

THE ZONING COMMISSION
Town of New Fairfield
New, Fairfield, CT 06812
REGULAR MEETING MINUTES - REVISED
DATE: July 10, 2024
TIME: 7:30 pm
Virtual Meeting Via Zoom

Call to Order

John Moran called the meeting to order at 7:30 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 (absent).

Public Comment

Amanda DeCarvalho, lives on Ore Hill, stated a concern about a single-family home on Darien. She stated there are at least two renters and that it is not owner occupied. She stated there is a safety concern of one of the residents. John Moran referred her to talk with Evan White the Town Zoning Enforcement Officer. Gabriel Gouveia inquired about the property and if it was single or multifamily. He also advised Amanda to put her concern in writing and send it to Evan White and the First Selectman.

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.

After meeting with a few members of the Zoning Commission and Evan White Kelly Crapa stated that she would like the language changed to the following: The keeping of one goat is permitted on a lot of two acres or greater. One additional goat may be kept for each additional acre up to a maximum of four goats. Adequate fencing and shelter must be installed and maintained. Goat paddock location must be placed behind the front building planes of the primary dwelling. Any building associated with the keeping of livestock must be located at least 50 feet to any property line. Zoning Enforcement Officer has discretion of paddock location placed on odd shaped and unique characterized lots. The keeping of goats must abide by best manure practices set by DEEP regulations. The use of goats are permissible by Site Plan approval and approved administratively by the Town Zoning Enforcement Officer. All goat paddocks less than 200 sq feet will not impact impervious coverage or take away from allotted square footage of minor accessory structures on the property. Tomas Kavaliauskas stated a concern with two acre lots being limited to one goat since goats are happier with a companion. John Moran stated that he agreed that it should be two goats for two acres, three goats for three acres, four goats for four acres, and beyond that it would be a farm. Tomas Kavaliauskas stated that there should be a cap at four goats and beyond that an ag license would be needed. The applicant stated she has letters of support from her neighbors. Jane Landers questioned the need for two goat's vs just one goat to keep the goat happy. Gabriel Gouveia reiterated that the applicant did receive approval from the neighbors. Tomas Kavaliauskas stated that if a goat is by itself then it can be destructive and that it is recommended when getting a goat that two goats is better. Ken Huwer suggested that the wording be two goats for three acres and for every additional acre a goat can be added up to a total of four goats. Kevin VanVlack stated that two acres would support two goats with the 50-foot setback rule. Kelly Crapa stated that she knows people with one goat and that the owner and the goats are happy. Jane Landers questioned the

noise of goats to protect the neighbors. Kelly Crapa stated that goats neigh or breathe out and that it is similar to a horse.

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

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

Gabriel Gouveia stated a concerned that he feels that this land is the towns last opportunity to bring businesses into the town. He thought there was previous mention of shops on the bottom and housing on the top. The new businesses would bring in tax revenue. Jane Landers stated she is comfortable with the proposed plan but it is uncomfortable with it being a townwide change. She would rather it be taken item by item and not townwide. John Moran stated he is not in favor of making the changes to more units per acre and increased density when previous developments have been successful. Ken Huwer stated that the petition is for a townwide change and not get caught up in the buildings/renderings that were show in a previous meeting. Tomas Kavaliauskas stated that senior housing is needed in town and that they should go in front of the Zoning Board of Appeals rather than ask for a townwide change. Kevin VanVlack agreed that it is a good spot for senior housing and that he agrees with the statement by Ken Huwer. Nicholas Gabari, an abutting property owner of the October house property, stated that when he moved in the area in question was zoned for single family housing and is concerned about multi-family housing units as well as commercial. He also asked that a traffic study be done due to the potential increase in traffic. Anita Brown stated that working with a developer in developing the property would be ideal. She stated that with the increase in housing costs and increase in the senior population that there has been an interest from current townspeople to downsize to the types of homes that the developer is proposing. Kevin VanVlack stated that the Zoning Commission is looking for ways to enhance senior living but reiterated that the petition is for a townwide change vs a change just for this piece of property. Jennifer Pappas stated that if senior housing is brought into New Fairfield, then Zoning cannot discriminate on the types of housing that can come into the town. Neil Marcus stated that a mixed-use building was not proposed. He stated that the regulation is not townwide due to the specifications, that there has not been a discussion of rezoning the property to business, and that for a variance there has to be a recognizable hardship. The property in question does not have a recognizable hardship so it would not qualify for a variance with the Zoning Board of Appeals. He also stated that the traffic concerns would be addressed on the Site Plan Application. Neil Marcus stated that the MFDE is better for the town than an 8-30G would be and that the layout and density of the current project would be a benefit. Tomas Kavaliauskas questioned the impact on the town and requested to meet in-person with Neil Marcus to be shown the areas in town that could be affected.

