

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

DATE: October 18, 2022

TIME: 7:30 pm

Location for: Zoom

Call to Order

John Moran called the meeting to order at 7:38 pm.

Present

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

Public Comment

None

Business Items

- 1) Discussion of Zoning State Statute Amendments Regarding Accessory Apartments With Town Counsel, Neil Marcus.

Neil Marcus stated the topic of tonight's meeting is Substitute House Bill 6107 which is known as Public Act 2129. John Moran referenced section 5. Neil Marcus stated the opt-out process needs to be done by January 1, 2023. Neil Marcus stated that the regulations that need to be adopted are a Town obligation and the way it is set up is more of a Planning Commission obligation.

Neil Marcus went over the different sections that have an option for an opt-out. Neil Marcus stated that there must be a public hearing process and a 2/3rd's vote and then it goes to the Selectmen who will also have to have a 2/3rd's vote.

Kevin VanVlack referenced the February 9, 2022 meeting and has a concern on the density requirements. Neil Marcus stated that density is controlled by sewer and water. Neil Marcus stated that the purpose of this act is to increase density. Kevin VanVlack stated that density is a concern of the town residents.

Kevin VanVlack questioned the upside and the downside of opting out. Mr. Marcus stated that opting out is a short-term solution. A plan would still need to be in place.

Neil Marcus referenced Section 12 of the act and went over the requirements stated in the act for the affordable housing plan and the update timeframe for each town. Neil Marcus stated that at this point he may need the selectmen to have a committee formed for affordable housing.

Jane Landers requested step-by-step advice on how to opt-out from accessory apartments from Neil Marcus. Neil Marcus shared a document named, "Significant Land Use Legislation Passed in the 2021 Session". Evan White sent the document out to all board members. Neil Marcus also shared a document from Greenwich that showed how and why they opted out of certain parts of the act. Neil Marcus referenced page 13 of the act that states that the commission must do the following: hold a public hearing, affirmatively decide to opt-out of the provision within the time allotted under Section 8-7d, must state on the record the reasons for decision, a public notice must be posted in the paper of the decision, and the legislative body, in this case the Board of Selectmen, must vote by a 2/3rd's vote to approve the opt-out decision. Jane Landers asked Neil Marcus if his advice would be for the Zoning Commission and the Board of Selectmen to opt-out at this time. Neil Marcus agreed with Jane Landers' statement and reiterated the advice to opt-out at this time.

A discussion was held regarding the timeframe for posting this item for the next regular meeting. It was decided that a Special Meeting would need to be held to meet the posting requirements. Neil Marcus clarified posting requirements which are: the first publication must be no greater than 15 days before hearing but not less than 10 days before the hearing. The second publication must be no less than 2 days before the hearing. Both publications must be at least two days apart.

Kevin VanVlack questioned the other sections that can also be opted out. He stated that the focus should be in totality and not specific to just one part of the act. Tomas Kavaliauskas asked if there was a way to see paperwork from one of the other towns that have opted out. Neil Marcus referred to the paperwork that was sent from the town of Greenwich. Neil Marcus went over subsections that can be opted out of, some of which the timeframe to opt-out has already passed. Neil Marcus referenced Paragraph F at the bottom of page 15 allows you to opt-out of A-D inclusive of Section 6. Section 6 references the accessory apartments. He restated the steps needed to be followed for opting out. Neil Marcus advised to opt-out of Section 6 A-D. He stated that opting out will give the town more time to make major revisions to the regulations. Kevin VanVlack stated that opting out will give the Town of New Fairfield more time to tailor the regulations to the needs of the town. Neil Marcus stated that the opt-outs should be: subdivision (9) of subsection (d) of section 8-2 CGS and section 6 subsections (a-d). Neil Marcus will talk with First Selectmen Pat Del Monaco and advise her to meet with the heads of the Zoning and Planning Commissions.

Jane Landers questioned whether there was already a committee for affordable housing. John Moran clarified and stated that the committee referred to by Jane Landers is a senior housing committee which Tomas Kavaliauskas is a part of as a representative from the Zoning Commission. Jane Landers questioned if affordable housing could be senior housing. Neil Marcus stated that senior housing could be part of affordable housing. Neil Marcus went over the percentages of a project that would need to be affordable housing and the median income ratios for an individual to be able to qualify for affordable housing. Neil Marcus stated that affordable housing has to be advertised state wide and cannot be limited to local people only.

The proposed date for the Special Meeting is November 9, 2022.

A discussion was held regarding a contact in Brookfield and getting a dialogue going to help with opt-out and the how and why the Town of Brookfield opted out to help with the process for the Town of New Fairfield.

Adjournment

Kevin VanVlack made a motion to adjourn the meeting at approximately 8:32 pm. Jane Landers seconded the motion. **All in favor.**

Received by email on 10/20/2022 @ 2:23 p.m.
by Chrystie M. Bontempo, Asst. Town Clerk, New Fairfield