

New Fairfield Zoning Board of Appeals New Fairfield, Connecticut

MINUTES December 13, 2021

The New Fairfield Zoning Board of Appeals (ZBA) held a public hearing followed by a business session at 7:00 p.m. on Monday, December 13, 2021, **via Zoom Web Conference (Meeting ID: 92552025311)**. Secretary Joanne Brown took the Minutes.

ZBA Members in attendance: Joe DePaul, Chairman; John Apple, Vice Chairman; Vinny Mancuso; John McCartney; Christine Garabo and Alternate Ann Brown

ZBA Members not in attendance: Alternates Bob Jano and Peter Hearty

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. 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 add a discussion of the ZBA 2022 calendar, 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 McCartney made a motion to move Continued Application # 37-21 to the end of the agenda, duly 2nd, approved 5-0.

Continued 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, returned to the board with a revised proposal after taking the Board's suggestions into account from last month. The playroom over the garage was removed from the proposal lowering the pitch of the roof. The exterior stairs and landing were also eliminated changing the front setback to 11'. A decorative 4' cupola would sit on the center of the garage. The board suggested the applicant remove the cupola to reduce the height of the roof. The total height of the roof was 14.3', with an

interior 8' ceiling. Joe DePaul asked the public for comment. None given. The Board entered into the Business Session. Joe DePaul noted that the applicant did everything that they asked of him and that the revised proposal was much better than the original. Joe DePaul made a motion to grant a front setback to 11' to allow construction of a two-car garage per the modified plans as submitted, noting the variance for impervious surfaces, 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, Vinny Mancuso abstaining.

Application # 44-21: LaMonte, 25 Lakeshore North, for variances to Zoning Regulation 3.0.10 Mechanical Equipment for the purpose of installing a residential standby generator. Zoning District: R-44; Map: 40; Block: 6; Lot: 26 & 27.

Tom and Janeane LaMonte presented their proposal to install a generator less than 6.5' from the property line. Joe DePaul stated that he visited the property and questioned why the existing shed was not on the survey. Mr. LaMonte stated that the shed was not permanent and was built on railroad ties and rolled to its position a year ago. Mr. DePaul noted that this was an illegal shed which did not conform to Zoning Regulation. Evan White concurred. Mr. LaMonte stated that the shed was less than 200 sq. ft. and did not realize that it was illegal. Vinny Mancuso stated that the Board must enforce the Zoning Regulations and would not vote for the proposal unless the shed was moved. The board asked if the applicant would agree to remove the shed as a stipulation on the variance for the generator. Joe DePaul recalled that a variance was granted for a vertical expansion in 2010 with a substantial increase in nonconformity. John Apple questioned if the generator ran on propane and the placement of the tank. A brief discussion ensued on the regulations of the placement of the generator from windows and door and from any sources of ignition and other areas for placement. The Board noted that the applicant would have to agree to remove the shed before they would go forward. The applicant decided to withdraw the application.

Application # 45-21: Ayala, 6 Darien Road, for variances to Zoning Regulations 3.2.5A, 3.2.6A Front Setback to 21.4', 3.2.11, 7.1.1.2 and 7.2.3A&B for the purpose of renovating an existing 4'x8' portico. Zoning District: R-44; Map: 35; Block: 2; Lot: 3.

Monica Ayala presented her proposal to change the roof of an existing portico from a flat roof to a pitched roof with no change in nonconformity. Evan White noted that the applicant made substantial improvements to the house to bring it up to code. The house sits on a corner lot. Joe DePaul asked the public for comment. None given. The Board saw no issues with the application. The Board entered into the Business Session. Joe DePaul made a motion to grant a front setback to 21.4' to approve construction of an existing portico as is; the hardship being the shape of the lot, duly 2nd, approved 5-0. Variance granted.

Application # 46-21: Rollmann and Sullivan, 9 Sunset Drive, for variances to Zoning Regulations 3.0.4C,E&F Minor Accessory Buildings and Structures, 3.2.6A Front Setback to 35', 7.1.1.2 and 7.2.3A&B for the purpose of enlarging an existing front entry

and adding an extension to an existing non-conforming shed. Zoning District: R-44; Map: 11; Block: 1; Lot: 3.

Rob Rollmann and Cindy Sullivan gave a brief overview of their proposal to enlarge an existing shed which they would like to bring into compliance with the Zoning Regulations. A portion of the existing shed sits in front of the rear plane of the house. The applicants would like to enlarge the existing shed to the left to increase the size to 194 sq. ft. Joe DePaul suggested enlarging the shed to the right to minimize nonconformity. The applicants presented three letters of support from neighbors: Loris Eminente, 10 Sunset Drive; Maria Silva, 5 Sunset Drive and Ed Silva, 11 Sunset Drive. Joe DePaul suggested that the applicant bifurcate the application. A brief discussion ensued regarding the shed. The applicants agreed to work with Evan White to either move the shed or build a new one in compliance with the Zoning Regulations; therefore, a vote was not necessary. John McCartney noted his support of making the shed compliant with the Zoning Regulations.

The applicant would like to increase the size of the roof over the entry by 2.5' requiring a 35' front setback. The Board had no issue with the proposal. 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 35' to allow the extension of a front entry way roof per the plans as submitted contingent upon bringing the shed into compliance with the Zoning Regulations; the hardship being the size and shape of the lot, duly 2nd, approved 5-0. Variance granted.

Application # 47-21: Davis, 29 Deer Run, for variances to Zoning Regulations 3.25A, 3.2.6C Rear Setback to 20', 3.2.11, 7.1.1.2 and 7.2.3A&B for the purpose of extending an existing deck. Zoning District: R-44; Map: 15; Block: 1; Lot: 126.

Mark Davis gave a brief overview of his proposal to extend an existing deck to the width of the house. The lot is nonconforming with a significant slope. Joe DePaul noted that there might be an issue with the distance from the deck to the side property line which would require a side variance. Ann Brown noted that the distance to the property line where the deck and house met looked less than 20'. The board suggested the application be continued to get a revised survey with correct side and rear setback measurements. The applicant agreed to continue the application. Vinny Mancuso made a motion to continue Application # 47-21, 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. It was noted that the applicant was absent for three meetings and that the application needed to be voted on because of the deadline. The board gave a quick recap of the proposal for a pergola with fabric and how the application was continued to obtain clarification from Evan White. Joe DePaul asked

the public for comment. None given. The Board entered into the Business Session. Christine Garabo noted that the applicant was not present to clarify the application. Joe DePaul made a motion to grant a rear setback to 5.5' to allow construction of a pergola per the plans as submitted; the hardship being the size and shape of the lot, duly 2nd, denied 0-5. Variance denied.

Joe DePaul presented the 2022 ZBA calendar and noted that the calendar was set up for regular in-person meetings but would most likely keep the meetings via Zoom until the Spring due to the Omicron COVID-19 variant. John McCartney agreed that Zoom meetings were a wise decision. John McCartney made a motion to accept the 2022 ZBA calendar, duly 2nd, approved 5-0. Calendar accepted.

Vinny Mancuso made a motion to adjourn the meeting at 8:25 p.m., duly 2nd, approved 5-0.