

**THE ZONING COMMISSION**

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

**REGULAR MEETING**

**MINUTES**

**Wednesday, May 4, 2022**

**7:30pm**

**Virtual meeting via Zoom**

Present: John Moran (Chairman), Stephen Hanrahan, Tomas Kavaliauskas (Alternate), Mark Lamanna, Jane Landers, Gary Mummert (Alternate) and Kevin Van Vlack. Town Officials Present: Zoning Enforcement Officer Evan White and First Selectman Pat Del Monaco and Selectman Khris Hall.

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

**Call to Order:** John Moran called the meeting to order at 7:32 pm. He noted that another special meeting regarding the proposed bus lot at 302 Ball Pond Road will be held in the near future. As a result, no public comments on this subject will be permitted at this meeting.

**Public Comment**

Steven Roe asked about a potential conflict of interest for Town Counsel. Chairman John Moran noted that no formal complaint has been filed at this time.

**Addition to the Agenda**

Jane Landers made a motion to add the discussion of retaining separate counsel for 302 Ball Pond Road proposed bus lot to the agenda. Steve Hanrahan seconded the motion.

Steve Hanrahan	yes
Jane Landers	yes
Mark Lamanna	yes
John Moran	yes
Kevin Van Vlack	yes

**Public Hearing**

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- No more continuances. The applicant must reapply.

SP-22-013-Special Permit for Lot #15 & #24 Pine Island for a nonprofit Fishing School and Camp aka Candlewood Fishing Camp Inc. under Section 3.1.2 (B)- Applicant Jed Wilson- continued to June 1, 2022 meeting.

Kevin Van Vlack made a motion to continue SP-22-013-Special Permit for Lot #15 & #24 Pine Island for a nonprofit Fishing School and Camp aka Candlewood Fishing Camp Inc. under Section 3.1.2 (B)- Applicant Jed Wilson to June 1, 2022 meeting. Mark Lamanna seconded the motion.

Steve Hanrahan	yes
Jane Landers	yes
Mark Lamanna	yes
John Moran	yes
Kevin Van Vlack	yes

**Business Items**

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- No more continuances. The applicant must reapply because the current SP-22-003 due to the failure of notifying the abutting property owners by certified mail 10 days prior to the scheduled Public Hearing and no applicant currently present to request a withdrawal results in this application to be denied.

SP-22-013-Special Permit for Lot #15 & #24 Pine Island for a nonprofit Fishing School and Camp aka Candlewood Fishing Camp Inc. under Section 3.1.2 (B)- Applicant Jed Wilson- continued to June 1, 2022 meeting.

SP-22-016 Special Permit for 51 Knollcrest Road for constructing two patios with retaining walls with significant excavation within 300 feet of the 440 Line under Section 6.4 Excavation, removal, filling and grading of earth material (D). Applicant Jake Danziger.

Kevin Van Vlack made a motion to accept SP-22-016 Special Permit for 51 Knollcrest Road for constructing two patios with retaining walls with significant excavation within 300 feet of the 440 Line under Section 6.4 Excavation, removal, filling and grading of earth material (D). Applicant Jake Danziger for the June 1, 2022 meeting. Jane Landers seconded the motion.

Steve Hanrahan	yes
Jane Landers	yes
Mark Lamanna	yes
John Moran	yes
Kevin Van Vlack	yes

Kevin Van Vlack made a motion to accept SP-22-015 Special Permit for 8 Sunswep Drive for Legalizing Accessory Apartment under section 3.1.2-Special Permit Uses (K). Applicant Josephine Mined & Heather Haase Bernatchez for the June 1, 2022 meeting. Mark Lamanna seconded the motion.

Steve Hanrahan	yes
Jane Landers	yes
Mark Lamanna	yes
John Moran	yes
Kevin Van Vlack	yes

Kevin Van Vlack made a motion to accept SP-22-017-Special Permit for 9 Dunham Drive (Unit 7) for Peter Lawrence Furniture Co.- Custom Woodworking Shop & Carpentry under section 4.3-Light Industry-Peter Scalera for the June 1, 2022 meeting. Steve Hanrahan seconded the motion.

