

New Fairfield Zoning Board of Appeals
New Fairfield, Connecticut 06812
MINUTES
May 20, 2021

The New Fairfield Zoning Board of Appeals (ZBA) held a public hearing followed by a business session on **Thursday, May 20, 2021** at 7:00 p.m. **via Zoom Web Conference (Meeting ID: 99641424631)**. Secretary Joanne Brown took the Minutes.

ZBA members in attendance: Joe DePaul, Chairman; John Apple, Vice Chairman; Vinny Mancuso; Dan McDermott and Alternate Ann Brown

ZBA members not in attendance: John McCartney and Bob Jano

Town Officials in attendance: Evan White

Assistant Broadcast Coordinator, Quintin Flower, 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 and an update on the Governor's reopening rules which extended the Executive Order allowing Zoom meeting into June with a chance of an in-person/hybrid meeting afterwards. The Chairman noted that he will keep the board updated on the situation. Secretary Joanne Brown read the Agenda. Vinny Mancuso made a motion to accept the agenda as presented, duly 2nd, approved 5-0.

Continued Application # 13-21: Wohn, 18 Lakeshore Drive North, for variances to Zoning Regulations 3.2.5A, 3.2.6A Front Setbacks 24.5' and 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.

Agent Caren Carpenter returned to the board with the vertical expansion that was continued last month due to an advertising error. The proposal adds a second story on the same footprint of the existing house with a 3.9' increase in roof height from existing 19' to proposed 22.9'. The property contains two fronts. The board saw no issues with the proposal. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. Joe DePaul noted that no neighbors' views are impacted. Joe DePaul made a motion to grant two front setbacks to 24.5' and 22.5' and a side setback to 8.6' to allow construction of a vertical expansion per the plans as submitted; the hardship being the size and shape of the lot, noting no increase in structural nonconformity, duly 2nd, approved 5-0. Variance granted.

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 returned to the board with an updated A2 Survey locating the proposed 21' diameter pool within the current setbacks. The applicant stated that the pool was 2' from the house and asked if there was any way to move the pool a few more feet away from the house into the setback. Joe DePaul noted that the board did not like to increase nonconformity. Evan White noted that the pool is behind the front plane of the house. The board noted that the applicant did a good job of keeping the pool within the setbacks. 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 26.5' and a side setback to 15.4' to allow installation of an above-ground pool per the revised plans as submitted; the hardship being that the property contains two fronts and the slope of the property, noting no increase in nonconformity, duly 2nd, approved 5-0. Variance granted.

Continued 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.

Victor Valdovinos returned to the board and stated that he was unsuccessful in contacting the previous owner or finding any information regarding a previously existing deck on the property. Joe DePaul noted that during his visit to the property he did find old footings of a deck but, since there was no prior variance, it would be assumed that the deck was illegally constructed without a permit. The 2002 property card did not show another deck in addition to the existing deck. The current proposal would radically increase nonconformity. John Apple and Vinny Mancuso agreed. The board suggested that the applicant could increase the deck by 3' to stay within the 20' setback to the right of the deck and failed to see the hardship since the applicant already has a deck. The board asked the applicant if he would like the board to vote on the application or withdraw. The applicant agreed to withdraw the application.

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.

Joe Coelho, Agent, presented the proposal to construct two dormers with a vertical expansion staying within the existing footprint of the house and keeping the existing ridge height. The applicant is seeking a front setback to 32' and a side setback to 13'. No rear setback is needed. The board had no issues with the application. 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 32' and a side setback to 13' to allow construction of two dormers in a vertical expansion; the hardship being the small size of the lot, noting no increase in structural nonconformity, duly 2nd, approved 5-0. Variance granted.

While in the Business Session, John Apple made a motion to accept the Minutes as presented, duly 2nd, 4-0-1, Vinny Mancuso abstaining.

Application #18-21: Zahara, 91 Shortwoods Road, for variances to Zoning Regulations 3.0.4C,D,E&F Minor Accessory Buildings & Structures for the purpose of installing a 10'x12' shed. Zoning District: R-88; Map: 14; Block: 2; Lot: 4.1.

No one was present when the application was called. Vinny Mancuso made a motion to move Application # 18-21 to the end of the agenda, duly 2nd, approved 5-0.

Application # 19-21: Wraschek, 34 Inglenook Road, for variances to Zoning Regulations 3.0.4A-F Minor Accessory Buildings & Structures for the purpose of replacing an existing 10'x 14' shed with a 12'x20' shed. Zoning District: R-44; Map: 41; Block: 5; Lot: 62-67 & 63X.

