

THE ZONING COMMISSION
Town of New Fairfield
New, Fairfield, CT 06812
REGULAR MEETING
MINUTES
Wednesday, July 10, 2019
7:30pm
New Fairfield Public Library Community Room

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

1. **Call to Order:** Chairman John Moran called the meeting to order to at 7:30 pm. Tomas Kavaliauskas and Gary Mummert were elevated to full voting members for the purpose of this meeting.
2. **Public Comment:** None

PUBLIC HEARING

1. **Special Permit (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.

Evan White explained that this was to remove an old parking area. Approval has been received from the Town Engineer and there have been no objections from abutting properties.

Kevin Van Vlack made a motion to close Public Hearing (SP-19-006) - 53 Bogus Hill Road- Grading/Excavation occurring within 300 ft. of the 440 Line; Section 6.4 (D)-Excavation, removal, filling, and grading of earth material- Applicant-Daniela Nedu. John Brown seconded the motion.

John Brown	yes
Tomas Kavaliauskas	yes
John Moran	yes
Gary Mummert	yes
Kevin Van Vlack	yes

BUSINESS ITEMS

1. **Special Permit (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 approve Public Hearing (SP-19-006)- 3 Bogus Hill Road- Grading/Excavation occurring within 300 ft of the 440 Line. John Brown seconded the motion.

John Brown	yes
Tomas Kavaliauskas	yes
John Moran	yes
Gary Mummert	yes
Kevin Van Vlack	yes

2. **Application Request Extension (SP-19-005)**-Special Permit-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- No Public Hearing has been open for this application yet. Application is requesting an extension.

3. **Accepting Application (SP-19-006)**-Special Permit-26 Bear Mountain Road; Widening existing path for common driveway to access existing farm, as well as site work and site improvements for agricultural use throughout the lot, as well as site work for future dwelling that will come before New Fairfield Planning Commission for future re-subdivision. Section 6.4-Excavation, removal, filling and grading of earth material. Application- Karen Bauer, Executrix for Estate of Paul Leili.

Chairman John Moran noted that Zoning Enforcement Office Evan White has recused himself due to his relationship with the applicant. All correspondence and any business regarding this application must go through the Chairman of the Zoning Commission. It was noted that approximately 16 homes neighbor this property that must be notified by certified mail. The City of Danbury also abuts this property and must also be notified.

Kevin Van Vlack made a motion to accept Application (SP-19-006) Special Permit-26 Bear Mountain Road; widening existing path for common driveway to access existing farm, as well as site work and site improvements for agricultural use throughout the lot. Application- Karen Bauer, Executrix for Estate of Paul Leili. John Brown seconded the motion.

John Brown	yes
Tomas Kavaliausk	yes
John Moran	yes
Gary Mummert	yes
Kevin Van Vlack	yes

There was a brief discussion of the role of the Planning Commission regarding this application. A Public Hearing will be held for this application on August 7th.

4. **Discussion-Regulation 6.4-** Excavation, removal, filling and grading of earth material.

Zoning Enforcement Officer Evan White spoke of the regulations of 6.4.4 that says that no excavation should take place within 30 feet of the property line. It was noted that many of the surrounding towns require a special permit for within 5 feet. It was decided to propose a change from 30 feet to 10 feet with a special permit required for 10 feet or less.

5. Approval of Minutes

Gary Mummert made a motion to approve the minutes of the June 5, 2019 meeting as presented. John Brown seconded the motion.

John Brown	yes
Tomas Kavaliausk	yes
John Moran	yes
Gary Mummert	abstained
Kevin Van Vlack	yes

6. Enforcement Actions

- 40 Fulton Drive
- 48 Fulton Drive
- 57 Wood Creek
- 20 Cloverleaf
- 20 Lake Drive South

Chairman John Moran noted that he will be meeting with the Selectmen in the near future to discuss Air BnB's.

- 7. Adjournment**- Kevin Van Vlack made a motion to adjourn the meeting at 8:17 pm. John Brown seconded the motion-**All in favor**