

**New Fairfield Zoning Board of Appeals  
New Fairfield, Connecticut 06812**

**MEETING MINUTES  
June 21, 2018**

The New Fairfield Zoning Board of Appeals (ZBA) held a public hearing followed by a business session at 7:00 p.m. on Thursday, June 21, 2018, in the Community Room of the New Fairfield Public Library located at 2 Brush Hill Road. Secretary Joanne Brown took the Minutes.

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

ZBA members not in attendance: Dan McDermott.

Town Officials in attendance: Evan White, Zoning Enforcement Officer.

Chairman Joe DePaul called the meeting to order at 7:02 p.m. and introduced the Board Members. Joe DePaul explained the meeting process and voting and appeal procedures. Secretary Joanne Brown read the Agenda. Vinny Mancuso made a motion to adopt the agenda, duly 2<sup>nd</sup>, approved 5-0. Secretary Joanne Brown read the Call of the Meeting.

**Continued Application # 15-18:** Skogstrom, 50 Dick Finn Road, for variances to Zoning Regulations 3.0.6B Swimming Pools and 3.1.6B to 22' for the purpose of constructing an above ground pool. Zoning District: R-88; Map: 14; Block: 1; Lot: 22.

Joe DePaul read an email from Anika Skogstrom withdrawing Application # 15-18.

**Continued Application # 16-18:** Tharas, 1 Dale Road, for variances to Zoning Regulations 3.0.4E&F Minor Accessory Building and Structures to construct a 12'x16' wood shed. Zoning District: R-44; Map: 33; Block: 1; Lot: 73.

Vinny Mancuso made a motion to hear Continued Application # 16-18, duly 2<sup>nd</sup>, approved 5-0. David and Kelly Tharas returned to the board. Joe DePaul stated that after further review of the Zoning Regulations, he agreed that the existing shed is grandfathered at its location under the Zoning Regulations. David Tharas produced a letter from neighbor Daniel and Kathy Donovan (2 Cameron Road) voicing no objection to the shed. Joe DePaul noted additional hardship being wetlands on the property which does not allow the applicant to construct a garage on the property. Joe DePaul asked the public for comment. None given. Vinny Mancuso made a motion to enter into the Business Session, duly 2<sup>nd</sup>, approved 5-0. Joe DePaul made a motion to grant a variance to construct a 12'x16' shed per the plans as submitted; the hardship being the size and shape of the lot and the wetland issues that do not allow a garage to be built, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

While in the Business Session, John Apple made a motion to accept the minutes as read, duly 2<sup>nd</sup>, approved 4-0-1, Vinny Mancuso abstaining.

**Continued Application # 17-18:** Spruce Ridge Craftsmen, 28-30 Lillian Avenue, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 38', 3.2.6C Rear Setback to 15', 3.2.11, 7.1.1.1A,B&C and 7.2.3A,B&E for the purpose of constructing a new single family house. Zoning District: R-44; Map: 34; Block: 20; Lot: 24

John Apple made a motion to hear Continued Application # 17-18, duly 2<sup>nd</sup>, approved 5-0. Joe Reilly returned to the board with revised plans as requested by the board last month showing the placement of the deck 24" above grade. The footprint would remain the same. Joe DePaul asked the public for comment. None given. Vinny Mancuso made a motion to enter into the Business Session, duly 2<sup>nd</sup>, approved 5-0. Joe DePaul made a motion to grant a front setback to 38' and a rear setback to 15' to construct a single family house per the plans as submitted; the hardship being the small size and shape of the lot, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

**Application # 09-18:** Hughes, 335 Route 39, for variances for Zoning Regulations 3.2.5A&B, 3.2.6B Side Setback to 18', 3.2.6C Rear Setback to 30', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing a rear deck over an existing patio and replacing a porch roof. Zoning District: R-44; Map: 2; Block: 8; Lot: 5.

John Apple made a motion to hear Application # 09-18, duly 2<sup>nd</sup>, approved 5-0. No one was present for the application. John Apple made a motion to move Application # 09-18 to the end of the meeting, duly 2<sup>nd</sup>, approved 5-0.

**Application # 19-18:** McCardell, 21 Ball Pond East, for variances to Zoning Regulations 3.2.5A&B, 3.2.6 B Side Setback to 8', 3.2.6C Rear Setback to 23', 3.2.7, 3.2.11, 7.1.1.2 and 7.2.3A&B for the purpose of constructing a deck. Zoning District: R-44; Map: 22; Block: 5; Lot: 6.

