

New Fairfield Zoning Board of Appeals
New Fairfield, Connecticut 06812
MINUTES
March 18, 2021

The New Fairfield Zoning Board of Appeals (ZBA) held a public hearing followed by a business session on **Thursday, March 18, 2021** at 7:00 p.m. **via Zoom Web Conference (Meeting ID: 91850741500)**. Secretary Joanne Brown took the Minutes.

ZBA members in attendance: Joe DePaul, Chairman; John Apple, Vice Chairman; Vinny Mancuso; and Alternates Ann Brown and Bob Jano

ZBA members not in attendance: John McCartney and Dan McDermott

Town Officials in attendance: Evan White, Zoning Enforcement Officer

Network Administrator, Paul Gouviea, from the Town of New Fairfield, gave an overview of how the Zoom Web Conference would proceed. Chairman Joe DePaul called the Meeting to order at 7:00 p.m. and introduced the Board Members. Joe DePaul gave a brief overview of how the meeting would be conducted. Secretary Joanne Brown read the Agenda. Joe DePaul made a motion to add a discussion regarding the trailers at the High School to the agenda, duly 2nd, approved 4-0-1, Ann Brown abstaining.

Continued Application # 04-21: Sedlak, 18 Lake Drive North, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 36.23', 3.2.6B Side Setbacks to 11.5' and 9.9', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing a vertical expansion. Zoning District: R-44; Map: 15; Block: 6; Lot: 71.

Agent Caren Carpenter returned to the board with a revised proposal which addressed the board's comments from the February meeting. The new proposal includes a vertical expansion over the existing one-story frame with a small addition over the concrete patio. The proposal would not extend the setbacks or increase impervious coverage. The new proposal requires side setbacks to 11.5' and 11.0'. The current house is 860 square feet. The size of the house with the proposed addition will be less than 2,000 square feet. The height is 29.5'. No bedrooms would be added but relocated to the upstairs. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. The board saw no issues with the application. Joe DePaul made a motion to grant side setbacks to 11.5' and 11' to construct a vertical expansion per the plans as submitted, noting no increase in dimensional nonconformity; the hardship being the narrow shape of the lot, duly 2nd, approved 5-0. Variance granted.

While in the Business Session, Vinny Mancuso made a motion to accept the Minutes as read, duly 2nd, approved 4-0-1, Bob Jano abstaining.

Continued Application # 05-21: Dapolite, 6 Lakeshore South, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 26.1', 3.2.6B Side Setbacks to 7.2' and 11', 3.2.6C Rear Setback to 43.4' for the purpose of demolishing an existing house and reconstructing a new house on same footprint. Zoning District: R-44; Map: 45; Block: 3; Lot: 32.

Michael Dapolite returned to the board with his proposal to demolish an existing house and reconstruct a new house. Mr. Dapolite gave a brief overview of the existing house which is small and unusable. The bedrooms would be relocated upstairs for more living space on the first floor. The setbacks were discussed. The application would require a front setback to 26.1', side setbacks to 7.2' and 11' and a rear setback to 43.4'. The proposed height would be 24'. Joe DePaul noted that the application was continued to notify the neighbors. At the last meeting, two neighbors voiced their support (Joyce and Clegg). Joe DePaul asked the public for comment. John and Eileen Lomberti, adjoining neighbors, noted their support for the proposal. It was noted in the record that the Stoller family was mailed notification which was returned to the ZBA as undeliverable. Robert Hayden, 7 Lake Shore, noted his support. The board entered into the Business Session. Vinny Mancuso and Ann Brown stated that the neighbors noted no opposition to the proposal. John Apple noted that the proposal did not increase nonconformity. Joe DePaul made a motion to grant a front setback to 26.1', side setbacks to 7.2' and 11' and a rear setback to 43.4' to allow demolition of an existing house and construction of a new house per the plans as submitted noting that house would remain in the same footprint with no increase in dimensional nonconformity; the hardship being the narrow shape of the lot, duly 2nd, approved 5-0. Variance granted.

Continued Application # 08-21: Wood, 5 High Trail, for variances to Zoning Regulations 3.2.5A, 3.2.6A Front Setback to 24', 3.2.6B Side Setback to 3.9', 3.2.6C Rear Setback to 23', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing a 24'x40' addition. Zoning District: R-44; Map: 15; Block: 4; Lot: 3.

