

THE ZONING COMMISSION
Town of New Fairfield
New, Fairfield, CT 06812
REGULAR MEETING MINUTES
DATE: June 5, 2024
TIME: 7:30 pm
Virtual Meeting Via Zoom

Call to Order

John Moran called the meeting to order at 7:31 pm.

Present

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

John Moran elevated Tomas Kavaliauskas to a voting member.

Jane Landers made a motion to add SI-24-006 – Site Plan for 28 State Route 39 – For Real Estate Office with 5 Agents, Serving New Fairfield And Local Areas. Section 4.1 Business/Commercial. Applicant Michael Coschigano and Michael Puff as a Business Item. Seconded by Gabriel Gouveia.

Public Comment

None

Public Hearing

1) P-24-001 – Petition to propose an amendment for the allowable use of raising goats in R-44 and R-88 residential zones. Applicant Kelly Crapa.

Kelly Crapa stated that there is not existing language in New Fairfield for goats and wanted to have it added to New Fairfield's Zoning Regulations. She stated that she is petitioning for the keeping of one goat to be permitted on a lot of 32,670 square feet or greater. One additional goat may be kept for each 20,000 square feet by which the lot exceeds 32,670 square feet, up to a maximum of 4 goats. Adequate fencing must be installed and maintained. Any building associated with the keeping or stabling of horses or livestock must be located at least 50' to any property line. All neighbors have been notified and the certified letters have been submitted. A discussion was held on goats, what they eat, and the sounds that they make. It was clarified that adequate fencing must be installed and maintained. Ken Huwer stated that he feels the specifics of the fencing should be added. Kevin VanVlack suggested that the alignment be more in line with R-44 and R-88 zoning regulations to simplify the interpretation. Ken Huwer stated that he is not comfortable with goats on lots under 1-2 acres as they are compact neighborhoods. He stated that livestock attracts predators and this could be a threat to small children and pets. He suggested changing the zoning regulations to larger lot sizes. Tomas Kavaliauskas reiterated Ken Huwer's concerns. He also stated a concern with the small lot size and suggested an increase in the acreage for this petition. Gabe Gouveia stated he disagrees with the concern of predators as there are already chickens on these sizes of lots. John Moran asked that Kelly Crapa work with Evan White on reworking the proposed petition. Abigail Adams questioned if goats are currently allowed in town. Evan White stated that they are currently allowed on farms.

John Moran made a motion to continue P-24-001 – Petition to propose an amendment for the allowable use of raising goats in R-44 and R-88 residential zones to the July 10, 2024 Zoning Commission meeting. Applicant Kelly Crapa. Seconded by Jane Landers.

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

2) P-24-002 – Petitioning for Affordable Housing Regulation in New Fairfield Zoning Regulations to propose an Amendment to Sections 3.5.5.B., 3.5.5.C.1., 3.5.5.I., 3.5.5.M., and 3.5.8.A. of The Zoning Regulations of the Town of New Fairfield. Applicant Attorney Neil Marcus on behalf of Christian DaCunha.

