

HE ZONING COMMISSION
Town of New Fairfield
New, Fairfield, CT 06812
REGULAR MEETING MINUTES
DATE: May 3, 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, Mark Lamanna, Jane Landers, Joan Archer (absent), Tomas Kavaliauskas (alternate), Gary Mummert (alternate), and Town Official Zoning Enforcement Officer, Evan White.

John Moran requested that the Zoning Commission move into Executive Session at the end of this meeting.

John Moran elevated Gary Mummert to a voting member.

Public Comment

None

Public Hearing

1) SP-23-004-Special Permit for 2 Meadow Ridge Drive – For Home Chiropractic Office Under Section 3.1.2(L) In-Home Major. Applicant Christina Ford.

Christina Ford stated that she wants to set up one room in her basement which will be used two days a week to see 1-5 patients a day and there will be no overlap in patients to limit the traffic. Evan White stated that all notices have been received and went over application. Evan White stated that there is no objection by health or safety departments. Evan White requested that all necessary permits be pulled. Evan White questioned the signage and Christina Ford stated that they do not plan on adding signage.

Kevin VanVlack made a motion to close the public hearing for SP-23-004-Special Permit for 2 Meadow Ridge Drive – For Home Chiropractic Office Under Section 3.1.2(L) In-Home Major. Applicant Christina Ford. Jane Landers seconded the motion.

John Moran	Yes
Kevin VanVlack	Yes
Jane Landers	Yes
Mark Lamanna	Yes
Gary Mummert	Yes

2) SP-23-005-Special Permit for 41 Ridge Road - To Create Park Area With A Playset Allowing Room For Up To 4 Cars To Park On Ground Surface Under Section 3.1.2(A) Special Permit Uses. Applicant Guy Minoli.

Guy Minoli, 23 Ridge Road, President of the Candlewood Isle Tax District, wants to repurpose 41 Ridge Road that belongs to Candlewood Isle Association to a park like setting with a donation of a

playset that would go on the property. All neighboring properties have been notified and notices received back. Evan White stated that there are no wetlands on the site and the health department does not have any objections. Guy Minoli stated that the only signage would be a sign that states that the park closes at dusk and that there will not be any lighting on the site. Evan White requested that for any additional signage to contact him so the specifications and site plan for signage can be completed. Guy Minoli stated that there has been a donation of plants that include evergreens, arborvitaes, and flowering trees. The plan is to replace anything taken down will be replaced with more decorative trees. The area has been cleared and is ready to move forward. The process should only take a couple of weeks. Tomas Kavaliauskas stated that he has been to the site and that the site does need beautification. There were not any neighbors/abutters on the call that had any questions or concerns.

Kevin VanVlack made a motion to close the public hearing for SP-23-005-Special Permit for 41 Ridge Road - To Create Park Area With A Playset Allowing Room For Up To 4 Cars To Park On Ground Surface Under Section 3.1.2(A) Special Permit Uses. Applicant Guy Minoli. Jane Landers seconded the motion.

John Moran	Yes
Kevin VanVlack	Yes
Jane Landers	Yes
Mark Lamanna	Yes
Gary Mummert	Yes

3) SP-23-007-Special Permit for 12 Renda Street-Construct a New 16’x 22’ Treatment Facility- Under Section 3.1.2(A) Public Utilities & Buildings. Applicant-Aquarian Water Co.

John Moran clarified if the Special Permit was being withdrawn or not. Michael Hiltz stated that Aquarian Water Company is moving forward with the Special Permit.

Kevin VanVlack made a motion to add SP-23-007-Special Permit for 12 Renda Street-Construct a New 16’x 22’ Treatment Facility-Under Section 3.1.2(A) Public Utilities & Buildings. Applicant-Aquarian Water Co. to the agenda. Jane Landers seconded the motion.

John Moran	Yes
Kevin VanVlack	Yes
Jane Landers	Yes
Mark Lamanna	Yes
Gary Mummert	Yes

Michael Hiltz, Professional Engineer, Manager in the Engineering Department at Aquarian Water Company. Michael Hiltz stated that although Aquarian is exempt from the town’s jurisdiction per General Statute 16.235 as a courtesy to the town and community Aquarian is going forward with the special permit to make water treatment improvements at 12 Renda Street facility. He stated Aquarian reserves the right to exercise the exemption for this project and future projects in the town. John Moran stated that the Zoning Commission might disagree with Aquarian on having a special exemption. If Aquarian goes forward without a special permit, then a cease and desist would be issued and attorneys would have to get involved. Aquarian has done previous projects in the town and have gone through the special permit process. Michael Hiltz stated that the reason for the project is to remove an emerging contaminant that has been found in the drinking water across the United States. The contaminants are pfos and pfoa. This project is intended to comply with state regulations. Zachary Kugler, Snyder Civil Engineering, shared a presentation. Zachary Kugler stated the objective of the project at 12 Renda Street is to treat the well water for pfas. Zachary Kugler stated that two to three

