

THE ZONING COMMISSION
Town of New Fairfield
New, Fairfield, CT 06812
SPECIAL MEETING MINUTES

DATE: Wednesday, December 13, 2023

TIME: 7:30 pm

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.

Business Items

Discussion to examine and discuss the necessary updates and revisions of New Fairfield's current Zoning Regulations in effect with Brian Miller.

John Moran asked that two members of the board along with Evan White make a committee to work on the Zoning Regulations. Evan White agreed with moving forward with John Moran's suggestion. John Moran will check with the town attorney.

Brian Miller referred to a memo (see enclosure) that stated he did not see a need for a separate waterfront overlay district. He stated that most of the lots in the 44 Zone seem to be non-conforming and this attributes to the large number of variances. Brian Miller went over the 2023 variances and he stated that a lot of hardships were related to the topography. He looked at the 2023 applications and of the 52 and all but 4 were for variances and 41 of the applications were in the R44 area. He stated that it is not practical to change the zoning regulations to make these lots conforming. The current process is working and changing the regulations with an overlay district would not be beneficial.

A discussion was held on Storm Water Management and what would work in the different areas of the town. Evan White stated that looking at what is working for other towns could help with the rework of New Fairfield's Zoning Regulations. Brian Miller inquired about how do you allow for expansion beyond the 10%. Brian Miller and Evan White will work through the specifics.

Kevin VanVlack asked what Brian Miller's top-level recommendations are. Brian Miller mentioned flood plain planning, excavation, elderly/affordable housing, signs, and short-term rentals (Airbnb). Brian Miller suggested that for senior/affordable housing an idea of town houses or free-standing houses rather than a big apartment building. John Moran stated that there should be a zone for affordable housing. Brian Miller stated that this can be done but the density would have to be changed closer to the downtown commercial area. Brian Miller will put together an idea for the higher density housing senior/affordable housing that considers the topography of New Fairfield. Jane Landers clarified that for senior housing the housing would need to have the living area and access on one-level.

Brian Miller stated that updating the sign regulations is needed. Brian Miller will send information to the Zoning Board with suggestions that feedback will be needed on.

Kevin VanVlack requested structured agenda items so that the board has an outline of the items that will be discussed in future meetings. Brian Miller stated he is trying to pin point what the Zoning Regulations problems are and will put together an outline. John Moran stated that there is a lot of conflict in the current Zoning Regulations and the inconsistencies need to be identified, clarified, and fixed. John Moran requested that if any of the board members have concerns that they address their concerns with Evan White who will then bring those concerns up with Brian Miller.

Adjournment

Kevin VanVlack made a motion to adjourn the meeting at 8:24 pm. Jane Landers seconded the motion.

All in favor.

Enclosure

Memorandum 5

Received by email on 12/18/2023 @ 9:24 a.m.
by Chrystie M. Bontempo, Asst. Town Clerk, New Fairfield

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The Miller Planning Group
Land Use Solutions

Zoning Update – Memorandum 5 Analysis of Variance Request for Non-Conforming Lots

December 12, 2023

I have reviewed the applications for variances brought to the Zoning Board of Appeals. The data is attached to this memorandum as a spread sheet. My review included all the applications heard from January 2023 through November 2023.

1. 52 applications were brought to the Zoning Board of Appeals. This number has remained similar to that of previous years. All but four were applications for variances.
2. 41 applications were in the R 44 zone, all of them with non-conforming lots. Most of the applications were for lots one-half acre or smaller.
3. 38 applications were granted, 5 withdrawn, 3 denied and 2 undecideds.
4. Of the denied applications, only one was in the R 44 zone.
5. The variances granted were mostly for yard setbacks. Many of the applications were for setbacks of less than 10'.
6. Most of the hardships were presented as resulting from steep slopes, existing or potential location for a septic system or proximity to a water body or wetland.

I raised the issue of a separate zone for the lake areas. My review, which included a drive through the some of the lake area neighborhoods, has led me to the conclusion that creating a new zone for these neighborhoods would not be appropriate at this time.

- It seems that many of the existing lots in the R44 zone are non-conforming, although I have not counted them.
- The setback variances granted included many for small setbacks, many less than 10', some as small as less than 5'. These lots, located within one of the lake communities, would have needed variances even if the regulations were changed to require smaller setbacks. The change in setback requirements would not change the need of the very small lots in most circumstances.
- The setback issues for the R44 neighborhoods, which are not lake communities, do not seem to be a burden as the lots are larger.
- There is little vacant land within the R44 zones available for subdivision. Therefore, potential new development would have very little impact on overall development patterns in the Town.

I do not see any pressing need to recommend changes in the area and bulk requirements, unless the POCD process results in another conclusion.

