

**THE ZONING COMMISSION  
Town of New Fairfield  
New, Fairfield, CT 06812**

**REGULAR MEETING**

**MINUTES**

**Wednesday, September 1, 2021**

**7:30pm**

**Virtual meeting via Zoom**

Present: Chairman John Moran, Anita Brown, Stephen Hanrahan, Tomas Kavaliauskas (Alternate), Gary Mummert (Alternate), Kevin Van Vlack, Town Officials Present: First Selectman Pat Del Monaco, Selectman Khris Hall, Zoning Enforcement Officer Evan White and Town Engineer Tony Iadarola. Absent members: Joe Letizia

BOE Network Administrator Paul Gouveia explained the rules and regulations for virtual meetings.

**Call to Order:** Chairman John Moran called the meeting to order at 7:34 pm. Tomas Kavaliauskas was elevated to a full member for the purpose of this meeting. Gary Mummert was elevated to a full member for the Public Hearing section of this meeting.

**Public Comment-** Vice Chairman Kevin Van Vlack read a letter from Attorney Raymond Lubus thanking the Zoning Commission for representing the best interest of the Town by voting against the proposed bus lot at the Consolidated School property. He further spoke of a meeting between the First Selectman and the Town Attorney. He asked that meetings with the First Selectman and the Town Attorneys be more transparent with these meetings. Selectman Khris Hall clarified that she was not present at the meeting referred to by Mr. Lubus. Chairman John Moran asked Selectman Hall to put that fact in writing. First Selectman Pat Del Monaco clarified that normal business between the First Selectman and the Town Attorney are not considered public meetings and are not required to follow the FOI rules.

**Public Hearing**

- **Public Hearing-** Discussion and resident input regarding regulation of Adult Use Cannabis Act (Public Act 21-1)- Peter Lafaro and Colleen Cox spoke against having a cannabis dispensary in town and spoke of concerns that it could affect the family values of the town. Jacob Krayn spoke of the advantages of having a dispensary in town noting that it would provide a way to get marijuana safe and legally and would provide tax revenue to the town. Members of the Zoning Commission noting that they would like more information and feedback regarding this issue and noted that any future public hearings should be advertised more.

Kevin Van Vlack made a motion to continue the Public Hearing and discussion regarding the Adult Use Cannabis Act until the October 6, 2021 regular Zoning Commission meeting. Steve Hanrahan seconded the motion.

Anita Brown	Yes
Stephen Hanrahan	Yes
Tomas Kavaliauskas	Yes
John Moran	Yes
Gary Mummert	Yes
Kevin Van Vlack	Yes

- SP-21-008-Special Permit for 31 Madeline Drive regrading and re-sloping of building lot prior to obtaining building and zoning permits- Section 6.44- Applicant Asim Alimi- continued until September 15, 2021.

Kevin Van Vlack made a motion to defer Public Hearing SP-21-008 to a special meeting to be held on Wednesday, September 15, 2021. Tomas Kavaliauskas seconded the motion.

Anita Brown	Yes
Stephen Hanrahan	Yes
Tomas Kavaliauskas	Yes
John Moran	Yes
Gary Mummert	Yes
Kevin Van Vlack	Yes

- SP-21-011-Special Permit for 1 Brush Hill Road to replace pavement, lighting, landscaping and additional site improvements under section 4.1.2 Special Permit Uses or Buildings (A&B) Applicant-SLR Consulting, Inc.

A letter from Engineer Ted Hart to all Zoning commission members regarding this project will be posted on the Town's website.

Kevin Van Vlack made a motion to defer Public Hearing SP-21-011 to a special meeting to be held on Wednesday, September 15, 2021. Anita Brown seconded the motion.

Anita Brown	Yes
Stephen Hanrahan	Yes
Tomas Kavaliauskas	Yes
John Moran	Yes
Gary Mummert	Yes
Kevin Van Vlack	Yes

- SP-21-014-Special Permit for 69 Bogus Hill Road regarding excavation removal and grading of earth material within 300 feet of the 440 Line under Section 6.4. Applicant Paul E. Denaro.

Nicholas Yuschak from CCA spoke on behalf of applicant Paul Denaro and gave a brief description of the project.

Kevin Van Vlack made a motion to close Public Hearing SP-21-014 Special Permit for 69 Bogus Hill Road regarding excavation removal and grading of earth material within 300 feet of the 440 Line under Section 6.4. Tomas Kavaliauskas seconded the motion.

Anita Brown	Yes
Stephen Hanrahan	Yes
Tomas Kavaliausk	Yes
John Moran	Yes
Gary Mummert	Yes
Kevin Van Vlack	Yes

- SP-21-0150-Modification to Approved Special Permit 04-07 for 9 Dunham Drive-Uses permitted as of Right, Section 4.3.1 & Special Permit Uses 4.3.2. Applicant Peter Young.

Attorney Richard Smith spoke of the facility at Dunham Drive and businesses being held at the location. He noted that they would like to legalize these businesses and bring them to compliance with all Town regulations. Zoning Enforcement Officer Evan White gave a brief description of businesses in this complex.

Kevin Van Vlack made a motion to close Public Hearing SP-21-0150-Modification to Approved Special Permit 04-07 for 9 Dunham Drive Uses permitted as of Right, Section 4.3.1 & Special Permit Uses 4.3.2. Tomas Kavaliauskas seconded the motion.

