

New Fairfield Zoning Board of Appeals
New Fairfield, Connecticut 06812
MINUTES
June 17, 2021

The New Fairfield Zoning Board of Appeals (ZBA) held a public hearing followed by a business session on **Thursday, June 17, 2021** at 7:00 p.m. **via Zoom Web Conference (Meeting ID: 91687188931)**. Secretary Joanne Brown took the Minutes.

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

ZBA Members not in attendance: Dan McDermott

Town Officials in attendance: Evan White

Network Broadcast Coordinator, 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 and noted that next month in-person meetings would resume. Mr. DePaul thanked Paul Gouviea and his staff. Secretary Joanne Brown read the Agenda. John Apple made a motion to accept the agenda as presented, duly 2nd, approved 5-0.

Continued 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 for Neil and Sandra Begley, returned to the board regarding the vertical expansion. The application was continued to notify the neighbors regarding the proposal. The applicants discussed and mutually agreed on landscaping the area with their neighbors at 50 Ridge Road. The proposal would not increase nonconformity and require a front setback to 38.7' and side setbacks to 10.9' and 8.8'. There were no changes to the proposal. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. The board saw no issues with the proposal. Joe DePaul made a motion to grant a front setback to 38.7', side setbacks to 10.9' and 8.8' to allow construction of a vertical expansion per the plans as submitted; the hardship being the small size and narrow shape of the lot, 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, 3-0-2, John McCartney and Bob Jano abstaining.

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, returned to the board. The proposal was continued to notify the neighbors. Mr. Coffin noted that the existing house is 4187 sq. ft. and proposed would be 4565 sq. ft. in the same footprint. Mr. Coffin gave an overview of the height increases on each floor; basement 7.6' to 9'; first floor 7.10' to 10' and second floor 9' to 14' at the highest point. A brief discussion ensued over the heights and how they could be reduced by lowering the ceiling heights and using a flat roof. Mr. Coffin reminded the board that the applicant was not asking for a height variance and were well within the Zoning Regulations. The Secretary noted that there were three letters of objection. The first letter from Kristen Delaney and Austin Wheeler, 32 Lakeshore North, was read into the record stating their views and property values would be impacted. Photos were presented with the proposed height increase blocked out in black showing their reduced view over the house. Joe DePaul noted that 32 Lakeshore was granted a variance for a vertical expansion in 2013 and their construction also blocked the views of their neighbors. Mr. Wheeler noted that was granted to previous owners of the property. Peter Coffin noted that the mock-ups presented by Mr. Wheeler were an approximation and not entirely accurate. A discussion ensued about removing the trees to the right of the house which would greatly improve the view. Letters from Celeste Pearce, 6 Knolls Road, and Ann Haber, 1 Knolls Road, were also read into the record. They both noted that the architecture and size of the house did not fit in with the character of the Knolls and noted their objection to the proposal. Mr. Coffin noted that the applicant would be agreeable to explore expanding to the south by 15-18' and keep the existing roof height. Joe DePaul noted that the board's policy was to protect the lake views and property values of the neighbors. A lengthy discussion ensued over how much view the neighbors would lose over the proposal. John McCartney noted that he lives in a similar community and over time views lessen. He noted that Zoning Regulations do not have the right to dictate the style of architecture and noted that the applicants were not violating the height requirement. Bob Jano noted that State Regulations require a hardship and he did not see one. John McCartney noted that they were not increasing nonconformity. Ann Brown noted that the area to the right of the house needed further investigation to possibly expand to the side. Joe DePaul asked for more public comment. Joe Paglino, 34 Lakeshore North, who lives diagonally across noted that this proposal would cut off his view and reduce the value of his house. Joe DePaul noted that since the application had several objections, the applicant should rework the proposal and not increase the roof height. Mr. DePaul suggested that the applicant explore expanding to the right but noted that too might take away views. Vinny Mancuso noted that the board needed to enforce the regulations to protect homeowners. John Apple stated that removal of the oak tree would be a good compromise and suggested contacting First Light. The board suggested that the applicant continue the application to reassess plans. Mr. Coffin noted that the applicant wants to work with the neighbors and explore options to discuss. John McCartney made a motion to continue application # 24-21 until next month, July 2nd, approved 5-0. Application continued.

