

**New Fairfield Zoning Board of Appeals**  
**New Fairfield, Connecticut 06812**  
**MINUTES**  
**April 15, 2021**

The New Fairfield Zoning Board of Appeals (ZBA) held a public hearing followed by a business session on **Thursday, April 15, 2021** at 7:00 p.m. **via Zoom Web Conference (Meeting ID: 96385770395)**. Secretary Joanne Brown took the Minutes.

ZBA members in attendance: Joe DePaul, Chairman; John Apple, Vice Chairman; John McCartney; Dan McDermott and Alternates Ann Brown and Bob Jano

ZBA members not in attendance: Vinny Mancuso

Town Officials in attendance: None

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 accept the agenda as presented, duly 2<sup>nd</sup>, approved 5-0.

**Continued Application # 08-21:** Wood, 5 High Trail, for variances to Zoning Regulations 3.2.5A, 3.2.6A Front Setback to 35.5', 3.2.6B Side Setback to 27.9', 3.2.6C Rear Setback to 7.7', 3.2.8, 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: 4; Lot: 3.

Caren Carpenter returned to the board and presented an A2 Survey as requested by the board last month. The proposed vertical expansion would remain on the existing footprint except for 2 small areas and require no change in setbacks with 19% impervious coverage. The board saw no issues with the application. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. Joe DePaul noted that the application did not increase nonconformity except for the two small fill-in areas. Joe DePaul made a motion to grant a front setback to 35.5', a rear setback to 7.7' and a side setback to 27.9' to allow construction of a vertical expansion per the plans as submitted; the hardship being the size and shape of the lot and noting no increase in nonconformity, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

While in the Business Session, John Apple made a motion to adopt the minutes as presented, duly 2<sup>nd</sup>, approved 3-0-2, John McCartney and Dan McDermott abstaining.

**Continued 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 14', 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 returned to the board with a revised A2 Survey. The applicant took the board's suggestion and rotated the direction of the pool 90° to stay within a 14' rear setback. The applicant provided a picture of the 6' high fence proposed to enclose the pool area. Joe DePaul noted that the application does not increase nonconformity. John McCartney stated that the applicant made the changes that the board had asked for with no increase in nonconformity. Bob Jano noted that he did not see hardship for a pool. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. The board had no objections. Joe DePaul made a motion to grant a rear setback to 14' to allow installation of an above-ground pool per the plans as submitted; the hardship being the size and slope of the lot, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

**Application # 11-21:** Fortuna, 17 Great Meadow Road, for variances to Zoning Regulations 3.2.5A&B, 3.2.6B Side Setback to 0.8', 3.2.6C Rear Setback 21.9', 3.2.11, 7.1.1.2 and 7.2.3A&B for the purpose of constructing a 6.2'x28' deck off the existing house. Zoning District: R-44; Map: 10; Block: 5; Lot: 2.

James Shull, agent for Paul Fortuna, presented the application to extend an existing deck across the back of the house. Joe DePaul noted that he saw two issues. The application increases nonconformity, and the deck goes to the zero-lot line directly on top of the adjoining neighbor. John Apple suggested that the applicant reduce the size of the deck by 3'. Joe DePaul agreed but suggested the deck size be reduced by 5' instead. Mr. DePaul asked the applicant if they would consider reducing the size of the deck by 5' to 23.6'. The applicant agreed to modify the proposal and request a side setback to 5.8' and rear setback to 21.9'. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. Joe DePaul made a motion to grant a side setback to 5.8' and a rear setback to 21.9' to allow construction of a 6.2'x23.6' deck (which includes the existing deck), going no closer than 5.8' from the side setback; the hardship being the size and shape of the lot, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

**Application # 12-21:** Krayn, 16 Lake Drive South, for variances to Zoning Regulations 3.0.5C Private Detached Garage, 3.2.3 Accessory Uses, 3.2.5A, 3.2.6A Front Setback to 3.4', 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: 17; Lot: 2.

Caren Carpenter presented the proposal to construct a second story over an existing one-story garage on the existing footprint except for a 2' overhang over the front door area to be used as an office. Ms. Carpenter gave a brief overview of the garage. The retaining wall in the rear is failing and sides of the garage need to be excavated and reinforced. Joe DePaul noted that he did not like to grant vertical expansion approvals to garages that are so close to the road. Ms. Carpenter agreed to remove the 2' front overhang. Bob Jano recalled that the garage had conditions placed upon it when it was originally constructed not to have electricity. Joe DePaul noted that Evan White, ZEO, had asked that the board make sure no living quarters, accessory apartments or kitchen be allowed. The owner, Jacob Krayn, stated that the garage did have power for a garage door and lights. John McCartney noted that the problem with stipulations on variances are that they are difficult to enforce. Bob Jano questioned the hardship. Dan McDermott did not have any issues with the application. Ann Brown noted that the stipulations were reasonable. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. Joe

DePaul made a motion to grant a front setback to 5.4' to allow construction of a 2<sup>nd</sup> story garage vertical expansion per the plans as submitted, noting that no living quarters, accessory apartment or kitchen be allowed; the hardship being the slope of the lot, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

**Application # 13-21:** Wohr, 18 Lakeshore Drive North, for variances to Zoning Regulations 3.2.5A, 3.2.6A Front Setback to 22.5', 3.2.6B Side Setback to 8.6', 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: 40; Block: 2; Lot: 3.

