

New Fairfield Zoning Board of Appeals New Fairfield, Connecticut

MINUTES November 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, November 17, 2022, **via Zoom Web Conference (Meeting ID: 940 8274 9227)**. Secretary Joanne Brown took the Minutes.

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

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

Town Officials in attendance: Evan White

Chairman Joe DePaul called the Meeting to order at 7:00 p.m. Assistant Broadcast Coordinator, Eric Muhlenberg, from the Town of New Fairfield, gave an overview of how the Zoom Web Conference would proceed. The Chairman introduced the Board Members and explained the meeting process and voting and appeal procedures. Secretary Joanne Brown read the agenda. Joe DePaul made a motion to add a discussion on the 2023 ZBA Calendar to the agenda, duly 2nd, approved 5-0, John McCartney made a motion to adopt the agenda, duly 2nd, approved 5-0.

Application # 45-22: Winn & Dachs, 55 Sail Harbour Drive, for variances to Zoning Regulations 3.0.9C,D&E Pergolas for the purpose of constructing a 20'x21.10'x10' pergola over an existing patio. Zoning District: R-44; Map: 3; Block: 3; Lot: 11.

Homeowner Peter Winn and Contractor Jorge Cruz presented the proposal to construct a 20'x21.10'x10' pergola over an existing patio due to limited space and topography. Mr. Cruz gave a brief overview of the property, noting the steep slope and non-buildable areas of the lot. Joe DePaul questioned what the side setback was. It was determined that a side setback was not requested or advertised, and the applicant was advised that the application would have to be continued to properly advertise the setbacks. A lengthy discussion ensued over the Zoning Regulations regarding pergolas. It was determined that pergolas must not exceed 15' in height, 10' in width and 25' in length. The proposed pergola exceeds the zoning ordinances. John McCartney questioned if the proposed pool could be moved to allow the pergola to be kept within the setbacks since the construction has not fully commenced. The applicant noted the position of the AC units and driveway and said the area was already very tight. Joe DePaul stated that he saw no hardship for a pergola and the proposed size should be kept within the regulations and moved closer to the pool. John McCartney noted that the retaining wall and chimney could be moved to allow more room for the pergola. The board suggested

that the applicant reduce the size of the pool and reduce the size of the pergola to uphold the zoning requirements and keep within the 20' property line so a variance would not be needed. The board asked the applicant if they would like to continue the application or withdraw the proposal. The applicant withdrew the application.

Application # 46-22: Town of New Fairfield, 4 Brush Hill Road, for variances to Zoning Regulations 3.0.4A,B,D,E,F&G Minor Accessory Building and Structures for the purpose of constructing a 20'x20' storage shed. Zoning District: B/C; Map: 24; Block: 18; Lot: 2-4.

Kevin Hearty and Tom Pardalis came in front of the board looking to construct a 20'x20' storage shed to house girls' softball equipment. Joe DePaul noted that he had an issue with an accessory structure that was not tied to a principal residence and placed behind the principal residence. Mr. DePaul also noted his concern over safety of the placement of the shed. A lengthy discussion ensued over the pump house owned by Aquarion Water, easements, and other possible locations for the shed. Christine Garabo questioned if the bleachers could be moved. John McCartney showed an aerial photo of the area. It was determined that the shed could be tucked in an area by the evergreen trees which would be a better location. The board suggested that the applicant continue the application to modify the public notice and revise the proposal. John McCartney made a motion to continue Application # 46-22, duly 2nd, approved 5-0. Application continued.

Application # 47-22: Minchin, 19 Woods Road, for variances to Zoning Regulations 3.0.5 Private Detached Garage, 3.0.10 Mechanical Equipment, 3.2.5A&B, 3.2.6A Front Setback to 7', 3.2.6B Side Setback to 4' and 7' (Propane Tank), 3.2.7, 3.2.8, 3.2.11, 7.1.1.2 and 7.2.3A&B for the purpose of constructing a detached garage and installing a propane tank and gas fireplace. Zoning District: R-44; Map: 45; Block: 1; Lot: 1.