years ago there was a project done that included buried water storage tanks, rehabilitation to an existing treatment building, and installed propane, and generator for standby power for the station. There are some limitations at the site due to equipment, wetlands, and set back. The existing treatment facility is small. The equipment for removing the pfas is rather large and would be in a new building. It will be built into the hillside of the storage tank mound. The new building would be in an area that was disturbed by the previous updates to the property. There will be accessory work to extend the driveway. The existing standby generator would need to be relocated due to the extension of the driveway. This building will be similar in nature to buildings that have been used on other projects. The building will include some water lines and electrical lines from the existing building to the new building as well as a floor drain. The building will be a split-face block building, granite gray colors, residential style upper building construction with consists of asphalt shingle roof, white trim, and natural tone hardy plank siding. The building was proposed to be about 17 feet tall. One of the abutters was opposed to the height and requested that the building lowered. The lowering of the building would consist of going from an 8-pitch roof to a 6-pitch roof as well as lowering the building by one foot which would reduce the overall height by 2 feet 6 inches. John Moran requested that since there are spruces that will be removed or relocated that spruces be used for the replacement trees. Kevin VanVlack questioned if there was lighting on the building. Zachary Kugler stated that the light would be a floodlight that would be used only if there was work that needed to be done in the evening and that there would not be consistent lighting. Gary Mummert questioned if the driveway would be pervious or impervious. Zachary Kugler stated that it would be impervious and that this project is in the same footprint of the previous project and no wetlands. Jane Landers questioned if there would be noise from the building. Zachary Kugler stated that there would not be noise from the building. Zachary Kugler also stated that the traffic will not increase due to the new building. Kevin VanVlack questioned what was driving the need for these buildings. Michael Hiltz stated that aquifer is being found sporadically throughout their systems and that they are going after the areas where the pfas is highest and Ball Pond has levels on the high side. Gary Mummert questioned the chemical and it being considered a “forever chemical” and stated that the chemical is a real concern due to what he has read. Jane Landers asked if it is a carcinogen. Michael Hiltz stated that he is not an expert on the effects the chemical could have on one’s health and that Aquarian just wants to remove the chemical. Tomas Kavaliauskas asked what the X’s on the side of the plan were. Zachary Kugler stated that those X’s are deciduous trees that will need to be removed. Zachary Kugler stated that they are working on replacing the trees on the property or on neighboring lands. The generator will be 20 feet from the property line and set back from the homes around it. Marlana Strum, 6 Renda Street, whose property allows them a right of way to access their land stated she has some very serious concerns about the construction of this facility. Marlana Strum has met with the architect, engineers, and project manager of Aquarian. She understands that pfas is dangerous and emergent and if you look at the numbers that Aquarian has posted that there is only one highlighted number which was back in 2019 and since that time there has been no excess pfas. She is concerned that they will be using her easement that she uses daily. When meeting with the engineers they were taken back by her using the easement while they were using it. She stated that they will have to work together so that the easement can be used jointly. Her biggest concern is the maintenance of their property. The current maintenance is despicable. There is a white bucket just sitting on the property, the grass is rarely cut, and the area is an eyesore. Marlana Strum put up \$35,000 of evergreens to mask the pump station and wells. She is concerned about the height of the buildings. The current building is 9 feet and the proposed building is 15 feet. She is asking Aquarian work closely with her on the landscaping. She is concerned that this could cause a drop in her property value. She would like to have some guarantees about the maintenance, landscaping, and the impact on her easement. John Moran stated that the approval can include the request for more trees to mask the new building and work with Aquarian on the landscaping. The easement would have to be between the landowner and Aquarian. Marlana Stern asked for a buffer period after the work is done. John Moran stated that Aquarian has fixed issues on past projects and that those issues can be addressed upon

approval. Marlena Strum was concerned about the wetlands. John Moran stated those issues would have to be taken to the wetlands commission. Marlena Strum requested clarity on the placement of the generator and the footage from the property lines. Zachary Kugler stated that the generator placement will be marked in the field, reviewed with her, and that the propane tank would be in the same location but would be moved slightly to be in line with the building. Tom Gibbons partner at 6 Renda Street, met with Snyder and phat and was advised that there would be a budget for cleaning up the property. He stated that there it would take considerable planting of trees and shrubs to mask the building. John Moran stated that the Zoning Commission does not get into the budgeting all that Zoning does is ask for the trees for screening. Tom Gibbons questioned the impervious surface of the driveway and building and the mitigation for runoff. Tom Gibbons questioned if it would have an effect on wetlands. John Moran stated that wetlands had already looked at it. Evan White stated that the percentage of impervious would have to be included on the final plans. The survey would have to be updated to include all impervious surfaces and all approvals would have to be in place. Tom Gibbons asked if the weight of the materials would affect the water table level of the wetlands. John Moran stated that these questions are for wetlands and not for zoning. John Moran stated that wetlands has accepted the special permit and was clarified by Evan White. Tom Gibbons questioned the movement of the telephone pole. Zachary Kugler stated that they are requesting to remove the telephone pole and are reviewing it with Eversource to make the final decision. Gary Mummert questioned the residential look of the building and if it could be lowered if another style of building was used. Zachary Kugler stated that it could be a possibility if the commission would require it. Gary Mummert stated that it may be a good idea for neighbor relations. Michael Hiltz stated that Aquarian would consider a change in the building. Zachary Kugler stated that it would have to more of a shed style roof if the pitch went any lower than is currently proposed. Michael Hiltz is willing to explore the possibility if that is what the neighbors would prefer to reduce the height of the building. Marlena Strum asked about going to a 4-pitch roof. Zachary Kugler stated any lower than 6-pitch would have to be a shed style roof. Marlena Strum stated that she would prefer the 6-pitch roof to the shed style roof.

