

THE ZONING COMMISSION

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

REGULAR MEETING

MINUTES

Wednesday, March 2, 2022

7:30pm

Virtual meeting via Zoom

Present: Stephen Hanrahan, Tomas Kavaliauskas (Alternate), Mark Lamanna, Jane Landers, Gary Mummert (Alternate) and Kevin Van Vlack. Zoning Commission members absent: Chairman John Moran, and Town Officials Present: Zoning Enforcement Officer Evan White.

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

Call to Order: Kevin Van Vlack called the meeting to order at 7:34 pm. Tomas Kavaliauskas was elevated to a full member for the purpose of this meeting. He noted that Application SP-22-004-Special Permit for 302 Ball Pond Road has been withdrawn but will allow public comment regarding this issue.

Public Comment

Stephen Hanrahan asked if there was anyone from the Town Tribune attending the meeting and suggested that residents may be interested in getting information. He further spoke of a procedural error that caused an issue with the denial of the school bus lot at 302 Ball Pond Road.

Deborah Mangini read a letter into the record from Attorney Ray Lubus on behalf of his clients opposing the possible demolition of Consolidated School and the construction of new parking lot for school buses at 302 Ball Pond Road. The letter expressed his disappointment that the Permanent Building Committee has approved this project concerns that they may circumvent the Zoning Commission and get approval via a site plan. The letter spoke of concerns that the application that was on Zoning Commission agenda for tonight was withdrawn. He spoke of specific requests from the Zoning Commission and asked that they be addressed.

Deborah Mangini spoke noted that she is still opposed to the bus lot and thanked the Zoning Commission for listening to the residents regarding this matter and expressed her concerns that the Permanent Building Committee is still trying to get this bus lot built at the 302 Ball Pond Road location.

Julie Stang thanked the Zoning Commission members for listening to residents and noted that they voted down the construction of a bus lot at 302 Ball Pond Road at their August 9, 2021 meeting. She noted that despite this, there are still plans to push this application forward. She asked that the Zoning Commission amend their regulations in order to rectify the procedural error that was made over a year ago.

Christine Garabo spoke of her concerns regarding the process for approving this bus lot. She noted that this should be communicated better to the residents.

Public Hearing

- SP-21-023-Special Permit for 9 Dunham Drive (Unit #s 19 & 20) for James Shull Custom Stairs LLC- Complete Custom Stair Manufacturer and Stair Builder. Section 4.3-Light Industry. Applicant James Shull.

James Shull explained his business regarding building stairs. Evan White gave a brief description of the application. He noted that these units were originally storage units and then approved for off site business uses.

Steve Hanrahan made a motion to close Public Hearing for SP-21-023 for 9 Dunham Drive (Units 19 & 20). Tomas Kavaliauskas seconded the motion.

Steve Hanrahan	yes
Jane Landers	yes
Tomas Kavaliauskas	yes
Mark Lamanna	yes
Kevin Van Vlack	yes

- SP-21-024-Special Permit for 9 Dunham Drive (Unit #s 17 & 18) for Anthony Kaplanis Fabricating, Carpentry, Material Storage and Car Storage. Section 4.3-Light Industry. Applicant Anthony Kaplanis.

Anthony Kaplanis spoke of the nature of his business and noted that these units would mostly be used for storage of materials and equipment and light prep work.

Steve Hanrahan made a motion to close Public Hearing for SP-21-024 for 9 Dunham Drive (Units 17 & 18). Tomas Kavaliauskas seconded the motion.

Steve Hanrahan	yes
Jane Landers	yes
Tomas Kavaliauskas	yes
Mark Lamanna	yes
Kevin Van Vlack	yes

- SP-22-002-Special Permit for 85 Pine Hill Road for an accessory apartment under section; Special Permit Uses 3.1.2 (K). Applicant Patrick J. Reilly

Patrick Reilly spoke of the application for an accessory apartment. ZEO Evan White spoke of the conditions for this.

Steve Hanrahan made a motion to close Public Hearing for SP-22-002 for 85 Pine Hill Road- Applicant Patrick Reilly. Tomas Kavaliauskas seconded the motion.

