

New Fairfield Zoning Board of Appeals New Fairfield, Connecticut

MINUTES March 16, 2023

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 16, 2023, **via Zoom Web Conference (Meeting ID: 932 3359 2847)**. 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 Alternate Peter Hearty

Town Officials in attendance: Evan White

Chairman Joe DePaul called the meeting to order at 7:00 p.m. Assistant Broadcast Coordinator, Erik 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. John McCartney made a motion to adopt the agenda, duly 2nd, approved 5-0.

Continued Application # 01-23: Albano-Carmichael, 7 Lamont Road, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 7.9', 3.2.7, 3.2.8, 3.2.11, 7.1.1.2, and 7.2.3A,B&E to legalize a single-family dwelling built in the wrong location. Zoning District: R-44; Map: 36; Block: 10; Lot: 16.

Applicant Keith Argai withdrew the application. The application will be resubmitted and readvertised to reflect the address change to 5 Lamont Road.

Continued Application # 02-23B: Noren, 85 Lake Drive South, for variances to Zoning Regulations 3.2.5A,B&C, 3.2.6A, 3.2.6B Side Setback to 10.7', 3.2.6C Rear Setback to 0', 3.2.7, 3.2.8, 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose installing a permanent roof and screened porch on an existing patio. Zoning District: R-44; Map: 25; Block: 1; Lot: 22.

Ronald Noren is currently out of town and requested a continuance to next month.

Application # 03-23: St. Edward the Confessor Corporation, 21 Brush Hill Road, for variances to Zoning Regulations 3.2.7, 3.2.8, 6.1.1A&B, 6.2.1A1, 6.6.2K Landscaping and Parking Area Standard, 7.1.1.2 and 7.2.3A,B&E for the purpose of implementing parking lot improvements. Zoning District: R-44; Map: 23; Block: 2; Lot: 1.

Applicant Fr. Robert Wolfe and Parishioner Wayne Skelley gave a brief overview of the proposal to update and modify the parking lot at St. Edward the Confessor Church. Benjamin Doto, PE, gave a detailed presentation of the 5 parking variances requested:

1. 6.1.1A – eliminate the requirement to install islands and plant one 3' caliper tree for every 10 parking spaces (variance previously granted); the hardship being to accommodate the additional parking requirement necessitated by removal of existing non-compliant parking on Macbean Drive and Marjorie Drive as required by the Town Zoning Commission.
2. 6.1.1B – eliminate the requirement to have intermediate recessed parking islands; the hardship being the steep topography which makes recessed islands not function as intended as they are unable to hold and store stormwater.
3. 6.2.1.A.1 – reduce the length of parking spaces from 20' to 18' in the new parking area that are contiguous with the existing parking areas; the hardship being the need to maintain and match existing north-south driveway aisles and their alignment, spacing and dimensions.
4. 6.6.2K – increase the height of lights in R-44 Zone from 12' to 18'; the hardship being that the church's use of lights is more that of a commercial use than a residential use.
5. 3.2.8 – increase maximum impervious coverage from 25% to 48%; the hardship being the additional parking requirement necessitated by the removal of existing non-compliant parking on Macbean Drive and Marjorie Drive as required by the Town Zoning Commission.

The church is situated on 5.4 acres in a R-44 Residential Zone. There are 10 spaces to be removed on either side of the parking lot to facilitate traffic flow. A total of 33 parking spaces will be eliminated over 3 areas and be replaced with curbing and landscaping with a total gain of 8 parking spaces. The driveways will be improved by adding left and right egress lanes onto Macbean and Marjorie Drives. A temporary gated egress driveway will be added to the rear of the lot with limited use on high traffic Holidays such as Christmas and Easter. The overflow area across the street will also be curbed and landscaped with a left and right egress driveway. Mr. Doto stated that he met with the Town Engineer, Tony Iadorola to manage storm water drainage. A new underground storm water detention system will be built under the overflow parking lot which will manage the stormwater runoff in a better manner and improve the town's drainage function in that area. Landscape Architect, Abigail Adams, has designed a landscaping plan and the church will be responsible for its maintenance. Bob Jano questioned if the water tank would be removed. Mr. Doto stated that a retaining wall would be built to allow the parking lot to blend into the existing grade. The septic systems would remain unchanged. John McCartney noted that he is not a parishioner but acknowledged that