Analysis of Applications for Variances 2023

New Fairfield Zoning Board of Appeals

FSB Front Yard Setback Applications for R44 on non-conforming lots requesting yard variances are shaded.
 SSB Side Yard Setback
 RSB Rear Yard Setback

Date	App#	Address	Zone	Lot	Variance Request	Outcome	Notes
January	46 22	4 Brush Hill Rd	BC		FSB,SSB, RSB, Accessory building	Granted	Several Variances
	51 22	3 Woods Rd.	R44	0.1	FSB, RSB, SSB	Granted	
February	01 23	7 Lamont Rd,	R88	0.25	FSB	Withdrawn	Vacant Lot Legalize house built in the wrong place
	02 23	85 Lake Dr. S	R44	.27	RSB 0 Vertical Exp	Granted	
March	03 23	21 Brush Hill Rd.	R44	5.4	Parking, Impervious Surface	Granted	Church
	04 23	67 SR 37	R88	1.54	Pool, SYB, RSB	Denied	
April	05 23	20 Cloverleaf Dr	R44	2	Appeal Violation		
	06 23	8 Hewlett Rd	R44	0.58	New Construction, FYSB	Granted	Vacant Lot
	07 23	9 Candlewood Rd	R44	0.3	FSB,SSB,RSB	Granted	Hardship-steep slope
May	08 23	24 Hilldale Rd	R44	0.4	FSB,SSB,RSB	Granted	Slope
	09 23	2 & 4 Brigs Ave			Water Treatment Facility	Granted	Aquarion
	10 23	21 Deer Run	R44	0.85		Withdrawn	
	11 23	22 Rock Hill Rd	R44	0.4		Withdrawn	2 Buildings
	12 23	25 Ball Pond Rdl E	R44	0.35	RSB, SSB, 2 houses on 1 lot	Granted	Merge lots
	13 23	25 Deer Run	R44	0.32	FSB 1', SSB.6'	Granted	Trolley to lake

Date	App#	Address	Zone	Lot	Variance Request	Outcome	Notes
June	14 23	12 Bush Hill Rd	R44		Detached garage	Granted	
	15 23	3 Lancaster Rd	R44	0.45	FSB of 14.4'	Granted	
	16 23	9 Pettit St	R88	.25	FSB 15.9' Vertical	Granted	
	17 23	5 Buck Mountain Ct	R88	2.22	3 Car Garage, SSB	Denied	
	18 23	5 Brookwood Rd	R 88	2	Minor Accessory building	Granted	
	19 23	249 Rt 39	R44	1.62	Pre-existing non-conforming	Granted	For kayak rental on lake
July	20 23	10 Heritage Isl Rd	R88	1.44	Pool RSB, Pergola	Granted	
	21 23	79 Lake Drive N	R44	.55	RSB Vertical expansion	Granted	
	22 23	22 Fleetwood Dr	R88	2.04	Sheds	Granted	
	23 23	60 Saw Mill Rd	R44	1.24	RSB, SSB to 5'	Granted	
	24 23	23 Crestway	R-44	0.3	RSB	Granted	Staircase & landing
	25 23	5 Pondfield Rd	R-44	0.45	FSB for portico	Granted	
	26 23	20 Lake Drive S	R-44	0.2	FSB for Catwalk	Granted	
	27 23	19 Southview Rd	R44	0.3	Pergola, SSB, FSB	Granted	
	28 23	26 Shortswood Rd	R-44	1.07	Detached Garage	Denied	
August	29 23	32 Overlook	R-44	0.92	FSB, RSB	Granted	
	30 23	1 Woods Rd	R44	0.1	SSB, RSB for hot tub	Granted	
	31 23	8 Glen Holly	R44	0.21	FSB, RSB, SSB	Granted	
	32 23	14 Lake Drive S	R44	0.25	SSB, FSB, garage	Withdrawn	
	33 23	21 Deer Run	R44	0.85	FSB, RSB, accessory str	Granted	Lift to lake
	34 23	40 Lake Dr N	R44	0.25	FSB, SSB, RSB	Granted	
September	35 23	4 Sherry Lane	R44	.5	RSB	Granted	Deck was built ' too large
	36 23	51 Knollcrest Rd	R44	0.63	Sports Court	Withdrawn	
	37 23	42 Ridge Rd	R44	0.17	SSB cover porch	Granted	
	38 23	6 Glenway	R44	0.05	FSB, SSB Vertical Exp	Granted	
	39 23	319 A Rt 39	R44	0.2	SSB,RSB	Granted	

Date	App#	Address	Zone	Lot	Variance Request	Outcome	Notes
October	40 23	30 Windmill	R44	0.25	FSB,SSB,RSB	Withdrawn	
	41 23	15 Pine Island	R44	0.74	FSB, SSB Accessory	Granted	
	42 23	16 Fox Run	R88	2.03	FSB, SSB	Granted	
	43 23	2 North Forty Dr	R44	1.42	Swimming Pool		
	44 23	180 SR 39			Town	Granted	
	45 23	7 Southview Rd	R44	.15	SSB, FSB		
	46 23	22 Ridge Rd	R44	.24	SSB,RSB, Vertical	Granted	
November	47 23	11 Cypress St	R44	0.35	FSB, Vertical	Granted	
	48 23	51 Knollcrest Rd	R44	2.94	Pergola	Granted	
	49 23	3 Cameron Rd	R44	.25	RSB, Vertical	Granted	