Mary Renuart and Michael Wraschek presented their proposal to replace an existing 10'x14' shed with a 12'x20' shed. The property contains very steep slope. Joe DePaul noted that the shed is very close to the neighbors and placed in the front yard illegally. The applicants gave a brief history of the property and were not aware that it was illegal. Joe DePaul stated that the board did not approve of sheds in the front yard. The applicants noted that they would like to construct a garage. The Chairman noted that the board was much more likely to support a garage than a shed in the front yard. A brief discussion ensued over the possible location of a garage keeping within the 20' side setback. Joe DePaul suggested the applicants meet with ZEO, Evan White, who could walk them through the process. The applicants would not need a variance if they kept the garage within the setbacks and would only require a building permit. The applicants asked to withdraw their proposal.

Application # 20-21: Glassman, 66 Inglenook Road, for variances to Zoning Regulations 3.0.4A-F Minor Accessory Buildings & Structures and 3.2.6A Front Setback to 10.5' for the purpose of enlarging a front entry way and installing a 20'x20' storage shed. Zoning District: R-44; Map: 41; Block: 4; Lot: 28-47.

Allison Glassman presented her proposal to reconstruct the front stairs of the home and install a 20'x20' shed on the property. Ms. Glassman noted that there was a road directly in front of her house on the property that was not a real road. Joe DePaul stated that the board must follow state statutes even regarding a paper road. Mr. DePaul noted that the applicant was able to replace the stairs "as is". The zoning regulations require a 40' setback, with the stairs currently at a 6' or 7' setback. The board would not be in favor of further increasing nonconformity. Evan White clarified that the applicant could only replace the stairs and not alter them in any way. The proposed 20'x20' shed is two times larger than the maximum 200 sq. ft. allowed. John Apple noted that the board is reluctant to approve a shed which is bigger than what is allowed. Vinny Mancuso noted that the shed regulations are there for a reason. Joe DePaul asked the applicant to bifurcate the proposal into two separate proposals, one for the stairs and one for the shed. The applicant agreed and withdrew the proposal for the stairs. The height of the proposed 20'x20' shed is 14'. The board suggested a compromise of a 300 sq. ft. shed with a height no greater than the existing shed since the property is 1.29 acres. Ms. Glassman accepted the compromise. Vinny Mancuso stated that this was a good compromise. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. Joe DePaul made a motion to allow construction of a 300 sq. ft. shed to be placed in the same area as proposed that will not exceed the regulated height restrictions for the R-44 zone; the hardship being the shape of the lot, duly 2nd, approved 5-0. Variance granted.

Application # 21-21: Corini, 14 Fulton Drive, for variances to Zoning Regulations 3.2.5A&B, 3.2.6B Side Setbacks to 10.6' and 12', 3.2.11, 7.1.1.2A&B and 7.2.3A,B&E for the purpose of constructing a 10'x10' deck with stairs. Zoning District: R-44; Map: 36; Block: 4; Lot: 3.

Claude Genest presented the proposal to construct a 10'x10' deck with stairs. The 10'x10' deck would replace an existing 4'x7' deck with straight stairs and change the direction of the stairway to go along the house. The existing side setbacks are 10.6' and 12'. The proposal would not increase nonconformity. Vinny Mancuso and Ann Brown saw no issue with the application. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. Joe DePaul made a motion to grant side setbacks to 10.6' and 12' to allow construction of a 10'x10' deck per the plans as submitted, the hardship being the extreme narrowness of the lot noting no increase in nonconformity, duly 2nd, approved 5-0. Variance granted.

Application # 22-21: Dapolite, 6 Lakeshore South, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 39.4', 3.2.6B Side Setbacks to 7.2' and 11', 3.2.6C Rear Setback to 30.4', 3.2.11, 7.1.1.2A&B and 7.2.3A,B&E for the purpose of demolishing an existing house and constructing a new house. Zoning District: R-44; Map: 45; Block: 3; Lot: 32.

Michael Dapolite returned to the board. An approved variance was granted in March 2021, for the reconstruction of the house. The Health Department requested that the applicant move the house 13' to the rear to allow for the B100 septic design. The rear move would put the house in line with the adjacent houses north and south with no change in dimensions from the previous variance. Evan White acknowledged the Health Department request. The board saw no issue with the proposal and noted that it was better to move the house further from the street. 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 39.4', side setbacks to 7.2' and 11' and a rear setback to 30.4' to demolish an existing house and construct a new house with the same dimensions as previously granted in March 2021 per the plans as submitted; the hardship being the narrow size of the lot, noting the reduction of front nonconformity, duly 2nd, approved 5-0. Variance granted.

Application # 23-21: Begley, 48 Ridge Road, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 38.7', 3.2.6B Side Setbacks to 10.9' and 8.8', 3.2.8, 3.2.11, 7.1.1.2A&B and 7.2.3A,B&E for the purpose of constructing a vertical expansion, a roof over an existing patio and a roof deck over the family room. Zoning District: R-44; Map: 15; Block: 6; Lot: 129.