Attorney Neil Marcus stated that the petition is to amend Sections 3.5.5.B., 3.5.5.C.1., 3.5.5.I., 3.5.5.M., and 3.5.8.A for multifamily development for affordable units. They are asking that the minimum lot area be changed from 5 acres to 4 acres. The dwelling unit breakdown will be not less than 25% of the total number of the dwelling units shall contain either 2 bedrooms or one bedroom with a finished loft. Section M- maximum units in each building will not be more than 8 units which is a change from the 6 units. Section 3.5.8A – changed the phraseology from affordable housing must be assisted housing for alternatively the applicant shall set aside 25% inclusive of the assisted housing of the total number of units. Matt Rose shared renderings of the proposed project. Christian DaCunha stated that there are 5 buildings with 8 units in each building which consist of 3 two-bedroom units and 5 one-bedroom units. Jane Landers questioned if the units were for seniors. Attorney Marcus stated that the zoning is for MFDE which has an age limit and would be for 55+ and would be considered an active adult community. Attorney Marcus referred to Section 3.5.9 which gives the standards and housing for older persons and gives the age of 55+. There would be one unit that could be occupied by someone younger if the occupant is the manager of the units. Jane Landers questioned the stairs and asked about elevators. Christian DaCunha stated that they have not gotten that far in the planning and that elevators would have to be considered on the final architecture of the buildings. Attorney Marcus stated that at least some of the buildings should have elevator access in this type of a senior community. Ken Huwer questioned if setbacks were taken into consideration. Christian DaCunha stated that the renderings are to scale. Attorney Marcus stated that there were not any changes made to the MFDE requirements. Ken Huwer asked if the petition changes were built into the rendering. Attorney Marcus stated that the petition changes were built into the rendering. Tomas Kavaliauskas stated a concern of making a townwide change from 5 acres to 4 acres. Attorney Marcus stated that in Section 3.5.5 regarding establishing a multifamily zone to limit the change to a specific area of the town. Gabriel Gouveia stated that the rendering does not show cul-de-sac adjacent to the lot. Christian DaCunha stated that along the back there would be two houses. Attorney Marcus stated that the setback will be greater than single family homes and that there will be screening landscaping. Ken Huwer stated a concern for the citizens that purchased the current adjacent homes by changing the character of the neighborhood. Attorney Marcus stated that the proposed project is a residential project. He stated that there is less noise with this type of project than residential houses. Tom Perkins stated a concern of the access road being on Route 37 and suggested that the access road be moved to Sawmill Road. Ken Huwer stated a concern of changing the zoning from a 5-acre lot to a 4-acre lot and how it will affect future changes in

New Fairfield and these changes ruining the integrity of the town. John Moran stated that with the approval and changes to 830-G it has changed what Zoning Commissions have ultimate control over.

John Moran made a motion to continue P-24-002 – Petitioning for Affordable Housing Regulation in New Fairfield Zoning Regulations to propose an Amendment to Sections 3.5.5.B., 3.5.5.C.1., 3.5.5.I., 3.5.5.M., and 3.5.8.A. of The Zoning Regulations of the Town of New Fairfield. Applicant Attorney Neil Marcus on behalf of Christian DaCunha. Seconded by Jane Landers.

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

Business Items

- 1) **Approval of P-24-001 – Petition to propose an amendment for the allowable use of raising goats in R-44 and R-88 residential zones. Applicant Kelly Crapa.**

Tabled until the July 10, 2024 meeting.

- 2) **Approval of P-24-002 – Petitioning for Affordable Housing Regulation in New Fairfield Zoning Regulations to propose an Amendment to Sections 3.5.5.B., 3.5.5.C.1., 3.5.5.I., 3.5.5.M., and 3.5.8.A. of The Zoning**

Tabled until the July 10, 2024 meeting.

- 3) **Approval of SI-24-001 – Site Plan for 21 Brush Hill Road (St. Edward Church) – For Parking, Landscaping, And Storm Water Improvements. Applicant St. Edward The Confessor Corporation.**

Benjamin Dodo went over the plan and shared a colorized version of the site plan. There are two lots which consist of a main lot and an accessory lot. They are proposing landscaping, curbing, and parking to provide a buffer and make the parking more conforming, an egress only lane for use when there are special events and/or large gatherings. The variances have been addressed with ZBA. Approval was received from Inland & Wetlands. They have also been working with the town engineer, Antonio Iadarola who submitted a letter (see enclosure). The stormwater drainage system will be updated to include detention and will meet the towns impervious requirements and the water quality system will be on the lowest spot on the property. Ken Huwer questioned the Marjorie Drive intersection and if the current limitations will stay in effect. Father Wolf stated that the existing weekend limitations will stay the same and that the additional egress will be used on rare occasions. Ken Huwer questioned the access to the church with the installation of the curbing. Benjamin Dodo stated with the change in the traffic pattern he feels that there is not an issue with having two ways in and that the only restriction is for the egress. Evan White asked that all permits be approved and pulled. Abigail Adams went over and shared a map of the landscaping plans which included a list of plants that are going to be used as well as the lighting additions and changes.

Kevin VanVlack made a motion to approve SI-24-001 – Site Plan for 21 Brush Hill Road (St. Edward Church) – For Parking, Landscaping, And Storm Water Improvements. Applicant St. Edward The Confessor Corporation with the following stipulations 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.

