

THE ZONING COMMISSION
Town of New Fairfield
New, Fairfield, CT 06812
REGULAR MEETING MINUTES
DATE: January 3, 2024
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, Jane Landers, Gabriel Gouveia, Tomas Kavaliauskas (alternate), Ken Huwer (alternate), and Town Official Zoning Enforcement Officer Evan White.

John Moran stated that there will be an Executive Session at the end of the meeting to discuss the status update and performance review of the Miller Planning Group.

John Moran made a motion to add to the agenda a public hearing and business item for SP-23-021 which had been tabled at the December 6, 2023 meeting – 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. Seconded by Kevin VanVlack.

John Moran	Yes
Kevin VanVlack	Yes
Jane Landers	Yes
Gabriel Gouveia	Yes
Mark Lamanna	Yes

Public Comment

None

Public Hearing

- 1) **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 close the public hearing for 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. Seconded by Jane Landers.

John Moran	Yes
Kevin VanVlack	Yes
Jane Landers	Yes
Gabriel Gouveia	Yes
Mark Lamanna	Yes

- 2) **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 move the public hearing for SP-23-023 to February 2, 2024– 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. Seconded by Jane Landers.

John Moran	Yes
Kevin VanVlack	Yes
Jane Landers	Yes
Gabriel Gouveia	Yes
Mark Lamanna	Yes

3) 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.

John Moran gave a summary of the Public Act and explained that the state has taken over the zoning. Evan White clarified the difference between group daycare and home daycare.

Kevin VanVlack made a motion to close the public hearing for 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. Seconded by Jane Landers.

John Moran	Yes
Kevin VanVlack	Yes
Jane Landers	Yes
Gabriel Gouveia	Yes
Mark Lamanna	Abstain

4) 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 close the public hearing for 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. Seconded by Jane Landers.

John Moran	Yes
Kevin VanVlack	Yes
Jane Landers	Yes
Gabriel Gouveia	Yes
Mark Lamanna	Abstain

Business Items

1) Approval 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 approve 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 with the stipulations of a review of the impervious impact during permitting process, all controls and measure for erosion take place, all retaining walls are 6 feet or less in height, and that applicant/agent receive approval from the health, zoning, and building departments as well as receive all necessary and required permits from all departments before commencement of construction. Applicant Lambert & Barr LLC. Seconded by Jane Landers.

John Moran	Yes
Kevin VanVlack	Yes
Jane Landers	Yes
Gabriel Gouveia	Yes
Mark Lamanna	Abstain

John Moran elevated Tomas Kavaliauskas to a voting member until Mark Lamanna resolved his technical issues.

- 2) **Approval 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.**

Tabled until the February 7, 2024 meeting.

- 3) **Approval 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 approve 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.

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

- 4) **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 approve 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 with the stipulations of a review of the impervious impact during permitting process, all controls and measure for erosion take place, all retaining walls are 6 feet or less in height, and that applicant/agent receive approval from the health, zoning, and building departments as well as receive all necessary and required permits from all departments before commencement of construction, Applicant Laurent Xatart. Seconded by Jane Landers.

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

- 5) **Accepting of SP-23-024 – Special Permit for 33 Lake Drive South (C.I.) – Construction Including all Site Work To Build Out Stone Steps And Pathway For Waterfront Access. Site Work To Be Within 300 feet Of The 440 Line. Under Section 6.4 Excavation, Removal, Filling, And Grading Of Earth Material. Applicant Paul Olliver.**

Kevin VanVlack made a motion to accept SP-23-024 – Special Permit for 33 Lake Drive South (C.I.) – Construction Including all Site Work To Build Out Stone Steps And Pathway For Waterfront Access. Site Work To Be Within 300 feet Of The 440 Line. Under Section 6.4 Excavation, Removal, Filling, And Grading Of Earth Material for the February 7, 2024 meeting. Applicant Paul Olliver. Seconded by Jane Landers.

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

- 6) **Accepting of SP-24-001 – Special Permit for 28 State Route 39 –Opening A Café Serving Wine, Beer, And Charcuterie Boards Consisting Of Prepared Meats And Cheeses. No Kitchen, Flame, Or Venting Will Be Required. Operated By 2-4 Employees. Under Section 4.1.2 Special Permit Uses – Business/Commercial. Applicant David Silverman.**

Kevin VanVlack made a motion to accept SP-24-001 – Special Permit for 28 State Route 39 –Opening A Café Serving Wine, Beer, And Charcuterie Boards Consisting Of Prepared Meats And Cheeses. No Kitchen, Flame, Or

Venting Will Be Required. Operated By 2-4 Employees. Under Section 4.1.2 Special Permit Uses – Business/Commercial for the February 7, 2024 meeting. Applicant David Silverman. Seconded by Jane Landers.

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

7) Executive Session Regarding Status, Update, And Performance Review of Miller Planning Group – currently hired for the rewrite of the New Fairfield Zoning Regulations.

John Moran made a motion to move in Executive Session at 8:08 pm to discuss the status, update, and performance of Miller Planning Group currently hired for the rewrite of the New Fairfield Zoning Regulations. Seconded by Kevin VanVlack.

John Moran	Yes
Kevin VanVlack	Yes
Jane Landers	Yes
Gabriel Gouveia	Yes
Mark Lamanna	Yes

Kevin VanVlack made a motion to exit the Executive Session at 8:32 pm. Seconded by Jane Landers.

John Moran	Yes
Kevin VanVlack	Yes
Jane Landers	Yes
Gabriel Gouveia	Yes
Mark Lamanna	Yes

Minutes

1) November 15, 2023 Special Meeting

Kevin VanVlack made a motion to approve the November 15, 2023, Zoning Commission Special Meeting Minutes as presented. Jane Landers seconded the motion.

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

2) December 6, 2023 Regular Meeting

Kevin VanVlack made a motion to approve the December 6, 2023, Zoning Commission Regular Meeting Minutes as presented. Jane Landers seconded the motion.

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

3) December 13, 2023 Special Meeting

Kevin VanVlack made a motion to approve the December 13, 2023, Zoning Commission Special Meeting Minutes as presented. Jane Landers seconded the motion.

John Moran	Yes
Kevin VanVlack	Yes
Jane Landers	Yes

Gabriel Gouveia	Yes
Tomas Kavaliauskas	Yes

Correspondence

None

Enforcement Actions

- 20 Cloverleaf Drive
- 11 Pickett Road
- 28 Lovell Avenue
- 11 Lovell Avenue
- 10 Pond Field
- 30 Windmill Road
- 6 Great Meadow Road
- 14 Great Meadow Road
- 186 & 190 State Route 37

Additional Items

A discussion was held regarding updates and changes to several businesses in New Fairfield.

Adjournment

Kevin VanVlack made a motion to adjourn the meeting at 8:47 pm. Jane Landers seconded the motion. **All in favor.**

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

Received by email on 01/10/2024 @ 8:30 a.m.
by Chrystie M. Bontempo, Asst. Town Clerk, New Fairfield