St. Edwards shares its space with the community. Mr. McCartney stated that the plans were very well thought out and would alleviate safety concerns. A brief discussion ensued regarding the proposed phases of the proposal allowing for flexibility in timing and budgeting. Fr. Wolfe stated that the most attended masses are the Saturday vigil at 4:00 p.m. and the family mass on Sunday at 9:00 a.m. utilizing 2/3 of the parking spaces. On Christmas Eve and Christmas Day, the parking lot is at full capacity. Joe DePaul asked the public for comment. Debbie Greenberg questioned the lighting. Benjamin Doto explained how the area would be illuminated without spilling light beyond the property line. Walter Tortorelli questioned the row of islands at the rear of the property, lighting, and previous plans for the parking lot. The board entered into the Business Session. Joe DePaul noted that the proposal was well done with vast improvements, noting that the taller lights would direct the light better. Christine Garabo and Ann Brown agreed that the applicant did a great job in presenting the proposal. John McCartney stated that it was a vast improvement. Joe DePaul made a motion to grant a variance to allow reconstruction of the parking lot per the plans as submitted; the hardship being the removal of noncompliant parking spots and 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 4-0-1, John McCartney abstaining.

Application # 04-23: Trepiccione (Castro), 67 State Route 37, for variances to Zoning Regulations 3.0.6B Swimming Pools, 3.1.5A, 3.1.6B Side Setback to 24', 3.1.6C Rear Setback to 27', 3.1.1.1, 7.1.1.1A&B and 7.23A&B for the purpose of installing an inground pool. Zoning District: R-88; Map: 18; Block: 3; Lot: 62A.

Wendy Trepiccione presented the proposal to install an inground swimming pool. Ms. Trepiccione gave a brief overview of the nonconforming lot which would require a rear setback to 27' and a side setback to 24'. Joe DePaul produced photos of the property noting multiple sheds and a chicken coop. Evan White noted that a shed must be behind the rear plane of the house and stated that in a R-88 Zone, sheds were allowed up to a total of 400 sq. ft. Joe DePaul asked the applicant if they were agreeable to moving their shed to a proper area if the variance was granted. Mrs. Trepiccione stated that she was. A brief discussion ensued over the placement of the septic, right of way, and placement of the fence. Bob Jano asked what the hardship was for a pool. John McCartney noted that the buildable area was quite small and not useable and there was really no other place to put a pool. The question of hardship was raised again. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. Joe DePaul noted that the applicant was asking for too large of an increase in nonconformity, with a road close by and a 60' rear setback being reduced to 27'. Christine Garabo questioned if the pool could be moved closer to the patio and if the applicant would consider modifying the proposal to lessen the setbacks. Christine Garabo made a motion to leave the Business Session, duly 2nd, approved 5-0. Christine Garabo asked Evan White to go over the regulations regarding swimming pools. Bob Jano noted his concern if the pool would leak into the neighbor's yard. Ann

Brown asked if the applicant would consider relocating the pool to improve the setbacks. The applicant agreed to continue the application. Christine Garabo made a motion to continue Application # 04-23, duly 2nd, approved 5-0. Application continued.

Appeal # 05-23: Kramer, 20 Cloverleaf Drive. Appeal of Notice of Violation from the Zoning Enforcement Officer of Zoning Regulations 3.1.1F Uses Permitted as of Right, 1.5.2I Prohibited Uses, 1.5.3E Specific Uses Prohibited in All Districts, 1.5.14 Unregistered Motor Vehicles, 3.0.8 Gazebos, 8.5.1 Zoning Permit Requirements, 3.0 General Provisions (Residential Zones), Possible Notice of Violation (PNOV) - 3.1.3 Accessory Uses, PNOV - 3.1.2K Accessory Apartments. Zoning District: R-88; Map: 13; Block: 4; Lot: 23.10.

The applicant requested a continuance until next month. Joe DePaul stated that the application would remain unopened.

John McCartney made a motion to adjourn the meeting at 8:51 p.m., duly 2nd, approved 5-0.