

**THE ZONING COMMISSION**

**Town of New Fairfield**

**New, Fairfield, CT 06812**

**REGULAR MEETING**

**MINUTES**

**Wednesday, September 4, 2019**

**7:30pm**

**New Fairfield Public Library Program Room**

Present: Steve Hanrahan, Tomas Kavaliauskas (Alternate), Joe Letizia, Gary Mummert (Alternate-arrived 7:40pm), Kevin Van Vlack and Town of New Fairfield Zoning Enforcement Officer Evan White. Chairman John Moran and John Brown were not in attendance.

- 1. Call to Order:** Vice Chairman Kevin Van Vlack called the meeting to order to at 7:35 pm. Alternate Tomas Kavaliauskas was elevated to a full voting member for the purpose of this meeting.
- 2. Public Comment:** None

**PUBLIC HEARING**

**1. Modified Regulation 7.1.1.2-** Improved lots not in validated or approved subdivision to allow pre-existing nonconforming lots with existing coverage, as well as now allow building/expanding within a setback & pre-existing Impervious Coverage (Sec. 7.1.1.2), Applicant- New Fairfield Zoning Commission.

Kevin Van Vlack read the current regulations with the proposed addition:

**Improved Lots Not in Validated or Approved Subdivisions.**

Any construction, including modifications, alteration, expansion, extension, relocation or improvement in an existing structure including, without limitation, an agricultural building, commercial building, dwelling and or any permitted accessory structure, on an improved nonconforming lot that is not shown on an approved subdivision or resubdivision plan or on a validated subdivision plan, shall be required to conform to the Regulations in effect at the time of such construction or the issuance of a building permit for such construction. **Adding to the end:** Only to the extent that such construction will not increase the non-conformity as it pertains to height, coverage, and setbacks.

Zoning Enforcement Officer Evan White gave a brief history of the reason for this proposed regulation change. It was noted that this is to be consistent with State Regulations.

Steve Hanrahan made a motion to close Public Hearing for Modified Regulation 7.1.1.2. Joe Letizia seconded the motion.

Steve Hanrahan	yes
Tomas Kavaliauskas	yes
Joe Letizia	yes
Kevin Van Vlack	yes

**BUSINESS ITEMS**

**1.Modified Regulation 7.1.1.2-** Improved lots not in validated or approved subdivision to allow pre-existing nonconforming lots with existing coverage, as well as now allow building/expanding within a setback & pre-existing Impervious Coverage (Sec. 7.1.1.2), Applicant- New Fairfield Zoning Commission.

Kevin Van Vlack read the positive referral from New Fairfield Planning Commission regarding the proposed modified regulation.

Steve Hanrahan made a motion to approve Modified Regulation 7.1.1.2 adding to the last sentence: Only to the extent that such construction will not increase the non-conformity as it pertains to height, coverage, and setbacks Joe Letizia seconded the motion.

Steve Hanrahan	yes
Tomas Kavaliauskas	yes
Joe Letizia	yes
Kevin Van Vlack	yes

**2. Application SP-19-012-** 24 Sunset Drive-Grading/Excavation occurring within 300 ft. of the 440 Line; Section 6.4 (D)-Excavation, removal, filling and grading of earth material in order to perform construction activities as directed by the Superior Court and First Light Corrective Action Permit. Applicant- Dr. Allan Stewart.

Joe Letizia made a motion to accept Special Permit SP-19-012. Steve Hanrahan seconded the motion.

Steve Hanrahan	yes
Tomas Kavaliauskas	yes
Joe Letizia	yes
Kevin Van Vlack	yes

**3. Application SP-19-013-3** Hillside Drive-Section 3.1.2-Special Permit Uses (K) Accessory Apartment. Applicant would like to construct an addition to the right of their existing dwelling to incorporate a 990 square foot accessory apartment for in-laws. Applicant Joseph and Meredith Yorio.

Steve Hanrahan made a motion to accept Special Permit SP-19-013-3. Joe Letizia seconded the motion.

Steve Hanrahan	yes
Tomas Kavaliauskas	yes
Joe Letizia	yes
Kevin Van Vlack	yes

**4. Approval of Minutes**

Steve Hanrahan made a motion to approve the minutes of the August 7, 2019 meeting as presented. Joe Letizia seconded the motion.

Steve Hanrahan	yes
Tomas Kavaliauskas	
Joe Letizia	yes
Kevin Van Vlack	yes

**5. Enforcement Actions**

Zoning Enforcement Officer Evan White spoke of the process of sending notice of violations and noted that three Notices of Violations are sent before a Cease of Desist is issued. He spoke of the possibility of sending a “Potential Notice of Violation” in certain non severe cases to give a warning that is not as harsh as a Notice of Violation.

- 40 Fulton Drive- Second Notice of Violation
- 14 Great Meadow- First Notice of Violation
- 20 Cloverleaf
- Fulton Drive- illegal retaining wall
- Sunset Trail- 2<sup>nd</sup> driveway

There was a brief discussion of the possibility of discussing area businesses regarding lighting at a meeting in the near future.

**6. Adjournment-** Kevin Van Vlack made a motion to adjourn the meeting at 8:00 pm. Joe Letizia seconded the motion-**All in favor**