

## **New Fairfield Zoning Board of Appeals New Fairfield, Connecticut**

### **MINUTES November 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, November 16, 2023, **via Zoom Web Conference (Meeting ID: 979 9852 9660)**. 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 Vinny Mancuso.

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

Town Officials in attendance: None

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. Joe DePaul stated that the next ZBA meeting will be held on Monday, December 18<sup>th</sup> in person at the New Fairfield Library Community Room at 7:00 p.m. Secretary Joanne Brown read the agenda. Joe DePaul made a motion to add a discussion regarding the 2024 ZBA calendar to the agenda, duly 2<sup>nd</sup>, approved 5-0. Christine Garabo made a motion to adopt the agenda, duly 2<sup>nd</sup>, approved 5-0. Vinny Mancuso will be a full voting member for the following application for John Apple.

**Continued 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 presented their proposal to construct a 20'x20' garage. The location was chosen after consulting with the New Fairfield ZEO, Health Department, and the architect. The hardship is the preexisting nonconforming house with severe slopes. Mr. Bevan noted that they requested a continuance last month so they could discuss the plans with their adjacent neighbor who also owns property across the street. The Secretary read a letter of support from Ray Fitzgerald, 14 Fox Run and 3 Laurel Lane, into the record. The one car garage's proposed height is 16' with storage above and will not contain any living area. A brief discussion ensued with the architect, Peter Wilcox, over placement. Joe DePaul asked the public for comment. None given. The board entered into the Business

Session. The board noted that the garage was built into the hill. Christine Garabo stated that the garage was placed in the best location possible. Vinny Mancuso and Ann Brown agreed. Joe DePaul made a motion to grant a front setback to 21.1' and a side setback to 2.5' to allow construction of a garage per the plans as submitted; the hardship being the size and shape of the lot and the contour of the grade near the garage, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

While in the Business Session, Christine Garabo made a motion to accept the minutes as presented, duly 2<sup>nd</sup>, approved 5-0. John Apple joined the meeting and now will be a full voting member.

**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.

The applicant asked for a continuance until next month to revise the location of the swimming pool which will be shifted to the rear of the house. Christine Garabo made a motion to continue Application # 43-23 until next month, duly 2<sup>nd</sup>, approved 5-0. Joe DePaul noted that due to the timing statutes this application must be voted on or withdrawn by the next meeting. Application continued.

**Continued Application # 45-23:** One Elwell LLC, 7 Southview Road, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 18.16' 3.2.6B Side Setback to 11.33', 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 his proposal to construct a garage and vertical expansion requiring a front setback to 18.16' and a side setback to 11.33'. Joe DePaul noted the small size of the narrow lot and stated that the applicant was asking for a lot. Mr. Hernandez stated that he did notify the neighbors out of courtesy. A brief discussion ensued over setbacks and the applicant agreed to move the garage's front setback to 20'. Joe DePaul asked for public comment. Philip Naryniecki, President of the Knollcrest Community Association, voiced his opposition and concern over the proposal noting that the construction would overwhelm the lot and stand out and not blend in. Mr. Naryniecki also stated that in the deed of the property there are regulations not to exceed a 15' side setback. Ryan Kilmartin and Amanda Lasicki also voiced their concern over stair placement on a proposed deck that might require another setback. Mr. Hernandez noted that there will be no stairs on the deck. Heidi and Mike Seaman also voiced their opposition and concerns over well and septic use. Mr. Hernandez noted that the house would remain a two-bedroom house with an enlarged bedroom on the first floor and a smaller second bedroom on the second floor which will not increase septic use. A lengthy discussion ensued over the size of the addition, setbacks and whether there were other community regulations in the deed. Mr. DePaul suggested that the applicant continue the application to investigate the deed's regulations. John McCartney noted that the application for a garage was modest and that

there are restrictions on the property and asked the neighbors to work together. John Apple made a motion to continue Application # 45-23 to next month so the applicant can investigate the deed regulations, duly 2<sup>nd</sup>, approved 5-0. Application continued.

**Application # 47-23:** Macancela, 11 Cypress Street, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 31', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing a vertical expansion and deck addition. Zoning District: R-44; Map: 44; Block: 2; Lot: 16-17.

Julio Macancela presented his application for a vertical expansion to construct two bedrooms and one bathroom on the second floor with a small deck addition. The proposal keeps the vertical expansion in the same footprint not increasing nonconformity. The deck does not reduce the setback. The existing front setback of 31.6' would remain. The board had no issues with the 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 31.6' to allow construction of a vertical expansion and deck addition per the plans as submitted; the hardship being the slope of the lot and no increase in structural nonconformity, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

**Application # 48-23:** Roddy, 51 Knollcrest Road, for variances to Zoning Regulations 3.0.9A,B,C,D&E Pergolas, for the purpose of installing a 28'x30' pergola. Zoning District: R-44; Map: 10; Block: 3; Lot: 85+1.

Jake Danziger, agent for the Roddy family, presented the proposal to construct a 28'x30' pergola on an existing patio. The pergola exceeds the dimensions allowed in the Zoning Regulations. A discussion ensued over the regulations and whether the pergola would be considered a gazebo or a permanent structure. Mr. Danziger gave a brief overview of how the pergola would be positioned. No setbacks are needed, and the pergola is not near the 440 line. The pergola would contain a louvered roof. 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 construct a 28'x30' pergola per the plans as submitted; the hardship being the size and shape of the lot, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

**Application # 49-23:** Lopez, 3 Cameron Road, for variances to Zoning Regulations 3.2.5A&B, 3.2.6C Rear Setback to 20.82', 3.2.8, 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing a vertical expansion and garage addition. Zoning District: R-44; Map: 33; Block: 1; Lot: 64.

Arnoldo Lopez presented his proposal to construct a garage addition and vertical expansion. Joe DePaul pointed out several illegal shed structures on the property including a chicken coop and noted that any variance given would be contingent upon the removal of the illegal structures and the chicken coop must be made into compliance with New Fairfield Zoning Regulations. A lengthy discussion ensued over the position of the property lines and whether part of the property was in New York or Connecticut. A rear setback to 20.82' is required. The board suggested that the applicant consider making the garage smaller by 4'

to 16'. The applicant agreed to the revision and to remove the sheds and bring the chicken coop into compliance with New Fairfield Zoning Regulations. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. The board had no issues since the applicant reduced the setback and agreed to remove the illegal sheds. Joe DePaul made a motion to grant a rear setback to 24.82' to allow construction of a garage and vertical expansion per the plans submitted and modified contingent upon the removal of all illegal sheds and bringing the chicken coop into compliance with the New Fairfield Zoning Regulations; the hardship being the size and shape of the lot, duly 2<sup>nd</sup>, approved 5-0. Variance granted.

Christine Garabo made a motion to accept the 2024 ZBA Calendar as presented, duly 2<sup>nd</sup>, approved 4-0-1, John McCartney abstaining. Calendar approved.

Joe DePaul thanked board members John McCartney and Ann Brown for their years of service to the board.

John McCartney made a motion to adjourn the meeting at 9:16 p.m., duly 2<sup>nd</sup>, approved 5-0.