

New Fairfield Zoning Board of Appeals New Fairfield, Connecticut

MINUTES August 17, 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, August 17, 2023, **via Zoom Web Conference (Meeting ID: 979 5583 9986)**. Secretary Joanne Brown took the Minutes.

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

ZBA Members not in attendance: 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 Apple made a motion to adopt the agenda, duly 2nd, approved 5-0.

Continued Application # 16-23: Schaefer, 9 Pettit Street, for variances to Zoning Regulation 3.2.5A, 3.2.6A Front Setbacks to 15.9' and 18.2', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing a second floor, kitchen, and wrap-around porch addition. Zoning District: R-44; Map: 31; Block: 4; Lot: 18/19.

Glenn Smith, Project Engineer and Architect, gave a brief overview of the application. The application obtained a special permit in July from Zoning requesting relief from the west front setback for a corner lot (Zoning Regulation 1.5.9C) which reduced the front setback to 12'. The proposal is for a kitchen and second floor addition and a wrap-around porch. A brief discussion ensued over existing and proposed setbacks. Mr. Smith provided a computer-generated graphic showing the small area of encroachment into the setback. The board members appreciated the presentation. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. John McCartney noted that one of the front setbacks was dealt with by Zoning. Joe DePaul made a motion to grant a front setback to 18.2' to allow construction of a kitchen and second floor addition with a wrap-around porch per the revised plans as submitted; the hardship being the small size and shape of the lot, duly second, approved 5-0. Variance Granted.

Christine Garabo made a motion to accept the Minutes as presented, duly 2nd, approved 3-0-2, John Apple and Christine Garabo abstaining.

Continued Application # 23-23: Melton (Johnson Family Trust), 60 Saw Mill Road, for variances to Zoning Regulations 4.1.4B,C&D Minimum Building and Structure Setbacks Rear Setback to 5', Side Setback to 5' for the purpose of expanding a parking lot which abuts residential properties. Zoning District: BC; Map: 19; Block: 12; Lot: 21.1.

Joe Reilly returned to the board with a revised plan after speaking with the adjacent neighbors. He is seeking a 7' setback instead of 5' previously requested. Joe DePaul questioned if the parking area would be striped for designated parking spaces. Joe Reilly stated that the area would not have designated parking. Joe DePaul stated that he was under the impression that the lot would have parking spaces and was concerned about having one big open lot area. The adjacent neighbors requested adequate natural screening and fencing to buffer the area. A lengthy discussion ensued over placement of arborvitaes, setbacks, fence height and length of fence proposed. The board suggested a fence be located along the property line between both the commercial and residential properties and extend the setback to 20' in the rear corner of the lot to buffer the residential area. The applicant requested a continuance to consider the board's recommendations. John McCartney made a motion to continue Application # 23-23, duly 2nd, approved 5-0. Application continued.

Continued Application # 28-23: Langham, 26 Shortwoods Road, for variances to Zoning Regulations 3.0.5A,B&C Private Permanent Detached Garage, 3.1.5A, 3.1.6B Side Setback to 10', 7.1.1.1A&B and 7.2.3A,B&E for the purpose of constructing a 31'x32' detached garage. Zoning District: R-88; Map: 19; Block: 1; Lot: 51&52.

No one was present for the application. Christine Garabo made a motion to move the application to the end of the agenda, duly 2nd, approved 5-0.

Application # 29-23: McEvoy, 32 Overlook Road, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 36.4', 3.2.6C Rear Setback to 10', 3.2.11, 7.1.1.2A&B and 7.2.3A,B&E for the purpose of constructing a bump out and deck addition. Zoning District: R-44; Map: 45; Block: 5; Lot: 57.

Joe Coelho presented the application for a variance to raise the roof with a small bump out and deck addition. A discussion over setbacks ensued. It was determined that the application needed a side setback to 10', not a rear setback. Joe DePaul noted the application was not increasing nonconformity. Joe DePaul asked the public for comment. None given. The application needs to be continued to next month to correctly advertise the setbacks. John McCartney made a motion to continue Application # 29-23, duly 2nd, approved 5-0. Application continued.

Application # 30-23: Dial, 1 Woods Road, for variances to Zoning Regulations 3.0.6A,B&C Swimming Pools, 3.2.5A&B, 3.2.6B Side Setback to 10', 3.2.6C Rear

Setback to 2', 3.2.7, 3.2.8, 3.2.11, 7.1.1.2 and 7.2.3A&B for the purpose of installing a hot tub. Zoning District: R-44; Map: 45; Block: 1; Lot: 14.

No one was present for the application. John Apple made a motion to continue Application # 30-23 to the end of the agenda, duly 2nd, approved 5-0.

Application # 31-23: Dunleavy and Szyszka, 8 Glenn Holly, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 20', 3.2.6B Side Setbacks to 14' and 8', 3.2.6C Rear Setback to 37', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of enlarging the second floor and changing the roof line from a gable roof to a flat roof with cantilever. Zoning District: R-44; Map: 39; Block: 1; Lot: 73A.

