

**THE ZONING COMMISSION**  
**Town of New Fairfield**  
**New, Fairfield, CT 06812**  
**REGULAR MEETING MINUTES**  
**DATE: February 7, 2024**  
**TIME: 7:30 pm**  
**Virtual Meeting Via Zoom**

**Call to Order**

Kevin VanVlack called the meeting to order at 7:31 pm.

**Present**

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

Kevin VanVlack elevated Tomas Kavaliauskas to a voting member.

**Public Comment**

None

**Public Hearing**

- 1) **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 Caren Carpenter.**

Kevin VanVlack made a motion to continue the public hearing for 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 to the March 6, 2024 meeting. Applicant Caren Carpenter. Seconded by Jane Landers.

Kevin VanVlack	Yes
Jane Landers	Yes
Mark Lamanna	Yes
Gabriel Gouveia	Yes
Tomas Kavaliauskas	Yes

- 2) **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.**

Paul Olliver went over the application and the project. He stated that there will be very little excavation and that there was not a preexisting pathway. Evan White went over the application and requested that the 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.

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

Kevin VanVlack	Yes
Jane Landers	Yes
Mark Lamanna	Yes
Gabriel Gouveia	Yes
Tomas Kavaliauskas	Yes

**3) 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.**

David Silverman shared an overview of the application. He stated that the outdoor seating will be during the summer months. Evan White went over the size of the cafe, the specifications for the outdoor seating area, parking area requirements, and with the stipulation that applicant/agent receive approval from the health, zoning, fire, and building departments as well as receive all necessary and required permits from all departments before commencement of construction. If there is an addition of signage the applicant will have to apply and have the signage signed off by Evan White, New Fairfield Zoning Enforcement Officer. David Silverman stated that the outdoor seating area will have a barrier around it, the outdoor seating will be stored in a storage shed during the winter months, and currently does not have a plan to have outdoor heating elements. There is a possibility of a door being added for direct access to the outdoor seating. A discussion was held regarding how the food will be served.

Kevin VanVlack made a motion to close the public hearing for 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. Seconded by Mark Lamanna.

Kevin VanVlack	Yes
Jane Landers	Yes
Mark Lamanna	Yes
Gabriel Gouveia	Yes
Tomas Kavaliauskas	Yes

**Business Items**

**1) 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.**

Continued to the March 6, 2024 meeting.

**2) Approval 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.**

Tomas Kavaliauskas made a motion to approve 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. With the stipulation that all erosion controls are in place and that the 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. Seconded by Jane Landers.

Kevin VanVlack	Yes
Jane Landers	Yes
Mark Lamanna	Yes
Gabriel Gouveia	Yes
Tomas Kavaliauskas	Yes

**3) Approval of SP-24-001 – Special Permit for 28 Rte. 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 approve SP-24-001 – Special Permit for 28 Rte. 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. With the stipulation that there be no more than 6 tables and 24 chairs and that the 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. Seconded by Jane Landers.

Kevin VanVlack	Yes
Jane Landers	Yes
Mark Lamanna	Yes
Gabriel Gouveia	Yes
Tomas Kavaliauskas	Yes

**4) Acceptance of SP-24-002 – Special Permit for 33 Rte. 37 – To Allow The Operating Use Of Museums At Both The Parsonage And Hubbell House. Section 3.1.2(A). Applicant Town of New Fairfield/Preserve New Fairfield.**

Kevin VanVlack made a motion to accept SP-24-002 – Special Permit for 33 Rte. 37 – To Allow The Operating Use Of Museums At Both The Parsonage And Hubbell House. Section 3.1.2(A) for the March 6, 2024 meeting. Applicant Town of New Fairfield/Preserve New Fairfield. Seconded by Jane Landers.

Kevin VanVlack	Yes
Jane Landers	Yes
Mark Lamanna	Yes
Gabriel Gouveia	Yes
Tomas Kavaliauskas	Yes

**5) Acceptance of SP-24-003 – Special Permit for 19 Knollcrest Road – To Allow Public Utility System. Section 3.1.2(A). Applicant Aquarion Water Company of Connecticut.**

Kevin VanVlack made a motion to accept SP-24-003 – Special Permit for 19 Knollcrest Road – To Allow Public Utility System. Section 3.1.2(A) for the March 6, 2024 meeting. Applicant Aquarion Water Company of Connecticut. Seconded by Jane Landers.

Kevin VanVlack	Yes
Jane Landers	Yes
Mark Lamanna	Yes
Gabriel Gouveia	Yes
Tomas Kavaliauskas	Yes

**6) Status Update on New Zoning Regulations**

Kevin VanVlack stated that the Zoning Commission has decided to look for a new consultant for the reworking of the zoning regulations and it is going out for bid. Gabriel Gouveia inquired why an outside consultant would be needed. Kevin VanVlack stated that a third party would have more of an unbiased opinion. Evan White stated that a professional consultant firm would be able to look at different areas of the regulations and bring them up to par with the state regulations due to frequent regulation changes.

**Minutes**

**1) January 3, 2024 Regular Meeting**

Kevin VanVlack made a motion to approve the January 3, 2024, Zoning Commission Regular Meeting Minutes as presented. Jane Landers seconded the motion.

Kevin VanVlack	Yes
Jane Landers	Yes
Mark Lamanna	Yes
Gabriel Gouveia	Yes
Tomas Kavaliauskas	Yes

**2) January 16, 2024 Special Meeting**

Kevin VanVlack made a motion to approve the January 16, 2024, Zoning Commission Special Meeting Minutes as presented. Jane Landers seconded the motion.

Kevin VanVlack	Yes
Jane Landers	Yes
Mark Lamanna	Yes
Gabriel Gouveia	Yes
Tomas Kavaliauskas	Yes

**Correspondence**

None

**Enforcement Actions**

- 20 Cloverleaf Drive
- 11 Pickett Road
- 11 Lovell Avenue
- 10 Pond Field
- 30 Windmill Road
- 6 Great Meadow Road
- 14 Great Meadow Road
- 57 Sawmill Road
- 186 State Route 37
- 6 & 8 Fox Run

**Additional Items**

Gabriel Gouveia inquired about zoning enforcement at 5 Barnum Road. Evan White was not aware of any zoning issues and stated he will look into it.

**Adjournment**

Kevin VanVlack made a motion to adjourn the meeting at 8:20 pm. Jane Landers seconded the motion. **All in favor.**

Kevin VanVlack	Yes
Jane Landers	Yes
Mark Lamanna	Yes
Gabriel Gouveia	Yes
Tomas Kavaliauskas	Yes

Received by email on 02/08/2024 @ 9:02 a.m.  
by Chrystie M. Bontempo. Asst. Town Clerk, New Fairfield