

**THE ZONING COMMISSION**  
**Town of New Fairfield**  
**New, Fairfield, CT 06812**  
**REGULAR MEETING MINUTES**  
**DATE: December 6, 2023**  
**TIME: 7:30 pm**  
**Virtual Meeting Via Zoom**

**Call to Order**

John Moran called the meeting to order at 7:32 pm.

**Present**

John Moran, Kevin VanVlack, Mark Lamanna (absent), Jane Landers, Gabriel Gouveia, Tomas Kavaliauskas (alternate), and Town Official Zoning Enforcement Officer Evan White (absent).

John Moran elevated Tomas Kavaliauskas to a voting member.

**Election of the New Board**

Jane Landers made a motion to approve John Moran for the Zoning Commission Chairman. Tomas Kavaliauskas seconded the motion.

John Moran	Yes
Kevin VanVlack	Yes
Jane Landers	Yes
Gabriel Gouveia	No
Tomas Kavaliauskas	Yes

John Moran made a motion to approve Kevin VanVlack for the Zoning Commission Vice Chairman. Jane Landers seconded the motion.

John Moran	Yes
Kevin VanVlack	Yes
Jane Landers	Yes
Gabriel Gouveia	Yes
Tomas Kavaliauskas	Yes

**Public Comment**

John Moran stated that the judge on the bus lot has asked for an extension. The extension was granted for 60 days.

**Public Hearing**

- 1) SP-23-019 – Special Permit for 180 State Route 39 – To Tear Down And Rebuild The Park And Recreation Beach House Building Under Section 3.1.2(A) - Special Permit Uses. Applicant Town of New Fairfield.**

Antonio Iadarola, Town Engineer, stated that the client is the Park & Rec Commission. The goal is to demolish the existing building and build a new building in the same location. There have been several meetings and was well supported by the residents to implement the project. He stated that approval has been received from Wetlands and Zoning Board of Appeals. The existing building is in a state of disrepair, significant foundation issues, and a portion of the building falling off the foundation. Architecturally the plans show customary architecture features that you would see around the lake. It is a full ADA compliant building with a lift that acts as an elevator to provide handicap access from the first floor down to the beach as well as access from the parking lot directly to the front doors. John Moran stated a concern regarding the lack of a crosswalk. Antonio Iadarola stated that the existing crosswalk from the parking lot to the building is going to be repainted once the building is done. He also stated that there is an additional crosswalk on Route 39 near the upper parking lot. He stated that a couple of years ago there was a request for the flashing beacon signs for the crosswalk and are going to revisit the request with the state to improve public safety. Tomas Kavaliauskas inquired about why the state is pushing back on the flashing

beacon lights. Antonio Iadarola stated that the state is concerned about ADA compliance due to stairs on one side of the crosswalk. The state would like a five-foot landing with a ramp to the parking lot. Tomas Kavaliauskas questioned if it was the town not wanting to spend the money to ensure public safety. Antonio Iadarola stated that it not a money issue it is more of an engineering issue. He stated the option that will be pursued is to request a waiver to secure the flashing beacon lights in this location. Jane Landers inquired about the funding for the project. John Moran stated that this is not a zoning regulation issue and it would need be addressed with the First Selectmen’s office. Tomas Kavaliauskas asked for photos of the structure. Renderings were shared via screen share. Tomas Kavaliauskas stated that per the request of Evan White, Zoning Enforcement Officer, the motion would need to include the stipulation that all zoning requirements are met and complied with per New Fairfield Zoning Regulations. All setbacks, coverages, lot requirements, and building structure requirements under New Fairfield Zoning Regulations approved. Wetlands approval. Condition all approvals for permits to construct commencement by the New Fairfield Health, Sanitation, Erosion Control, Town Engineer, Building and Zoning Departments. All abutting property owners have been notified 10 days prior via certified mail and receipt of mailing is in place. Antonio Iadarola stated that all needed board approvals have been received. John Moran inquired about the Fire Marshall. Antonio Iadarola stated that the Fire Marshall approval will be received once the building permit is pulled.

