reviewed and they had remained the same.

Mr. Merullo reviewed the changes to the parking lot. He reviewed the flow to the parking lot and the handicapped parking. He reported the fire tank was changed because the catch drain was behind it.

Mr. Merullo also reviewed the changes to the entrance of the building. He also reviewed the changes to the exit in the back of the kitchen to the dumpster. The Commission required screening around the dumpster area.

Mr. Merullo reviewed the two retaining walls and walkways.

Ms. Fox asked if the Commission felt it was necessary to differentiate the number of parking spaces allotted to the senior center for administrative purposes and the meeting room. The commission discussed and decided 10 for existing dwelling and 62 for the Senior Center.

ZEO reported no communication from the town departments. Mr. Hodge reported the fire tank was increased to 30,000 gallons in the last application and if anything it is oversized now but they are not looking to reduce the size. The ZEO read a letter from the New Fairfield Health Dept. requiring more complete plans for the kitchen and a finalized septic plan.

MOTION

Mr. Zering motioned to approve modifications to Special Permit 08-15 pending finalization of the septic plan and more detailed plans for the kitchen be approved by the New Fairfield Health dept. Mr. Letizia seconded the motion. Vote taken:

Joe Letizia	Yes
Patrick Hearty	Yes
Fred Zering	Yes
Faline Schneiderman Fox	Yes

Motion carried unanimously.

2. Modification to Special Permit -08-16 – Memorial Field Upper Parking Lot, Ball Pond Fire Dept. and Squantz Pond Fire Dept. – Proposed Weekday Commuter Parking. Town of New Fairfield, applicant.

John Hodge, First Selectman; Mr. Steve Merullo, Permanent Building Committee and Director Building & Grounds approached the Commission.

Ms. Fox asked why this was a modification to Special Permit. The ZEO reported the Fire Dept’s and Town hall are all municipal uses and have to approved by Special Permit, so this would be a modification to the special permits.

Mr. Hodge reviewed the concept of the project. He reported they began talking with HART bus service last year about providing commuter bus service to the Southeast train station. He reviewed various locations they explored in New Fairfield. Connecticut DOT, New York DOT and MTA would provide the money. 40 parking spaces are ideal, however we don’t have one lot for 40. He is proposing three commuter parking lots.

1. Squantz Pond Firehouse – 15-20 spaces.

Ms. Fox asked where the firemen would park. She asked for a survey of the property. The ZEO reported there is no survey. Mr. Merullo reviewed where the firemen park during an emergency.

Ms. Fox was worried about chaos in the parking lot during an emergency. She asked if the parking could be moved to the back. Mr. Hodge reported that is the location the Fire Dept. asked for. The Commission discussed.

Ms. Fox would like to look at a survey, or a more detailed drawing with the parking space on them. Mr. Merullo will do a more detailed drawing and if the Commission still requires a survey they will invest the money.

2. Memorial Field Upper Parking Lot – 15 spaces

Mr. Merullo reviewed the proposed parking spaces. The lot would remain gravel. The Commission discussed. Ms. Fox explained that this lot is not a pre-existing, pre-approved parking lot, so 1 island every 9 spaces is required. Mr. Hodge felt they could add an island. Mr. Merullo explained there was electricity there, he proposed 1 light. Mr. Zering felt 1 light was not enough for safety. The Commission discussed and agreed 3 lights were adequate. The applicant agreed to do double head lights. The Commission required down lighting, shielded away from the residential property.

3. Ball Pond Fire House – 15 spaces

Mr. Merullo reviewed a survey of the Ball Pond parking lot. Ms. Fox would not approve 2 spaces in front of the garage bay. Ms. Fox explained the Commission would need to see a site plan showing where the firemen would park, lighting and an island.

Mr. Hodge explained he hoped to get this going by Thanksgiving.

MOTION

Mr. Letizia motioned to continue the application for Modification to Special Permit -08-16 – Memorial Field Upper Parking Lot, Ball Pond Fire Dept. and Squantz Pond Fire Dept. – Proposed Weekday Commuter Parking. Mr. Hearty seconded the motion. Vote taken:

Joe Letizia	Yes
Patrick Hearty	Yes
Fred Zering	Yes
Faline Schneiderman Fox	Yes

Motion carried unanimously.

Application continued to the October 7, 2008 regular meeting.

3. Site Plan Permit 08-17 – 1 Hillview Drive West –Internet based business of health related products. Owner/applicant.

Mr. & Mrs. Keiser, 1 Hillview Drive approached the Commission.

