

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

### **MEETING MINUTES** **September 20, 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, September 20, 2018, at the Company A Firehouse, located at 302 Ball Pond Road. Secretary Joanne Brown took the Minutes.

ZBA members in attendance: Joe DePaul, Chairman; John Apple, Vice Chairman; Vinny Mancuso; John McCartney; and Dan McDermott.

ZBA members not in attendance: Alternate Ann Brown.

Town Officials in attendance: None.

Chairman Joe DePaul called the meeting to order at 7:01 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 # 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.

Vinny Mancuso made a motion to hear Continued Application # 28-18, duly 2<sup>nd</sup>, approved 5-0. No one was present for the application. John Apple made a motion to move Continued Application # 28-18 to the end of the agenda, duly 2<sup>nd</sup>, approved 5-0.

**Continued 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.

John Apple made a motion to hear Continued Application # 31-18, duly 2<sup>nd</sup>, approved 5-0. Architect Brad DeMotte and Applicant Richard Speisman returned to the board with a revised proposal, taking the board's suggestions into account from last month's meeting. The new proposal would not increase nonconformity except for the Bilco doors. Joe DePaul stated that he had a discussion regarding the Bilco door situation with ZEO Evan White and disagreed with his position. Joe DePaul noted that he had an idea on how to address this situation. The board would grant a rear setback for the building and a second rear setback for the Bilco door. The board complemented the applicant on the revisions. 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. The board noted that the applicant had conformed to their wishes and had not increased nonconformity. Joe DePaul made a motion to grant a rear setback to 28.8' per the plans as submitted for the purpose of building a vertical expansion addition and a rear setback to 24.3' for the Bilco door only, noting there is no increase in dimensional nonconformity; the hardship being the size and shape of the lot, 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 written, duly 2<sup>nd</sup>, approved 3-0-2, John McCartney and Vinny Mancuso abstaining.

**Application # 32 -18:** Corbin, 51 Lavelle Avenue, for variances to Zoning Regulations 3.2.5A&B, 3.2.6B Side Setback to 15', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of removing an existing landing and stairs and adding a landing from a new deck. Zoning District: R-44; Map: 2; Block: 7; Lot: 26 & 27.

John Apple made a motion to hear Application # 32-18, duly 2<sup>nd</sup>, approved 5-0. Applicant Chuck Corbin returned to the board. Mr. Corbin stated that he was granted a variance for a new deck a few months ago. While constructing the new deck, his builder noted that his other deck was in disrepair and it should be removed and rebuilt to connect the deck using one stair case for both decks. Joe DePaul produced photos of the deck. Mr. Corbin noted that the proposal would not increase nonconformity. A brief discussion ensued regarding setbacks. It was determined that a side setback to 15' was needed. Joe DePaul asked the public for comment. None given. John McCartney made a motion to enter into the Business Session, duly 2<sup>nd</sup>, approved 5-0. The board saw no problem with this application. Joe DePaul made a motion to grant a side setback to 15' to allow the removal of an existing deck and stairs to connect the decks with one staircase, noting no increase in nonconformity; the hardship being the small size and shape of the lot, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

**Application # 33-18:** Liner, 11 Fair Lane, for variances to Zoning Regulations 3.2.5A, 3.2.6B Side Setback to 12', 3.2.6C Rear Setback to 35', 3.2.11, 7.1.1.1A&B and 7.2.3A,B&E for the purpose of building a 5'x7' addition. Zoning District: R-44; Map: 44; Block: 7; Lot: 10-11.

Vinny Mancuso made a motion to hear Application # 33-18, duly 2<sup>nd</sup>, approved 5-0. Applicant Jane Liner and agent Daniel LaChance approached the board with a proposal to build a 5'x7' addition to fill in the corner of their house. Jane Liner produced a new survey with new setbacks. No rear setback was needed to square off the corner and the proposal would go no higher than the current roof. 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. The board saw no problem with the application. Joe DePaul made a motion to grant a side setback to 14.8' to allow construction of a 5'x7' addition per the plans as submitted to square off the house, noting no increase in dimensional nonconformity; the hardship being the nearness of the house to the side setback, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

**Application # 34-18:** New Fairfield Medical LLC and Western Connecticut Health Network, 130 Route 37, for variances to Zoning Regulations 4.1.4D Minimum Building and Structure Setbacks

for the purpose of changing the Zoning District from NB to BC. Zoning District: NB; Map: 19; Block: 15; Lot: 18.2.