Stephen Hicks & Elaine Hicks, abutting property owners, questioned if the use would be year-round use. Antonio Iadarola stated that the use would be year-round. Stephen Hicks stated that the use is currently seasonal and this would be a change to year-round use building. Antonio Iadarola stated that after reviewing the application with the Zoning Enforcement Officer and there is not anything that in the Zoning Regulations that would be a change in use constituent to year-round use. There only issue would be with the Health Department which has been resolved. . Stephen Hicks stated that the town would need to maintain the building 12 months of the year verses the 6 weeks of the year that it is currently being maintained. He stated that there was more use of the park 30 years ago than there was 2 years ago. Elaine Hicks stated that there needs to be restrictions regarding parties and that the maintenance will be considerably more. John Moran stated that those issued need to be brought to the First Selectmen’s Office. Stephen Hicks asked why a special permit is needed. Antonio Iadarola stated that the special permit was secured due to the building being in a residential zone and was secured due for cautionary measures and to avoid issues. Elaine Hicks stated that in the past the building has been used for two months out of the year and now the building will be open for 12 months. She stated a concern of the rules regarding the renting out of the building, who will be allowed to rent out the building, and who will oversee the lifeguarding once the staff has gone back to school. She stated that the she has brought the concerns to the Parks and Recreation department but did not get any answers. She restated a concern of the year-round maintenance and who is going to take care of the building. Kevin VanVlack stated that while these are valid concerns, they are not issues that the Zoning Commission has control over.

Kevin VanVlack made a motion to close the public hearing for SP-23-019 – Special Permit for 180 State Route 39 – To Tear Down And Rebuild The Park And Recreation Beach House Building Under Section 3.1.2(A) - Special Permit Uses to the next meeting. Applicant Town of New Fairfield with the stipulation that all zoning requirements are met and complied with per New Fairfield Zoning Regulations. All setbacks, coverages, lot requirements, and building structure requirements under New Fairfield Zoning Regulations approved. Wetlands approval. Condition all approvals for permits to construct commencement by the New Fairfield Health, Sanitation, Erosion Control, Town Engineer, Building and Zoning Departments. All abutting property owners have been notified 10 days prior via certified mail and receipt of mailing is in place. Jane Landers seconded the motion.

John Moran	Yes
Kevin VanVlack	Yes
Jane Landers	Yes
Gabriel Gouveia	Yes
Tomas Kavaliauskas	Yes

**2) SP-23-021 – Special Permit for 43 Sylvan Road – To Build A 30’ x 20’ Footing And Foundation To Create A Parking Structure And Parking To Allow For The Parking of Vehicles Under Section 6.4 Excavation, Removal, Filling, And Grading Of Earth Material. Applicant Laurent Xatart.**

Kevin VanVlack made a motion to table until the January 3, 2024 meeting SP-23-021 – Special Permit for 43 Sylvan Road – To Build A 30’ x 20’ Footing And Foundation To Create A Parking Structure And Parking To Allow For The Parking of Vehicles Under Section 6.4 Excavation, Removal, Filling, And Grading Of Earth Material. Applicant Laurent Xatart.

John Moran	Yes
Kevin VanVlack	Yes
Jane Landers	Yes
Gabriel Gouveia	Yes
Tomas Kavaliauskas	Yes

**Business Items**

**1) Approval of SP-23-019 – Special Permit for 180 State Route 39 – To Tear Down And Rebuild The Park And Recreation Beach House Building Under Section 3.1.2(A) - Special Permit Uses. Applicant Town of New Fairfield**

Kevin VanVlack made a motion to approve SP-23-019 – Special Permit for 180 State Route 39 – To Tear Down And Rebuild The Park And Recreation Beach House Building Under Section 3.1.2(A) - Special Permit Uses. Applicant Town of New Fairfield with the stipulation that all zoning requirements are met and complied with per New Fairfield Zoning Regulations. All setbacks, coverages, lot requirements, and building structure requirements under New Fairfield Zoning Regulations approved. Wetlands approval. Condition all approvals for permits to construct commencement by the New Fairfield Health, Sanitation, Erosion Control, Town Engineer, Building and Zoning Departments. All abutting property owners have been notified 10 days prior via certified mail and receipt of mailing is in place. Jane Landers seconded the motion.

John Moran	Yes
Kevin VanVlack	Yes
Jane Landers	Yes
Gabriel Gouveia	Yes
Tomas Kavaliauskas	Yes

**2) Approval of SP-23-021 – Special Permit for 43 Sylvan Road – To Build A 30’ x 20’ Footing And Foundation To Create A Parking Structure And Parking To Allow For The Parking of Vehicles Under Section 6.4 Excavation, Removal, Filling, And Grading Of Earth Material. Applicant Laurent Xatart.**

Tabled until the next meeting.

