

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

**MEETING MINUTES
August 16, 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, August 16, 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; Dan McDermott and Alternate Ann Brown.

ZBA members not in attendance: Vinny Mancuso and John McCartney.

Town Officials in attendance: None.

Chairman Joe DePaul called the meeting to order at 7:00 p.m. and introduced the Board Members. Joe DePaul explained the meeting process and voting and appeal procedures. Secretary Joanne Brown read the Agenda. Dan McDermott made a motion to adopt the agenda, duly 2nd, approved 4-0. Secretary Joanne Brown read the Call of the Meeting.

Continued Application # 25-18: Knollcrest Real Estate Corporation, 18 Eastview Road, for variances to Zoning Regulations 3.0.4C,D,E&F Minor Accessory Buildings, 3.2.5A&B, 3.2.6B Side Setback to 7.6', 3.2.11, 7.1.1.2 and 7.2.3A&B for the purpose of replacing an existing shed with a 10'x14' pre-constructed shed. Zoning District: R-44; Map: 11; Block: 3; Lot: 9.

John Apple made a motion to hear Application # 25-18, duly 2nd, approved 4-0. Applicant Michael Gasparino approached the board presenting several photos of the area. Mr. Gasparino explained that the proposed shed would be placed on the second level of the property between the parking area and the beach and 7.6' from the property line. The shed would hold picnic supplies, garden tools and other beach items. Joe DePaul stated that the shed would be used for the community and did not see a problem with its placement. Mr. Gasparino explained that the existing shed is to be removed. The proposed shed measures 10'x14' and 10' in height. The shed is not visible from the road. Joe DePaul asked the public for comment. None given. Ann Brown made a motion to enter into the Business Session, duly 2nd, approved 4-0. Joe DePaul reiterated that he saw no problems with the application and Dan McDermott noted the improvement to the area. Joe DePaul made a motion to grant a side setback to 7.6' to allow construction of a shed per the plans as submitted; the hardship being the slope of the lot and the use of the facility, duly 2nd, approved 4-0. Variance granted.

While in the Business Session, John Apple made a motion to accept the minutes as read, duly 2nd, approved 3-0-1, Joe DePaul abstaining.

Continued Application # 28-18: DellAngelo, 14 Candle Hill Road, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 43', 3.2.6B Side Setback to 6', 3.2.6C Rear Setback to 42' for the proposed house addition; 3.2.6B Side Setback to 2', 3.2.6C Rear Setback to 2' for the shed, 3.2.7, 3.2.11, 7.1.1.1A&B and 7.2.3A,B&E for the purpose of constructing a 17'x 9' addition to the house and constructing a 16' x 12' shed in the rear. Zoning District: R-44; Map: 44; Block: 10; Lot: 17.

Ann Brown made a motion to hear Continued Application # 28-18, July 2nd, approved 4-0. Mario DellAngelo returned to the board with a revised plan after taking the board's suggestions into consideration. The applicant currently has three sheds on the property and agreed to remove those sheds contingent on the variance approval. Joe DePaul noted that the house is very small (700 square feet). Mr. DellAngelo stated that the 168 square foot addition would be used to house the water tank in a utility room because the tank froze several times last winter during the cold weather. The revised proposal would require a front setback to 43', a rear setback to 39.5', and side setbacks to 11.4' and 10'. Joe DePaul suggested that the applicant get in touch with Tim Simpkins to make sure there were no issues with the septic. Dan McDermott made a motion to enter into the Business Session, July 2nd, approved 4-0. Joe DePaul stated that he saw no problem with the application and the removal of the sheds. Ann Brown noted that the applicant took the board's suggestions into account and improved the proposal. The board noted that since the application was revised, the advertisement needs to be amended and the application continued until next month. Ann Brown made a motion to continue Application # 28-18 until next month so the new setbacks can be re-advertised, July 2nd, approved 4-0. Application continued.

Application # 27-18: Landry, 6 Penny Lane, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 19.8', 3.2.11, 7.1.1.1A&B and 7.2.3A,B&E for the purpose of a second story vertical expansion. Zoning District: R-44; Map: 10; Block: 10; Lot: 3.

John Apple made a motion to hear Application # 27-18, July 2nd, approved 4-0. Tammy Zinick of Permit Me Please presented the proposed vertical expansion and gave a brief history of the preexisting nonconforming house which was built in 1959. The vertical expansion would be in the middle of the house, raising the height from existing 17.3' to 23.4'. The addition would have one small window. There are no issues with the proposal impacting any neighbor's views. A brief discussion ensued regarding setbacks. It was determined that with the existing stairs, the setback is 20.5' and there would be no increase in nonconformity. Joe DePaul asked the public for comment. None given. Dan McDermott made a motion to enter into the Business Session, July 2nd, approved 4-0. Joe DePaul noted that since there is no increase in nonconformity, he did not see any problems with the application. Joe DePaul made a motion to grant a front setback to 20.5' to allow a vertical expansion per the plans as submitted noting there is no increase in dimensional nonconformity; the hardship being the close proximity of the house to the road and neighbors, July 2nd, approved 4-0. Variance granted.

