

New Fairfield Zoning Board of Appeals New Fairfield, Connecticut

MINUTES March 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, March 17, 2022, **via Zoom Web Conference (Meeting ID: 97172769553)**. Secretary Joanne Brown took the Minutes.

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

ZBA Members not in attendance: John Apple, Vice Chairman and Alternates Peter Hearty and Christopher Wegrzyn

Town Officials in attendance: Evan White, ZEO

Chairman Joe DePaul called the Meeting to order at 7:00 p.m. Assistant Network Broadcast Coordinator, Quintin Flower, 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. Joe DePaul noted that Vinny Mancuso resigned from the board and thanked Vinny for his many years of dedication to the ZBA. Ann Brown has been appointed as Vinny's replacement as a permanent member. Joe announced that Chris Wegrzyn was appointed as an alternate member of the board. Secretary Joanne Brown read the agenda. John McCartney made a motion to adopt the agenda, duly 2nd, approved 5-0.

Continued Application # 01-22: Schultes, 35 Lake Drive North, for variances to Zoning Regulations 3.2.5A&B, 3.2.6C Rear Setback to 1', 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 returned to the board with a revised rear setback from the 440 line as requested at last month's meeting to replace existing masonry stairs with trex decking to reduce impervious coverage. Joe DePaul produced photos of the property to ascertain exactly which areas were to be replaced and which masonry areas would remain. It was determined that the stairs below the deck were to be replaced and 4' railing added for safety. Evan White noted that no variance was needed for the deck. Joe DePaul asked the public for comment. None given. The board entered into the business session. The board had no issue with the railings due to safety issues. Joe DePaul made a motion to grant a rear setback to 1' to allow replacement of masonry stairs with trex decking per the plans as submitted; 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 February Minutes as presented, duly 2nd, approved 5-0. John McCartney asked the Chairman to clarify that ZBA members cannot participate in Zoning meetings as the ZBA can appeal any decision made by Zoning and the Zoning Enforcement Officer and it would create a conflict of interest. John McCartney suggested a joint meeting with Zoning to address the Zoning Regulations. Joe DePaul stated that he would have to check with the Town Attorney. Joe DePaul questioned why the updated Zoning Regulations have not been updated on the Zoning website. Evan White stated that entire Zoning Regulations are being updated and have not been finalized. Joe DePaul also asked the board not to 'reply all' to emails other than the meeting invitations as they might constitute an illegal meeting.

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 11.5' and 2', 3.2.6C Rear Setback to 15', 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.

Bob Roscoe returned to the board with updated setbacks for his proposal. The board had a difficult time ascertaining existing and proposed setbacks as they were not properly shown on an updated survey. Caren Carpenter, agent, said that she thought the board just needed the revised setbacks. Ann Brown noted that the applicant was asked for one set of plans that show both existing and proposed setbacks at last month's meeting. A lengthy conversation ensued over the plans, setbacks, stairways and the dimensions of the previous existing deck. Evan White looked up the field card and ascertained the deck's dimensions were 10'x20' before the 2018 microburst. Joe DePaul asked the public for comment. None given. The board asked the applicant to continue the application to acquire updated plans which show existing and proposed dimensions. Bob Jano made a motion to continue Application # 02-22 until next month, duly 2nd, approved 5-0. Application continued.

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 returned to the board and noted that the board asked her to obtain a letter of support from her neighbor. Igor Odessey, 4 Twins Ponds Court, agreed to the landscaping as illustrated on their landscape design plan. The applicants were also asked to provide a landscape design plan for their proposal to install an in-ground swimming pool. Joe DePaul asked that the applicant give a precise number and type of trees which would be used to screen the area which would be a contingency of the variance. It was determined that twelve 5-6' arborvitae trees would be placed 3' apart around the pool and twelve green giant and twelve arborvitae would be staggered around the rear property line in a way that would block the neighbor's view of the pool. Joe DePaul asked the public for comment. None given. The board entered into the

Business Session. Joe DePaul made a motion to grant a rear setback to 45' to allow construction of an inground pool per the plans as submitted, contingent upon the placement of twelve 5' arborvitae trees placed 3' apart around the pool area and twelve 5' arborvitae trees and twelve green giant trees planted staggered across the rear property line; the hardship being the size and shape of the lot, duly 2nd, approved 5-0. Variance granted.

Continued 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, Keaney & Co., returned to the board with revised plans after taking the board's suggestions into account last month. The new proposal includes a vertical expansion and would keep the pool within the building envelope only requiring an existing 32' front setback. The L-shaped stairs would remain within the 32' front setback since the first two steps are under 24". The board thanked the applicant for the great job they did in responding to the board's requests and revising the proposal to keep within the building envelope and not increase nonconformity. 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 32' to allow construction of a vertical expansion per the plans as submitted noting no increase in nonconformity; the hardship being the slope of the lot; duly 2nd, approved 5-0. Variance granted.

Application # 07-22: Gjelaj, 56 Inglenook Road B, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 26'9", 3.2.6C Rear Setback to 34.8', 3.2.8, 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing an addition. Zoning District: R-44; Map: 41; Block: 1; Lot: 23.

