

New Fairfield Zoning Board of Appeals New Fairfield, Connecticut

MINUTES October 19, 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, October 19, 2023, **via Zoom Web Conference (Meeting ID: 967 0137 5424)**. Secretary Joanne Brown took the Minutes.

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

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. The Chairman also welcomed back Vinny Mancuso to the Board as an Alternate. Secretary Joanne Brown read the agenda. John McCartney made a motion to adopt the agenda, duly 2nd, approved 5-0.

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. Joe DePaul noted that this application had reached the timing statute of limitations and needed to be voted on or withdrawn at this meeting. Christine Garabo made a motion to put Application # 28-23 to the end of the agenda, duly 2nd, approved 5-0.

Continued Application # 36-23: Roddy, 51 Knollcrest Road, for variances to Zoning Regulations 3.0.7A Tennis & Basketball Courts, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing a 120'x60' sports court with viewing area. Zoning District: R-44; Map: 10; Block: 3; Lot: 85+1.

The applicant requested to withdraw Application # 36-23 via email.

Continued Application # 38-23: Lynch, 6 Glenway, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 22', 3.2.6B Side Setback to 10.1', 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: 5; Lot 72&73.

Caren Carpenter returned to the board with a revised proposal after taking into account the neighbors' concerns. The revised proposal would lower the roof on the south side by 5.5' by changing the direction of the roof. The proposed roof would be lower than the existing roof and would not block the neighbor's view. There would be no windows on the south side of the house. Joe DePaul noted that the proposal is not increasing the footprint. Joe DePaul asked the public for comment. Jennifer and Robert Rodano, 8 Glenway, voiced their opposition noting that the house is already the tallest and largest house on the street creating a towering effect. Joe DePaul noted that the revised proposal pushed the roof 10' further back from their side. A lengthy conversation ensued over the setbacks and roof height. Joe DePaul noted that the applicant is entitled to build outside of the setbacks and made an effort to mitigate the situation. Susan Greer, 4 Glenway, noted that she appreciated the fact that the applicant modified the plans but noted that they did not respond to the applicant's email due to the lack of dimensions on the plans and that she was still confused regarding hardship and septic issues. Kelly and Cord Marlow, 25 Overlook, asked for clarification on how the roof height is measured. Roberta Anderson, 15 Keplers Way, wished the applicant would keep the spirit of the cabin esthetics in the neighborhood. Caren Carpenter assured the board that as a preservation architect she would keep the design to maintain the look and feel of the neighborhood. The Board entered into the Business Session. Joe DePaul noted that he was impressed with the revisions. Christine Garabo stated that Caren did a good job with the modifications and understood the neighbors' concerns. John Apple noted that houses were getting bigger. Ann Brown stated that the revised proposal was an improvement from the previous proposal. John McCartney noted the small size of the lots and thought the homeowner's association should preserve the look and feel of the neighborhood. Joe DePaul made a motion to grant a front setback to 22' and a side setback to 10.1' to allow construction of a vertical expansion per the revised plans as submitted; the hardship being the narrow 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.

Application # 41-23: Candlewood Fishing Camp, Inc., 15 Pine Island, for variances to Zoning Regulations 3.0.4A-G Minor Accessory Buildings and Structures, 3.2.5A&B, 3.2.6A Front Setback to 0', 3.2.6B Side Setback to 7', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of legalizing the construction of on-ground platforms and outhouses. Zoning District: R-44; Map: 20; Block: 9; Lot: 22.

Richard Smith, Attorney, gave a brief overview of the situation regarding the site plan approval on the property in June 2022 for the non-profit camp for children ages 9-16. The summer four-week camp originally had kids pitching tents and sleeping below the 440 line. Six weeks prior to the start of camp, First Light communicated that they would not allow campers to sleep over the 440 line. Platforms were quickly constructed to make sleeping safer for the campers due to the property containing ledge and steep slopes. The applicant is asking the board to legalize the two existing platforms and construction of one proposed platform to ensure the safety of the campers and counselors. A discussion ensued over the background of the camp, starting as a for-profit camp in 2020 and evolving into a non-profit camp. Richard Smith noted that the Town Sanitarium, Tim Simpkins, had concerns with the situation and was adamantly opposed to having fill brought in to disturb the wetlands. Joe DePaul noted that Zoning had granted the camp a permit and the platforms needed to be legalized as the camp was going to operate. Joe DePaul asked the public for comment. Richard Borque, Ty Smith and Roberta Anderson voiced their support for the camp and noted that the camp was a wonderful asset to the community. The board entered into the Business Session. Joe DePaul made a motion to grant a front setback to 0' and a side setback to 7' to legalize two existing platforms and construction of a third platform per the plans as submitted provided the 3rd platform does not extend over the 440 line; the hardship being the topography of the land, duly 2nd, approved 5-0. Variance granted.