Application # 29-18: Savino, 222 Ball Pond Road, for variances to Zoning Regulations 3.0.4A,C,E&F Minor Accessory Buildings & Structures in order to replace an existing shed with a new shed placed 10' from the property line. Zoning District: R-88; Map: 22; Block: 7; Lot: 6.

Ann Brown made a motion to hear Application # 29-19, duly 2nd, approved 4-0. Steven and Christine Savino approached the board with their proposal to construct an L-shaped shed. Joe DePaul stated that he had a problem with the hardship. Steven Savino explained that there was an existing shed which was in disrepair and subsequently removed after the storm. Mr. Savino stated that the property line ran on a diagonal and it was difficult to find a place to put the shed. A brief discussion ensued regarding the Zoning District. The property is in a R-88 area but the houses across the street and next door are in a R-44 area. The board questioned the placement of the shed and gave two suggestions where it could be placed without having to get a variance. Joe DePaul stated that he struggled to find the hardship. Two letters from neighboring houses were presented with no objections to the shed. The board discussed other options to place the shed. Christine Savino produced a photo of the shed and stated she did not want to lose the view of Ball Pond or have the shed too close to the patio. The previous shed was preexisting nonconforming and was 1' from the property line. The board agreed that if the shed was placed 10' from the property line, there would be a decrease in nonconformity. Joe DePaul asked the public for comment. None given. John Apple made a motion to enter into the Business Session, duly 2nd, approved 4-0. The board agreed that the previous shed was grandfathered in. Joe DePaul made a motion to grant a rear setback to 10' and a side setback to 10' to allow construction of a shed per the plans as submitted, noting that there was a grandfathered nonconforming shed previously on the property; the hardship being the size and shape of the lot, duly 2nd, approved 4-0. Variance granted.

Application # 30-18: Deutscher, 48 Bogus Hill Road, for variances to Zoning Regulations 3.0.4A,B,C,D,E&F Minor Accessory Buildings & Structures, 3.2.6A Front Setback to 13.2', 7.1.1.2 and 7.2.3A,B&E for the purpose of a vertical expansion on an existing nonconforming cottage. Zoning District: R-44; Map: 11; Block: 2; Lot: 1 & 34.1.

Dan McDermott made a motion to hear Application # 30-18, duly 2nd, approved 4-0. Architect Karen Carpenter approached the board and gave a brief history of the cottage which was severely damaged when several trees hit the roof during the May storm. A steeper pitch requiring raising the roof's height would be added to prevent the roof from leaking. Ms. Carpenter stated that no neighbor's views would be impacted. The house would remain on the same footprint and the height would be raised by 4.7'. The existing pitch is 12.7' and the proposed pitch is 17.2' with no change in living space. Joe DePaul asked the public for comment. None given. John Apple made a motion to enter into the Business Session, duly 2nd, approved 4-0. Joe DePaul stated that he saw no problem with the proposal. Joe DePaul made a motion to grant a front setback to 13.2' to raise the roof per the plans as submitted, noting there is no increase in dimensional nonconformity, duly 2nd, approved 4-0. Variance granted.

Application # 31-18: Speisman, 4 High View Terrace, for variances to Zoning Regulations 3.1.5C Rear Setback to 0' and 7.2.3A,B&E for the purpose of constructing a one-story family room addition and a new deck. Zoning District: R-88; Map: 13; Block: 6; Lot: 6.18.

Ann Brown made a motion to hear Application # 31-18, duly 2nd, approved 4-0. Applicant Richard Speisman and agent, Brad DeMotte, approached the board requesting a rear setback for their proposal. Mr. DeMotte gave a brief overview of the house which was built in 1974. The rear property setback bisects the house. In 1986, a one-story addition, detached garage and deck

were constructed legally with permits but with no variances. There was a special permit obtained to make the property a legal two-family. Mr. DeMotte spoke to the Zoning Enforcement Officer, Evan White, who could offer no explanation as to why no variances were required. The proposal would remove the existing deck, enlarge the kitchen area, add a powder room and extend the house 6' beyond the existing deck. A brief discussion ensued about the placement of a basement Bilco door. Joe DePaul stated that he would like to talk to the ZEO about this. Joe DePaul stated that the applicant is increasing nonconformity and suggested building to either the front or the side instead of the rear. Ann Brown asked what the small room was toward the side of the house. Mr. DeMotte stated that the area was a small playroom. Joe DePaul noted that the setback should be 60' and that he saw no justification to grant a variance when there were other options. Mr. DeMotte stated that the applicant would be agreeable to a compromise and was open to lessen the setback by 2' and have a 26.4' setback. Joe DePaul noted that the applicant was not entitled to expand and suggested the applicant continue so he could confer with the ZEO about the bilco door. Joe DePaul suggested the applicant explore other options and strongly suggested that the applicant maintain the 28.8' rear setback. John Apple made a motion to continue Application # 31-18, July 2nd, approved 4-0. Application continued.

John Apple made a motion to adjourn the meeting at 8:35 p.m., July 2nd, approved 4-0.