

THE ZONING COMMISSION
Town of New Fairfield
New Fairfield, CT 06812
REGULAR MEETING
MINUTES

DATE: July 6, 2022

TIME: 7:30 p.m.

Virtual Meeting via Zoom

Present: John Moran, Stephen Hanrahan, Mark Lamanna, Jane Landers, Kevin VanVlack, Tomas Kavaliauskas (alternate), Gary Mummert (alternate), and Town Official present: Zoning Enforcement Office Evan White.

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

Call to Order: John Moran called the meeting to order at 7:31 pm.

Kevin VanVlack made a motion to add an item to the agenda. The proposed addition was for the Zoning Commission to go into executive session, after enforcement actions, for the purpose of discussing the hiring of outside counsel to represent the Zoning Commission in the legal matter presented on the summons dated June 30, 2022 served by the Town of New Fairfield and the PBC. Attendants in this session will include only members of the New Fairfield Zoning Commission. Jane Landers seconded the motion.

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| John Moran | yes |
| Kevin VanVlack | yes |
| Stephen Hanrahan | yes |
| Jane Landers | yes |
| Mark Lamanna | yes |

Public Comment

John Moran asked for public comment on anything not on the agenda, no comments were made.

Stephen Hanrahan recused himself for the Public Hearing and Business Items for tonight's meeting. Tomas Kavaliauskas was elevated to a voting member.

Public Hearing

- 1) Continued - 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. Applicant-Peter Scalera.

Evan White stated that the applicant will need to receive all additional and required necessary approvals by fire, building, and health.

Peter Scalera stated that he wants to open a small one-man woodworking shop to make handmade custom furniture.

Evan White stated that 9 Dunham was originally approved for off-site work and not on-site work in the actual unit. If the renter of the unit wanted to on site work a special permit would have to be applied for and approved by the New Fairfield Zoning Commission. Evan stated that Peter Scalera is one of the last units and due to him wanting to do on-site work in the unit special permit approval would be required.

Kevin VanVlack questioned the chemicals being used in the woodworking process. Peter Scalera stated he uses very little chemicals. He stated that he uses water-based glues, stains, finishes, and lacquer.

Kevin VanVlack made a motion to close 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. Applicant-Peter Scalera. Jane Landers seconded the motion.

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| John Moran | yes |
| Kevin VanVlack | yes |
| Tomas Kavaliauskas | yes |
| Jane Landers | yes |
| Mark Lamanna | yes |

- 2) SP-22-019-Special Permit for 4 Dunham Drive to Allow Self-Storage In The Light Industry. Under Section 4.3 Light Industrial District & 4.3.2 (E) Special Permit Uses-Light Industry. Applicant-Louis Yorio-LSC, LTD Liability Co.

Peter Scott, architect and engineer representing Louis Yorio. Peter Scott stated that the building was constructed around 1987. They are proposing to take the two story 5000 sq foot building and make the upper level into three office/flex spaces and the lower level into self-storage and/or industrial use space. One of the upper-level office spaces will be occupied by LS Construction. On the lower level it is proposed to have self-storage that consists of cubicles that are premanufactured off-site or an industrial use company if one came forward. At this time the proposal is for the self-storage. The proposal includes enhancement to the front of the building. The façade will be repainted and cleaned up to provide windows in the front and central access to the facility. A tenant occupancy sign would be installed. Mr. Yorio has done a general clean up to the inside and outside of the building.

Tomas Kavaliauskas questioned the covered parking bays that were listed on the site plan. Peter Scott stated that the covered parking bays would be for general storage. Evan White stated that the 6 bays were approved in 2017 and would not be considered in the parking schedule. Evan White stated that there are currently 33 parking spaces that measure 9’x20’. Evan White stated that there should be an off-street designated loading area in the rear of the building. Evan White stated that the parking spot regulation due to the size of the building would be 40 parking spaces. Peter Scott stated that the upper level would have a maximum occupancy of 25 people and that the self-storage would be more of a passive use. Evan White stated that under parking schedule 6.2.9 (CC) the amount of parking spots is specified due to the size of the building. Evan White also stated that the applicant would need to ask the commission for a modification for less parking spaces. Peter Scott requested a modification of the number of parking spaces from 40 to 33.

Kevin VanVlack questioned previous approval for less parking spaces since there has not been any additions to the building. Evan White stated that the addition of the bays was done when the building was vacant. Evan White also stated that the previous owners may have fallen under different parking schedule rules due to the use of the building at that time.

Tomas Kavaliauskas questioned the security on the back side of the building. Peter Scott stated that there will be cameras and an alarm system that will be monitored off-site. Peter Scott stated that due to limited space there will not be outside storage. Fencing will not be put up due to fire codes.

Stephen Hanrahan asked for a stipulation that the 6 covered garages be used for self-storage only and not for on-site business use. Evan White stated that if it was reported that there were operations out of the covered garages the issue would have to be dealt with at that time as it is not being zoned for this type of business.

John Moran questioned the modification from 40 parking spaces to 33 parking spaces and including this as part of the special permit if approved.

Evan White requested that the loading space be specified in the rear of the building. The size would need to be 12’x50’. Peter Scott stated that the loading area would be designated by a painted aisle in the rear of the building.

A site plan will be submitted with the addition of the designated loading area. Evan White stated that the applicant will need to receive all additional and required necessary approvals by fire, building, and health.

Evan White requested landscaping around the monument sign. The wall sign can be 33 square feet and is currently 37.5 square feet so the wall sign will need to be adjusted. Peter Scott stated that the adjustments will be made.

Kevin VanVlack made a motion to close SP-22-019-Special Permit for 4 Dunham Drive to Allow Self-Storage in the Light Industry. Under Section 4.3 Light Industrial District & 4.3.2 (E) Special Permit Uses-Light Industry. Applicant-Louis Yorio-LSC, LTD Liability Co. Tomas Kavaliauskas seconded the motion.

