

THE ZONING COMMISSION
Town of New Fairfield
New, Fairfield, CT 06812
REGULAR MEETING MINUTES - REVISED
DATE: December 07, 2022
TIME: 7:30 pm
Virtual Meeting Via Zoom

Call to Order

John Moran called the meeting to order at 7:30 pm.

John Moran requested that the Zoning Commission will go into an Executive Session to discuss legal matters at the end of this meeting.

Present

John Moran, Kevin VanVlack, Stephen Hanrahan, Mark Lamanna, Jane Landers, Tomas Kavaliauskas (alternate), Gary Mummert (alternate-joined after roll call), and Town Official Zoning Enforcement Officer, Evan White.

Public Comment none

Public Hearing Kevin VanVlack made the correction that item 3 is not an acceptance it is a public hearing.

- 1) **SP-22-026 Special Permit - 227 Ball Pond Road For A Private Home-Based Speech-Language Practice. Under Section 3.1.2 (L) Special Permit - In-Home Major Occupation. Applicant Caseyanne Higgins.**

Caseyanne Higgins stated that she wants to see children in her home-based office for one-on-one speech therapy. She stated that there is a separate entrance. Tomas Kavaliauskas questioned the services and how they fit in beyond the school age therapy that is offered by the school. Caseyanne Higgins stated that she sees children that are aged from birth to three as well as preschool aged children. The school aged children that she sees have articulation issues that are not affecting their education. She went over the requirements for school age therapy given by the schools. Tomas Kavaliauskas and Stephen Hanrahan drove by the property and did a property check. Caseyanne Higgins stated she is not an audiologist per the question from Jane Landers.

Kevin VanVlack made a motion to close the public hearing for SP-22-026 Special Permit - 227 Ball Pond Road For A Private Home-Based Speech-Language Practice. Under Section 3.1.2 (L) Special Permit - In-Home Major Occupation. Applicant Caseyanne Higgins. Mark Lamanna seconded the motion.

John Moran	Yes
Kevin VanVlack	Yes
Stephen Hanrahan	Yes
Jane Landers	Yes
Mark Lamanna	Yes

- 2) **SP-22-027 Special Permit - 33 Ridge Road. Regulation 6.4. Excavation, Removal, Filling, And Grading Of Earth Material. Applicant Kevin A Sypher.**

Kevin Sypher stated that he purchased this home in January 2022 and found that water would run into the basement. Kevin Sypher has done some regrading and is in the process of building decorative stonewalls to stop the water from running into the basement. Evan White stated that he was notified of the work on this property. Mr. Sypher had done some work without permits. To rectify the areas of significant excavation the special permit was applied for. Evan White stated that all areas of design and proposed site plan all regulations will be met and reviewed once he submits the application for the proposed addition. Storm Water mitigation looks good. Kevin Sypher will be putting in a new septic system. The Town of New Fairfield Health Department, Timothy Simkins, does not have any objections. Kevin Sypher will need to apply and get approval for excavation within 30 feet of the property line as is stated under Regulation 6.4.9. Kevin VanVlack questioned the work and if it is affecting any neighboring properties. Evan White that the work has been started but not completed. Stephen Hanrahan stated that this work will abate the water running into the basement issue. Kevin VanVlack clarified that the water run-off was prior to the work being done. Tomas Kavaliauskas questioned if any neighbors had been notified. Evan White stated that all certified letters have gone out to abutting property owners.

Kevin VanVlack made a motion to close the public hearing for SP-22-027 Special Permit - 33 Ridge Road. Regulation 6.4. Excavation, Removal, Filling, And Grading Of Earth Material. Applicant Kevin A Sypher. Jane Landers seconded the motion.

John Moran	Yes
Kevin VanVlack	Yes
Stephen Hanrahan	Yes
Jane Landers	Yes
Mark Lamanna	Yes

3) SP-22-029 Special Permit – 31 Madeline Drive For Regrading And Resloping Of Building Lot Prior To Obtaining Building And Zoning Permits. Applicant Asim Alimi.

Kevin VanVlack read in a letter from Tony Iadarola, Town of New Fairfield Engineer, regarding the work and requirements. See attachment: Asim Review Letter Zoning. Attorney Anthony Yorio stated his client is doing all that they can to restore the property. His client has made a sincere effort to comply with the needs and direction of the town engineer. Asim Alimi would like to eventually build a home on this lot for him and his family.

Stephen Hanrahan made a motion to close the public hearing for SP-22-029 Special Permit – 31 Madeline Drive For Regrading And Resloping Of Building Lot Prior To Obtaining Building And Zoning Permits. Applicant Asim Alimi. Kevin VanVlack seconded the motion.