Joe DePaul made a motion to hear Application # 19-18, duly 2<sup>nd</sup>, approved 5-0. Susan and Steve McCardell approached the board. Joe DePaul stated that he received a letter from Wetlands which stated that a permeable deck would be a better option than a patio due to the wet nature of the property. The applicant is requesting a 23' rear setback. Joe DePaul noted that the applicant already has a patio in front of their home and a seating area at the dock area in the rear. Dimensions were discussed. The existing house is 10.6' from the neighbor's house. Vinny Mancuso did not think the A2 survey showed accurate dimensions. A discussion ensued about the zoning regulations regarding decks that were less than 2' high. It was suggested that the applicant build a deck at ground level and averaged less than 2' in height which would not require a variance. Mr. McCardell asked why the height mattered. Joe DePaul explained that anything under 2' would not be considered a structure and not require a variance. ZEO Evan White agreed that this option would be best and would only require a building permit. Susan McCardell agreed to pursue this option and withdrew the application.

**Application # 20-18:** Ostuni, 5 Lakeshore North, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 38.6', 3.2.6B Side Setback to 10.9', 3.2.6C Rear Setback to 1.5', 3.2.7,

3.2.8 Maximum Impervious Surfaces, 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of second story vertical expansion. Zoning District: R-44; Map: 40; Block: 6; Lot: 2&3.

Vinny Mancuso made a motion to hear Application # 20-18, duly 2<sup>nd</sup>, approved 5-0. Applicants Lori and Charles Ostuni and Agent, Bruce Hickey, approached the board and gave a brief overview of the proposal. Joe DePaul stated that he spoke to a neighbor and there might be a view issue. Mr. Hickey stated that it was their intent to reconstruct a second floor as the existing structure was failing with a dip in the ridge. There would be no increase in nonconformity and no increase in the existing footprint. The height would be raised 4' and the garage would be raised to meet the existing ridge. John McCartney stated that from the GIS map, the neighbor's view did not seem to be obstructed. Charles Ostuni stated that the view was blocked by a big tree and it was his intention to remove a large branch that would improve the neighbor's view. Joe DePaul asked if the applicant would be willing to continue the application until next month to get a letter from the neighbor stating that there was no objection and to remove the tree branch in question. John Apple made a motion to continue Application # 20-18, duly 2<sup>nd</sup>, approved 5-0. Application continued.

**Application # 21-18:** Poole, 24 Sunset Trail, for variances to Zoning Regulations 3.2.5A, 3.2.6B Side Setback to 14.3', 7.1.1.2 and 7.2.3A,B&E for the purpose of a second story vertical expansion. Zoning District: R-44; Map: 15; Block: 6; Lot: 25-26.

John McCartney made a motion to hear Application # 21-18, duly 2<sup>nd</sup>, approved 5-0. Applicant Ray Poole and Agent, Lou Yorio, approached the board with their vertical expansion proposal. The existing footprint would remain and the roof pitch would be increased by 4'. The area would be used for storage. Letters from neighbors Valerie Bottega (25 Sunset Trail) and Bill and Mary Zeh (26 Sunset Trail) were read into the record stating that they had no objections to the proposal. A brief discussion ensued over square footage and the updates needed for the insulation and renovation. Evan White stated that he had no objections to the proposal. Joe DePaul asked the public for comment. None given. Vinny Mancuso made a motion to enter into the Business Session, duly 2<sup>nd</sup>, approved 5-0. Vinny Mancuso stated that he saw no problems with the application. Joe DePaul made a motion to grant a side setback to 14.33' for a vertical expansion per the plans as submitted, noting no increase in structural nonconformity; the hardship being the location of the house on the lot, duly 2<sup>nd</sup>, approved 5-0.

**Application # 22-18:** Coury, 6 Hickory Lane, for variances to Zoning Regulations 3.0.4C&F Minor Accessory Buildings & Structures for the purpose of constructing a 12'x24' shed. Zoning District: R-88; Map: 19; Block: 15; Lot: 5.20A.

John Apple recused himself from the application. Vinny Mancuso made a motion to hear Application # 22-18, duly 2<sup>nd</sup>, approved 4-0. Tom Coury approached the board. Joe DePaul gave a brief overview of the property and house orientation on Hickory, noting that the rear of the house faces the street and is actually considered the front. The front of the house structure is actually facing the rear yard. The house is not visible from Hickory Lane. Joe DePaul produced photos of the property. Mr. Coury stated that there is no other level place to put the shed other than the requested area. Evan White concurred that the town's regulations show the front of the house as the rear and has no objections to the shed. Joe DePaul asked the public for comment.

None given. Vinny Mancuso made a motion to enter into the Business Session, July 2<sup>nd</sup>, approved 4-0. Joe DePaul stated that this will be the first time he will vote for a variance for a shed in the front of a house but this was unique as the front was really the rear. Joe DePaul made a motion to grant a variance to construct a 12'x24' shed in the front yard; the hardship being the rear yard is really the front yard, July 2<sup>nd</sup>, approved 4-0. Variance granted. John Apple returned to the board.

