

THE ZONING COMMISSION

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

REGULAR MEETING

MINUTES

Wednesday, June 5, 2019

7:30pm

New Fairfield Public Library Community Room

Present: Chairman John Moran, John Brown, Steve Hanrahan, Tomas Kavaliauskas (Alternate), Joe Letizia, Gary Mummert (Alternate), Kevin Van Vlack and Town of New Fairfield Zoning Enforcement Officer Evan White.

1. **Call to Order:** Chairman John Moran called the meeting to order to at 7:30 pm.

2. **Public Comment:** None

PUBLIC HEARING

1. **Special Permit (SP-19-005)**-40 Old Road-Grading/Excavation occurring within 300 ft. of the 440 Line; Section 6.4 (D)-Excavation, removal, filling and grading of earth material. Applicant Michael Sekelsky.

Kevin Van Vlack made a motion to continue Application SP-19-005- 40 Old Road with Public Hearing Scheduled to the July 10th regular meeting. Joe Letizia seconded the motion.

John Brown	yes
Steve Hanrahan	yes
Joe Letizia	yes
John Moran	yes
Kevin Van Vlack	yes

2. **Permit (P-19-001)**-Petition Zone R-88 Front Setback Requirement from 75 feet to 50 feet Front setback requirement Section 3.0.2 (A+B) & 3.1.6 Minimum Building or Structure Setback (A). Applicant D+S Builders. (Wayne Skelly and Bill DiTullio)

Wayne Skelly from D+S Builders spoke in regard to a petition zone R-88 to reduce the front setback from 75 feet to 50 feet. This would only be for the front setback and not the sides. He noted that surrounding towns all have 50 feet setbacks. He spoke of the advantages of a 50 foot setback and noted that there would be less of a need to cut trees and less disturbance of soil and a shorter driveway. He noted that the Health Director supports the smaller setback and they did receive an 824 referral from the Planning Commission. Bill DiTullio spoke in support of the 50 foot setback.

Joe Reilly spoke in support of the 50 foot setback and noted that it would not affect the curb appeal but will make the back yard larger and will increase the value of the property.

Chairman John Moran read a letter from the Planning Commission noting a positive referral.

Kevin Van Vlack made a motion to close Public Hearing (P-19-001) R-88 Front Setback Requirement from 75 feet to 50 feet- Applicant D+S Builders. Joe Letizia seconded the motion.

John Brown	yes
Steve Hanrahan	yes
Joe Letizia	yes
John Moran	yes
Kevin Van Vlack	yes

BUSINESS ITEMS

1. **Special Permit (SP-19-005)**-40 Old Road-Grading/Excavation occurring within 300 ft. of the 440 Line; Section 6.4 (D)-Excavation, removal, filling and grading of earth material. Applicant Michael Sekelsky- Continued
2. **Permit (P-19-001)**-Petition Zone R-88 Front Setback Requirement from 75 feet to 50 feet Front setback requirement Section 3.0.2 (A+B) & 3.1.6 Minimum Building or Structure Setback (A). Applicant D+S Builders. (Wayne Skelly and Bill DiTullio)

Chairman John Moran noted that this change would make the requirements more compliant with requirements of surrounding towns and will become effective on June 24, 2019 after the 15 day appeal period.

Kevin Van Vlack made a motion to approve Petition Zone R-88 Front Setback Requirement from 75 feet to 50 feet Front setback requirement Section 3.0.2 (A+B) & 3.1.6 Minimum Building or Structure Setback (A). Applicant D+S Builders. Joe Letizia seconded the motion.

John Brown	yes
Steve Hanrahan	yes
Joe Letizia	yes
John Moran	yes
Kevin Van Vlack	yes

3. **Accepting (SP-19-006)**-53 Bogus Hill Road- Grading/Excavation occurring within 300 ft of the 440 Line; Section 6.4 (D)-Excavation, removal, filing and grading of earth material- Applicant- Daniela Nedu.

Kevin Van Vlack made a motion to accept Application (SP-19-006) 53 Bogus Hill Road- Grading/Excavation occurring within 300 ft of the 440 Line; Section 6.4 (D)-Excavation, removal, filing and grading of earth material- Applicant- Daniela Nedu. Joe Letizia seconded the motion.