Applicant Brendan Dunleavy stated that the property is existing nonconforming. The applicant's architect was not able to attend the meeting. The board questioned the lack of information showing setbacks on the plans and found it difficult to determine exactly what the applicant was asking for. The board suggested that the applicant continue the application until next month when the architect could present the application. Christine Garabo made a motion to continue Application # 31-23, duly 2nd, approved 5-0. Application continued.

Application # 32-23: Prestinario and Atchue, 14 Lake Drive South, for variances to Zoning Regulations 3.0.5A,B&C Permanent Detached Garage, 3.2.5A&B, 3.2.6A Front Setback to 0', 3.2.6B Side Setback to 4.7', 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 two car garage with an office above and storage in the basement. Zoning District: R-44; Map: 15; Block: 7; Lot: 4.

Caren Carpenter presented the proposal to construct a detached garage on the front property line with a side setback to 4.7'. The garage will have a partial office above and storage underneath. The property is existing nonconforming on a narrow lot. John Apple noted that the lot was quite small, and it was hard to have a garage on the property line. A brief discussion ensued over the front setback and whether the garage could be moved back into the lot away from the front setback and attached to the house. The board suggested that the applicant move the garage 15' from the front property line. Jason Prestinario considered the board's suggestions and asked for a continuance until next month to revise the plans. John Apple made a motion to continue Application # 32-23, duly 2nd, approved 5-0. Application continued.

Application # 33-23: Bianco, 21 Deer Run, for variances to Zoning Regulations 3.0.1A Residential Districts and Applicable Overlay Districts, 3.0.4A-F Minor Accessory Buildings & Structures, 3.2.5A, 3.2.6 A Front Setback to 1.7', 3.2.6C Rear Setback to 0', 3.2.11, 7.1.1.2 and 7.2.3A&B for the purpose of constructing a lift to provide access to Candlewood Lake. Zoning District: R-44; Map: 15; Block: 1; Lot: 116-118.

Paul Perchal and Thomas Bianco presented their proposal for a variance to construct a lift with upper and lower landings and small storage sheds to provide access to the lake.

The property is preexisting nonconforming with steep slope and ledge. The property was purchased for lake access and no house will be built on the property. Joe DePaul asked the public for comment. None given. The board saw no issue with the application. The board entered into the Business Session. Joe DePaul made a motion to grant a front setback to 1.7' and a rear setback to 0' to allow construction of a lift to provide access to Candlewood Lake per the plans as submitted; the hardship being the severity of the slope, duly 2nd, approved 5-0. Variance granted.

Application # 34-23: Foley, 40 Lake Drive North, for variances to Zoning Regulations 3.0.5A,B&C, 3.2.5A&B, 3.2.6A Front Setback to 40', 3.2.6B Side Setbacks to 20' and 18.6', 3.2.6C Rear Setback to 9.6', 3.2.7, 3.2.8, 3.2.11, 7.1.1.2 and 7.2.3A&B for the purpose of constructing an addition, garage addition and driveway reconfiguration. Zoning District: R-44; Map: 15; Block: 6; Lot: 53 & 54.

Architect John Mastera presented the proposal to rebuild an existing house and foundation and add a second story with detached garage to the left. The proposal would regrade the driveway, creating a courtyard and creating a gentler slope. The impervious coverage would remain at 28.97%. The garage would have a rooftop deck connected to the house with a breezeway. A lengthy discussion ensued over the height of the roof, setbacks and whether the neighbor's views would be impacted. Joe DePaul noted that he had an issue with the 47' roof height and stated that the application should be continued and the neighbor's notified. Joe DePaul asked the public for comment. Neighbor Frank Genovese, 14 Sunset Trail, asked for clarification on the setbacks, roof height and impervious coverage. Mr. Genovese stated that his views would be impacted. Joe DePaul stated that the ZBA will notify neighbors at 16 Sunset Trail and 38 Lake Drive North. The board suggested that the application be continued to notify the neighbors. Mr. Mastera stated that he would like to meet with the neighbor to work together and modify the proposal. John McCartney made a motion to continue Application # 34-23, duly 2nd, approved 5-0. Application continued.

Continued Application # 28-23: Langham, 26 Shortwoods Road, for variances to Zoning Regulations 3.0.5A,B&C Private Permanent Detached Garage, 3.1.5A, 3.1.6B Side Setback to 10', 7.1.1.1A&B and 7.2.3A,B&E for the purpose of constructing a 31'x32' detached garage. Zoning District: R-88; Map: 19; Block: 1; Lot: 51&52.

No one was present for the application. Christine Garabo made a motion to continue Application # 28-23 to next month, duly 2nd, approved 5-0. Application continued.

Application # 30-23: Dial, 1 Woods Road, for variances to Zoning Regulations 3.0.6A,B&C Swimming Pools, 3.2.5A&B, 3.2.6B Side Setback to 10', 3.2.6C Rear Setback to 2', 3.2.7, 3.2.8, 3.2.11, 7.1.1.2 and 7.2.3A&B for the purpose of installing a hot tub. Zoning District: R-44; Map: 45; Block: 1; Lot: 14.

No one was present for the application. The application remained unopened.

Christine Garabo made a motion to adjourn the meeting at 9:47 p.m., duly 2nd, approved 5-0.