

New Fairfield Zoning Board of Appeals New Fairfield, Connecticut

SPECIAL MEETING MINUTES July 18, 2024

The New Fairfield Zoning Board of Appeals (ZBA) held a Special Meeting and a public hearing followed by a business session at 7:00 p.m. on Thursday, July 18, 2024, in the Community Room of the New Fairfield Public Library. Secretary Joanne Brown took the Minutes.

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

ZBA Members not in attendance: John Apple, Vice Chairman; Jennifer Hilderbrand and Alternates Vinny Mancuso and Peter Hearty.

Town Officials in attendance: Evan White

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. Christine Garabo made a motion to accept the agenda, duly 2nd, approved 5-0.

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 withdrew the application.

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.

Curtis Beck returned to the board with his proposal to construct a fence to camouflage an oversized commercial vehicle to be kept on his property. Mr. Beck originally proposed a 10' fence but modified the proposal to a 6' fence with one 8' section to cover the cab of the truck. Mr. Beck showed photos of the area. Christine Garabo questioned if the extra 2' of fencing would just be for one section. Mr. Beck stated the 8' would be to cover the cab of the truck only. Joe DePaul asked the applicant how many cars were on the property and if they were registered in Connecticut. Mr. Beck stated that he wasn't quite sure but thought there were 18 cars in the garage. Ann Brown questioned if the property was cleaned up. Mr. Beck stated that he removed all but one car from the outside of the property which was

in the process of being picked up by a charity. He would like to keep the tow truck on the property for quick access since the antique cars he owns frequently break down. Christine Garabo asked if the variance was just for the fence or to keep the truck on the property. A brief discussion ensued over whether the variance was for the fence, the truck or for both. Joe DePaul asked the public for comment. None given. The applicant noted that board was not receptive to the proposal and requested to withdraw the application.

Continued Application # 16-24: Ricci, 146 Ball Pond Road, for variances to Zoning Regulations 3.2.5A&B, 3.2.6B Side Setbacks to 7.5' and 9.2', 3.2.8, 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of demolishing an existing house and reconstructing a vertical expansion. Zoning District: R-44; Map: 34; Block: 9; Lot: 2.

Erich Diller, Evolve Design, returned to the board. At the last meeting, the board requested that the neighbors be notified of the proposed vertical expansion. Mr. Diller noted that the property had received Wetlands approval with the request to reduce impervious coverage. Mr. Diller stated that the proposed impervious coverage will be reduced from 27.5% to 26.5%. The footprint would remain the same. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. Joe DePaul noted that the neighbors had been notified and there were no objections. Christine Garabo stated that the proposal was good for the neighborhood. Joe DePaul made a motion to grant side setbacks to 7.5' and 9.2' to allow construction of a vertical expansion per the plans as submitted, noting that there is no increase in structural nonconformity; the hardship being the narrow shape of the lot; duly 2nd, approved 4-0. Variance granted.

While in the Business Session, Christine Garabo made a motion to accept the minutes as presented, duly 2nd, approved 3-0-1, Olivia Micca abstaining.

Application # 17-24: D'Aprile Natell, 10 Flak Lane, for variances to Zoning Regulations 3.2.5A, 3.2.6B Side Setback to 15.4', 3.2.8, 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing an addition with a vertical expansion. Zoning District: R-44; Map: 6; Block: 1; Lot: 2.

Andrew and Nunziata Natell presented their request for a vertical expansion and obtained an updated survey of the property. A brief discussion ensued over setbacks and the survey. After the applicant explained the project, it was determined that the construction was within the building envelope and did not need a variance. The applicant asked to withdraw the application.

Application # 18-24: Rudisill, 337 Route 39, for variances to Zoning Regulations 3.2.5A, 3.2.6B Side Setbacks to 7.7' and 13.7', 3.2.6C Rear Setback to 34', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing a 28' x 10.3' deck. Zoning District: R-44; Map: 2; Block: 8; Lot: 4.

John Rudisill and Sara Williams came in front of the board with their proposal to construct a deck over an existing patio. It was determined that the existing patio retaining wall was not

a structure. A brief discussion ensued over the setbacks and placement of the 440 line. Ann Brown questioned if the deck would be constructed directly over the existing patio. The applicant stated that it would be directly over the patio. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. Ann Brown stated the deck would not go beyond the existing retaining wall and there were no objections from any neighbors. Joe DePaul made a motion to grant side setbacks to 14.25' and 16.8' and a rear setback to 34' to construct a deck per the plans as submitted; the hardship being the narrow shape of the lot, duly 2nd, approved 4-0. Variance granted.

