

New Fairfield Zoning Board of Appeals New Fairfield, Connecticut

MINUTES November 18, 2021

The New Fairfield Zoning Board of Appeals (ZBA) held a public hearing followed by a business session at 7:00 p.m. on Thursday, November 18, 2021, **via Zoom Web Conference (Meeting ID: 96723482755)**. Secretary Joanne Brown took the Minutes.

ZBA Members in attendance: Joe DePaul, Chairman; John Apple, Vice Chairman; John McCartney; Christine Garabo and Alternates Ann Brown and Bob Jano

ZBA Members not in attendance: Vinny Mancuso

Town Officials in attendance: Evan White, ZEO

Assistant Network Broadcast Coordinator, Quintin Flower, 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 and welcomed Christine Garabo as a new member to the Board. Joe DePaul explained the meeting process and voting and appeal procedures. Secretary Joanne Brown read the agenda. Joe DePaul made a motion to amend the agenda to elect new officers to the Board, duly 2nd, approved 5-0.

Continued Application # 37-21: Logiudice, 54 Lake Drive North, for variances to Zoning Regulations 3.0.4C,E&F Minor Accessory Buildings & Structures, 3.0.9A,B,C,D&E, Pergolas, 3.2.5A&B, 3.2.6B Side Setback to 1', 3.2.6C Rear Setback to 1' (shed) and 5.5' (pergola), 3.2.7, 3.2.8, 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing an open 20'x20' pergola over an existing deck and constructing an 8'x10' shed. Zoning District: R-44; Map: 15; Block: 1; Lot: 83-84.

No one was present for the application. John Apple made a motion to move Continued Application # 37-21 to the end of the agenda, duly 2nd, approved 5-0.

Continued Application # 41-21: Marlowe, 25 Overlook Road, for variances to Zoning Regulations 3.2.5A, 3.2.6C Rear Setback to 20', 3.2.11, 7.1.1.2A&B and 7.2.3A,B&E for the purpose of constructing a wooden deck and stairs. Zoning District: R-44; Map: 45; Block: 5; Lot: 62.

Kelly Marlowe returned to the board after considering the board's suggestion to reduce the size of the deck with a revised proposal for an 8'x20' deck requiring a 23.26' rear setback. Joe DePaul noted that he had suggested a 7' deck which would require a 24.26' rear setback. At last month's meeting, Dan McDermott had suggested a compromise of 8'x16'. A brief discussion ensued over the slope of the property, placement of the stairway and increase of nonconformity. Joe DePaul noted that he had an issue increasing nonconformity and preferred a 7' deck. John Apple and John

McCartney stated that they could go either way with a 7' or 8' deck. Christine Garabo and Ann Brown voiced their support of a 7' deck. The applicant agreed to modify the proposal for a 7'x20' deck. The Chairman questioned whether the 20' deck would encroach into the side setbacks. The applicant stated that they did not need a side setback. Joe DePaul asked the public for comment. None given. The Board entered into the Business Session. Both John Apple and John McCartney noted that they were good with the 7' deck. Joe DePaul made a motion to grant a rear setback to 24.26' to construct a 7'x20' deck per the revised plans as submitted; the hardship being the slope of the lot, duly 2nd, approved 5-0. Variance granted.

While in the Business Session, John McCartney made a motion to accept the Minutes as presented, duly 2nd, approved 4-0-1, Christine Garabo abstaining.

Application # 42-21: Notley, 3 Marlboro Road, for variances to Zoning Regulations 3.2.5A, 3.2.6A Front Setback to 13', 3.2.6C Rear Setback to 26', 3.2.11, 7.1.1.2A&B and 7.2.3A,B&E to enlarge existing dormers. Zoning District: R:44; Map: 36; Block: 6; Lot: 8-10.

Caren Carpenter gave a brief overview of the proposal to connect two small dormers into one larger dormer requiring a front setback to 16.3' and rear setback to 49.1' with no increase in nonconformity. The roof height would remain the same. Joe DePaul asked the public for comment. None given. The Board entered into the Business Session. Joe DePaul made a motion to grant a front setback to 16.3' and a rear setback to 49.1' to reconstruct and connect the dormers, noting that there is no increase in structural nonconformity; the hardship being the size and shape of the lot, duly 2nd, approved 5-0. Variance granted.

Application # 43-21: SIMLAKE LLC, 36 Lake Drive South, for variances to Zoning Regulations 3.0.5C Private Detached Garages, 3.2.5A&B, 3.2.6A Front Setback to 9.1', 3.2.8, 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing a detached two-car garage. Zoning District: R-44; Map: 20; Block: 1; Lot: 54.

John McGuirk, Architect, representing owner Mohammed Badi, gave a brief overview of the proposal. Mr. McGuirk noted that there were four goals that the proposal would like to address. These four goals are to construct a detached two-car garage with an upper floor, reduce the slope of the driveway, allow for handicap accessibility and minimize impervious surfaces. An explanation of the placement of the garage ensued. The proposed 22'x22' garage includes an upper level for a playroom with outside stairs requiring a front setback to 9.1'. The proposal involves raising the garage floor grade to decrease the excessive slope and allow handicap access with a funicular. It would also decrease impervious coverage to 32.08% by using pervious pavers. The hardship is the size, shape, and slope of the lot. Joe DePaul noted that this proposal is a massive increase of nonconformity and discussed the board's previous rulings regarding garages. Mr. DePaul noted his issue with the second floor of the garage and recommended that the applicant remove the second floor and lower the roof. John McCartney supported eliminating the playroom, lowering the roof and removing the outside stairway which would then require an 11' setback. The board suggested the

applicant continue the application to revise the garage plans. John Apple made a motion to continue Application # 43-21, duly 2nd, approved 5-0. Application continued.

Continued Application # 37-21: Logiudice, 54 Lake Drive North, for variances to Zoning Regulations 3.0.4C,E&F Minor Accessory Buildings & Structures, 3.0.9A,B,C,D&E, Pergolas, 3.2.5A&B, 3.2.6B Side Setback to 1', 3.2.6C Rear Setback to 1' (shed) and 5.5' (pergola), 3.2.7, 3.2.8, 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing an open 20'x20' pergola over an existing deck and constructing an 8'x10' shed. Zoning District: R-44; Map: 15; Block: 1; Lot: 83-84.

No one was present for the application. John McCartney made a motion to continue Application # 37-21 until next month, duly 2nd, approved 5-0. Application continued.

Bob Jano questioned why the Board is still having Zoom meetings and not in-person meetings. Joe DePaul noted that the next meeting will be held via Zoom and the 2022 calendar will be scheduled for in-person meetings with an option to Zoom as needed.

John Apple nominated Joe DePaul as Chairman, duly 2nd, approved 5-0. Joe DePaul nominated John Apple as Vice Chairman, duly 2nd, approved 5-0.

Christine Garabo made a motion to adjourn the meeting at 8:08 p.m., duly 2nd, approved 5-0.