

New Fairfield Zoning Board of Appeals New Fairfield, Connecticut

MINUTES February 17, 2022

The New Fairfield Zoning Board of Appeals (ZBA) held a public hearing followed by a business session at 7:00 p.m. on Thursday, February 17, 2022, **via Zoom Web Conference (Meeting ID: 94293261831)**. 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 and Alternate Peter Hearty

Town Officials in attendance: Evan White, ZEO

Chairman Joe DePaul called the Meeting to order at 7:00 p.m. Network Broadcast Coordinator, Paul Gouveia, from the Town of New Fairfield, gave an overview of how the Zoom Web Conference would proceed. Joe DePaul introduced the Board Members and explained the meeting process and voting and appeal procedures. Secretary Joanne Brown read the agenda. John Apple made a motion to adopt the agenda, duly 2nd, approved 5-0.

Continued Application # 48-21: Ross, 19 North Beach Drive, for variances to Zoning Regulations 3.0.4 C,E&F Minor Accessory Buildings and Structures, 3.2.5, 3.2.6B Side Setback to 9'(deck) and 2.6' (shed), 3.2.6C Rear Setback to 22'(deck) and 2.6' (shed), 3.2.11, 7.1.1.2 and 7.2.3A&B for the purpose of constructing a 6'x12' extension to an existing deck and legalizing an existing shed. Zoning District: R-44; Map: 40; Block: 4; Lot: 27-28.

Applicant Karen Ross returned to the board with two letters of support regarding the location of the existing shed from adjoining neighbor Marie Knox (20 Knolls Road) and Thomas LaMonte, President of Candlewood Knolls Community. Joe DePaul noted that the shed cannot be seen from the street and is positioned behind a fence. The board saw no issues with the application since the applicant obtained the letters of support as requested at the last meeting. Karen Ross clarified that she is the owner of the wall on the property. Joe DePaul asked the public for comment. None given. Since the applicant was asking for both a variance for a deck and the legalization of the shed, the Chairman noted that he would bifurcate the application to vote on each item separately. The board entered into the Business Session. Joe DePaul made a motion to grant a side setback to 2.6' and a rear setback to 2.6' to legalize the current placement of the shed; the hardship being the size and shape of the lot, duly 2nd, approved 5-0. Variance granted.

A brief discussion ensued over the deck which was incorrectly measured on a previous variance. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. Joe DePaul made a motion to grant a side setback to 9.1' and a rear setback to 22' to legalize the existing construction of the deck as is; the hardship being the size and shape of the lot; duly 2nd, approved 5-0. Variance granted.

While in the Business Session, Christine Garabo made a motion to accept the Minutes as presented, duly 2nd, approved 5-0.

Continued Application # 50-21: Roscoe, 13 Candlewood Road, for variances to Zoning Regulations 3.0.4C,E&F Minor Accessory Buildings and Structures, 3.0.5C Private Permanent Detached Garages, 3.2.5, 3.2.6A Front Setback to 15.8', 3.2.6B Side Setbacks to 1" and 7', 3.2.6C Rear Setback to 2.10', 3.2.7, 3.2.8, 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of replacing an existing retaining wall expanding existing driveway. Zoning District: R-44; Map: 39; Block: 1; Lot: 40.

As requested at the last meeting, the applicant returned to the board with a letter of support regarding the location of the existing shed from the abutting neighbor, Brett Guinta, 11 Candlewood Road. Joe DePaul noted that the shed cannot be seen from the street. Joe DePaul stated that this application would be bifurcated into the shed and the driveway/retaining wall. Joe DePaul asked the public for comment. None given. The board entered in the Business Session. The board did not have an issue with the shed since the neighbor letter of support was obtained. Joe DePaul made a motion to grant a side setback to 1' and a rear setback to 7' to legalize the location of an existing shed; the hardship being the narrow shape of the lot, duly 2nd, approved 5-0. Variance granted.

