

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

**MINUTES
Regular Meeting
November 6, 2008**

New Fairfield Town Hall Conference Room
7:30 p.m.

PRESENT: John Moran, Vice Chairperson, Joe Letizia, Patrick Hearty, Kevin Van Vlack, Alternate, Maria Horowitz, Zoning Enforcement Officer, Lyn Sheaffer, Secretary

1. Call to Order

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

Mr. Moran elevated Kevin Van Vlack to full voting status.

2. Public Comment

None

Public Hearing

1. Petition for Zone Change and Special Permit 08-18 – 130 RT 37 – David Willis, owner, Atty. Ray Lubus, applicant.

The Zoning Enforcement Officer read the legal notice into the record published in the Citizen News 10/22/08 and 10/29/08.

Mr. David Willis and Attorney Ray Lubus approached the commission. Atty. Lubus reviewed the application. Mr. Willis would like to convert the barn into an additional dwelling. To do this the zone would have to be changed to the New Business District. Currently there is an existing legal 2 family dwelling on the property.

Atty. Lubus explained there were a few issues; there is a requirement of 150' road frontage, Mr. Willis has 127'. He explained they had received a variance, conditional upon the zone change being approved by the Zoning Commission.

Atty Lubus also explained the Planning Commission gave them a positive referral.

Mr. Moran questioned if the Zoning Board of Appeals had the right to vary the frontage. The Commission discussed. The Commission reviewed the plot plan.

The Zoning Enforcement Officer reported she reviewed the application and they met the requirements for a zone change and special permit. The Commission reviewed pictures of the property.

The ZEO read the following reports into the record:

1. HVCO found it was a Category 1 of low concern and minimal impact. Application does not need to be sent to Sherman or Danbury.
2. Planning Commission stating they received a positive referral at their 10/27/08 meeting.
3. New Fairfield Health Dept, Timothy R. Simpkins, for the 2-bedroom apartment with no objections.

Mr. Moran reviewed the Neighborhood Business District regulations. Mr. Moran was concerned the district was for Route 39, not Route 37. He wasn't sure the Commission was able to do that. Atty. Lubus stated the variance waived that requirement.

The ZEO explained the NBD was created as a buffer zone "transitional" zone between Commercial and Residential zones.

Public Comment

Mr. Greg Defreitas, Director New Fairfield Land Trust approached the Commission. He stated the NF Land Trust should have been notified of the proposed zone change and they weren't. The property abuts the land trust and he expressed concern about the aquifer and water issues. He appealed to the Commission to consider carefully and felt they needed more information.

Atty. Lubus reviewed the procedure, and stated there was no obligation to notify the land trust. He stated they followed proper procedures required by our ordinances.

MOTION

Mr. Letizia motioned to close the public hearing. Mr. VanVlack seconded the motion. Vote taken:

Joe Letizia	Yes
Patrick Hearty	Yes
Kevin Van Vlack	Yes
John Moran	Yes

Motion carried unanimously. Public Hearing Closed

Business Item

1. Petition for Zone Change and Special Permit 08-18 – 130 RT 37 – David Willis, owner, Atty. Ray Lubus, applicant.

Postponed to give the Commission time to think.

2. Discussion – Update on 60 Saw Mill Rd., Richard Johnson, owner.

The ZEO reported she met with the DEP inspector, and she was very disappointed. He felt the site wasn't that bad and he'd seen worse. The Commission was surprised.

1. Petition for Zone Change and Special Permit 08-18 – 130 RT 37 – David Willis, owner, Atty. Ray Lubus, applicant.

MOTION

Mr. VanVlack motioned to approve the Petition for Zone Change because it

1. Meets the regulations
2. Enhances the character of the area

- 3. No increased traffic
- 4. Protects water quality.

Mr. Letizia seconded the motion. Vote taken:

Joe Letizia	Yes
Patrick Hearty	Yes
Kevin Van Vlack	Yes
John Moran	Yes

Motion carried unanimously.

MOTION

Mr. VanVlack motioned to approve Special Permit 08-18 Mr. Letizia seconded the motion. Vote taken:

Joe Letizia	Yes
Patrick Hearty	Yes
Kevin Van Vlack	Yes
John Moran	Yes

Motion carried unanimously.

3. Discussion on proposed regulations

The ZEO reported Ms. Fox had been in communication with Mr. McGowan.

4. Correspondence & Communications

None

5. Minutes

September 27, 2008

Mr. Letizia motioned to approve the minutes of September 27, 2008. Mr. VanVlack seconded the motion. Vote taken:

Joe Letizia	Yes
Patrick Hearty	Yes
Kevin Van Vlack	Yes
John Moran	Yes

Motion carried unanimously.

October 7, 2008

Cannot approve.

Meeting adjourned at 8:40 p.m.

Respectfully Submitted

Lyn Sheaffer, Zoning Commission Secretary.