Steve Hanrahan	yes
Jane Landers	yes
Tomas Kavaliauskas	yes

Mark Lamanna	yes
Kevin Van Vlack	yes

- SP-22-003-Special Permit for 2 Dunham Drive for General Auto Repair Shop (no body work/no welding) under section 4.3.2-Special Permit Uses (Light Industry District). Applicant William Francisco- Continued to Zoning Commission meeting of April 7, 2022.

Business Items

SP-21-023-Special Permit for 9 Dunham Drive (Units 19 & 20) for James Shull Custom Stairs LLC- Complete Custom Stair Manufacturer and Stair Builder. Section 4.3-Light Industry. Applicant James Shull.

Steve Hanrahan made a motion to approve SP-21-023- Special Permit for 9 Dunham Drive (Units 19 & 20) for James Shull Custom Stairs LLC- Complete Custom Stair Manufacturer and Stair Builder. Section 4.3-Light Industry- Applicant James Shull provided that the parking lot be re-striped. Tomas Kavaliauskas seconded the motion.

Steve Hanrahan	yes
Jane Landers	yes
Tomas Kavaliauskas	yes
Mark Lamanna	yes
Kevin Van Vlack	yes

SP-21-024-Special Permit for 9 Dunham Drive (Units 17 & 18) for Anthony Kaplanis Fabricating, Carpentry, Material Storage and Car Storage. Section 4.3-Light Industry. Applicant Anthony Kaplanis.

Steve Hanrahan made a motion to approve SP-21-024- Special Permit for 9 Dunham Drive Special Permit for 9 Dunham Drive (Units 17 & 18) for Anthony Kaplanis Fabricating, Carpentry, Material Storage and Car Storage. Section 4.3-Light Industry. Applicant Anthony Kaplanis provided that two parking spaces at the top of the parking lot be re-striped. Jane Landers seconded the motion.

Steve Hanrahan	yes
Jane Landers	yes
Tomas Kavaliauskas	yes
Mark Lamanna	yes
Kevin Van Vlack	yes

SP-22-002-Special Permit for 85 Pine Hill Road for an accessory apartment under section; Special Permit Uses 3.1.2 (K). Applicant Patrick J. Reilly.

Steve Hanrahan made a motion to approve SP-22-002-Special Permit for 85 Pine Hill Road for an accessory apartment under section; Special Permit Uses 3.1.2 (K). Applicant Patrick J. Reilly. This approval is contingent on the applicant signing a notarized affidavit that he will reside in the house and that it will continue to be a single family house with an accessory apartment. This approval also allows the ZEO to enter the apartment every two years for inspection. Tomas Kavaliauskas seconded the motion.

Steve Hanrahan	yes
Jane Landers	yes
Tomas Kavaliauskas	yes
Mark Lamanna	yes
Kevin Van Vlack	yes

SP-22-003-Special Permit for 2 Dunham Drive for General Auto Repair Shop (no body work/no welding) under section 4.3.2-Special Permit Uses (Light Industry District). Applicant William Francisco- Continued to April 7, 2022.

SI-22-005-Site Plan for 28 State Route 39 (Unit 557-14) for a retail clothing boutique under Section 4.1 (Business/Commercial). Applicant-Nicole Sudano.

Applicant Nicole Sudano gave a brief description of the proposed clothing boutique. Evan White spoke of the parameters for this boutique and noted that it meets all of the requirements. The sign dimensions meet the requirements. There are no objections from the Health Departments. Approvals from the Fire Department, Building and Health officials are still needed.

Steve Hanrahan made a motion to approve SI-22-005-Site Plan for 28 State Route 39 (Unit 557-14) for a retail clothing boutique for Applicant Nicole Sudano. Jane Landers seconded the motion.

