

New Fairfield Zoning Board of Appeals New Fairfield, Connecticut

MINUTES December 18, 2023

The New Fairfield Zoning Board of Appeals (ZBA) held a public hearing followed by a business session at 7:00 p.m. on Monday, December 18, 2023, **via Zoom Web Conference (Meeting ID: 965 2427 1997)**. Secretary Joanne Brown took the Minutes.

ZBA Members in attendance: Joe DePaul, Chairman; Christine Garabo; Olivia Micca, and Alternates Ann Brown and Vinny Mancuso.

ZBA Members not in attendance: John Apple, Vice Chairman, Jennifer Hilderbrand, 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 and welcomed the new members of the Board and explained the meeting process and voting and appeal procedures. Ann Brown made a motion to amend the agenda to add the election of officers for the board, duly 2nd, approved 5-0. Christine Garabo made a motion to accept the agenda, duly 2nd, approved 5-0.

Joe DePaul stated that Appeal # 50-23 would not be opened at this meeting at the request of the Zoning Enforcement Officer due to the change of the Town Attorney. It will be moved to the January meeting so the ZEO can confer with counsel.

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.

Attorney Anthony Yorio was delayed. Vinny Mancuso made a motion to move Application # 43-23 to the end of the agenda, duly 2nd, approved 5-0.

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 returned to the board with a revised plan proposing a front setback to 20' and a side setback to 15' reducing nonconformity on the side. The proposed

setbacks comply with Knollcrest's deed restrictions. Philip Naryniecki, President of the Knollcrest Community Association, voiced his issues that the proposed house is still larger than those in the neighborhood and would overwhelm the small lot. He also had concerns over storm water management and septic systems and the impact to the surrounding homes and the lake. Joe DePaul noted that the ZBA does not deal with septic issues or storm water management. Mr. Naryniecki presented a letter signed from several neighbors objecting to the side and front setbacks and size of the house. Joe DePaul questioned the square footage of the existing and proposed house. The applicant stated that the existing square footage is 864 and proposed is 1400. Ann Brown asked what the height of the proposed house would be. The applicant stated that the height is 22' to the peak. Joe DePaul visited the property and stated that the proposal's height and size did not exceed the other surrounding houses and garages. Attorney Janese Thompson stated that the new proposal complies with Knollcrest's deed restrictions and meets the setbacks. Ryan Kilmartin and Amanda Lasicki, adjoining neighbors, voiced their concerns over the size of the house on the small lot. A brief discussion ensued over the size of the second floor, square footage, and garage size. Evan White questioned the impervious coverage. It was determined that the applicant would keep the impervious coverage under 25 percent. The board entered into the Business Session. Joe DePaul stated that the applicant scaled down the proposal to meet Knollcrest's deed restrictions. Christine Garabo noted that the applicant did a great job in reducing the size of the garage. Ann Brown stated that the proposal would improve the neighborhood. Olivia Micca noted that the applicant did a great job in revising the proposal. Joe DePaul made a motion to grant a variance with a front setback to 20' and a side setback to 15' to allow construction of a vertical expansion with a garage; 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 approve the minutes as presented, duly 2nd, approved 4-0-1, Olivia Micca abstaining.

Appeal # 50-23: Goldman, 18 Misty Brook Lane. An appeal on behalf of Smith, 12 Misty Brook Lane, for a zoning permit issued on October 6, 2023 for a pickle ball/tennis court. Zoning District: R-44; Map: 2; Block: 4; Lot: 20.

Appeal # 50-23 was left unopened and will be heard at the January meeting.

Application # 51-23: Aquarion Water Company of CT, 19 Knollcrest Road, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 20', 3.2.6B Side Setbacks to 4' and 4', 3.2.6C Rear Setback to 20', 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 14'x20' treatment facility. Zoning District: R-44; Map: 10; Block: 3; Lot: 96.

Zak Kuegler, Synder Civil Engineering, presented Aquarion's proposal to construct a new treatment facility. Mr. Kuegler gave an overview of the current system which is

partially buried and below grade. The new facility will improve safety, accessibility, and reliability with a 14'x20' well station to house the electrical and control equipment. Mr. Kuegler noted that there are two hardships: the irregular lot shape and existing nonconformity. Joe DePaul questioned the position of the propane tank and generator on the proposal. Evan White noted that they must meet the Zoning Regulations and be within a 10' side and rear setback. A brief discussion ensued over setbacks. It was determined that the application would need a front setback to 36.5' and side setbacks to 4' and 6.5'. The application needs to be continued to determine and correctly advertise the rear setback. Joe DePaul asked the public for comment. None given. Vinny Mancuso made a motion to continue Application # 51-23, duly 2nd, 5-0. Application continued.

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.

Anthony Yorio, attorney for the applicant, stated that the property contains two fronts and requires a variance for Zoning Regulation 1.5.9A Corner Lots. Mr. Yorio presented his interpretation of the regulation which means that the standards of a front yard are applied to the side yard abutting a roadway. Joe DePaul disagreed on the interpretation. A lengthy discussion ensued over the placement of the pool, whether it could be moved behind the rear plane of the house. The area contains significant ledge and, if moved behind the rear plane of the house, would not be visible from the house and require extensive blasting and construction costs. Joe DePaul noted that Beaver Bog is a heavily traveled road, and the pool would be visible. The applicant noted that the area would be heavily screened with landscaping and agreed to have that contingency part of the variance. The applicant produced a letter from several neighbors in support of the proposal. Thomas Nejame, Nejame Pools, assessed the location of the proposed pool and noted that due to the bedrock and significant grade drop, there was only one viable location. Mr. Nejame stated that the house is 100' off the road and the pool can be adequately screened with green giants which would provide year-round coverage. Vinny Mancuso asked if the applicant would consider an above-ground pool. Mr. Nejame stated that an above ground pool is not appealing and would be more of an eyesore. Christine Garabo asked for clarification on the rear and front planes of the house. Joe DePaul asked the public for comment. Chris Schuman, 22 Beaver Bog, and John Levetown, 4 North Forty, both voiced support for the proposal. Homeowner Bobby Czyzak stated that they made a valiant effort to relocate the pool, but it was not feasible with the ledge. A brief discussion ensued over the placement and dimensions of the pool. The proposed L-shaped pool is 38' x 18' x 30' with a shallow end. The board entered into the business session. Joe DePaul noted that the purpose of the zoning regulations is not to have a pool in the front yard and anywhere the pool was placed would be visible from the road. Christine Garabo noted that she was torn and questioned whether the pool could be placed elsewhere with the ledge and if placed in

the rear would require a setback. Ann Brown noted that the pool could be moved to a more suitable location, or the size could be adjusted so it would not be in the front yard. Vinny Mancuso stated that he wished they would consider an above ground pool and have it placed in the rear and not the side. Joe DePaul made a motion to grant a variance to allow construction of an inground pool placed in the front yard, noting that no setbacks are required; the hardship being the ledge on the property and placement of the septic, duly 2nd, denied 0-5. Variance denied.

While in the Business Session, Christine Garabo nominated Joe DePaul to be Chairman, duly 2nd. There were no other nominations for Chairman. Joe DePaul was elected 5-0. Joe DePaul nominated John Apple to be Vice Chairman, duly 2nd. There were no other nominations for Vice-Chairman. John Apple was elected 5-0. Vinny Mancuso made a motion to adjourn the meeting at 8:53 p.m., duly 2nd, approved 5-0.