Deborah Minchin presented her proposal to construct a detached garage and install a propane tank on her property which contains steep slopes and severe ledge. The 12'x24' garage would be constructed over an existing driveway 7' from the road. The road is not busy with only one house is beyond the proposed garage. Joe DePaul noted that the garage was right next to the road. John McCartney stated that he walked the property and there is no other place to put the garage. The board entered into the Business Session. The board saw no issues with the proposal. Joe DePaul asked the public for comment. None given. Joe DePaul made a motion to grant a front setback to 7' and a side setback to 4' to construct a detached garage and a side setback to 7' to allow installation of a propane tank per the 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 5-0.

Application # 48-22: Sandvik, 10 Meadoway, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 24.4', 3.2.6B Side Setbacks to 23.1' and 18.8', 3.2.6C Rear Setback to 41.5', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing a vertical expansion. Zoning District: R-44; Map: 45; Block: 4; Lot: 24.

Joe Coelho, JC Contracting, presented the proposal to construct a vertical expansion with no change in footprint and raising the roof height by 7' to 28'. Joe DePaul noted that he would like the neighbors to be notified on the road above; namely 1, 3 and 4 Overlook and adjoining neighbors at 8 and 12 Meadoway. John McCartney noted that the houses were offset but it would be a good idea to notify the neighbors. Joe DePaul asked the public for comment. None given. Joe Coelho requested a continuance so the neighbors could be notified. John McCartney made a motion to continue Application # 48-22, duly 2nd, approved 5-0. Application continued.

Application # 49-22: Sandler, 59 Sail Harbour Drive, for variances to Zoning Regulations 3.2.6C Rear Setback to 36.1' for the purpose of constructing a vertical expansion and deck addition. Zoning District: R-44; Map: 3; Block: 3; Lot: 13.

Architect Brad DeMotte gave an overview of the proposal to remove and replace an existing deck. The house was built in 1992 and the deck encroaches on the rear setback. Mr. DeMotte guessed that the house was either constructed a bit off and that an as-built survey was never acquired. Their proposal would square off and extend the rear deck to the right side requiring a 36.1' rear setback. A brief discussion ensued about the square footage, zoning districts and setbacks required. Joe DePaul noted that there was no hardship and saw no justification for a larger deck increasing nonconformity. Ann Brown and John Apple agreed. Joe DePaul asked the public for comment. None given. The board suggested that the applicant modify and redesign their proposal and continue until next month. The applicant agreed to continue. John McCartney made a motion to continue, duly 2nd, approved 5-0. Application continued.

Application # 50-22: Wein, 50 Lake Drive South, for variances to Zoning Regulations 3.2.5A&B, 3.2.6B Side Setback to 6.6', 3.2.6C Rear Setback to 8.5', 3.2.7, 3.2.8, 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing a deck addition with stairs. Zoning District: R-44; Map: 20; Block: 1; Lot: 40.

Joe Concodello, J.C. Merritt Inc., presented his proposal to expand a deck. The current deck is 7.6' wide by 14' wrapped around one side of the house. The proposal would construct a 2-tiered deck with stairs between the two decks. A brief discussion ensued over setbacks. Joe DePaul noted that the applicant was asking for a massive increase in nonconformity. The board suggested that the applicant keep the current side setbacks of 8.7' and 10.4' and revise the proposal to consider reducing the width of the deck from 14' to 9'. The applicant agreed to modify the proposal, remove the stairway and keep the existing side setbacks. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. Joe DePaul made a motion to grant a variance to allow construction of a 2-tiered deck with side setbacks to 8.7' and

10.4' and a rear setback to 12.5', with the contingency that the width of the deck not exceed 9', per the plans as submitted and revised; the hardship being the narrow shape of the lot, duly 2nd, approved 5-0. Variance granted.

The board discussed the 2023 calendar and the Chairman noted that the board will continue Zoom meetings until the Spring and re-evaluate the situation at that time. The board noted the pros and cons of in-person and zoom meetings. John McCartney made a motion to approve the ZBA 2023 Meeting Calendar, duly 2nd, approved 5-0.

John Apple made a motion to adjourn the meeting at 9:25 p.m., duly 2nd, approved 5-0.