Steve Hanrahan	yes
Jane Landers	yes
Tomas Kavaliauskas	yes
Mark Lamanna	yes
Kevin Van Vlack	yes

Accepting-SP-22-004-Special Permit for 302 Ball Pond Road for the demolition of the existing Consolidated School and construction of new parking lot for school buses with a small bus dispatch building and associated site improvements including: parking and vehicle maneuvering areas; grading; storm drainage; utility connections under Section 3.1.2-Special Permit Uses (A&B). Applicant- Town of New Fairfield- Withdrawn

Accepting-SP-22-006-Special Permit for 8 Glen Holly Road for a Nonprofit Fishing School and Camp aka Candlewood Fishing Camp Inc. under Section 3.1.2 (B). Applicant- Jed Wilson.

Steve Hanrahan made a motion to accept SP-22-006 for 8 Glen Holly Road to be placed on the agenda for the April 7, 2022 Zoning Commission meeting agenda as a Business Item. Tomas Kavaliauskas seconded the motion.

Steve Hanrahan	yes
Jane Landers	yes
Tomas Kavaliauskas	yes
Mark Lamanna	yes

Kevin Van Vlack	yes
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Accepting-SP-22-007-Special Permit for 60 Candle Hill Road for E-Commerce Sales of Vintage Items including clothing, artwork, prints, collectibles, accessories under Section 3.1.2 (L) In-Home Major. Applicant-Stephen Pearson.

Steve Hanrahan made a motion to accept SP-22-007 for 60 Candle Hill Road for E-Commerce Sales of Vintage Items including clothing, artwork, prints, collectibles to be placed on the April 7, 2022 Zoning Commission meeting agenda as a Public Hearing and a Business Item. Jane Landers seconded the motion.

Steve Hanrahan	yes
Jane Landers	yes
Tomas Kavaliauskas	yes
Mark Lamanna	yes
Kevin Van Vlack	yes

Accepting-SP-22-008-Special Permit for 25 Old Route 37 for an Accessory Apartment under Section 3.1.2 (K) & Section 4.1.2. Applicant Richard Smith.

Steve Hanrahan made a motion to accept SP-22-008 for 25 Old Route 37 for an Accessory Apartment under Section 3.1.2 (K) & Section 4.1.2. Applicant Richard Smith to be put on the April 7, 2022 Zoning Commission meeting agenda as a Public Hearing and a Business Item. Tomas Kavaliauskas seconded the motion.

Steve Hanrahan	yes
Jane Landers	yes
Tomas Kavaliauskas	yes
Mark Lamanna	yes
Kevin Van Vlack	yes

Minutes- Tabled until the April 7, 2022 meeting.

Correspondence

Steve Hanrahan read a letter into the record from Attorney David Grogins from Cohen & Wolf sent to First Selectman Pat Del Monaco regarding Zoning Regulations and permits needed for the Consolidated School lot. It was noted that Cohen & Wolf is also the firm of the Town’s attorney.

There was a discussion of the process for approving this bus lot on this location. There were concerns that the Zoning Enforcement Officer be asked to override the decisions of the Zoning Commission. Vice Chairman Kevin Van Vlack read an email that he sent on behalf of himself and Chairman John Moran to First Selectman Pat Del Monaco asking for a review from an impartial attorney not affiliated with the Town attorney regarding the Zoning regulations. He received a response from First Selectman Del Monaco noting that Cohen and Wolf are the attorneys for the Town and not individual Boards and Commissions. She noted that they represent the Town’s best interests and thus denied the request for an expenditure for an independent attorney and additional legal review.

Enforcement Actions

60 Saw Mill Road
14 Milltown Road
2 Pleasant View Road
2 Ellwell Road
5 & 6 Cottontail Road
3 Westview Trail
14 Bogus Hill Road
101 Pine Hill Road
6 Marlboro Road
105 Shortwoods Road

Kevin Van Vlack asked the ZEO to approach the Vape Shop about lights around their windows.

There was a brief discussion of whether or not the Zoning Commission meetings will go back to in-person meetings beginning in April. Kevin Van Vlack will check with Chairman John Moran and get back to the commission with a decision.

Adjournment

Kevin Van Vlack made a motion to adjourn the meeting at approximately 8:46 pm. Tomas Kavaliauskas seconded the motion. **All in favor**

Received by email on 03/08/2022 @ 1:05 p.m.
by Chrystie M. Bontempo, Asst. Town Clerk, New Fairfield