John Danise, Solamine Contracting, appeared in front of the board with the proposal to construct a rear addition, 7' garage addition and front bump out on the existing nonconforming property. Mr. Danise gave a brief overview of the property which contains a significant amount of ledge. The one-car garage is deeper than average and the addition would allow for a second car to be parked one in front of each other. Joe DePaul noted that he did not have an issue with the rear addition but did not approve of such a large increase of nonconformity in the front when there were other options. Mr. Danise noted that there is significant ledge to the left of the garage with increased costs that would not provide the homeowners with the functionality they were looking for. Joe DePaul noted that there is no hardship. Christine Garabo agreed. John McCartney stated that a two-car, side by side garage would be more reasonable and allow for more living space above. Mr. Danise again reiterated that situation would not work for the homeowner. The proposed plans do not have the front setbacks clearly defined and the board suggested that the applicant continue until next month to get a revised survey

and consider other options. John McCartney made a motion to continue Application # 07-22, duly 2nd, approved 5-0. Application continued.

Application # 08-22: Cyganowski, 11 Lakeshore North, for variances to Zoning Regulations 3.1.10 Mechanical Equipment for the purpose of installing a generator and propane tanks in the side yard. Zoning District: R-44; Map: 40; Block: 6; Lot: 8.

John Downs, Architect, presented the proposal to install an emergency generator and four 100-gallon propane tanks. Mr. Downs stated the property is a preexisting nonconforming narrow lot. The generator requires a 5' setback from the house and propane tanks require a 10' setback from the generator. Joe DePaul produced pictures of the property and the small area where the generator would be placed. Bob Jano and Joe DePaul stated that four 100-gallon tanks were too much for an area where the houses were so close together with the generator on the property line. Christine Garabo agreed that it was very close to the next house. The board suggested that the applicant find another location in the rear. Joe DePaul asked the public for comment. None given. The applicant agreed to continue the proposal until next month. Bob Jano made a motion to continue Application # 08-22, duly 2nd, approved 5-0. Application continued.

Application # 09-22: Schiro, 11 Knolls Road, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 24'4", 3.2.6B Side Setback to 19'6", 3.2.6C Rear Setback to 46', 3.2.8, 3.2.11, 7.1.1.2 and 7.2.3A&B for the purpose of constructing an addition. Zoning District: R-44; Map: 40; Block: 3; Lot: 17-19.

Joe Coelho, Agent, gave a brief overview of the proposal to construct an addition in front of an open deck which would have a roof line 3' below the existing roof. Joe DePaul noted that he visited the property and the proposal would not increase nonconformity or impact the neighbor's views. The windows on the addition would face the lake and would not look out on the neighbor. Christine Garabo stated that it was a good 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 24.4', a rear setback to 46' and side setback to 19'6" to allow for the construction of an addition per the plans as submitted, noting no increase in structural nonconformity; the hardship being the small size of the lot, duly 2nd, approved 5-0. Variance granted.

Application # 10-22: Xatart, 43 Sylvan Road, for variances to Zoning Regulations 3.2.6C Rear Setback to 30.4', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of adding a gable roof over an existing kitchen roof. Zoning District: R-44; Map: 25; Block: 2; Lot: 10.

Architect, John McGuirk, presented the proposal to legalize the construction as of the existing gable roofs requiring a rear setback to 30.4'. The construction was part of a larger project that was approved in 2019 and the type of roof was changed. The Chairman confirmed with the ZEO that this variance would legalize the existing

construction. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. Joe DePaul made a motion to grant a rear setback to 30.4' to legalize two gable roofs as constructed noting no increase in nonconformity; the hardship being the topography of the land; duly 2nd, approved 5-0. Variance granted.

Application # 11-22: Gera, 52 Rita Drive, for variances to Zoning Regulations 3.1.5A&B, 3.1.6B Side Setback to 20'6", 3.1.11, 7.1.1.1A&B and 7.2.3A,B&E for the purpose of constructing a dining room addition. Zoning District: R-88; Map: 23; Block: 18; Lot: 14.

Dan Gera presented his proposal to construct a dining room addition noting the preexisting nonconformity of the narrow lot which contains a significant amount of ledge. Joe DePaul noted that this was a massive increase in nonconformity when there are alternative locations on the property for the addition. Mr. Gera noted that if the addition were placed on the opposite side, the kitchen would have to be relocated with major disruption to the driveway containing ledge. Christine Garabo and Bob Jano both noted that there is no hardship, and the applicant accepted the hardship when the house was purchased. Christine Garabo asked where the septic was placed. Mr. Gera stated that the septic was in front of the house. A brief discussion ensued over other options and whether it was better to vote on the proposal or withdraw. Evan White suggested the applicant withdraw the proposal. Dan Gera withdrew Application # 11-22.

Application # 12-22: Nezaj, 14 Bogus Hill Road, for variances to Zoning Regulations 3.0.4C,E&F Minor Accessory Structures, 3.2.5A&B, 3.2.6B Side Setback to 2.5' (fireplace) and 9.8' (shed), 3.2.6C Rear Setback to 39' (fireplace) to construct a 10'x10' shed and legalize an existing fireplace. Zoning District: R-44; Map: 10; Block: 21; Lot: 2.

Albera Nezaj presented their proposal to legalize an existing fireplace and construct a 10'x10' shed. Joe DePaul questioned if this was a new house. The applicant stated that the house has new windows and siding and stated they would eliminate the shed if that would cause an issue. Joe DePaul produced photos of the fireplace on the narrow lot. The board noted that it was tucked in behind a hill. A brief discussion ensued over the road around the property. John McCartney noted that it was an access road to the beach front. The board suggested the applicant continue the application to obtain a letter from the neighbor in support of the proposal. The applicant agreed to continue until next month and withdraw the application for the shed. John McCartney made a motion to continue Application # 12-22, duly 2nd, approved 5-0. Application continued.

John McCartney made a motion to adjourn the meeting at 9:33 p.m., duly 2nd, approved 5-0.