

THE ZONING COMMISSION

**Town of New Fairfield
New, Fairfield, CT 06812**

REGULAR MEETING

MINUTES

Wednesday, March 4, 2020

7:30pm

New Fairfield Public Library Program Room

Present: Shane Cosentino, Steve Hanrahan, Tomas Kavaliauskas (Alternate), Gary Mummert (Alternate), Kevin Van Vlack and Town of New Fairfield Zoning Enforcement Officer Evan White. Joe Letizia and Chairman John Moran were not in attendance.

Call to Order: Vice Chairman Kevin Van Vlack called the meeting to order to at 7:31 pm. He noted that Tomas Kavaliauskas and Gary Mummert will be voting for purposes of this meeting.

Public Comment: None

PUBLIC HEARING

1. Accepting-Special Permit –SP-20-002

Applicant Michael Pfahl spoke of his need to repair and rebuild his house after the May 15, 2018 storm. He noted that new footing drains have been put in. The new foundation will be the same footprint as the original house. All setbacks have been met and there is no change to grade and there is an updated A-2 survey and the engineer has signed off.

MOTION: Steve Hanrahan made a motion to close the Public Hearing on Special Permit-SP-20-002; 16 Old Road under Section 6.4-(D) Excavation, Removal, Filling and Grading of Earth Material & Section 8.1- Site Plan Standards and Review Process. Applicant- Michael Pfahl. Shane Cosentino seconded the motion.

Shane Cosentino	Yes
Steve Hanrahan	Yes
Tomas Kavaliauskas	Yes
Gary Mummert	Yes
Kevin Van Vlack	Yes

2. Accepting-Special Permit –SP-20-004 Special Permit for 240 Ball Pond Road State Route 39 under Section 3.1.2 (K) Special Permit –Accessory Apartment. Applicant-Ronald Strol

Andrew Jesser (agent for applicant Ronald Strol) spoke of the addition of accessory apartment at 240 Ball Pond Road. He noted that his house was hit by a tree during the May 15, 2018 storm. He noted that the accessory apartment would be less than 1000 square feet with a kitchenette and one bedroom.

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According to regulations, in order to have an accessory apartment the homeowner must occupy either the home or the accessory apartment. It was noted that this house is for sale and it there was a brief discussion of the legality of having an accessory apartment since it is unknown if the new owners will use this as an accessory apartment. It was decided to continue this application and have the Zoning Enforcement Office check with Legal Counsel regarding this.

MOTION: Steve Hanrahan made a motion to continue Special Permit-SP-20-004; Special Permit for 240 Ball Pond Road State Route 39 under Section 3.1.2 (K) Special Permit –Accessory Apartment. Applicant-Ronald Strol until the ZEO confers with legal counsel. Gary Mummert seconded the motion.

Shane Cosentino	Yes
Steve Hanrahan	Yes
Tomas Kavaliauskas	Yes
Gary Mummert	Yes
Kevin Van Vlack	Yes

3. Accepting-Special Permit –SP-20-005 Special Permit for 117 State Route 39 under Section 3.1.2 (K) Special Permit –Accessory Apartment. Applicant-Ronald Strol

Zoning Enforcement Officer Evan White noted that this house has an accessory apartment and is currently for sale. It also needs to have the driveway fixed. He will check with legal counsel regarding the legality of the accessory apartment and the requirement that the new homeowner must reside in either the house or the accessory apartment.

MOTION: Steve Hanrahan made a motion to continue Special Permit-SP-20-005; Special Permit for 117 State Route 39 under Section 3.1.2 (K) Special Permit –Accessory Apartment. Applicant-Ronald Strol until the ZEO confers with legal counsel. Shane Cosentino seconded the motion.

Shane Cosentino	Yes
Steve Hanrahan	Yes
Tomas Kavaliauskas	Yes
Gary Mummert	Yes
Kevin Van Vlack	Yes

BUSINESS ITEMS

MOTION: Shane Cosentino made a motion to accept Special Permit-SP-20-002; 16 Old Road with the approval of excavation within 30 feet of the setbacks. Applicant- Michael Pfahl. Gary Mummert seconded the motion.

Shane Cosentino	Yes
Steve Hanrahan	Yes
Tomas Kavaliauskas	Yes
Gary Mummert	Yes
Kevin Van Vlack	Yes

MOTION: Steve Hanrahan made a motion to approve the application for Special Permit-SP-20-008; for 1 Saw Mill Road under Section 3.1.2 (K) Special Permit Accessory Apartment & Section 4.1.2 (F) Special Permit Uses/Mixed Use for April 1, 2020 - Applicant Peter Young. Shane Cosentino seconded the motion.

Shane Cosentino	Yes
Steve Hanrahan	Yes
Tomas Kavaliauskas	Yes
Gary Mummert	Yes
Kevin Van Vlack	Yes

MOTION: Steve Hanrahan made a motion to continue application SI-20-009; 89 State Route 39 under Section 4.1 (D) Site Plan for Business/Professional for Nail Studio- Applicant Susie D. Mai until the April 1, 2020 meeting. Tomas Kavaliauskas seconded the motion.

It was noted that this application was continued because the applicant was not present.

Shane Cosentino	Yes
Steve Hanrahan	Yes
Tomas Kavaliauskas	Yes
Gary Mummert	Yes
Kevin Van Vlack	Yes

Discussion of Generator Regulations/Mechanical Equipment

Evan White spoke of generator cabinets and minor accessory structures and noted that there is a regulation for a ten foot setback. This would also include propane tanks and air conditioners. There was a discussion among the Zoning Commission members as the best regulations for these structures. It was decided that this will be discussed further the Town Counsel and the Zoning Commission Chairman.

Approval of minutes

Gary Mummert made a motion to approve the minutes of the February 5, 2020 meeting as presented. Tomas Kavaliauskas seconded the motion.

Shane Cosentino	Yes
Steve Hanrahan	Yes
Tomas Kavaliauskas	Yes
Gary Mummert	Yes
Kevin Van Vlack	Yes

Enforcement Actions

- 20 Cloverleaf
- 60 Sawmill
- 40 Fulton
- 248 Ball Pond Road

Adjournment- Steve Hanrahan made a motion to adjourn the meeting at 8:23 pm. Tomas Kavaliauskas seconded the motion-**All in favor**

Received for Record MAR 11 2020
at 9:42 m A and recorded by Patricia Smith
Patricia J. Dohan, Town Clerk, New Fairfield, CT