



ZONING BOARD OF APPEALS

Clifford J. Hurgin Municipal Center
1 School Street, Bethel, Connecticut 06801 *(203) 794-8578

ZONING BOARD OF APPEALS MINUTES SEPTEMBER 15TH, 2009 – BETHEL MUNICIPAL CENTER 7:00 P.M. – DENIS J. RIORDAN ROOM

RECEIVED

SEP 16 2009

TOWN OF BETHEL
TOWN CLERK

COMMISSION MEMBERS PRESENT – Chairman, P. Verderosa; J. Hawkins;
J. Hurgin; N. Santaniello, J. Streaman & S. Palmer, Planning & Zoning Official.

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Chairman Verderosa called the meeting to order at 7:02 p.m. and read the Legal Notice.

Due to errors in Legal Noticing, Public Hearing for application 09-11, Schrijver Family, LP,33 Old Dodgingtown Rd. has been postponed until the next ZBA meeting on October 20th, 2009.

PUBLIC HEARINGS :

09-10: Marlene Tandler, 105 Walnut Hill: Appeal of the Decision of the Zoning Enforcement Agent, Sec.'s 118-24A, 118-24E & 118-2: Illegal home occupation is a residential zone.

Steve Palmer, Planning & Zoning Official read his Staff Report dated September 15th, 2009 and entered a copy of the Cease & Desist Order issued on May 18th, 2009 into the record. Also entered into the record, at this time, were photos taken by Staff, a GIS map of the subject property and correspondence from Angela Guerriero, Dir. Of Continuing Education, Bethel Public Schools, including a Winter/Spring 2009 Continuing Education Brochure .

N. LoBalbo, Recording Secretary Zoning Board of Appeals, read the following correspondence into the record:

Susan J. Clarkson 71 Plumtrees Road.
Jesse & Anna Tandler -----*
Dr. Michelle Bobulinski, Danbury, CT
Newtown

Vonya Kovacs -----*
Kathleen Kopec 11 Van Campen La.
Dr. Eileen McEvoy 27 Taunton Lake Rd.,

Robert J. Stosser	20 Pound Sweet Hill	Michele M. Masi	-----*
Suzanne Halliday	12 Katrina Circle	Mary Spain	22 Dittmar Rd
Margie Blansfield	-----*	Flo Ferrara	2 Brookview Court
Cornelia Baker	21 Pound Sweet Hill	Regina M. Morris	25 Killian Dr., Danbury
Vicki Sara Blumberg, MD	30 Prospect St., Ridgefield		
Hans & Usha Maru	7 Trailing Ridge Rd., Brookfield		
Susan & Neil Callaghan	97 Plumtrees Rd		* no address provided

Attorney Daniel O'Grady, 152 Greenwood Ave., Bethel, represented the Applicant, M. Tendler. Attorney O'Grady read from a prepared statement, commented on Mr. Palmer's Staff Report and entered the following information into the record:

- 1) 289 Conn.709 Heim v. Zoning Board of Appeals
- 2) Merriam-Webster Online Dictionary Def. of "teacher"
- 3) Merriam-Webster Online Dictionary Def. of "yoga"
- 4) Professional Resume of Marlene R. Tendler, 105 Walnut Hill Road, Bethel
- 5) Mission Statement 'Yoga Alliance'
- 6) Sec. 11-2.4.6 : Town of Westport Zoning Regulations
- 7) Town of Newtown, CT-Zoning Regulations "Home Occupation"
- 8) Town of Ridgefield "Home Based Business" Related Terms
- 9) Cluster Subdivision Map, Walnut Hill & Rockwell Roads, Bethel, CT., prepared for Dolan Construction Co., dated 4/30/79, upon which, Attorney O'Grady requested that Ms. Tendler draw the location of her home & driveway
- 10) Newtown Adult and Continuing Education brochure, Newtown Public Schools
- 11) Photographs of the subject property.

Chairman Verderosa inquired as to whether Ms. Tendler had a copy of her teaching license to add to the record. At this time, Ms. Tendler provided a copy of her Yoga Alliance membership ID, valid until 10/27/09.

Chairman Verderosa declared a short recess at 8:50 p.m.

Recess ended, the Public Hearing resumed at 9:00 p.m.

Marlene Tendler, Applicant & owner of the subject property, spoke from a prepared statement and entered photographs into the record. At this time Ms. Tendler also entered into the record Fall 2009 class schedules for Yoga Space, 777 Federal Road, Brookfield; Sat Nam Yoga, Greenwood Avenue and Yoga Shala (no address provided).

Steve Palmer, Planning & Zoning Official then responded to Attorney O'Grady's comments on Staff Report dated 9/15/ 2009.

Those who spoke:

Michelle Fargiano 103 Walnut Hill Road
Ms. Fargiano entered into the record photographs and two CD's marked Zoning Photos #1 & Zoning Photos #2.

Nina Handleman 9 Dibble St, Danbury
Ms. Handleman read a copy of her correspondence and submitted it for the record.

Carl Douglas Fargiano 103 Walnut Hill Road

Bill Oberacker 4 Hillside Court
Mr. Oberacker requested that a copy of the original complaint be read out loud.

Attorney O'Grady responded to comments by Steve Palmer, Planning & Zoning Official
Ms. Tendler spoke in support of Attorney O'Grady's comments.
Chairman Verderosa closed the Public Hearing.

WORKSESSION:

At this time N. Santaniello was seated.

Motion by N.. Santaniello, seconded by J. Streaman to **UPHOLD** the Cease & Desist Order of the Planning & Zoning Enforcement Agent .
4 in favor to 1 opposed. J. Hurgin opposed

Motion carried.

NEW BUSINESS:

Motion by J. Streaman, seconded by J. Hurgin to accept NEW BUSINESS and set a Public Hearing date of October 20th, 2009.
Motion passed Unanimously.

MINUTES:

Motion by Jay Streaman, seconded by Nick Santaniello to accept the minutes of ZBA Meeting for August 18th, 2009
Motion Passed.

INVOICES:

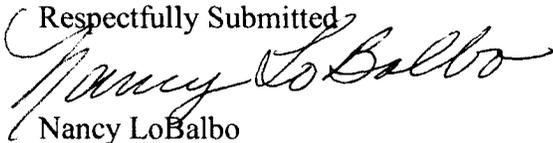
Motion by J. Streaman, seconded by J. Hawkins to pay Danbury News Times in the amount of \$352.32 for invoices related to Legal Noticing.

Motion Passed.

Chairman Verderosa expressed the Board's thanks to former member Zoning Board of Appeals Vice Chairman Cliff Tager , acknowledging that during his considerable period of service that he was a tremendous asset to the Board and will be greatly missed.

Motion to Adjourn at 10:20 p.m.

Respectfully Submitted

A handwritten signature in cursive script that reads "Nancy LoBalbo". The signature is written in black ink and is positioned below the typed name.

Nancy LoBalbo

Secretary, Planning & Zoning Department