**Application # 23-18:** Crowley, 4 East Lake Road, for variances to Zoning Regulations 3.1.5A&B, 3.1.6A Front Setback to 47' 3.1.6B Side Setbacks to 24' (south) and 27' (north), 3.1.11, 7.1.1.1A&B and 7.2.3A,B&E for the purpose of renovating an existing single family home, increasing the footprint and a second story vertical expansion. Zoning District: R-88; Map: 23; Block: 14; Lot: 3.

John McCartney made a motion to hear Application # 23-18, July 2<sup>nd</sup>, approved 5-0. Phil Hubbard, architect from PH Architects approached the board and gave a brief overview of the property. Mr. Hubbard explained that the existing house was acquired in an auction and has had a difficult history. The house sits in an R-88 Zone but is only 0.9 acre. The area is unique in that East Lake Road is split with half the houses in R-44 Zone and half in R-88 Zone. The house is preexisting nonconforming. The house will not be torn down but renovated with a second story addition, a minor footprint increase, a garage expansion, a small front entry porch and terrace addition and a deck addition on the rear. Setbacks were discussed and Joe DePaul stated that he would like to see nonconformity decreased. A brief discussion ensued over the front porch and terrace. Mr. Hubbard stated that the porch would be approximately 1-1/2' off the ground. Joe DePaul suggested removing the roof over the front porch and terrace which would reduce nonconformity. The board agreed that would be the best way to proceed. Joe DePaul asked the public for comment. None given. Vinny Mancuso made a motion to enter into the Business Session, July 2<sup>nd</sup>, approved 5-0. The board discussed how the applicant agreed to the terms to not increase nonconformity. Joe DePaul made a motion to grant a front setback to 53.95', a south side setback to 24.9', a north side setback to 27.3' to renovate an existing single family house, add to the footprint in the rear with a minute increase in nonconformity and to remove the roof over the front porch and terrace keeping the front area under 2'; the hardship being the placement of the house on the lot, July 2<sup>nd</sup>, approved 5-0. Variance granted.

**Application # 24-18:** Kern, 4 Shore Drive, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 37', 3.2.6B Side Setbacks to 10.8' and 9.8', 3.2.6C Rear Setback to 42', 3.2.7, 3.2.11, 7.1.1.2 and 7.2.3A,B,&E to expand an existing 18'x10' porch into 24'x10' of living space and to construct a 23'x10' deck off the rear of the house. Zoning District: R-44; Map: 10; Block: 1; Lot: 13.

John Apple made a motion to hear Application # 24-18, July 2<sup>nd</sup>, approved 5-0. Michael Seaman, Agent, and Contractor, Dennis Ruopp, approached the board to give a brief overview of the proposal. The board was unclear from the plans what the exact measurements were and questioned the dimensions. Mr. Ruopp explained that a second story and deck would be added and an existing patio would be enlarged and renovated into living space. A discussion ensued over the exact setbacks needed the applicant to amend the front, side and rear setbacks on the application. The board asked the applicant to continue until next month to provide a revised

survey with precise dimensions and letters from the neighbors voicing no objections. The applicant agreed to email exact setbacks to the ZBA to correctly advertise the application in the legal notice by the deadline, Tuesday, June 26<sup>th</sup>. John Apple made a motion to continue Application # 24-18, July 2<sup>nd</sup>, approved 5-0.

**Application # 09-18:** Hughes, 335 Route 39, for variances for Zoning Regulations 3.2.5A&B, 3.2.6B Side Setback to 18', 3.2.6C Rear Setback to 30', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing a rear deck over an existing patio and replacing a porch roof. Zoning District: R-44; Map: 2; Block: 8; Lot: 5.

Vinny Mancuso made a motion to hear Application # 09-18, July 2<sup>nd</sup>, approved 5-0. The applicant was not in attendance to present evidence supporting his application. Evan White noted that he had exchanged several emails with the applicant telling him time and date and the applicant had not shown up for the previous ZBA meetings. Joe DePaul asked the public for comment. None given. John Apple made a motion to enter into the Business Session, July 2<sup>nd</sup>, approved 5-0. Vinny Mancuso stated that based on the information provided by the ZEO that the application should be voted on. Joe DePaul made a motion to grant a side setback to 18' and a rear setback to 30' for the purpose of adding a rear deck over an existing patio; the hardship being the small size and shape of the lot, July 2<sup>nd</sup>, approved 0-5. Variance denied.

Vinny Mancuso made a motion to adjourn the meeting at 8:45 p.m., July 2<sup>nd</sup>, approved 5-0.