

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

**MINUTES
March 16, 2017**

The New Fairfield Zoning Board of Appeals (ZBA) held a public hearing followed by a business session at 7:00 p.m. on Thursday, March 16, 2017 in the Company A Firehouse, located at 302 Ball Pond Road. Secretary Joanne Brown took the Minutes.

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

ZBA members absent: John Apple, Vice Chairman; Patrick Hearty

Town Officials in attendance: None.

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. John McCartney made a motion to adopt the agenda, duly 2nd, approved 4-0. Secretary Joanne Brown read the Call of the Meeting.

Continued Application # 33-16: Campanelli, 18 Brook Drive, for variances to Zoning Regulations 3.0.4C Minor Accessory Buildings & Structures, 3.2.5A&B, 3.2.11, 7.1.1.1A,B&C and 7.2.3A&B for the purpose of erecting a 12'x16' pre-engineered shed on the side yard. Zoning District: R-44; Map: 44; Block: 4; Lot: 57.

Joe DePaul stated that a certified letter was received from Mr. Campanelli withdrawing the application.

Continued Application # 01-17: Rubio, 61 Lake Drive North, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 24', 3.2.6B Side Setbacks to 13' and 10', 3.2.7, 3.2.11, 7.1.1.1A,B&C and 7.2.3A,B&E for the purpose of reconstructing 1700 sq. ft. of an existing house and adding a 525 sq. ft. front addition. Zoning District: R-44; Map: 15; Block: 1; Lot: 47.

Attorney Marcus was not available and asked at the February meeting that the application be continued to the April meeting.

Continued Application # 02-17: Hicks LLC, 7 Route 37, for variances to Zoning Regulations 4.1.3A&B Minimum Lot Area, 4.1.4B Minimum Building & Structure Setbacks and 7.2.3A,B&E for the purpose of adding a roof over an existing outdoor vehicle lift. Zoning District: B/C; Map: 24; Block: 8; Lot: 4.

Joe DePaul read into the record that an email was received from Tom Hicks requesting a continuance to the April meeting.

Application # 05-17: Rail, 37 Lakeshore North, for variances to Zoning Regulations 3.2.5A&B, 3.2.6B Side Setback to 10', 3.2.6C Rear Setback to 25', 3.2.7, 3.2.11, 7.1.1.1A&B and 7.2.3A,B & E for the purpose of installing a screened porch over an existing stone patio, constructing an outdoor fireplace and cutting the existing deck back to 5'. Zoning District: R-44; Map: 40; Block: 6; Lot: 52-54.

Vinny Mancuso made a motion to hear Application # 05-17, duly 2nd, approved 4-0. Contractor Joe Coehlo presented an authorization letter from Applicant Maura Rail to act on her behalf. Mr. Coehlo gave a brief description of the existing stone patio and foundation and proposed screened-in porch and fireplace. The existing 2nd floor deck would be cut back to 5'. Joe DePaul questioned where the setbacks were on the survey. Mr. Coehlo stated that a current survey is being worked on. The dimensions of the screened-in porch would require a rear setback to 25' which would not increase nonconformity. An existing barbeque was removed and will be replaced with an outdoor fireplace on the existing footings. The fireplace will be approximately 5.5' wide, 22" deep and 12'-13' high. Ann Brown asked if the screened-in porch would stay within the existing patio's footprint. Mr. Coehlo responded affirmatively. Joe DePaul questioned the height of the patio. Mr. Coehlo responded that it was 27" at the highest point. Joe DePaul noticed that the existing setback was 10.32' and asked the applicant to modify the application from 10' to 10.32' which would not increase nonconformity. Joe DePaul asked the board if they had any objections and the public for comment. None given. John McCartney made a motion to enter into the Business Session, duly 2nd, approved 4-0. Joe DePaul discussed with the board adding a stipulation to the variance that the porch could not extend outside the footprint of the existing patio. Joe DePaul made a motion to grant a rear setback to 25' and a side setback to 10.32' for the purpose of constructing a screened-in porch and outdoor fireplace, providing the porch goes no closer to the 440 line than the existing house; the hardship being the size and slope of the lot, noting that the proposal does not increase dimensional nonconformity, duly 2nd, approved 4-0. Variance granted.

While in the Business Session, Vinny Mancuso made a motion to adopt the minutes as written duly 2nd, approved 4-0.

Application # 06-17: Berrie, 3 Candlewood Road, for variances to Zoning Regulations, 3.2.6C Rear Setback to 23.7', 3.2.11, 7.1.1.1A&B and 7.2.3A,B&E for the purpose of tearing down an existing single family house and constructing a new one. Zoning District: R-44; Map: 39; Block: 1; Lot: 2.2-14.