Steve Hanrahan	yes
Jane Landers	yes
Mark Lamanna	yes
John Moran	yes
Kevin Van Vlack	yes

**Bids to review and rewrite Zoning Regulations**

ZEO Evan White noted that the Town received three bids from firms for the job to review and rewrite New Fairfield Zoning Regulations. He encouraged all members to study and review each firms' bid packet. A special meeting to review these bids may be held in the near future.

There was a brief discussion of the newly formed Housing Opportunities Committee and its role. Selectman Khris Hall noted that this committee is charged with identifying challenges that the town has in creating affordable housing and ways to overcome these challenges and how best to communicate this with the public. It was noted that Tomas Kavaliauskas will serve as a liaison from the Zoning Commission to this committee.

**Discussion of possibly retaining separate counsel for 302 Ball Pond Road bus lot**

Jane Landers spoke of the possibility of retaining separate counsel for 302 Ball Pond Road to protect the mission of the Zoning Commission in their role in New Fairfield. Chairman John Moran spoke of a letter written by Town Counsel Neil Marcus to First Selectman Pat Del Monaco noted that Mr. Marcus believes that he has the right to represent both the Zoning Commission and the Permanent Building Committee.

There was a discussion of the role of the Zoning Commission regarding the construction of the bus lot and the protection of the residents of New Fairfield. They discussed the procedural error made at an August 2021 meeting and the intent of the Commission at that time.

Jane Landers made a motion to hire outside counsel for the sole purpose of getting an opinion for the matter related to the proposed bus lot at 302 Ball Pond Road. Kevin Van Vlack seconded the motion.

Steve Hanrahan	yes
Jane Landers	yes
Mark Lamanna	no
John Moran	yes
Kevin Van Vlack	yes

John Moran noted that the Commission will continue with the current site application regardless of the opinion of outside counsel.

**Minutes**

Kevin Van Vlack made a motion to approve the minutes of the January 5, 2022 special meeting as presented.

Steve Hanrahan	abstained
Tomas Kavaliauskas	abstained
Jane Landers	yes
John Moran	yes
Gary Mummert	yes
Kevin Van Vlack	yes

Kevin Van Vlack made a motion to approve the minutes of the February 2, 2022 regular meeting as presented. Jane Landers seconded the motion.

Steve Hanrahan	yes
Tomas Kavaliauskas	abstained
Jane Landers	yes

John Moran	yes
Gary Mummert	yes
Kevin Van Vlack	yes

Kevin Van Vlack made a motion to approve the minutes of the February 9, 2022 special workshop meeting as presented. Jane Landers seconded the motion.

Steve Hanrahan	yes
Tomas Kavaliauskas	abstained
Jane Landers	yes
John Moran	yes
Gary Mummert	yes
Kevin Van Vlack	yes

Kevin Van Vlack made a motion to approve the minutes of the April 6, 2022 regular meeting as presented. Steve Hanrahan seconded the motion.

Steve Hanrahan	yes
Tomas Kavaliauskas	abstained
Mark Lamanna	yes
Jane Landers	yes
John Moran	yes
Gary Mummert	yes
Kevin Van Vlack	yes

John Moran made a motion to approve the minutes of the March 2, 2022 regular meeting as presented. Gary Mummert seconded the motion.

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

### **Enforcement Actions**

60 Saw Mill Road  
 2 Pleasant View Road  
 2 Ellwell Road  
 105 Shortwood Road  
 6 Marlboro Road  
 5 & 6 Cottontail Road  
 3 Westview Trail  
 20 Cloverleaf Road  
 33 Ridge Road

### **Adjournment**

Kevin Van Vlack made a motion to adjourn the meeting at 9:05 pm. Steve Hanrahan seconded the motion. **All in favor**