John Apple made a motion to hear Application # 34-18, duly 2<sup>nd</sup>, approved 5-0. Attorney Thomas Van Lenten approached the board with several map handouts showing property lines, terrain, wetlands and positioning of the adjacent properties. Attorney Van Lenten stated that the property abuts Dunham Pond condominiums where no more units can be built due to restrictions on the property and unbuildable wetlands. The applicant is seeking a variance to waive Zoning Regulation 4.1.4D which states that if a property is abutting a residential district, no building, structure or parking area within a Business/Commercial BC District shall be closer than one and one-half (1 1/2 ) times the minimum side or rear building setback required in the residential district that it abuts. Owner Wayne Skelly explained that if this regulation was not waived, the narrowness of the property would make it unusable for their proposed new medical center building. It is their intention to go before Zoning to change the Zoning District from NB to BC. John Apple stated that he was concerned about spot zoning. Mr. Skelly explained that spot zoning was not an issue because the abutting Pool Doctor property was commercially zoned as well as Dr. Hanrahan's property to the left. The change in zone would allow for greater square footage. A front variance was previously granted before the property's zoning was changed to NB. The applicants are not requesting any setbacks only the waiver of Zoning Regulation 4.1.4D. Joe DePaul asked to see building plans of the proposed medical center. Wayne Skelly stated that he had incomplete renderings and site plans for the lot. Joe DePaul stated that he did not like to grant a variance without seeing what the applicant's plans were. Mr. Skelly showed preliminary drawings which show a two-story 12,000 sq. ft. building. The applicant plans to construct a 10,000 sq. ft. one-story medical center that would be 80' to 100' from the street and that would meet all BC setbacks. Joe DePaul stated that he would like letters from the abutting neighbors showing their agreement to the plans. A lengthy discussion ensued about properties abutting residential areas and the change of Zoning District through the Zoning where a special permit would be required for structures over 5,000 sq. ft.

Morris Gross spoke on behalf of Western Connecticut Health Network (WCHN) noting that they have been in New Fairfield for over 19 years and have outgrown their present space with little parking for staff and patients. The new site would have room for 4 full-time staff doctors, staff and be able to allow for future growth for the population of New Fairfield. The lease on their present location ends December 31, 2019. Mr. Gross noted that the new medical facility would resemble existing facilities in Newtown and Wilton. Joe DePaul asked the public for comment. Kevin Hart stated that he was excited about the applicant's plans and architecture. Gus Sakantini enquired about how many student interns the facility would employ. Kris Hall, as a patient of WCHN, noted that the proposal is a good thing for the patients and for the town of New Fairfield. Vinny Mancuso made a motion to enter into the Business Session, duly 2<sup>nd</sup>, approved 5-0. Vinny Mancuso stated that the town really needs this facility and did not see any problems. John McCartney noted that Dunham Pond's residents are 55 years and over and thought the plans for a doctor's office next door would be welcomed. John Apple stated that he would also like to see the plans but because the variance is only to waive Zoning Regulation 4.1.4D, he saw no problem voting on the proposal. Vinny Mancuso stated that there was only a year left on the lease and that there was a very short construction time frame. John McCartney explained that he had looked at the property and agreed that with the wetlands nothing could be built around it.

The board members agreed that they would like to vote on the application and not continue it. Vinny Mancuso made a motion to leave the Business Session, duly 2<sup>nd</sup>, approved 5-0 so that Joe DePaul could confirm with the applicant exactly what they wanted waived. Wayne Skelly confirmed that they were only seeking a waiver of Zoning Regulation 4.1.4D. 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 waive Zoning Regulation 4.1.4D Minimum Buildings and Structure Setbacks; the hardship being the wetlands and size and shape of the lot, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

**Application # 35-18:** D'Amico, 59 Bogus Hill Road, for variances to Zoning Regulations 3.2.5A&B, 3.2.6B Side Setback to 18', 3.2.6C Rear Setback to 20', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of a vertical expansion addition to enlarge the master suite. Zoning District: R-44; Map: 11; Block: 2; Lot: 23.

Dan McDermott made a motion to hear Application # 35-18, duly 2<sup>nd</sup>, approved 5-0. Anthony D'Amico and Michelle Montana approached the board with their proposal to raise the middle portion of their roof to match the existing roof line and stay within the building envelope. The vertical expansion would only add about 600 sq. ft. and give more head room. Setbacks were confirmed. Joe DePaul asked the public for comment. None given. Vinny Mancuso made a motion to enter in to the Business Session, duly 2<sup>nd</sup>, approved 5-0. Vinny noted that the applicant was staying within the building envelope and saw no problem with the application. Joe DePaul made a motion to grant a side setback to 18', a rear setback to 20' for a vertical expansion noting that there is no increase in dimensional nonconformity; the hardship being the extreme slope of the lot, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

**Application # 36-18:** Crothers Holdings LLC, 7 Candlewood Road, for variances to Zoning Regulations 3.2.5A, 3.2.6B Side Setback to 9.4', 3.2.6C Rear Setback to 0', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of vertical expansion addition. Zoning District: R-44; Map: 39; Block 1; Lot: 25-30.