Kevin VanVlack made a motion to close the public hearing for SP-23-007-Special Permit for 12 Renda Street-Construct a New 16’x 22’ Treatment Facility-Under Section 3.1.2(A) Public Utilities & Buildings. Applicant-Aquarian Water Co. Mark Lamanna seconded the motion.

John Moran	Yes
Kevin VanVlack	Yes
Jane Landers	Yes
Mark Lamanna	Yes
Gary Mummert	Yes

Business Items

1) SP-23-004-Special Permit for 2 Meadow Ridge Drive – For Home Chiropractic Office Under Section 3.1.2(L) In-Home Major. Applicant Christina Ford.

Kevin VanVlack made a motion to approve SP-23-004-Special Permit for 2 Meadow Ridge Drive – For Home Chiropractic Office Under Section 3.1.2(L) In-Home Major. Applicant Christina Ford with the stipulation that any additional work to be done that all proper permits be pulled and that they receive all the necessary approvals and permits for fire, health etc. Jane Landers seconded the motion.

John Moran	Yes
Kevin VanVlack	Yes
Jane Landers	Yes
Mark Lamanna	Yes
Gary Mummert	Yes

2) SP-23-005-Special Permit for 41 Ridge Road - To Create Park Area With A Playset Allowing Room For Up To 4 Cars To Park On Ground Surface Under Section 3.1.2(A) Special Permit Uses. Applicant Guy Minoli.

Kevin VanVlack made a motion to approve SP-23-005-Special Permit for 41 Ridge Road - To Create Park Area With A Playset Allowing Room For Up To 4 Cars To Park On Ground Surface Under Section 3.1.2(A) Special Permit Uses. Applicant Guy Minoli with the stipulation if any signage goes in that it be approved by the Zoning Enforcement Officer and that they receive all the necessary approvals and permits for fire, health etc. Mark Lamanna seconded the motion.

John Moran	Yes
Kevin VanVlack	Yes
Jane Landers	Yes
Mark Lamanna	Yes
Gary Mummert	Yes

3) SP-23-007- Special Permit for 12 Renda Street-Construct a New 16’x 22’ Treatment Facility- Under Section 3.1.2(A) Public Utilities & Buildings. Applicant-Aquarian Water Co.

Kevin VanVlack made a motion to approve SP-23-007-Special Permit for 12 Renda Street-Construct a New 16’x 22’ Treatment Facility-Under Section 3.1.2(A) Public Utilities & Buildings. Applicant-Aquarian Water Co with the stipulations that the additional screening is reviewed with the Zoning Commission and specifically the chairman, that generator be marked in the field for one of the neighbors to see the location, all necessary permits pulled for the build out, and that they receive all the necessary approvals and permits for fire, health etc. Gary Mummert seconded the motion.

John Moran	Yes
Kevin VanVlack	Yes
Jane Landers	Yes
Mark Lamanna	Yes
Gary Mummert	Yes

Minutes

1) April 12, 2023 - Regular Meeting

Kevin VanVlack made a motion to accept the April 12, 2023, Zoning Commission Regular Meeting Minutes as presented. Jane Landers seconded the motion.

John Moran	Yes
Kevin VanVlack	Yes
Jane Landers	Yes
Mark Lamanna	Yes
Gary Mummert	abstain

Correspondence

None

Enforcement Actions

- 60 Sawmill Road
- 3 Westview Trails
- 2 Dunham Drive

11 Candle Hill Road
223 State Route 37
20 Cloverleaf
17 Oak Street

Additional Items

Kevin VanVlack made a motion to move the meeting into Executive Session for the reason stated at the beginning of the meeting. Jane Landers seconded the motion.

John Moran	Yes
Kevin VanVlack	Yes
Jane Landers	Yes
Mark Lamanna	Yes
Gary Mummert	Yes

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

John Moran	Yes
Kevin VanVlack	Yes
Jane Landers	Yes
Mark Lamanna	Yes
Gary Mummert	Yes

Adjournment

Kevin VanVlack made a motion to adjourn the meeting at 9:47 pm. Jane Landers seconded the motion.
All in favor.

Received by email on 05/08/2023 @ 9:19 a.m.
by Chrystie M. Bontempo, Asst. Town Clerk, New Fairfield