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 returned to the board after taking the board's suggestions under review. The applicant removed the walkway not to increase the side yard setback. The applicant discovered that there was no easement on the property and that the road was actually the applicant's own driveway which the neighbor was using as an easier access to their property. The vertical expansion would not block any views. The proposal would require a 12' side setback and 20' rear setback. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. The board saw no issues with the proposal. Joe DePaul made a motion to grant a side setback to 12' and a rear setback to 20' to allow a vertical expansion per the plans as submitted; the hardship being the slope of the property, duly 2nd, approved 5-0. Variance granted.

Application # 26-21: Marandi, 31 Ingelnook Drive, for variances to Zoning Regulations 3.0.6B Swimming Pools, 3.2.5A, 3.2.6A Front Setback to 21', 3.2.6B Side Setback to 8', 3.2.11, 7.1.1.1A&B and 7.2.3A&B for the purpose of installing a 6'x8' hot tub. Zoning District: R-44; Map: 41; Block: 8; Lot: 38.

Reza Marandi presented his proposal to install a hot tub on an existing deck. Mr. Marandi's application for a hot tub was previously denied. Mr. Marandi gave a brief overview of the deck and ledge underneath, noting that the proposed position was the most stable area to place it. A 6'x8' privacy fence would also be installed. Joe DePaul noted that the Minutes from the November 2020 ZBA meeting contained similar setbacks as those the applicant was proposing and it was denied. A brief discussion ensued over the ledge and stability of the area. Vinny Mancuso noted that there was no hardship. John McCartney questioned if the hot tub could be moved closer to the house. Bob Jano noted that he went out to the property, and this was the only place to put it noting that the neighbor did not have any objections. Joe DePaul stated that he thought it was too close to the neighbors. Joe DePaul asked the public for comment. None given. John Apple stated that the hot tub could be placed on the lower deck and cement could be brought in. The applicant stated that the area was very steep. The board entered into the Business Session. Joe DePaul stated that this was the same proposal as last time which was denied. Vinny Mancuso agreed. John McCartney and Bob Jano saw no issue with the application. Joe DePaul made a motion to grant a front setback to 21' and a side setback to 12' to allow installation of a hot tub per the plans as submitted; the hardship being the slope of the lot, duly 2nd, denied 2-3. Application denied.

Application # 27-21: Rollmann and Sullivan, 9 Sunset Drive, for variances to Zoning Regulations 3.2.6A Front Setback to 37', 7.1.1.2A&B and 7.2.3A,B&E for the purpose of constructing a vertical expansion, additional garage bay and enlarged entry. Zoning District: R-44; Map: 11; Block: 1; Lot: 3.

Caren Carpenter presented the proposal for a vertical expansion with an additional garage. The front setback would remain at 37' with the vertical expansion over the center part of the house with no increase in nonconformity. The proposed deck was inside the setbacks. Joe DePaul asked the public for comment. None given. The board saw no issue with the application. The board entered into the Business Session. Joe DePaul made a motion to grant a front setback to 37' to allow construction of a vertical expansion per the plans as submitted, noting no increase in nonconformity; the hardship being the shape of the lot, duly 2nd, approved 5-0. Variance granted.

Application # 28-21: Town of New Fairfield, 52A Gillotti Road, for variances to Zoning Regulations 3.0.8A,B,D&E Gazebos and 3.1.3A Uses Permitted As of Right for the purpose of constructing a 12'x20' pavilion. Zoning District: R-88; Map: 23; Block: 16; Lot: 11.2A.

Christine Mattoon presented the proposal to construct a 12'x20' pavilion to replace the two shade trees which were recently lost. A candidate for Eagle Scout would manage the construction. A kit would be purchased and constructed with a red metal roof to match the surrounding structures. A brief discussion ensued over the size of the pavilion and whether it could be made smaller without having to return to the board. John McCartney noted that the dog park is a highly used piece of town property. The pavilion height would not exceed 10.3'. 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 construction of a 12'x20' gazebo with no walls not to exceed 10.3' in height, per the plans as submitted; the hardship being the size and shape of the lot, duly 2nd, approved 5-0. Variance granted.

While in the Business Session, John McCartney noted that the State regulations were changing and might require either a zoom meeting or a hybrid meeting. Joe DePaul noted that he would investigate. Vinny Mancuso made a motion to adjourn the meeting at 9:14 p.m., duly 2nd, approved 5-0.