John Apple made a motion to hear Application # 36-18, duly 2<sup>nd</sup>, approved 5-0. Ann Crothers Gustavson and Don Gustavson approached the board with their proposal for a vertical expansion after damage from the May storm. The existing cape has a slanted ceiling, low closets and a bathroom with little head room. The proposal would raise the roof ridge 9' to allow for more head room. Joe DePaul visited the property and noted that no neighbor views would be impacted. 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 side setback to 9.4' and a rear setback to 0' to allow a vertical expansion per the plans as submitted; the hardship being the size and shape of the lot, noting that there is no increase in dimensional nonconformity, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

**Application # 37-18:** Tul, 8 Satterlee Road, for variances to Zoning Regulations 3.2.5A, 3.2.11, 7.1.1.2 and 7.2.3A&B for the purpose of constructing a 16.5'x16.5' deck addition. Zoning District: R-44; Map: 17; Block: 3; Lot: 81.

John Apple made a motion to hear Application # 37-18, duly 2<sup>nd</sup>, approved 5-0. Viviana Tul approached the board seeking to construct a 16.5'x16.5' deck with no setbacks needed. The variance is needed because the lot is nonconforming. The deck would not go past the existing slate patio. 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 16.5'x16.5' deck addition per the plans as submitted, noting that no setbacks are needed; the hardship being the size and shape of the lot, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

**Application # 38-18:** Anderman, 75 Bogus Hill Road, for variances to Zoning Regulations 3.0.4C Minor Accessory Buildings & Structures, 3.2.5A, 3.2.6C Rear Setback to 28', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing a two story vertical expansion. Zoning District: R-44; Map: 11; Block: 2; Lot: 32.

John Apple made a motion to hear Application # 38-18, duly 2<sup>nd</sup>, approved 5-0. Architect Brad DeMotte and Arthur and Carole Anderman approached the board with their proposal for a vertical expansion due to damage from May's storm. Mr. DeMotte gave a brief history of the 1940 original house and additions. A side wing containing two small bedrooms was destroyed after a tree fell on it. The applicant would like to enlarge the house by 13.6' to the side from front to rear to allow for 3 bedrooms to replace the existing ones. A brief discussion ensued about the site plans and discrepancies over the 440 line. It was determined that the rear setback would be 28.9'. The applicant provided revised plans for the file. 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 rear setback to 28.9' to allow a vertical expansion per the plans as submitted; the hardship being the size and shape of the lot and the proximity to the 440 line, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

**Application # 39-18:** Marino, 5 Merlin Avenue, for variances to Zoning Regulations 3.2.5A, 3.2.6C Rear Setback to 14.3', 3.2.11, 7.1.1.1A&B and 7.2.3A&B for the purpose of converting an existing den into a deck. Zoning District: R-44; Map: 34; Block: 3; Lot: 2.

John Apple made a motion to hear Application # 39-18, duly 2<sup>nd</sup>, approved 5-0. Gus Sakakini, Agent, and Anita Dianna Marino approached the board. The proposal would convert an existing den into a deck due to damage from May's storm. The applicant would like to extend the deck 4'. The current setback is 18.35'. Joe DePaul stated that he did not like to increase nonconformity and suggested the applicant stay within the footprint. The board gave their suggestions for a safe deck size due to barbeque use. Joe DePaul noted that the applicant had room to extend to the side. A brief discussion ensued and it was agreed that a 10'x19' deck would be a good compromise. The new rear setback required would be 16.35'. Joe DePaul asked the public for comment. None given. John McCartney 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 rear setback to 16.35' to construct a 10'x19' deck to replace the den 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.

**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.

Dan McDermott made a motion to hear Continued Application # 28-18, duly 2<sup>nd</sup>, approved 5-0. The applicant was not present and it was determined that the application was able to be continued until next month. Joe DePaul made a motion to continue Continued Application # 28-18, duly 2<sup>nd</sup>, approved 5-0.

Vinny Mancuso made a motion to adjourn the meeting at 9:18 p.m., duly 2<sup>nd</sup>, approved 5-0.