John Moran	Yes
Kevin VanVlack	Yes
Stephen Hanrahan	Yes
Jane Landers	Yes
Mark Lamanna	Yes

Business Items

1) Approval of SP-22-026 Special Permit - 227 Ball Pond Road For A Private Home-Based Speech-Language Practice. Under Section 3.1.2 (L) Special Permit - In-Home Major Occupation. Applicant Caseyanne Higgins.

Kevin VanVlack made a motion to approve the application for SP-22-026 Special Permit - 227 Ball Pond Road For A Private Home-Based Speech-Language Practice. Under Section 3.1.2 (L) Special Permit - In-Home Major Occupation. Applicant Caseyanne Higgins. Jane Landers seconded the motion.

John Moran	Yes
Kevin VanVlack	Yes
Stephen Hanrahan	Yes
Jane Landers	Yes
Mark Lamanna	Yes

2) Approval of SP-22-027 Special Permit - 33 Ridge Road. Regulation 6.4. Excavation, Removal, Filling, And Grading Of Earth Material. Applicant Kevin A Sypher.

Kevin VanVlack made a motion to approve the application for SP-22-027 Special Permit - 33 Ridge Road. Regulation 6.4. Excavation, Removal, Filling, And Grading Of Earth Material. Applicant Kevin A Sypher with the stipulations that they receive all the necessary approvals and permits for fire, health etc... and the commission allows for work to be done within the 30 feet of the property line. Jane Landers seconded the motion.

John Moran	Yes
Kevin VanVlack	Yes
Stephen Hanrahan	Yes
Jane Landers	Yes
Mark Lamanna	Yes

3) Approval of SP-22-029 Special Permit – 31 Madeline Drive For Regrading And Resloping Of Building Lot Prior To Obtaining Building And Zoning Permits. Applicant Asim Alimi.

Kevin VanVlack made a motion to approve the application for SP-22-029 Special Permit – 31 Madeline Drive For Regrading And Resloping Of Building Lot Prior To Obtaining Building And Zoning Permits. Applicant Asim Alimi with the stipulations that they receive all the necessary approvals and permits for fire, health etc... and the applicant will comply with all items in the letter from the town engineer, Tony Iadarola. Jane Landers seconded the motion.

John Moran	Yes
Kevin VanVlack	Yes
Stephen Hanrahan	Yes
Jane Landers	Yes
Mark Lamanna	Yes

4) Approval of the 2023 Zoning Commission Regular Meeting Schedule.

- Wednesday, January 4, 2023 – Special Meeting
- Wednesday, February 1, 2023
- Wednesday, March 1, 2023
- Wednesday, April 12, 2023*
- Wednesday, May 3, 2023
- Wednesday, June 7, 2023
- Wednesday, July 5, 2023
- Wednesday, August 2, 2023
- Wednesday, September 13, 2023*

Wednesday, October 4, 2023

Wednesday, November 1, 2023

Wednesday, December 6, 2023

*Indicates a change from the 1st Wednesday to the 2nd Wednesday of the month

Kevin VanVlack made a motion to accept the 2023 Zoning Commission Regular Meeting Schedule.
Jane Landers seconded the motion.

John Moran	Yes
Kevin VanVlack	Yes
Stephen Hanrahan	Yes
Jane Landers	Yes
Mark Lamanna	Yes

Minutes

- 1) Kevin VanVlack made a motion to accept the minutes of the September 28, 2022 Special Meeting as presented. Tomas Kavaliauskas seconded the motion.

John Moran	Yes
Kevin VanVlack	Yes
Stephen Hanrahan	Yes
Tomas Kavaliauskas	Yes

- 2) Kevin VanVlack made a motion to accept the minutes of the October 6, 2022 Special Meeting as presented. Jane Landers seconded the motion.

John Moran	Yes
Kevin VanVlack	Yes
Stephen Hanrahan	Yes
Jane Landers	Yes
Mark Lamanna	Yes

- 3) Kevin VanVlack made a motion to accept the minutes of the October 13, 2022 Special Meeting as presented. Jane Landers seconded the motion.

John Moran	Yes
Kevin VanVlack	Yes
Tomas Kavaliauskas	Yes
Jane Landers	Yes
Mark Lamanna	Yes

- 4) Kevin VanVlack made a motion to accept the minutes of the October 18, 2022 Special Meeting as presented. Jane Landers seconded the motion.

John Moran	Yes
Kevin VanVlack	Yes
Tomas Kavaliauskas	Yes
Jane Landers	Yes
Mark Lamanna	Yes

- 5) Kevin VanVlack made a motion to accept the minutes of the November 1, 2022 Special Meeting Workshop as presented. Jane Landers seconded the motion.

John Moran	Yes
Kevin VanVlack	Yes
Stephen Hanrahan	Yes
Tomas Kavaliauskas	Yes

- 6) November 2, 2022 Regular Meeting Minutes. Tabled until the next meeting.
- 7) Kevin VanVlack made a motion to accept the minutes of the November 9, 2022 Special Meeting as presented. Tomas Kavaliauskas seconded the motion.