Caren Carpenter, Agent, presented the proposal to construct a vertical expansion with a second story, construct a roof deck over the rear enclosed porch and an entry roof over the existing front patio with a 9.2' height increase, not including the rear wing. Joe DePaul noted that the house sits very close to the neighbors. Joe DePaul asked if there were any letters of support from the neighbors. Ms. Carpenter stated that there were not. Joe DePaul suggested that the neighbors from 46, 50 and 43 Ridge Road be notified and that might make it easier if there were no objections. Joe DePaul asked the public for comment. None given. Vinny Mancuso made a motion for Application # 23-21 to be continued to the next meeting to notify the neighbors, duly 2nd, approved 5-0. Application continued.

Application # 24-21: Chung and McQuade, 35 Lakeshore North, for variances to Zoning Regulations 3.2.5A, 3.2.6A Front Setback to 18.75', 3.2.6B Side Setbacks to 14.2', 3.2.6C Rear Setback to 17.6', 3.2.8, 3.2.11, 7.1.1.2A&B and 7.2.3A,B&E for the purpose of demolishing an existing house and constructing a new house. Zoning District: R-44; Map: 40; Block: 6; Lot: 46-51.

Peter Coffin, Doyle Coffin Architecture, presented the application to tear down an existing home and rebuild on the existing footprint noting a slight increase in setbacks due to overhangs. A brief discussion of the cost of the home and dock ensued noting its effect on home values in the area. The proposal would contain a house with a split in the middle for a 16' roof deck giving more opportunity for neighbors' views than previously. Doyle Coffin did notify the neighbors prior to the meeting. The board would also like for the neighbors at 34 Lakeshore North to also be notified. 34 Lakeshore was recently purchased and both old and new residents will be notified of the proposal. The board suggested the applicant remove the overhangs in order not to increase nonconformity. The existing 2,888 sq. footage would increase to approximately 3,500 sq. ft. A brief discussion ensued over the 7' and 5.5' height increase on either side and the impact on the neighbor's view. Joe DePaul asked the public for comment. Austin Wheeler, 32 Lakeshore North, noted that although most of his view is to the south, his view from their bedroom over the existing house would be affected. Vinny Mancuso noted that would affect their property value. Mr. Coffin noted that the red maple in front would be removed which would improve the neighbor's view. Joe DePaul stated that the removal of the tree might be a condition of the variance. Vinny Mancuso made a motion to continue Application # 24-21 to notify the neighbors, duly 2nd, approved 5-0. Application continued.

Application # 25-21: Maloney and Brink, 54 Sunset Trail, for variances to Zoning Regulations 3.2.5A&B, 3.2.6B Side Setback to .5', 3.2.6C Rear Setback to 20', 3.2.8, 3.2.11, 7.1.1.2A&B and 7.2.3A,B&E for the purpose of constructing an addition and deck. Zoning District: R-44; Map: 15; Block: 6; Lot: 90 & 91.

Kevin Desharnais, Designer, presented the proposal to elevate an existing deck with a walkway and construct a vertical expansion to allow for a reconfiguration of the bedrooms. Joe DePaul clarified the front and rear setbacks since the front faces Lake Drive South. The proposal would rebuild the main house with a second story above the existing house which is sunken into the hill to reconfigure the bedrooms. The total height would be 21' to the peak. Joe DePaul noted how close the house was to the road and how obtrusive the vertical expansion would be. A brief discussion ensued regarding the gravel drive and whether there was an easement on the property which would affect the setbacks. Evan White stated that the applicant should make an appointment with the Town Clerk to discuss the easement. Joe DePaul noted that the walkway would radically increase nonconformity and suggested the applicant remove the walkway and stay within the existing 7.4' setback. Joe DePaul asked the public for comment. None given. Vinny Mancuso made a motion to continue Application # 25-21 until next month to investigate whether there is an easement on the property, duly 2nd, approved 5-0. Application continued.

Application #18-21: Zahara, 91 Shortwoods Road, for variances to Zoning Regulations 3.0.4C,D,E&F Minor Accessory Buildings & Structures for the purpose of installing a 10'x12' shed. Zoning District: R-88; Map: 14; Block: 2; Lot: 4.1.

Martin Zahara presented his proposal to install a 10'x12' shed on the front plane of his property. Joe DePaul noted that the board did not normally approve sheds in the front yard and noted that there were other areas on the property that the shed could be installed. Mr. Zahara stated that the other areas were sloped and difficult to place a shed. Mr. Zahara noted that the shed would match the house and not be an eyesore. Vinny Mancuso sympathized but noted that rules and regulations were in place for a reason and personal reasons cannot be taken in account. A brief discussion ensued over other locations to place the shed in the rear yard. Joe DePaul asked the applicant if he would like to have the proposal voted on knowing the board's view on the matter. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. Joe DePaul made a motion to grant a variance to allow installation of a 10'x12' shed per the plans as submitted; the hardship being the slope of the lot, duly 2nd, denied 0-5. Variance denied.

Vinny Mancuso made a motion to adjourn the meeting at 9:32 p.m. duly 2nd, approved 5-0.