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| John Moran | yes |
| Kevin VanVlack | yes |
| Tomas Kavaliauskas | yes |
| Jane Landers | yes |
| Mark Lamanna | yes |

- 3) SP-22-020-Special Permit for 4 & 6 ByeBrook Court to allow an In-Home Major for Growing & Selling Out Flowers Grown On-Site. Under Section 3.1.2 (L) Special Permit Uses In R-88 Zone. Applicant-Jenny Auto.

Continued to August 10, 2022 meeting

Business Items

- 1) 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. Applicant-Peter Scalera.

Kevin VanVlack made a motion to approve accepting the application 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. Applicant-Peter Scalera with the stipulations that they receive all the necessary approvals and permits for fire, health etc. Jane Landers seconded the motion

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| John Moran | yes |
| Kevin VanVlack | yes |
| Tomas Kavaliauskas | yes |
| Jane Landers | yes |
| Mark Lamanna | yes |

- 2) SP-22-019-Special Permit for 4 Dunham Drive to Allow Self-Storage In The Light Industry. Under Section 4.3 Light Industrial District & 4.3.2 (E) Special Permit Uses-Light Industry. Applicant-Louis Yorio-LSC, LTD Liability Co.

Kevin VanVlack made a motion to approve accepting the application SP-22-019-Special Permit for 4 Dunham Drive to Allow Self-Storage In The Light Industry. Under Section 4.3 Light Industrial District & 4.3.2 (E) Special Permit Uses-Light Industry. Applicant-Louis Yorio-LSC, LTD Liability Co. with the stipulations for modification of the parking spaces to 33 parking spaces; the storage spaces will be for storage only and a business may not be run out of the storage units; applicant also must apply for necessary permits and meet all other required department approvals for Fire Marshal, Health Department, and Building Department; landscaping done around the monument sign; reduction in the size of the wall sign; and the painting of the loading zone in the rear of the building added on to the site plan. Jane Landers seconded the motion.

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| John Moran | yes |
| Kevin VanVlack | yes |
| Tomas Kavaliauskas | yes |
| Jane Landers | yes |
| Mark Lamanna | yes |

- 3) SP-22-020-Special Permit for 4 & 6 ByeBrook Court to allow an In-Home Major for Growing & Selling Out Flowers Grown On-Site. Under Section 3.1.2 (L) Special Permit Uses In R-88 Zone. Applicant-Jenny Auto.

Continued to August 10, 2022 meeting

Minutes – tabled until the August 10, 2022 meeting

Correspondence – none

Enforcement Actions

- 60 Saw Mill Road
- 18 or 21 Pine Island
- 105 Shortwoods Road
- 3 Cameron
- 3 Westview Trails
- 2 Erie Road
- 8 Glen Holly

Tomas Kavaliauskas stated that the housing commission has had two meetings regarding affordable housing. Tomas Kavaliauskas stated that other towns have shared the affordable housing numbers for their towns. The Director of Connecticut Housing Office of Policy Research and Support gave information regarding the 10% threshold set up by the state. He stated that it not expected for the towns to get anywhere close to the 10% and that it is up to the town and its residents as to what the town would have for affordable housing options. The options could include starter homes and rental units. An affordable housing rental would be \$1400 (utilities included) per month. The coast of an affordable housing starter home would be \$273,507.98.

Evan White stated we are in the final stages of getting the three bids for rewriting the affordable housing regulations. Evan White will get with Neil Marcus and then get the information out to the Zoning Commission board members.

Tomas Kavaliauskas asked for numbers on the accessory apartments in town. To get those numbers Evan White would have to manually go through past minutes of meetings. John Moran stated that his would be a Planning Commission task and not a Zoning Commission task. Jane Landers asked for a breakdown of opt out options. Kevin VanVlack questioned the timeline for being able to opt out. Evan White will double check on the time lines.

Tomas Kavaliauskas stated that there are incentives for illegal accessory apartments to come forward and become legal and increase the options for affordable housing options. Jane Landers questioned the buying of an affordable housing house and upon resell it would have to remain as an affordable housing home.

Stephen Hanrahan was elevated back to a voting member. Tomas Kavaliauskas went back to being an alternate.

Kevin VanVlack made a motion to go into executive session to discuss the proposed addition was for the Zoning Commission to go into executive session, after enforcement actions, for the purpose of discussing the hiring of outside counsel to represent the Zoning Commission in the legal matter presented on the summons dated June 30, 2022 served by the Town of New Fairfield and the PBC. Jane Landers seconded the motion.

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| John Moran | yes |
| Kevin VanVlack | yes |
| Stephen Hanrahan | yes |
| Jane Landers | yes |
| Mark Lamanna | yes |

Kevin VanVlack made a motion to come out of executive session. Mark Lamanna seconded the motion.

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| John Moran | yes |
| Kevin VanVlack | yes |
| Stephen Hanrahan | yes |
| Jane Landers | yes |
| Mark Lamanna | yes |

Kevin VanVlack made a motion to seek outside counsel to assist the Zoning Commission in the lawsuit brought forward by the Town of New Fairfield and the PBC. Jane Landers seconded the motion.

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| John Moran | yes |
| Kevin VanVlack | yes |
| Stephen Hanrahan | yes |
| Jane Landers | yes |
| Mark Lamanna | yes |

Adjournment

Jane Landers made a motion to adjourn the meeting at approximately 8:49 pm. Stephen Hanrahan seconded the motion. **All in favor.**

Received by email on 07/20/2022 @ 10:45 a.m.
by Chrystie M. Bontempo, Asst. Town Clerk, New Fairfield