John Moran	Yes
Kevin VanVlack	Yes
Tomas Kavaliauskas	Yes
Jane Landers	Yes
Mark Lamanna	Yes

Correspondence

Evan White presented an 8-hour zoom class that board members can attend on March 11, 2022. The class will be regarding zoning state statutes and updates. This class will cover the four hours that are required for all board members for continuing education as of January 1, 2023. John Moran stated that another option for the four hours of continuing education is for Zoning Commission to reach out to the town attorney for continuing education.

Enforcement Actions

- 60 Sawmill Road
- 3 Westview Trails
- 2 Dunham Drive
- 2 Coolidge Street, 4 Coolidge Street, 7 Coolidge Street, & 9 Coolidge Street
- 11 Candle Hill Road
- 4 & 6 Byebrook

Kevin VanVlack made a motion to move the meeting into Executive Session. Jane Landers seconded the motion.

John Moran	Yes
Kevin VanVlack	Yes
Tomas Kavaliauskas	Yes
Jane Landers	Yes
Mark Lamanna	Yes

Kevin VanVlack made a motion to close the Executive Session. Jane Landers seconded the motion.

John Moran	Yes
Kevin VanVlack	Yes
Tomas Kavaliauskas	Yes
Jane Landers	Yes
Mark Lamanna	Yes

Adjournment

Kevin VanVlack made a motion to adjourn the meeting at 8:50 pm. Jane Landers seconded the motion. **All in favor.**

Attachment

Asim Review Letter Zoning



TOWN OF NEW FAIRFIELD
PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION
4 Brush Hill Road
New Fairfield, CT
06812-2619

TOWN ENGINEER
Antonio Iadarola, P.E.

December 6, 2022

Town of New Fairfield Zoning Commission
C/O Zoning Enforcement Officer
4 Brush Hill Road
New Fairfield, CT 06812

RE: Proposed Site Development for 31 Madeline Dr.

Dear Chairman and Commission Members:

I have reviewed the following drawing relating to the above noted project.

- o Grading,/Mitigation, Erosion & Sedimentation Control Plan, dated 2/24/20 revised 5/25/21 prepared by R.J. Gallagher P.E.

I offer the following comments:

- o I and ZEO have been working with the applicant to deal with the development of this lot and also to help resolve the issue related to the unpermitted work at the site and also the encroachment of this work on the neighboring property owner.
- o The applicant agreed to use **Shaun Nettleton of Pinnacle Peak Inc.** as the construction consultant. He will direct all aspect of the lot development and he will also be ensuring that the work is done in accordance to the proposed drawing in addition to providing weekly updates to the ZEO and myself. The ZEO and myself meet with Shaun in the field and discussed his role in this lot development. He will be the single point of contact and will be fully responsible for the proper execution of the work. This is a critical requirement of this application to prevent any further issues which have plagued this lot development in the past.
- o All proposed work on 29 Madeline Dr. that is shown on the drawing in the north side of the property must be done first and completed prior to any other work on the site to ensure that the disturbance that encroached on to this property is stabilized as soon as possible. The property owners of 29 Madeline Dr. have signed a release and granted permission for this work to be completed.
- o All proposed retaining walls must be kept to 3 feet or lower and any wall 3 feet and higher must be designed by a licensed Engineer and a permit must be secured from building department prior to construction.
- o Any rock cut 3 feet or higher that will be unsupported must be deemed stable and inspected prior to final acceptance.
- o All proposed rip rap used for the stability of the exposed slopes on the North side of lot must be brought in as manufactures rap rip. This will insure consistent sizing and blending and also insure that its clean. Should the applicant wish to manufacture the rip rap at the site by using a crusher that will make the appropriate sized rip rap, the Town Engineer and ZEO reserve our right to approve or deny final product out of the crusher. This comment is directly related to note 18 on the plans which is not clear and ambiguous. Note 18 is considered non applicable to this application.

- o Proposed final grades on the driveway must be shown prior to a building permit being issued.
- o Since this project will require significant amount of effort in the monitoring, inspections and review of reports etc. above and beyond any other lot development typically anticipated, the applicant shall reimburse the Town for all Engineering involvement from the Town, as he has done in the past.
- o The property corner marker, that was removed, must be reinstalled by a licensed surveyor once the work in that area is complete. All property corners markers must be maintained and protected during this proposed work.

In conclusion, the engineering drawings submitted reflect most of the work discussed in the last two years, my comments above are minor and can be easily implemented into the project if the Commission was to approve the proposal.

If you any questions, please feel free to call me.

Sincerely;

Tony Iadarola

Antonio Iadarola, PE
Town Engineer