



# The Planning Commission

Town of New Fairfield

New Fairfield, Connecticut 06812

**MINUTES - Regular Meeting**  
**Monday September 26, 2022**  
**New Fairfield Senior Center**  
**New Fairfield, CT 06812**  
**7:30pm**

**Commissioners Present:** Ms. Cynthia Ross-Zweig, Chair  
Mr. Jeff Morrell  
Mr. Ernie Lehman

**Commissioners Absent:** Mr. Cory Neumann  
Ms. Kristen Bennett O'Rourke

**Alternates Present:** Ms. Olivia Micca

**Alternates Absent:** Mr. Patrick Callahan  
Mr. Dylan White

**Guests Present:** First Selectman Pat Del Monaco  
Selectman Khris Hall  
Selectman Lori-Ann Beninson  
Town Attorney, Alex Kopp

**Call to Order:** 7:32 pm

## **ELEVATION OF ALTERNATES**

Mr. Jeff Morell makes a motion to elevate Ms. Olivia Micca to a voting commissioner for the meeting. Mr. Ernie Lehman seconded the motion. **(3-0-0) Motion approved.**

## **APPROVAL OF THE MINUTES**

Mr. Jeff Morrell made a motion to approve the minutes from the August 22, 2022 meeting. Ms. Olivia Micca seconded the motion. **(3-1-0) Motion approved.**

## **CORRESPONDENCE / ANNOUNCEMENTS**

Ms. Cynthia Ross-Zweig shared correspondence dated September 1, 2022 from Sue Huwer regarding the 8-24 referral dated 2019. Ms. Cynthia Ross-Zweig shared a copy of the correspondence with all board members in attendance. Jeff Morrell read the correspondence out loud. Ms. Cynthia Ross-Zweig stated that the minutes are on the town's website and all questions can be answered by accessing those records. The Planning Commission does not have any

additional records. An emailed response will be sent to Sue Huwer stating the records can be accessed via the town website.

### **NEW BUSINESS**

The town budget was sent out to all board members. Ms. Cynthia Ross-Zweig questioned \$10,000 that she thought was on the previous budget. Selectman Pat Del Monaco stated that the \$10,000 that Ms. Cynthia Ross-Zweig referred to was moved from the operating budget to capital so that it can be carried from year to year.

### **PUBLIC COMMENT**

Selectman Khris Hall stated that the Planning Commission had the authority to look at the POCD and does not have the authority to second guess the price of a property or the validity of legal documents. Selectman Khris Hall respectfully requested that as the Planning Commission considers the sale of the two properties being discussed in this meeting that questions and consideration be confined to matters related to the POCD.

### **OLD BUSINESS**

**8-24 REFERRAL: 32 Calverton Drive, Map 36, Block 12, Lot 23: For the purpose of the sale of 32 Calverton Drive New Fairfield, CT.**

**8-24 REFERRAL: 39 Fulton Drive, Map 36, Block 12, Lot 22: For the purpose of the sale of 39 Fulton Drive New Fairfield, CT.**

Mr. Jeff Morrell stated his concern about the property lines. He stated that a survey would be needed to determine the property lines and raised drainage issue concerns in the area of the two properties in question. Mr. Jeff Morrell stated that right now the town owns the property and questioned why the commission would give up the land if that land can help solve drainage issues in the future. Mr. Jeff Morrell stated that when he and Mr. Ernie Lehman walked the property there was a sign on the land that was laying on the ground. The sign was put back up. Mr. Jeff Morrell stated that one of the owner's that has abutting property wasn't personally notified of the sale of the land. He stated that the property is 'junk land' and valuable only to an abutting property owner.

Mr. Ernie Lehman stated that his biggest concern was the drainage situation and that there is a gully the size of a small car on one of the pieces of property. He also stated that the debris that he saw was wood tailings on the site and stated that the sign falling over was probably just due to weather.

Selectman Pat Del Monaco stated she spoke to the Superintendent of Public Works and that he is not concerned with drainage nor does he think there is a need for an easement and that any work that needs to be done could be done from the town's right of way. She also stated that these two properties are not part of the watershed area where there is a current concern and that the study being done is on another part of the Ball Pond area and that the two properties in question are part of a natural stream. Selectman Pat Del Monaco stated that she spoke with Tim Simpkins, Environmental Enforcement Office, and he has no concern with that stream. She stated that she feels it is in the best interest for an abutting property owner to purchase the property. Mr. Ernie Lehman clarified which abutting owner is purchasing the property. Selectman Pat Del Monaco stated that the statutory requirement for sale of this type of land is that it is in the newspaper twice and that the date of the hearing is posted, which was done. She stated that there is not a requirement to personally notify abutting property owners. Selectman Pat Del Monaco stated that there weren't any abutting property owners that had expressed interest other than the property owner that is currently listed as the potential buyer. Selectman Pat Del Monaco stated that the other abutting property owner had never made it known that he was interested in purchasing the

property. The only abutting property owner that showed an interest in is the current potential property owner. The Town of New Fairfield is selling what is shown on the deed. Attorney Alex Kopp, who is filling in for Neil Marcus, stated that what is being transferred is what is delineated in the deed. Ms. Olivia Micca stated that since the Planning Commission is governed by the POCD and then read from Section 9, Growth Management, stating that the burden of cleaning up the property would be for the private owner and not the tax payers. Ms. Cynthia Ross-Zweig stated that the Planning Commission is also governed by the 8-24 statute and not just the POCD. Alex Kopp stated that the 8-24 is the statute that requires the 8-24 referral and the POCD governs the substantive analysis of the issue at hand.

Mr. Jeff Morrell retracted his initial motion due to the wording of the original motion.

Mr. Ernie Lehman made a motion for the 8-24 positive referral to the Board of Selectman in regard to 32 Calverton Drive, Map 36, Block 12, Lot 23: For the purpose of the sale of 32 Calverton Drive New Fairfield, CT. Ms. Olivia Micca seconded the motion. **(2-0-2) The motion failed.**

Mr. Ernie Lehman made a motion for the 8-24 positive referral to the Board of Selectman in regard to 39 Fulton Drive, Map 36, Block 12, Lot 22: For the purpose of the sale of 39 Fulton Drive New Fairfield, CT. Ms. Olivia Micca seconded the motion **(2-0-2) The motion failed.**

Ms. Cynthia Ross-Zweig asked Alex Kopp, the town attorney, if there were any comments on the previous two motions. Alex Kopp stated he did not have any comments.

#### **STANDING ITEMS**

##### **Discussion - discussion of Plan of Conservation and Development, recommendations and letter from selectman regarding costs and budget.**

The Planning Commission is waiting to hear if the additional funds have been approved. Ernie Lehman questioned the amount of funds needed. Ms. Cynthia Ross-Zweig stated that the Planning Commission would need one-third of the funds to move forward which would be a minimum of \$20,000.

##### **Update on the subdivision logbook**

Tabled until the next meeting due to Ms. Kristen Bennett O'Rourke not being in attendance.

#### **ADJOURNMENT**

Mr. Ernie Lehman made a motion to adjourn at 8:02 pm. Mr. Jeff Morrell seconded the motion.

**Vote: (4-0-0) Motion approved.**

Respectfully submitted  
Dana Ulibarri  
Friday, September 30, 2022