The applicant gave a brief overview of the retaining wall requiring a front setback to 15'8". The board did not have an issue with the retaining wall due to safety concerns. 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 15'8" and a side setback to 1" to allow construction of a driveway and retaining wall per the plans as submitted; the hardship being the steep slope of the lot, duly 2nd, approved 5-0. Variance granted.

Application # 01-22: Schultes, 35 Lake Drive North, for variances to Zoning Regulations 3.2.5A&B, 3.2.6B Side Setback to 9', 3.2.11, 3.2.8, 7.1.1.2 and 7.2.3A&B for the purpose of replacing existing masonry stairs with pervious decking materials. Zoning District: R: 44; Map: 15; Block: 1; Lot: 23.

Ellen Hines, agent for the Schultes, gave an overview of the proposal to replace existing stairs and deck with trex decking. The 9' setback requested was measured to the property line. Ann Brown questioned where the setback measurement was taken from; the property line or the 440-line. Ms. Hines explained that previous owner never sold their rights to First Light and since there was no easement to First Light, it was

measured to the property line. A lengthy discussion over the correct measurement from the 440-line ensued. Joe DePaul read the definition of the 440-line into the record: "An elevation (contour) line surrounding Lake Candlewood equal to 440 feet above sea level (defined as the elevation datum established by the United States Geological survey, National Geodetic Vertical Datum of 1929 [NGVD 29]). For purposes of these Regulations, this line shall be considered a lot line." Bob Jano agreed that measurement from the 440-line is absolute. John McCartney suggested that the applicant continue the application to revise their proposal with the correct setbacks needed to correctly advertise the application. Joe DePaul asked the public for comment. None given. Ellen Hines agreed to continue the application. John McCartney made a motion to continue Application # 01-22 until next month, duly 2nd, approved 5-0. Application continued.

Application # 02-22: Roscoe, 3 Woods Road, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 25.2', 3.2.6B Side Setbacks to 14.2' and 5', 3.2.6C Rear Setback to 5', 3.2.7, 3.2.8, 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of demolishing and rebuilding an existing house on same footprint with a 3' increase in height and deck addition. Zoning District: R-44; Map: 45; Block: 1; Lot: 13.

Architect Caren Carpenter gave a brief overview of the proposal to tear down and rebuild the house. The proposed house will have a change in the roof ridge direction, a 3' increase in roof height and construction of another deck over an existing deck. A discussion ensued over the setbacks needed. The previous deck was destroyed in the 2018 macroburst. The board asked for the setbacks of the prior deck. Evan White suggested that the applicant contact him to go over prior field cards to determine the original setbacks. The board suggested that the applicant continue the application to obtain correct setbacks to readvertise the application and show all the proposed building and setbacks on one set of plans. The applicant agreed to continue. John McCartney made a motion to continue Application # 02-22 until next month, duly 2nd, approved 5-0. Application continued.

Application # 03-22: Lamp, 9 Amber Drive, for variances to Zoning Regulations 3.0.6B Swimming Pools and 3.1.6C Rear Setback to 45' for the purpose of installing an in-ground pool. Zoning District: R-88; Map: 12; Block: 1; Lot: 4.

Megan Lamp presented their proposal to install an inground pool at the rear of the property, noting the hardship of the size, shape and topography of the area. Ms. Lamp noted that the front yard has a 200' setback while the backyard has a rear setback of 71'. Joe DePaul stated that the pool could be placed within the setbacks. The applicant noted that multiple trees would need to be cleared and a significant retaining wall built which would cause a large disruption to the surrounding woods. The board suggested that the applicant get a letter from the neighbor in support of the proposal. John McCartney agreed with the applicant's placement of the pool, noting that he would not want to disturb the woods. Bob Jano also noted his support of the location of the pool. Ann Brown asked if the applicant would provide extensive landscaping around the pool

to buffer the neighbors. The applicant stated that they would provide two areas of natural screening and would be agreeable to having the landscaping be a contingency of the variance. Joe DePaul asked the public for comment. None given. Joe DePaul noted that this was a significant increase in non-conformity and there was no hardship. The board asked the applicant to continue the application to obtain a support letter from the neighbor. The applicant agreed to continue. John Apple made a motion to continue Application # 03-22 until next month, duly 2nd, approved 5-0. Application continued.