Application # 42-23: Bevan, 16 Fox Run, for variances to Zoning Regulations 3.0.5C Private Permanent Detached Garages, 3.2.5A&B, 3.2.6A Front Setback to 21.1', 3.2.6B Side Setback to 2.5', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing a 20'x20' detached garage. Zoning District: R-44; Map: 15; Block: 1; Lot: 237&238.

David and Mary Bevan requested that the application be continued so they could meet with their neighbor to discuss the proposal. Christine Garabo made a motion to continue Application # 42-23, duly 2nd, approved. 5-0. Application continued.

Application # 43-23: Czyzak, 2 North Forty Dr., for variances to Zoning Regulations 1.5.9A Corner Lots and 3.0.6A&B Swimming Pools for the purpose of installing a swimming pool. Zoning District: R-88; Map: 13; Block: 6; Lot: 5C.

Robert Czyzak gave an overview of his corner property with two fronts and presented the proposal to construct an inground pool facing Beaver Bog Road. Mr. Czyzak noted that there was no opposition from his neighbors. John Apple noted that he considered the placement as a side yard and the pool could be well screened by evergreens. Christine Garabo noted that she did not agree with pools in the front yard. Ann Brown agreed with Christine and questioned if the pool could be pushed further back to the rear. A lengthy discussion ensued over placement. The applicant stated that he would prefer to keep the pool in line with the house. The applicant agreed to continue the application to next month to explore other options. Ann Brown made a motion to continue Application # 43-23, duly 2nd, approved 5-0. Application continued.

Application # 44-23: Town of New Fairfield, 180 State Route 39, for variances to Zoning Regulations 3.2.6C Rear Setback to 0.2', 3.2.11, 7.1.1.2A&B and 7.2.3A,B&E for the purpose of tearing down and reconstructing the town beach house. Zoning District: R-44; Map: 14; Block: 4; Lot: 5.

Town Engineer, Tony Iadarola, presented the proposal to replace the existing Town Beach house. The current structure is in disrepair. Mr. Iadarola gave an overview of the long and narrow lot situated on one-acre zoning with a limited area to rebuild. The goal of the reconstruction is to improve nonconformity and comply with ADA requirements. The property has previous variances specific to site plans at the time they were granted. A brief discussion over setbacks, roof height, septic and food service ensued. The reconstruction would improve nonconformity by removing the encroachments into the 440 line. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. The board noted the improvements to the setbacks and the building. The board saw no issues with the application. Joe DePaul made a motion to grant a rear setback to 0.2' to allow construction of a beach house per the plans as submitted; the hardship being the size and narrow shape of the lot, duly 2nd, approved 5-0. Variance granted.

Application # 45-23: One Elwell LLC, 7 Southview Road, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 19.4', 3.2.6B Side Setback to 7.46', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing an addition to an existing house. Zoning District: R-44; Map: 10; Block: 2; Lot: 22.

Jorge Hernandez presented the proposal for an addition and vertical expansion. The two-bedroom house would remain two-bedroom with the master on the 1st floor and the other bedroom moved to the 2nd story. A brief discussion ensued over setbacks. It was determined that the setbacks were incorrect and the application needed to be continued and readvertised. Ann Brown made a motion to continue Application # 45-23, duly 2nd, approved 5-0. Application continued.

Application # 46-23: Morris, 22 Ridge Road, for variances to Zoning Regulations 3.2.5A&B, 3.2.6B Side Setbacks to 17.8' and 19.4', 3.2.6C Rear Setback to 29.4', 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: 15; Block: 5, Lot: 39.

Caren Carpenter presented the proposal to construct a vertical expansion. The previous deck was destroyed during the 2018 macroburst. The existing log rafters and wood ceiling would be preserved with a new roof over it. The new roof would be 4.4' higher than the existing roof and encompass the front patio. The existing square footage is 926 and the proposed square footage is 1044, not including 252 square feet for the garage. A brief discussion ensued over setbacks. The proposal would not increase nonconformity or 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 rear setback to 29.4', side setbacks to 19.4' and 17.8' to allow construction of a vertical expansion and deck replacement per the plans as submitted; the hardship being the size and shape of the lot with no increase in dimensional nonconformity, duly 2nd, approved 5-0. Variance granted.

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. This application had reached the end of its timing statute of limitations and must be withdrawn or voted on at this meeting. 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 10' to allow construction of a garage per the plans as submitted; the hardship being the size and shape of the lot, duly 2nd, denied 0-5. Variance denied.

Christine Garabo made a motion to adjourn the meeting at 9:46 p.m., duly 2nd, approved 5-0.