After the discussion it was decided to continue the public hearing for 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 to the August 7, 2024 Zoning Meeting.

Business Items

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.

Kevin VanVlack made a motion to approve P-24-001 – Petition to propose an amendment for the allowable use of raising goats with the following language: The keeping of one goat is permitted on a lot of two acres or greater. One additional goat may be kept for each additional acre up to a maximum of four goats. Adequate fencing and shelter must be installed and maintained. Goat paddock location must be placed behind the front building planes of the primary dwelling. Any building associated with the keeping of livestock must be located at least 50 feet to any property line. Zoning Enforcement Officer has discretion of paddock locations placed on odd shaped and unique characterized lots. The keeping of goats must abide by best manure practices set by DEEP regulations. The use of goats are permissible by Site Plan approval and approved administratively by the Zoning Enforcement Officer. All goat paddocks less than 200 sq feet will not impact impervious coverage or take away from allotted square footage of minor accessory structures on the property with the effective date of August 26, 2024. Applicant Kelly Crapa. Seconded by Jane Landers.

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

Continued to the August 7, 2024 meeting.

3) SI-24-007 – Site Plan for 74 State Route 37 – For adding the legal accessory use of outdoor eating to Twisters Ice Cream Café (20’x 20’ with seating for 20). Under Section 4.1.14 Outdoor Eating. Applicant AEP Investments LLC.

Miguel Pereira, owner of Twisters, stated that they would like a safe place for eating ice cream in front of the store. The plan is to install a fenced in 20’x20’ concrete patio. Tomas Kavaliauskas stated a concern about adequate protection from a car coming into the concrete patio due to the patio being right out in front. Miguel stated that the patio would be about 200 feet from the opening, would be raised about 8 inches from the parking lot with a handicap access and the flow is one-way into the parking lot with minimal direct traffic coming in where the patio would be. Gabriel Gouveia stated that he feels that the patio would be safer than other business sites in town.

Kevin VanVlack made a motion to approve SI-24-007 – Site Plan for 74 State Route 37 – For adding the legal accessory use of outdoor eating to Twisters Ice Cream Café (20’x 20’ with seating for 20). Under Section 4.1.14 Outdoor Eating. Applicant AEP Investments LLC with the following stipulations that the applicant/agent receive a letter of approval from the health department as well as approval from zoning, building departments, and receive all necessary and required permits from all departments before commencement of construction. Seconded by Jane Landers.

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

Minutes

- 1) Kevin VanVlack made a motion to approve the June 5, 2024 Regular Meeting minutes as presented. Seconded by Jane Landers.

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| Tomas Kavaliauskas | abstain |
| Kevin VanVlack | Yes |
| Jane Landers | Yes |
| Gabriel Gouveia | Yes |
| Ken Huwer | Yes |

- 2) **June 20, 2024 Special Meeting minutes.**

Tabled until the next meeting.

Correspondence

None

Enforcement Actions

None

Additional Items

None

Adjournment

Kevin VanVlack made a motion to adjourn the meeting at 8:58 pm. Jane Landers seconded the motion.

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

*Respectfully submitted by
Dana Ulibarri, clerk*