Ms. Fox reviewed the history of the application. They were proposing an Internet based business with direct shipment to customers, 5 employees 1 full time 4 part time, mailing catalogs and limited product samples. The ZEO reviewed the application. Living space is 4808 sq. ft. 3,048 with garage removed. Office space is less than 25% of the house.

Ms. Keiser explained that returns no longer come back to the house. She would still like to do catalogs and samples. Ms. Fox explained we are bound by state statutes and cannot vary the regulations, the Commission does not have that authority.

The ZEO also felt the regulations only allow 3 employees, does 2 people doing part time constitute 1 person. The Commission discussed. Ms. Keiser explained they were the first driveway so she felt they would not affect the neighbors.

Mr. Letizia disagreed, he felt it was a very heavily populated neighborhood and to add to it would not be good. Mr. Letizia asked the Commission to table the application so they could visit the site. Mrs. Keiser explained they just built an area for 3 parking spaces. Ms. Fox agreed with Mr. Letizia and felt the Commission should visit the site.

Ms. Fox felt the keeping of stock and trade, distribution of any goods was against regulations even if they were samples. The Square footage requirement was within regulations. She felt the application would have to be modified or they would have to go to ZBA for a variance to keep stock and trade.

MOTION

Mr. Letizia motioned to continue Site Plan Permit 08-17 to give the Commission time to visit the site to determine it can handle the expanded use. Mr. Hearty seconded the motion. Vote taken:

Joe Letizia	Yes
Patrick Hearty	Yes
Fred Zering	Yes
Faline Schneiderman Fox	Yes

Motion carried unanimously.

Application continued to the October 7, 2008 regular meeting.

4. Discussion/Status – Dunham Pond Condominiums

Atty. Jim Strub, Town Counsel approached the Commission. He explained there are some construction issues on the site. There are some residents living on the property. The Bonding estimates are secured by a letter of credit. Atty. Strub reviewed the history of the application. The Applicant has requested a 5 year extension. The Bonding requirements are 1.7 million for the set list of improvements. Fire tanks installed are either leaking or completely defective. Fire access road to back of property is not completed. He explained they were really at the end of their ability to work with the developer at this point. The town has to take the steps for health, safety and welfare. The letters of credit that are in place with Union Savings Bank expire September 30, 2008. He felt that the wheels need to be set in motion to pull that bond. The developer has the option to provide a substitute security before the bond is pulled.

Ms. Fox pointed out a letter dated June 22, 2008 letter from Tony Iadorola reviewing the issues on the property.

Atty Strub explained at the last Planning Commission meeting they authorized the Board of Selectmen and or the First Selectman to act on the bond as necessary to complete relevant improvements. If no substitute security they would suggest they pull the full amount needed for improvements. The Commission discussed.

Ms. Fox read the proposed language into the record.

MOTION

Mr. Hearty motioned to empower the New Fairfield Board of Selectmen to draw down on the Union Savings bank letters of credit 10375 and 10376 for the purpose of satisfactorily completing the improvements required by Special Permit 02-14 and Special Permit 02-15 both as amended and such draw down shall be to the extent necessary to assure that such satisfaction and completion. Mr. Letizia seconded the motion. . Vote taken:

Joe Letizia	Yes
Patrick Hearty	Yes
Fred Zering	Yes
Faline Schneiderman Fox	Yes

Motion carried unanimously.

Atty. Strub recommended the ZEO and a member of the Commission to review the files and document with great detail any deviation from the initial approvals.

Mr. Letizia volunteered to work with the ZEO to review said files.

5. Discussion on Proposed Regulations

Ms. Fox gave the Commission an update. She reported Atty McTaggart wrote some proposed language with regard to a vertical expansion issue. Ms. Fox read the proposed language into the record prohibiting vertical expansion on a non-conforming property without going to ZBA.

The Commission added the verbiage “raising the roof or second or third floor additions”

Ms. Fox also received standards to a revision of regulations 6.1.1B for the Commission’s review.

The Commission reviewed the time frame for moving forward with the regulations.

6. Correspondence/Communication/Enforcement

The ZEO reported on an enforcement issue with Dick Johnson. The Commission reviewed the photographs and discussed. Ms. Fox felt he should appear before the Commission and we should review the permit and schedule a site walk.

The Commission scheduled a site walk Saturday, September 13, 2008. 10:00 a.m.
Ms. Fox reviewed the ground rules for a site walk.

Maria will let the Commission know what is permitted.

Mr. Letizia left the meeting at 10:03.

Ms. Fox asked the ZEO to get the DEP involved.

6. Adjournment

Meeting adjourned at 10:15 p.m.

Respectfully Submitted

Lyn Sheaffer, Zoning Commission Secretary.