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

4) Approval of SI-24-004 – Site Plan for 74 State Rt 37 – For Installation Of 43’x27’ Infant And Toddler Playground. Section 4.1 Business/Commercial. Applicant Pereira Holdings Inc.

Andrea Pereira owner of Bright Beginnings stated they are looking to make an infant and toddler specific play area in the back of the building. It would be added on to the current playground. Evan White went over the parking requirements, health department approval has been received, and should be conditional upon 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 approve SI-24-004 – Site Plan for 74 State Rt 37 – For Installation Of 43’x27’ Infant And Toddler Playground. Section 4.1 Business/Commercial. Applicant Pereira Holdings Inc with the stipulation 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. Seconded by Jane Landers.

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

5) Approval of SI-24-005 – Site Plan for 28 St Route 39 – For Eyelash Related Business – Such As Eyelash Extension, Wax, etc..... Section 4.1 Business/Commercial. Applicant Joy Lash Studio Inc.

JinShi Yan gave a brief description of the business. Evan White went over the parking requirements and requested that if there is additional signage to be added to see him for additional permits, if needed. As well as 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 approve SI-24-005 – Site Plan for 28 St Route 39 – For Eyelash Related Business – Such As Eyelash Extension, Wax, etc..... Section 4.1 Business/Commercial. Applicant Joy Lash Studio Inc with the stipulation 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. Seconded by Jane Landers.

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

6) Approval of SI-24-006 – Site Plan for 28 State Route 39 – For Real Estate Office with 5 Agents, Serving New Fairfield And Local Areas. Section 4.1 Business/Commercial. Applicant Michael Coschigano and Michael Puff.

Evan White went over the parking requirements and asked that the approval be conditional on the applicant/agent receiving 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 approve SI-24-006 – Site Plan for 28 State Route 39 – For Real Estate Office with 5 Agents, Serving New Fairfield And Local Areas. Section 4.1

Business/Commercial. Applicant Michael Coschigano and Michael Puff. Seconded by Jane Landers.

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

Minutes

- 1) Kevin VanVlack made a motion to approve the April 18, 2024 Special Meeting minutes as presented. Seconded by Jane Landers.

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

- 2) Kevin VanVlack made a motion to approve the May 1, 2024 Regular Meeting minutes as presented. Seconded by Jane Landers.

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

- 3) Kevin VanVlack made a motion to approve the May 15, 2024 Special Meeting Minutes as presented. Seconded by Jane Landers.

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

Correspondence

Official Request – 3235924 Dana Ulibarri, the clerk, responded with a note that Evan White would respond. Evan White stated that he has reached out to the person and answered the questions.

Enforcement Actions

20 Cloverleaf Drive
11 Pickett Road
28 Lovell Avenue
10 Pond Field
30 Windmill Road
57 Sawmill Road
6 & 8 Fox Run
28 Eastview Drive
35 Rita Drive
37 Rita Drive
6 Candlewood Causeway

Evan White is looking into 11 Pickett and asked for Gabriel Gouveia to join him when he goes to view the property.

Additional Items

Evan White met with Glenn Chalder, consultant from Planimetrics. Glenn Chalder will be sending out an outline prior to the meeting and requested that the commission review the paperwork prior to the meeting.

Adjournment

Jane Landers made a motion to adjourn the meeting at 9:40 pm. Kevin VanVlack seconded the motion.

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

*Respectfully submitted by
Dana Ulibarri, clerk*

Enclosure

Letter from Antonio Iadarola

Received by email on 06/12/2024 @ 3:45 p.m.
by Chrystie M. Bontempo, Asst. Town Clerk, New Fairfield



TOWN OF NEW FAIRFIELD
PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

4 Brush Hill Road
New Fairfield, CT
06812-2619

TOWN ENGINEER

Antonio Iadarola, P.E.

