

December 7, 2021

Ms. Patricia Del Monaco, First Selectman  
Town of New Fairfield  
4 Brush Hill Road  
New Fairfield, CT 06812

Re: Proposed School Bus Lot

Dear Pat:

You have requested my opinion regarding what zoning approvals are required from the New Fairfield Zoning Commission relative to the proposed school bus parking lot at the site of the New Fairfield Consolidated School at 302 Ball Pond Road. In this regard I have reviewed the most recent major land use approval for the subject site, as well as, the Zoning Regulation for the Town of New Fairfield (the "Zoning Regs").

Historically, the site known as 302 Ball Pond Road consisted of approximately 45.85 acres. The original elementary school built in the 1940's was significantly renovated in 1998 – 2000 to its present configuration. The configuration was approved by the Zoning Commission in 1999 (see attached Zoning Permit), issued on September 2, 1999 (the "1999 Permit").

The Town now proposes to demolish the school but continue other educational and municipal uses at the site including the athletic facilities and parking lots. Presently, the Town is proposing to create a new parking lot for school buses together with a small office facility (approximately 400 ft.) for the comfort of the drivers.

It is clear from the language of the attached Zoning Permit, that the entire parcel was approved primarily for the 20,400 sq.ft. of school buildings consisting of three additions, plus the parking facilities including "Bus Loading" among other school uses (see attached Zoning Permit). Since the 2000's there were several minor changes to the parcel but none that substantially changed the uses.

Section 8.5.1.A. of the New Fairfield Zoning Regulations (the "Regulations") entitled "Zoning Permit Required" states that "Before any land, building or structure is devoted to any new or changed use which is subject to these Regulations; or before any building, structure or sign shall be erected, reconstructed, structurally altered or moved upon or to any premises, a zoning permit shall be issued by the Zoning Commission or its authorized agent . . .".

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The 1999 Permit allowed the site to be used for a number of “educational and municipal uses”, athletic fields, parking and school buildings.

We are of the opinion that a bus parking lot is an essential “educational and municipal use”. The Town of New Fairfield is required by statute to provide transportation for its public schools. The school buses have been parked and operated at the Consolidated School and the other school located in the same area for years. Hence, no change. However, the creation of a 400± sq.ft. structure to be used as an office and/or lockers and bathroom facility by the bus drivers may be a changed use (arguably, such a change in use in conjunction with the parking facility, is still an “educational and municipal use”).

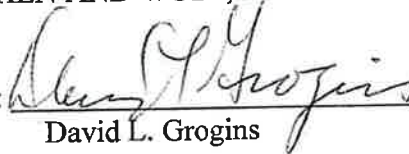
Assuming that the new structure (office, lockers and bathroom facility) is a new use, Section 8.1. of the Regulations requires that a site plan shall accompany the application for a zoning permit.

In either case, the requirement to seek a “Special Permit” pursuant to Section 8.2 of the Regulations does not appear to apply.

Yours truly,

COHEN AND WOLF, PC

BY:



David L. Grogins

DLG:pld  
Enclosure



**ZONING PERMIT**  
**ZONING COMMISSION**  
**TOWN OF NEW FAIRFIELD**  
**4 BRUSH HILL ROAD**  
**NEW FAIRFIELD, CT 06812**  
**203-746-8140**

**PROPERTY OWNER:** Consolidated School Town Of New Fairfield

**OWNER'S ADDRESS:** 4 Brush Hill Road  
New Fairfield, CT 06812

**PROPERTY ADDRESS:** 302 Ball Pond Road

**ZONE:** R      **MAP:** 23      **BLOCK:** 16      **LOT:** 15 AND 16

**LOT SIZE:** 45.85

**FRONTAGE:**

**PROJECT DESCRIPTION:** CONSTRUCT THREE (3) ADDITIONS TO EXISTING BLDG. TOTAL ADDITION WILL BE 20,400 SQ. FT. TO BE USED AS ADDITIONAL CLASSROOMS, STAFF ROOMS ETC. RELOCATE FUEL OIL TANK, REMOVE OLD SEPTIC, AND SOME REGRADING AND PAVING.

**CONSTRUCTION MAY NOT PROCEED UNTIL  
A BUILDING PERMIT HAS BEEN OBTAINED**

**THIS PERMIT MUST BE POSTED ON THE PREMISES**

**PERMIT VOID IF CONSTRUCTION AUTHORIZED IN NOT COMPLETED WITHIN ONE (1) YEAR OF ISSUANCE.**

**THIS PERMIT IF ISSUED, IS BASED UPON THE PLOT PLAN SUBMITTED. FALSIFICATION, BY MISREPRESENTATION OR OMISSION, OR FAILURE TO COMPLY WITH THE CONDITIONS OF APPROVAL OF THIS PERMIT SHALL CONSTITUTE A VIOLATION OF THE NEW FAIRFIELD ZONING REGULATIONS.**

**CONDITIONS OF APPROVAL:**

*All approvals of Special Permit 99-16 are to be adhered to. Revised plan dated 9/2/99 mlk*

*Page AS-1 - Site Sign Schedule to reflect sign height of 3' for S-2, S-3, S-4, S-5. Widen Handicap Parking in front of school.*

*Page AS-1A - Widen front Handicap Parking. Change direction of rear Handicap Parking and increase number of spaces to two (2), size of spaces to be 15' x 20'. Change signage at Bus Loading from S-13 to S-8 Handicap Loading. Add signs to front driveway entrance; S-13 Buses Only.*

A-2 survey required at foundation. A-2 survey required at completion. Any change to project must be approved prior to commencement.

PERMIT NO. 20-99-173

DATE ISSUED 09/02/99

FEE waived  
(INCLUDES \$10. STATE SURCHARGE)

Marla Haussherr-Hughes  
Marla Haussherr-Hughes  
Zoning Enforcement Officer

Consolated Zoning Permit/99-173.mhh.doc