Caren Carpenter presented the proposal to construct a vertical expansion over an existing footprint. The square footage would increase from 1316 to 2158. Joe DePaul noted that no neighbor's views would be impacted. The height would be increased by 3'. Joe DePaul noticed that the property contains two fronts and the second front setback was not advertised. The application would have to be continued to correctly advertise the second front setback. Joe DePaul asked the public for comment. None given. John McCartney made a motion to continue Application # 13-21 until next month, duly 2<sup>nd</sup>, approved 5-0. Application continued.

**Application # 14-21:** Verona & Stewart, 2 Mountain Road, for variances to Zoning Regulations 3.0.6A&B Swimming Pools, 3.2.5A, 3.2.6A Front Setback to 12.5', 3.2.11, 7.1.1.2 and 7.2.3A&B for the purpose of installing an above-ground pool. Zoning District: R-44; Map: 44; Block: 1; Lot: 16.2-17.

Chris Verona and Jennifer Stewart presented their application to install an above ground pool on the west side of their property. Joe DePaul noted that the lot has two fronts and one side, and the applicant was asking for a massive increase in nonconformity. A brief discussion over setbacks ensued. The board thought it possible to move the pool and reduce the size, so it sits within the existing setbacks. The board suggested that the application be continued until next month and the applicant revise their proposal to place the pool within the existing front 26.4' setback and rear 15.3' setback. Joe DePaul asked the public for comment. None given. John McCartney made a motion to continue Application #14-21 until next month, duly 2<sup>nd</sup>, approved 5-0. Application continued.

**Application # 15-21:** Galooza, 14 Knolls Road, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 32', 3.2.6B Side Setbacks to 13', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of installing two 8'x8' dormers. Zoning District: R-44; Map: 40; Block: 4; Lot: 41.

Application # 15-21 was unopened due to a disclosure issue on the website and will be on next month's agenda.

**Application # 16-21:** Valdovinos, 4 Erie Road, for variances to Zoning Regulations 3.2.5A, 3.2.6B Side Setback to 8.3', 3.2.11, 7.1.1.2 and 7.2.3A&B for the purpose of constructing a side deck extension. Zoning District: R-44; Map: 35; Block: 22; Lot:3.

Applicant Victor Valdovinos presented his proposal to construct a deck on the rear of the house and gave a brief overview of the lot. Mr. Valdovinos stated that lot is sloped, and a patio would not

be a viable option due to run-off. Joe DePaul noted that the property contains 3 fronts and 1 side, and the applicant was asking for a radical increase in nonconformity. A lengthy discussion ensued over changing the size, location, and layout of the deck. The septic and driveway are located on the sides of the property and moving the deck to the side would not be an option. Joe DePaul asked the public for comment. Neighbor, Rory Langguth, 10 Calmut Road, was in favor of the proposal and questioned if the existing rear shed's setback would be considered as an existing setback. Joe DePaul noted that sheds fall under different Zoning Regulations and require only a 10' setback from the property line. Mr. Langguth pointed out in a photo an existing deck footing from the prior owner's deck which was destroyed by falling trees and asked if that footing could be used as an existing setback. Mr. DePaul stated that if the deck was noted on a prior field card, shown in photographs or attested to by the previous owner in a notarized statement, the board might take those setbacks into consideration. It was also discovered that the property falls within 500' of the New York border and the town of Patterson must be notified of the application before the board can vote on the proposal. The board suggested the applicant investigate if there was a deck previously on the property and continue the application until next month. John McCartney made a motion to continue Application # 16-21 until next month, duly 2<sup>nd</sup>, approved 5-0. Application continued.

**Application # 17-21:** Moore, 7 Birch Drive, for variances to Zoning Regulations 3.2.5A, 3.2.6A Front Setback to 22', 3.2.6B Side Setback to 7.2', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing a three car garage with finished 2<sup>nd</sup> floor and an addition for a mudroom to connect the house and garage. Zoning District: R-44; Map: 2; Block: 3; Lot: 18.

Joe DePaul noted that this application contained a previous granted variance which did not include a required side variance to 7.2'. The board had no problem with the application but would require removal of the hoop house garages and sheds as a condition of the variance. The applicant stated that building materials are stored in those hoop house garages and requested that they be removed after completion of the first floor so the materials contained in them can be stored safely. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. Joe DePaul made a motion to grant a front setback to 22' and a side setback to 7.2' to allow construction of a three-car garage per the plans as submitted; the hardship being the size and shape of the lot, conditional on the removal of the hoop house garages and shed before completion of the construction, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

John Apple made a motion to adjourn the meeting at 9:13 p.m., duly 2<sup>nd</sup>, approved 5-0.