TO: Evan White, Zoning Enforcement Officer
Tim Simpkins, Wetlands Enforcement Officer

FROM; Antonio Iadarola, P.E.
Town Engineer

DATE: May 15, 2024

SUBJECT: St. Edwards Church Parking Lot Revision
Site Plan Applications to Zoning and Wetlands Commission

I have done several reviews and held several meetings with the Design Engineer of the proposed applications that are before the Zoning and Wetlands Commission.

This includes not only the applications, and the extensive drainage report revised 5/13/24 associated with these applications but it also includes Parking and Storm Water Improvement Plan sheet C01 and C01.1 both dated 3/1/24 revised 5/13/24, Grading and Utility Plan dated 3/1/24, Detail Sheet #1 and #2 dated 3/1/24 revised 5/13/24, and finally the Drainage Area Maps dated 3/1/24 revised 5/13/24. All prepared by Benjamin Doto III, P.E.

I also reviewed Overall Planting Plan dated 1/4/24 revised 3/1/24, Planting Plan Enlargement 1 dated 1/4/24 revised 3/1/24 Planting Plan Enlargement 2 and Notes and Details dated 1/4/24 revised 3/1/24 all prepared by A2 Land Consulting, PLLC. In addition, I also reviewed Site Lighting and Photometric Calculations dated 2/22/24 prepared by Apex Lighting Solution and finally, the Improvement Location Survey dated 9/11/23 revised 11/13/23 prepared by Sydney A. Rapp Land Surveying P.C.,

My primary focus of review has been on the plans associated with the Civil Site Design Engineering prepared by Ben Doto, P.E. I am relying on our ZEO to evaluate the site lighting and the planting plan.

I offer the following comments on the latest revised plans that I just received:

1. The engineer has been able, through some very creative design, meet the Zoning Regulations for storm water treatment and also pre and post development flow detention/retention.

2. The engineer has addressed all my concerns regarding traffic related items including but not limited to internal traffic flow, proper signage related to that traffic flow, curb radiuses and other related items.
3. Sight lines for all driveways have been reviewed and found to be adequate.
4. The proposed improvements involves two separate lots owned by the same entity, the church. This includes the large parcel that has the church on it tax assessor map 23 block 2-lot 1 and tax assessor map 24 block 13 lot 1+15 which is the parking lot across the street on Margerie Drive. Since all the drainage treatment and detention/retention is located on the smaller lot that treats stormwater for both lots, the smaller lot should provide a blanket drainage easement to the larger lot that has the church on it. In addition, the smaller lot should also provide a drainage easement for the Town of New Fairfield that is acceptable to the Town. This can be all worked out after approvals are granted should the commissions approve the proposed activities but needs to be stipulated in the approvals.
5. In addition to these above noted easements, a hold harmless agreement must be executed between the Town and the Church for the smaller parcel that is the lower parking lot off Margerie Drive since several improvements are going to be constructed and will remain within the Town ROW as shown on the plans. This can be taken care of after the approvals are granted on this application but must be stipulated as part of the Commission's approvals.
6. The proposed drainage improvements and the related storm water treatment will provide for a huge beneficial impact to the downstream drainage basin and most importantly the Margerie Reservoir that has been impacted for years from the upstream drainage discharge not only from this property but others. I cannot express enough the beneficial impact that these improvements will have to one of the two largest reservoirs in Danbury.
7. The proposed drainage system, as designed, is extremely complicated as it pertains to design and construction. As I mentioned, the drainage system designed for both lots is an extremely creative design that allows the applicant to meet all the storm water requirements for Zoning, only if its constructed as designed. It is for this reason and as previously done with other complicated site designs, the commission should stipulate that the Town Engineer inspect all aspects of the drainage system for both lots and that the applicant pay for those services as stipulated on other projects of this magnitude. I spoke to the design engineer about this and he also agrees that its best if we both are inspecting this system design as its constructed.
8. It is also imperative that the drainage system installed be surveyed as its being built and an as-built be provided to the Town Engineer for review and final approval.
9. Lastly, it is my recommendation that a bond be set under the control of the Zoning Commission and/or its agents for the drainage system and all the erosion and sediment control measures. Based on the design, I would recommend a bond be set for \$99,500.00 to cover not only these items but the fees from the Town Engineers inspections.

If you have any questions, please contact me at 203-948-5718.