

THE ZONING COMMISSION
Town of New Fairfield
New, Fairfield, CT 06812
SPECIAL MEETING MINUTES
DATE: January 4, 2023
TIME: 7:30 pm
Virtual Meeting Via Zoom

Call to Order

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

Present

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

John Moran raised Tomas Kavaliauskas to a voting member.

Public Comment

Cynthia Ross-Zweig requested clarification on the 302 Ball Pond Road Special Permit and how this is being accepted when it is pending litigation. John Moran stated he will discuss this when we get to it on the Business Item.

Public Hearing none

Business Items

- 1) **Accepting: SP-23-001-Special Permit for 302 Ball Pond Road-For the removal of demo debris, filling in of earth material and regarding of the site as a result of the demolition of the Consolidated School. Associated site improvements including grading and storm damage. Section(s) 3.1.2 Special Permit Uses (A&B) & Section 6.4-Excavation, Removal, Filling, and Grading of Earth Material by Special Permit Approval. Applicant-Town of New Fairfield.**

John Moran requested that the board not accept the Special Permit at this time and stated that he is to ask for outside counsel for this special permit. Kevin VanVlack questioned whether this had to be voted on since it is already on the agenda. Jane Landers questioned the days if they are actual days or business days. John Moran stated he would clarify with an attorney. John Moran is asking for outside advice to ensure proper procedures are followed. Neil Marcus stated that the only action needed would be to schedule a public hearing to get statutory publications done and that the options are to table the motion to appear on the next agenda, or accept it for the purpose of setting a public hearing. Neil Marcus stated he does not have a direct involvement with the current pending litigation. Neil Marcus stated the purpose of the special permit is due to the current demolition of the Consolidated School going forward without a site plan approved to restore the property would leave a big hole in the ground and would be a disservice to the town, the people that live near there, and insurance rates would increase. John Moran asked for clarification on the 35 days to accept the special permit. Neil Marcus stated that if the special permit is not accepted then a justifiable reason would have to be given. The special permit was filed on December 29, 2022.

Kevin VanVlack made a motion to accept special permit for SP-23-001-Special Permit for 302 Ball Pond Road-For the removal of demo debris, filling in of earth material and regarding of the site as a result of the demolition of the Consolidated School. Associated site improvements including grading and storm damage. Section(s) 3.1.2 Special Permit Uses (A&B) & Section 6.4- Excavation, Removal, Filling, and Grading of Earth Material by Special Permit Approval for the February 1, 2023 meeting. Applicant-Town of New Fairfield. Mark Lamanna seconded the motion.

Jane Landers stated that she is concerned about the acceptance of the special permit without independent counsel. Jane Landers stated that she feels that the Zoning Commission owes it to the town to seek independent counsel.

Gary Mummert made a correction from regarding to regrading in the second line of the motion.

Kevin VanVlack questioned the procedure for tabling, approving, and/or denying. Neil Marcus stated that the special permit would need to be accepted or rejected and if rejected there would need to be a recognizable reason due to the zoning law. Neil Marcus stated that the request for independent counsel is not a reason to accept or deny a special permit. He also stated that the vote should be whether the application is complete or not. Neil Marcus stated that the school project is moving ahead and can be slowed down with a proper reason. Neil Marcus stated that the demolition is separate from the improvements of the property. Neil Marcus stated that his suggestion is that the Zoning Commission move forward as the motion proposes and during the period from this meeting to the public hearing take action on the request for independent counsel.

Jane Landers stated that it is prudent and appropriate that since this very location is already under pending litigation that the application be denied and that independent counsel be requested and is in the best interest of the people of New Fairfield.

Neil Marcus stated that when a construction project is a remediation process and is not agreed upon by the end of the demolition there can be additional costs and potential for overspending on the project.

Evan White stated that the application is complete and confirmed that letters have gone out to the abutting property owners.

Kevin VanVlack amended his motion to accept the special permit with the correction from “regarding” to “regrading” and removing “February 1, 2023 meeting” from the motion. Kevin VanVlack made a motion to accept SP-23-001-Special Permit for 302 Ball Pond Road-For the removal of demo debris, filling in of earth material and regrading of the site as a result of the demolition of the Consolidated School. Associated site improvements including grading and storm damage. Section(s) 3.1.2 Special Permit Uses (A&B) & Section 6.4- Excavation, Removal, Filling, and Grading of Earth Material by Special Permit Approval. Applicant-Town of New Fairfield. Mark Lamanna seconded the motion.

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| John Moran | Yes |
| Kevin VanVlack | Yes |
| Tomas Kavaliauskas | Yes |
| Jane Landers | No |
| Mark Lamanna | Yes |

- 2) Site Plan: SI-23-002-Site Plan for 89 State Route 39-For a new Esthetics Business for facials & waxing with one employee (Myself; Apryl Bent) with hours Mon-Fri 10am-6pm. Applicant-Apryl Bent.**

Apryl Bent stated that she would be performing facials, cleansing of the skin, anything to help the skin, waxing the skin, and she has insurance.

Jane Landers questioned the license needed. Apryl Bent stated that it is six months of schooling, a test is taken and submit scores and certificates to the state and then the state of Connecticut gives a license for anything esthetics related.

Evan White stated that there is sufficient parking and that Apryl Bent has her state certification and approval. Evan White requested that the approval be with the stipulations that she receive all the necessary approvals and permits for fire, health, sanitation etc. Evan White also requested that any signage to be added Apryl Bent will have to come back for administrative approval.

Kevin VanVlack made a motion to approve the Site Plan for SI-23-002-Site Plan for 89 State Route 39-For a new Esthetics Business for facials & waxing with one employee (Myself; Apryl Bent) with hours Mon-Fri 10am-6pm. Applicant-Apryl Bent with the following stipulations that health, fire, sanitation, and any other zoning permits be signed off on and any signage to be added will have to be approved by the New Fairfield Zoning Enforcement Officer. 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) Discussion: Update on Regulations Bids & Next Steps For Interviews.

John Moran stated that there were five proposals submitted. A meeting will be set up to meet with four of the five companies. Evan White will reach out to the fifth company to see if there is negotiation on the price given. A meeting will be set up by Evan White. Evan White stated that he would like to set it up in 30-minute increments and all on the same night.

Minutes

- 1) Kevin VanVlack made a motion to accept the minutes of the November 2, 2022 Regular Meeting as presented. 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) Kevin VanVlack made a motion to accept the minutes of the December 7, 2022 Regular Meeting as presented. Jane Landers seconded the motion.

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

Correspondence

John Moran stated that a little over \$11,000 has been spent on attorney fees in regards to the lawsuit.

John Moran stated that he will be out of town for 60 days beginning the end of January. He will be available via Zoom. Due to unstable internet connection Kevin VanVlack will run meetings as well as conduct interviews during his absence.

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

Evan White gave information on a class that is on March 17, 2023. Evan White will see if he can get approval from finance for members to attend. Evan White will get the exact details and forward the information to all board members.

Adjournment

John Moran made a motion to adjourn the meeting at 8:26 pm. Jane Landers seconded the motion. **All in favor.**

Received by email on 01/11/2023 @ 1:52 p.m.

By Tricia Quinn, Asst. Town Clerk, New Fairfield