Application # 04-22: Foreht, 1 Satterlee Road, for variances to Zoning Regulations 3.0.5C Private Permanent Detached Garages, 3.2.5A, 3.2.6A Front Setback to 31', 3.2.6C Rear Setback to 46.9'. 3.2.8, 3.2.11, 7.1.1.2, 7.2.3A,B&E for the purpose of constructing a one-car detached garage. Zoning District: R-44; Map: 17; Block: 3; Lot: 34.

Applicant Melanie Horn presented the proposal to construct a one-story, one-car detached garage requiring a front setback to 31' and a rear setback to 46.9'. The applicant noted the garage is small in scale and in harmony with the existing house. Christine Garabo asked if there was a room above the garage that provided additional storage. The applicant stated that the garage would not have a 2nd floor. Christine Garabo commented that the homeowner did a good job in keeping the garage scale appropriate to the house. The board saw no issues with the application. 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 31' and a rear setback to 46.9' to allow construction of a one-car detached garage per the plans as submitted; the hardship being the small size of the lot, duly 2nd, approved 5-0. Variance granted.

Application # 05-22: Consiglio, 39 Candlewood Drive, for variances to Zoning Regulations 3.0.6B Swimming Pools, 3.2.5A&B, 3.2.6A Front Setback to 29.5', 3.2.6C Rear Setback to 22.7', 3.2.8, 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of removing and rebuilding an existing deck with stairs, constructing a screened porch, a front-entry landing with stairway and installing an above-ground pool. Zoning District: R-44; Map: 39; Block: 6; Lot: 29.

Stacey Keaney, agent for the applicant, presented the proposal to rebuild an existing deck in front of the house with a 2' increase in width and to replace a straight staircase with a L-shaped stairway. The topography is extremely steep. The pool would require a rear setback to 22.7'. Joe DePaul noted that there were three sheds currently on the property. Ms. Keaney noted that two sheds would be removed and one shed kept for storage. Joe DePaul stated that this was a massive increase in nonconformity. The board noted that the applicant could construct a vertical expansion. The applicant stated that the neighbors would not support a vertical expansion and that was not an option. Evan White noted that the lot has two rear property lines. A lengthy discussion ensued about the placement of the addition and the board suggested the proposal be revised to try to stay inside the setbacks as much as possible. The applicant agreed to

continue the application. John McCartney made a motion to continue Application # 05-22, duly 2nd, approved 5-0. Application continued.

Application # 06-22: Croxton, 28 Lake Drive South, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 23', 3.2.6B Side Setback to 18', 3.2.8, 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing a vertical expansion on the existing footprint. Zoning District: R-44; Map: 20; Block: 1 & 10; Lot: 60 & 4.

Agent, Valmar Franca, Jr., presented the proposal to construct a vertical expansion of the existing house requiring a front setback to 23.5' and a side setback to 18.7'. The proposal would be in the existing footprint with no increase in nonconformity. The square footage would be increased to 2600 sq. ft. Joe DePaul noted that the house is 23.5' to the edge of the road and he had an issue with a massive second story being right on top of the road. Mr. Franca noted that the house currently has a 2nd floor addition and the proposed addition would be in line with the existing addition. Mr. Franca explained that the proposed roof design was chosen to minimize and push back the pitch of the roof. Joe DePaul questioned if the house could be built to the rear so it would not be so close to the road. Mr. Franca noted that the septic and extensive ledge would not allow construction to the rear. Christine Garabo noted that the new addition was not much higher than the left side addition and only a 3' expansion. A brief discussion ensued over the correct setbacks requested. 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 23.5' and a side setback to 18.7' to allow construction of a vertical expansion per the plans as submitted, duly 2nd, approved 5-0. Variance granted.

Bob Jano made a motion to adjourn the meeting at 9:41 p.m., duly 2nd, approved 5-0.