**3) Accepting of SP-23-022 – Special Permit for 23 Misty Brook Lane – To Build Walls Made Of Stone To Match Existing Walls Already On The Property Between The Existing Fence And Pool Under Section 6.4 Excavation, Removal, Filling, And Grading Of Earth Material. Applicant Lambert & Barr LLC.**

Kevin VanVlack made a motion to accept SP-23-022 – Special Permit for 23 Misty Brook Lane – To Build Walls Made Of Stone To Match Existing Walls Already On The Property Between The Existing Fence And Pool Under Section 6.4 Excavation, Removal, Filling, And Grading Of Earth Material. Applicant Lambert & Barr LLC for the January 3, 2024 meeting. Jane Landers seconded the motion.

John Moran	Yes
Kevin VanVlack	Yes
Jane Landers	Yes
Gabriel Gouveia	Yes
Tomas Kavaliauskas	Yes

**4) Accepting of SP-23-023 – Special Permit for 36 Ball Pond Road East – To Eliminate The Attached Secondary Living Area And Relocate It To Above The Detached Garage. The Property Currently Has An Approved 2 Family Dwelling (June 8, 1983) Attached to the Primary Residence. Under Section 3.1.2(K) Special Permit - Accessory Apartment. Applicant Caron Carpenter.**

Kevin VanVlack made a motion to accept SP-23-023 – Special Permit for 36 Ball Pond Road East – To Eliminate The Attached Secondary Living Area And Relocate It To Above The Detached Garage. The Property Currently Has An Approved 2 Family Dwelling (June 8, 1983) Attached to the Primary Residence. Under Section 3.1.2(K) Special Permit - Accessory Apartment. Applicant Caron Carpenter for the January 3, 2024 meeting. Jane Landers seconded the motion.

John Moran	Yes
Kevin VanVlack	Yes
Jane Landers	Yes
Gabriel Gouveia	Yes
Tomas Kavaliauskas	Yes

**5) Accepting of P-23-004 – Petition for Public Act No 23-142 – An Act Concerning Certain Protections for Group And Family Child Care Homes – Substitute House Bill No 6590.**

Kevin VanVlack made a motion to accept P-23-004 – Petition for Public Act No 23-142 – An Act Concerning Certain Protections for Group And Family Child Care Homes – Substitute House Bill No 6590 for the January 3, 2024 meeting. Jane Landers seconded the motion.

John Moran	Yes
Kevin VanVlack	Yes
Jane Landers	Yes
Gabriel Gouveia	Yes
Tomas Kavaliauskas	Yes

**Minutes**

**1) September 28, 2023 Special Meeting**

Kevin VanVlack made a motion to approve the September 28, 2023, Zoning Commission Special Meeting Minutes as presented. Tomas Kavaliauskas seconded the motion.

John Moran	Yes
Kevin VanVlack	Yes
Jane Landers	abstained
Gabriel Gouveia	abstained
Tomas Kavaliauskas	Yes

**2) October 4, 2023 Regular Meeting**

Kevin VanVlack made a motion to approve the October 4, 2023, Zoning Commission Regular Meeting Minutes as presented. Jane Landers seconded the motion.

John Moran	Yes
Kevin VanVlack	Yes
Jane Landers	Yes
Gabriel Gouveia	abstained
Tomas Kavaliauskas	Yes

**3) October 17, 2023 Special Meeting**

Kevin VanVlack made a motion to approve the October 17, 2023, Zoning Commission Special Meeting Minutes as presented. Jane Landers seconded the motion.

John Moran	Yes
Kevin VanVlack	Yes
Jane Landers	Yes
Gabriel Gouveia	abstained
Tomas Kavaliauskas	Yes

**4) November 1, 2023 Regular Meeting**

Kevin VanVlack made a motion to approve the November 1, 2023, Zoning Commission Regular Meeting Minutes as presented. Jane Landers seconded the motion.

John Moran	abstained
Kevin VanVlack	Yes
Jane Landers	Yes
Gabriel Gouveia	abstained
Tomas Kavaliauskas	Yes

**5) November 15, 2023 Special Meeting** – tabled until the next meeting

**Correspondence**

All Zoning Commission board members now have a New Fairfield email. The instructions on how to access it has been emailed to your personal email. All emails that are Zoning Commission related will be sent to each person’s @newfairfieldct.gov email address moving forward. Personal emails will no longer be used.

**Enforcement Actions**

None

**Additional Items**

John Moran stated that the previous town attorney is no longer the town attorney. If an attorney is needed then approval from the First Selectmen’s office would be needed and then an outside attorney can be obtained.

**Adjournment**

Kevin VanVlack made a motion to adjourn the meeting at 8:27 pm. Jane Landers seconded the motion. **All in favor.**

Received by email on 12/11/2023 @ 9:13 a.m.  
by Chrystie M. Bontempo, Asst. Town Clerk, New Fairfield