John Brown	yes
Steve Hanrahan	yes
Joe Letizia	yes
John Moran	yes
Kevin Van Vlack	yes

4. **Site Plan (SI-19-007)** -89 State Route 39-Neighborhood Business Fit-Out from Previous Approved Special Permit Approval (SP-18-017) for a Professional Business Office in Unit 0. Applicant–Thomas W. Hannah.

Evan White explained that the professional business office has already been approved in 2018 but each individual must be approved by the Zoning Commission. Unit 0 will be used for a doctor’s office and Unit 10 will be used for a massage therapist. These offices meet the parking requirements. They will be required to get Fire Marshal and Health Department approvals. There must be three parking spots for this office.

Kevin Van Vlack made a motion to approve Site Plan (SI-19-007) 89 State Route 39-Neighborhood Business Fit-Out from Previous Approved Special Permit Approval (SP-18-017) for a Professional Business Office in Unit 0 for applicant Thomas W. Hannah pending fire marshal and health department approvals and that it meets all handicapped parking requirements. Joe Letizia seconded the motion.

John Brown	yes
Steve Hanrahan	yes
Joe Letizia	yes
John Moran	yes
Kevin Van Vlack	yes

5. **Site Plan (SI-19-008)**- 89 State Route 39-Neighborhood Business Fit-Out from Previous Approved Special Permit Approval (SP-18-017) for a Professional Business Office in Unit 10. Applicant-Victoria Roaks.

Kevin Van Vlack made a motion to approve Site Plan (SI-19-008) for 89 State Route 39-Neighborhood Business Fit-Out from Previous Approved Special Permit Approval (SP-18-017) for a Professional Business Office in Unit 10 for applicant Victoria Roaks pending all necessary approvals. Joe Letizia seconded the motion.

John Brown	yes
Steve Hanrahan	yes
Joe Letizia	yes
John Moran	yes
Kevin Van Vlack	yes

6. **Discussion**- St. Edwards Parking- Wayne Skelly spoke as a volunteer for St. Edwards Church regarding the possibility of expanding the parking lot for the church. They currently have approximately 226 parking spots (209 are required per the regulations). These parking spots are comprised of two parking lots (Main lot and across the street). Engineer Benjamin Doto spoke of the proposed plan which would eliminate the lot across the street and extend the main parking lot and net an additional nine spaces. He spoke of proposed improvements to the egress and the possibility of an additional driveway. There was also a brief discussion of installing a storage garage across the street on the site of the current lot. There was a discussion of the need to get

variances for this project and it was noted that the next steps for this project would be to go to the Zoning Board of Appeals and meet with the Zoning Enforcement Officer.

7. Discussion-Regulations 6.4 Excavation, removal, filling and grading of earth material

Zoning Enforcement Officer Evan White spoke of the current regulation 6.4 Excavation, removal, filling and grading of earth material. According to these regulations, a special permit is needed for anything done within 300 feet of the 440 line. It was decided to amend the regulation to allow activity not exceeding 100 cubic yards. It is up to the homeowner to show that it doesn't exceed 100 cubic yards of material. It was noted that this activity is defined as filling, grading or excavation.

8. Discussion of Regulation 7.2.4- Restoration of damaged structures or buildings

Evan White spoke of a regulation 7.2.4 that requires homeowners to complete renovation due to damage of a home within 12 months of the event. This includes homes damaged or destroyed due to fire, explosion, vandalism or act of God. He noted that many New Fairfield residents have not yet completed renovation to damage from the May 15, 2018 storm because they are waiting for insurance money.

Kevin Van Vlack made a motion to extend Regulation 7.2.4 "Restoration of Damaged Structures or Buildings" for an additional year to allow residents more time to complete renovations from the May 15, 2018 storm. Joe Letizia seconded the motion.

John Brown	yes
Steve Hanrahan	yes
Joe Letizia	yes
John Moran	yes
Kevin Van Vlack	yes

9. Approval of Minutes

Kevin Van Vlack made a motion to approve the minutes of the May 1, 2019 meeting as presented. Joe Letizia seconded the motion.

John Brown	yes
Steve Hanrahan	yes
Joe Letizia	yes
John Moran	yes
Kevin Van Vlack	yes

10. Enforcement Actions- Will be discussed at the July 10th meeting.

11. Adjournment- Kevin Van Vlack made a motion to adjourn the meeting at 8:47 pm. Joe Letizia seconded the motion-All in favor****