Anita Brown	Yes
Stephen Hanrahan	Yes
Tomas Kavaliausk	Yes
John Moran	Yes
Gary Mummert	Yes
Kevin Van Vlack	Yes

- SP-21-016-Special Permit for 16 Lake Drive South regarding excavation, removal, filling and grading of Earth Material within 300 feet of the 440 Lind Under Section 6.4- Applicant Jacob Kravn.

Evan White gave a brief description of the project. He noted that some of the work was done without permits. The owner has complied with the necessary permit applications.

Kevin Van Vlack made a motion to close Public Hearing SP-21-016-Special Permit for 16 Lake Drive South regarding excavation, removal, filling and grading of Earth Material within 300 feet of the 440 Lind Under Section 6.4. Applicant Jacob Kravn. Tomas Kavaliauskas seconded the motion.

Anita Brown	Yes
Stephen Hanrahan	Yes
Tomas Kavaliausk	Yes
John Moran	Yes
Gary Mummert	Yes
Kevin Van Vlack	Yes

**Business Items**

Chairman John Moran noted that Alternate Gary Mummert will not be a voting member for the Business section of this meeting.

- Withdrawal- SP-21-004-Special Permit for 302 Ball Pond Road (Consolidated School Site) under section 3.1.2 Special Permit Uses (A) Applicant: Town of New Fairfield.

Chairman John Moran noted that there was a procedural error at the August 9, 2021 Zoning Meeting and no formal motion was made in regard to the motion for the bus lot at Consolidated School. The intent of the Zoning Commission was to vote against this motion. The applicant has withdrawn this motion at this time and this is a dead issue.

- SP-21-008-Special Permit for 31 Madeline Drive regrading and re-sloping of building lot prior to obtaining building and zoning permits- Section 6.44- Applicant Asim Alimi- continued until September 15, 2021.
- SP-21-011-Special Permit for 1 Brush Hill Road for demolishing hardware store, replace payment, lighting, landscaping, and additional site improvements under section 4.1.2 Special Permit Uses or Buildings (A&B). Applicant- SLR Consulting, Inc.- continued until September 1, 2021.
- SP-21-014-Accepting Special Permit for 69 Bogus Hill Road regarding Excavation, Removal, Filling and Grading of Earth Material within 300 feet of the 440 Line under Section 6.4. Applicant Paul E. Denaro

Members of the commission thanked Mr. Denaro for his cooperation with obtaining the permits and going through the approval process.

Kevin Van Vlack made a motion to approve SP-21-014-Accepting Special Permit for 69 Bogus Hill Road regarding Excavation, Removal, Filling and Grading of Earth Material within 300 feet of the 440 Line under Section 6.4. Applicant Paul E. Denaro

Anita Brown	Yes
Stephen Hanrahan	Yes
Tomas Kavaliausk	Yes
John Moran	Yes
Kevin Van Vlack	Yes

Kevin Van Vlack made a motion to approve SP-21-0150-Modification to Approved Special Permit 04-07 for 9 Dunham Drive-Uses permitted as of Right, Section 4.3.1 & Special Permit Uses 4.3.2. Applicant Peter Young with the stipulation that owners are responsible for any building out changes and necessary permits for each unit both present and future. The applicant is also responsible for including the proper arrows and striping of the parking lot. Tomas Kavaliauskas seconded the motion.

Anita Brown	Yes
Stephen Hanrahan	Yes
Tomas Kavaliausk	Yes
John Moran	Yes
Kevin Van Vlack	Yes

- SP-21-016-Accepting Special Permit for 16 Lake Drive South regarding Excavation, Removal, Filling and Grading of Earth Materials within 300’feet of the 440 Line Under Section 6.4. Applicant Yakov Krayn.

Kevin Van Vlack made a motion to approve Special Permit SP-21-016-Accepting Special Permit for 16 Lake Drive South regarding Excavation, Removal, Filling and Grading of Earth Materials within 300’feet of the 440 Line Under Section 6.4. Applicant Jacob Krayn with the stipulation that there is no change to the existing grades and that all necessary permits are obtained. Anita Brown seconded the motion.

Anita Brown	Yes
Stephen Hanrahan	Yes
Tomas Kavaliausk	Yes
John Moran	Yes
Kevin Van Vlack	Yes

- SP-21-019-Site Plan for 28 Route 39- Wall Sign & Directory Sign under section 6.3 Signs; . Applicant Laith Mustafa.

Evan White showed a picture of the site plan for a Wall Sign for L&A Smoke Shop and noted that it conforms with all Zoning Regulations. It was noted that some of the establishments on the directory sign are no longer in business. Evan White will reach out the business owners and ask them to update.

Kevin Van Vlack made a motion to approve SP-21-019-Site Plan for 28 Route 39- Wall Sign & Directory Sign under section 6.3 Signs. Applicant Laith Mustafa.. Tomas Kavaliauskas seconded the motion.

Anita Brown	Yes
Stephen Hanrahan	Yes
Tomas Kavaliausk	Yes
John Moran	Yes
Kevin Van Vlack	Yes

**Minutes-** Tabled until the October 6, 2021 regular meeting

**Correspondence-** None

**Enforcement Actions**

60 Saw Mill Road  
2 Ellwell Road  
6 Darien Road  
6 Marlboro Road  
27 Bogus Hill Road  
2 Pleasant View Road

**Adjournment**

Steve Hanrahan made a motion to adjourn the meeting at 9:14 pm. Tomas Kavaliauskas seconded the motion. **All in favor**

Received by email on 03/02/2022 @ 1:55 p.m.  
by Chrystie M. Bontempo, Asst. Town Clerk, New Fairfield