Vinny Mancuso made a motion to hear Application # 06-17, duly 2nd, approved 4-0. Applicant Stanley Berrie, Attorney Anthony Yorio and Architect Michael Lobuglio approached the board with a new proposal that would substantially decrease nonconformity on three sides. The current front setback would go from 30.2' to 41', the side from 17' to 15.8' and rear from 17' to 23.7'. Mr. Yorio gave a brief overview of the proposal, existing setbacks and the hardships on the lot. The lot would be filled in bringing the front to grade, no longer requiring a bridge and

eliminating any safety concerns. The existing house (2300 sq. ft.) would be completely torn down and a new larger house (5500 sq. ft.) would be constructed with a 22' increase in roof height. Mr. Berrie presented the board with two letters in support of the proposed construction from adjacent neighbors Soo-Mi Lee (5 Candlewood Road) and Antonio and Sharon Freitas (1 Candlewood Road). The board was pleased with the decrease in nonconformity. Joe DePaul asked the public for comment. None given. A brief discussion ensued about whether any neighbors were present to object to the proposal as they were notified by mail by the ZBA. Joe DePaul stated that if there were no objections, there would be no problem in granting the variance. Vinny Mancuso made a motion to enter into the Business Session, duly 2nd, approved 4-0. The board had no objections and was pleased with the decrease in nonconformity. Joe DePaul made a motion to grant a rear setback to 23.7' for the purpose of tearing down an existing house and constructing a new house per the plans as submitted, noting that the dimensional nonconformity had substantially been reduced; the hardship being the irregular size and shape of the lot, duly 2nd, approved 4-0. Variance granted.

Application # 07-17: Angelson, 4 Glenn Holly Road, for variances to Zoning Regulations 3.2.5A.B&C, 3.2.6C Rear Setback to 9', 3.2.11, and 7.1.1.1A&B for the purpose of constructing an outdoor fireplace. Zoning District: R-44; Map: 39; Block: 01; Lot: 75&76.

Ann Brown made a motion to hear Application # 07-17, duly 2nd, approved 4-0. Robert Schweitzer, agent for applicant Caryn Angelson and William Topf, approached the board with proposed plans and photos of the existing property. Mr. Schweitzer gave a brief overview of the 1920 Adirondack style bungalow and described plans to update the property. Mr. Schweitzer presented plans for an outdoor fireplace. Joe DePaul stated that the board could not approve setbacks for a fireplace because it would open up protocol that other structures could be added later on. Mr. Schweitzer presented "Plan B" with the fireplace relocated with a 27' setback. Joe DePaul stated that the board would not approve the fireplace and suggested that Mr. Schweitzer speak to Zoning to see if the regulations regarding fireplaces could be changed. A brief discussion ensued about regulations. Mr. Schweitzer agreed to withdraw this application and pursue discussions with Zoning.

Application # 08-17: Lawson, 23 Meadoway, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 23.5', 3.2.6B Side Setbacks to 7.9' and 8', 3.2.6C Rear Setback to 29.8', 3.2.11, 7.1.1.1A&B and 7.2.3A,B&E for the purpose of a vertical expansion and adding a shed roof in between the dormers of a previously approved variance. Zoning District: R-44; Map: 45; Block: 3; Lot: 13.

Ann Brown made a motion to hear Application #08-17, duly 2nd, approved 4-0. Joe Coehlo, agent for the Lawsons, approached the board and explained that there was confusion on the plans that were submitted and approved. Mr. Coehlo stated that he needed to come back before the board for approval of a shed roof approved between two dormer windows of a previously approved variance. There would be no changes in any setbacks. John McCartney made a motion to enter into the Business Session, duly 2nd, approved 4-0. The board discussed that this was a minor change but still needed the board's approval. Joe DePaul made a motion to grant a front setback to 23.5', side setbacks to 7.9' and 8' and a

rear setback to 29.8' to allow a change in the roof line to construct a shed roof between two dormer windows with no change in nonconformity; the hardship being the irregular size and shape of the lot, duly 2nd, approved 4-0. Variance granted.

Application # 09-17: O'Hara, 29 Jeremy Drive, for variances to Zoning Regulations 3.0.5A,B &C Private Permanent Detached Garage, 3.1.5B&C, 3.1.6B Side Setback to 25', 3.1.6C Rear Setback to 25' and 7.1.1.1A&B for the purpose of building a 36'x50' Detached Garage. Zoning District: R-88; Map: 12; Block: 1, Lot: 50.

Vinny Mancuso made a motion to hear Application # 09-17, duly 2nd, approved 4-0. Steven O'Hara approached the board. Mr. O'Hara stated that he has a camper and two boats on his property and would like to construct a large garage. Mr. O'Hara described the steep topography of the property and placement of the garage. Joe DePaul stated that the survey did not provide enough information to show why the garage should be placed so close to the setbacks and suggested Mr. O'Hara get an updated survey that showed the topography. John McCartney discussed the stone wall and the placement of the driveway. Joe DePaul suggested that the applicant get a letter from the town sanitarium regarding location of the septic. The square footage and zoning regulations were discussed. The board stated that 1800 sq. ft. was a commercial size garage and could not be constructed in a residential zone. Joe DePaul stated that the board would not approve such a large garage while it violates two setbacks. It was suggested that the placement be moved out of the setbacks and the size not exceed 1000 sq. ft. It was suggested that Mr. O'Hara continue the application to next month to revise the placement of the garage out of the setbacks, and get an updated survey and letter from the town sanitarium. John McCartney made a motion to continue Application #09-17, duly 2nd, approved 4-0.

Joe DePaul made a motion to adjourn the meeting at 8:39 p.m., duly 2nd, approved 4-0.