

New Fairfield Zoning Board of Appeals New Fairfield, Connecticut

MINUTES **May 16, 2024**

The New Fairfield Zoning Board of Appeals (ZBA) held a public hearing followed by a business session at 7:00 p.m. on Thursday, May 16, 2024, in the Community Room of the New Fairfield Public Library. Secretary Joanne Brown took the Minutes.

ZBA Members in attendance: Joe DePaul, Chairman; John Apple, Vice Chairman; Jennifer Hilderbrand; Olivia Micca and Alternates Ann Brown and Vinny Mancuso.

ZBA Members not in attendance: Christine Garabo and Alternate Peter Hearty.

Town Officials in attendance: None.

Chairman Joe DePaul called the meeting to order at 7:00 p.m. The Chairman introduced the members of the Board. Secretary Joanne Brown read the agenda. Joe DePaul made a motion to add an Executive Session to the end of the agenda to discuss a settlement of a lawsuit, duly 2nd, approved 5-0.

Continued Application # 08-24: Bothwell and Scott, 10 and 10A Fawn Crest Drive, for variances to Zoning Regulations 3.0.2A Table of Zoning Requirements-Residential Districts, Existing Lots, and Divisions into Four (4) Lots or Less, 3.1.5B, 7.1.2.2 Vacant Lots Not in Validated Subdivision or Recorded Approved Subdivision and Resubdivision, 7.2.1 General, 7.2.2 Non-conforming Use of Land, 7.3. Accessways and 7.2.3A&B Requirements for Accessways for the purpose of allowing use of a shared accessway to construct two single-family houses. Zoning District: R-88; Map: 18; Block: 1; Lot: 5 & 5.1.

Joe DePaul recused himself from the application. Alternate Vinny Mancuso joined the board for this application. Vice Chairman John Apple stated that the applicants requested a continuance to next month. John Apple made a motion to continue Application # 08-24 to next month, duly 2nd, approved 5-0. Application continued.

Continued Application # 09-24B: Ramos, 43 Sunset Trail, for variances to Zoning Regulations 3.0.5C Permanent Detached Garages, 3.2.5A, 3.2.6A Front Setback to 0', 3.2.6B Side Setback to 5.7', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose reconstructing a garage with a vertical expansion. Zoning District: R-44; Map: 15; Block: 5; Lot: 21 and 22.

Joe DePaul returned to the board replacing Vinny Mancuso. William Ramos presented updated drawings for the garage with a vertical expansion. Mr. Ramos gave a brief overview of the pitch and height of the roof noting no change in the footprint. Joe DePaul

noted that he perhaps did a disservice to the applicant by bifurcating the application since the garage sits on the zero-lot line and is unlikely to be approved. Joe DePaul explained that the application was out of character with the neighborhood and most other approved garages on Candlewood Isle were asked to move the garages further from the lot line. Ann Brown questioned if the drawings were also for the house. Joe DePaul noted that a second story on a garage on the zero-lot line would be too much to approve. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. Joe DePaul noted that the applicant can rebuild what he has now and there is room for a garage at the top of the property. John Apple agreed. Ann Brown noted that the proposal would not be in keeping with the character of the neighborhood. Joe DePaul made a motion to grant a front setback to 0' and a side setback to 5.7' to allow construction of a garage with a vertical expansion per the plans as submitted; the hardship being the size and shape of the lot, duly 2nd, denied 4-0-1, Jennifer Hilderbrand abstaining. Variance denied.

Continued Application # 10-24: Main, 92 Shortwoods Road, for variances to Zoning Regulations 3.1.6A Front Setback to 33', 7.1.1.1A&B and 7.2.3A,B&E for the purpose of constructing a roof over an existing deck. Zoning District: R-88; Map: 14; Block: 1; Lot: 8.

The applicant asked for a continuance until next month to have a surveyor assess the property. Ann Brown made a motion to continue Application # 10-24 until next month, duly 2nd, approved 5-0. Application continued.

Continued Application # 12-24: Beck, 14 Great Meadow Road, for variances to Zoning Regulations 1.5.11 Fences, 3.1.3A,B,C&D, 3.2.5A&B, 3.2.6B Side Setback to 6.1', 3.2.6C Rear Setback to 0', 3.2.7, 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing an oversized fence and the parking of a commercial vehicle in excess of ten thousand pound gross vehicle weight rating (GVWR). Zoning District: R-44; Map: 10; Block: 6; Lot: 6-8.

The applicant asked for a continuance until next month due to illness. John Apple made a motion to continue Application # 12-24, duly 2nd, approved 5-0. Application continued.

Continued Application # 13-24: SD Consulting LLC, 6 Butternut Lane, for variances to Zoning Regulations 3.0.5C Private Permanent Detached Garages, 3.2.5A&B, 3.2.6B Side Setback to 8', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing a 12'x22' detached garage. Zoning District: R-44; Map: 24; Block: 18; Lot: 11.9.

The applicant withdrew the application.

Continued Application # 14-24: Banks Properties LLC, 60 Saw Mill Road, for variances to Zoning Regulations 4.1.4A,C&D Minimum Building and Structure Setbacks and 8.8A&B Zoning Board of Appeals to change a previously granted variance for a fence. Zoning District: B/C; Map: 19; Block: 12; Lot: 21.1.

Brad Banks returned to the board after obtaining authorization from the owner. The applicant would like to use a berm instead of a six-foot fence. A brief discussion ensued

over the cleanup of the property and the removal of the hoop house garages on the site. Joe DePaul produced photos of the property to show the board. The berm would be a 5-6' platform on which the trees would be planted. Joe DePaul asked the public for comment. Adjacent neighbor, Scott March, questioned if the berm was held in place with grass and had no objections to the proposal. The board entered into the Business Session. Joe DePaul made a motion to grant a side setback to 7' and a rear setback to 12' to allow expansion of a parking lot subject to the following contingencies: remove the six-foot fence and create a berm with planting of a double row of 57 5'-6' (at time of planting) Thuja Green Giant Arborvitae trees as laid out on the presented property boundary map; removal of trailers and trash from the property and that no processing or manufacturing of any material be allowed on the property as per the plans as submitted to the Zoning Board of Appeals on May 16, 2025; the hardship being the size and shape of the lot, July 2nd, approved 5-0. Variance granted.

While in the Business Session, Ann Brown made a motion to accept the minutes as presented, July 2nd, approved 3-0-2, Olivia Micca and Joe DePaul abstaining.

Joe DePaul made a motion to enter into Executive Session at 7:22 p.m., July 2nd, approved 5-0.

The board exited the Executive Session and Joe DePaul made a motion to accept the legal settlement as agreed to by both parties, July 2nd, approved 5-0.

Jennifer Hilderbrand made a motion to adjourn the meeting at 7:26 p.m., July 2nd, approved 5-0.