Caren Carpenter, architect for Jason Wood, presented the proposal for a vertical expansion with a slight extension of the footprint over the existing patio. The revised proposal would maintain the existing front setback to 35.5'. A brief discussion ensued regarding setbacks, an increase in impervious coverage and the A2 survey. The applicant's copy of the survey did not include the rear property line and the vertical expansion would increase impervious coverage. The board suggested the applicant continue the proposal to next month and supply a revised application with updated setbacks, an accurate A2 survey and a statement of the increase in impervious coverage. Evan White suggested that 3.2.8 Impervious Coverage be added to the application for advertisement next month. Joe DePaul noted that the public should be asked for comments on the application. There was no public comment. John Apple made a motion to continue Application # 08-21, duly 2nd, approved 5-0. Application continued.

Application # 09-21: Hirsch, 24 Curtis Avenue, for variances to Zoning Regulations 3.1.3A Accessory Uses for the purpose of parking a commercial vehicle in the driveway for overnight storage and parking. Zoning District: R-44; Map: 34; Block: 21; Lot: 4.

Neil and Dawn Hirsch presented their request to allow them to park a food truck in their driveway overnight and on days when they were not working. Joe DePaul noted that he had a problem with

a commercial vehicle being parked in a residential zone. John Apple and Bob Jano noted that a previous request for a food truck was denied several years ago since it was in a residential zone. Joe DePaul noted the lack of hardship based on the land which was necessary for every granted variance in the State of Connecticut. A variance cannot be granted based on personal situations. John Apple questioned if this was a use variance and noted that it was a commercial vehicle in a residential zone. A brief conversation ensued over the noise, use of refrigeration overnight and whether the vehicle could be considered a recreational vehicle. The board did not approve of housing a commercial vehicle in a residential area. The applicant requested to formally withdraw the application. Application withdrawn.

Application # 10-21: Caraballo, 34 Ilion Road, for variances to Zoning Regulations 3.0.6A&B Swimming Pools, 3.2.5A, 3.2.6C Rear Setback to 20', 3.2.11 and 7.1.1.2A&B for the purpose of installing an above-ground pool. Zoning District: R-44; Map: 35; Block: 11; Lot: 2 & 3.

Madeline Caraballo presented her proposal to install a 15'x26' above-ground swimming pool. The survey presented showed the pool requiring a rear setback to 15', not 20' as requested in the application and advertised. Ms. Caraballo noted that the hardship was the significant slope of the property. A brief discussion ensued about the fencing around the property and screening the pool. Evan White noted that above-ground pools are required to have a locking stair fenced ladder. The position of the pool was discussed. The board suggested the pool moved toward the rear of the lot. Evan White suggested that the pool be rotated 90 degrees with a rear setback to 14'. The board requested a continuance for the applicant to revise the plan changing the position of the pool, showing the fencing on the plan and a providing a picture of the fence. Bob Jano noted that he did not see hardship for a pool. Vinny Mancuso stated that he would like to see the fencing on the plan. Joe DePaul asked the public for comment. None given. Vinny Mancuso made a motion to continue Application # 10-21 until next month, duly 2nd, approved 5-0. Application continued.

Joe DePaul continued the meeting with the additional discussion regarding the status of the trailers on the High School property. Ann Brown noted that she is on the Permanent Building Committee (PBC) and asked to be recused. Joe DePaul noted that this was just a discussion and her comments would be most welcome. Joe DePaul asked Evan White, ZEO, what progress had been made regarding moving the trailers on the high school property which was a contingency of the variance with a move date of July 1, 2021. Evan White stated that the date in the variance was September 1st. Joe DePaul noted that the ZEO's job was to enforce the regulations against the town and was putting the town on notice that the timeline would not be extended. John Apple questioned if the town has plans put in place to move them and noted that there will be extra fill to perhaps build a pad to place them on or was the town ignoring the issue. Vinny Mancuso questioned if money had been put aside to move them. Bob Jano noted that the Town should be expected to follow the rules. Ann Brown stated that she will discuss this situation at the next PBC meeting. Evan White noted that he will pass this information on to the First Selectman. Vinny Mancuso made a motion to adjourn the meeting at 8:53 p.m., duly 2nd, approved 5-0.