Application # 19-24: Petriello, 9 East Lane, for variances to Zoning Regulations 3.2.5A, 3.2.6B Side Setback to 7.8', 3.2.6C Rear Setback to 47', 3.2.8, 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing an addition with a vertical expansion. Zoning District: R-44; Map: 11; Block: 3; Lot: 25-27+18.

Caren Carpenter, agent for the Petriello's, presented their proposal to construct a vertical expansion. The current roof is in disrepair and the applicant would like to raise the roof a story and add an addition on the back portion of the home. The side setbacks would remain the same as existing. The greenhouse addition in the rear requires a 47' setback. The existing patio would be filled in. The abutting neighbors, Arthur and Santa Lynch, 2 Crestway, provided a letter of support of the proposal. The current roof height is 12.4' with proposed height increase to 25.5'. Joe DePaul asked the public for comment. None given. The board entered into the Business Session. The board had no issues with the application since there was no increase in nonconformity and no objections from the neighbors. Joe DePaul made a motion to grant a side setback to 7.8' and a rear setback to 47' to allow construction of a vertical expansion per the plans as submitted; the hardship being the irregular size and shape of the lot, duly 2nd, approved 4-0. Variance granted.

Application # 20-24: Renzulli, 28 Eastview Road, for variances to Zoning Regulations 3.2.5A&B, 3.2.6B Side Setbacks to 16' and 16.5'. 3.2.6C Rear Setback to 18', 3.2.8, 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of demolishing an existing house and constructing a new larger house with screened in porch, deck and patio. Zoning District: R-44; Map:10; Block: 3; Lot: 82 & 83.

Dainius Virbickas, Artel Engineering, and Kristen Renzulli appeared before the board seeking a variance to allow repairs and replace the home to correct structural challenges on the property. The applicant is looking to make better use of the property by moving its position and constructing a walk out basement. A brief discussion over setbacks ensued. The current side setbacks are 20.7' and 23.6' and rear setback is 48.5'. The proposal requires side setbacks to 18' and 18.5' and a rear setback to 18'. Joe DePaul noted that there were two objecting letters on file. Mr. DePaul explained that the applicant could replace the foundation in the existing footprint and is creating their own hardship. A brief discussion over the slope, retaining wall height and proposed roof height ensued. The roof height would be raised 8'. Joe DePaul asked the public for comment. Gary Brown, 29 Eastview, voiced three objections to the proposal noting his concern over the environment

impact to the lake and the impervious coverage, the loss of his lake view and property value and safety concerns for the neighborhood during construction. Mr. Brown provided photos of his view which would be greatly impacted. Peter and Laura Nemeth, 27 Eastview Road, echoed Mr. Brown's concerns and questioned how many stories the house would be and noted that the basement is not below ground. Joe DePaul suggested that the Nemeth's provide photos of their view at the next meeting. The board noted that this was a tremendous request by the applicant. A lengthy discussion ensued over whether the applicant could keep the house within the setbacks and increase the height without a variance and storm water management. The existing front setback is 42' and rear setback is 48'. It was also noted that the applicant could rebuild over their existing setbacks. The board suggested that the applicant continue the application to revise their proposal and determine whether a variance was needed. Christine Garabo made a motion to continue Application # 20-24, duly 2nd, approved 4-0. Application continued.

Application # 21-24: LFTP Interests, LLC, 49 Knollcrest Road, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 16', 3.2.6B Side Setback to 19.35', 3.2.6C Rear Setback to 21.90', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of demolishing an existing garage and constructing a new garage with an increase in height. Zoning District: R-44; Map: 10; Block: 3; Lot: 86.4.

Dainius Virbickas, Artel Engineering, and the Van Der Heydens presented their proposal to construct a vertical expansion on a detached garage. The existing garage is in disrepair and the applicant would like to rebuild the garage with storage above and are requesting a 6' roof height increase. The proposed garage would be storage only; no plumbing or living space. No neighbor's views would be impacted. A brief discussion ensued over the storm water management system for the applicant's home. It was determined that the storm water management of the home would be a condition of the variance if granted. 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 16', side setback to 19.35' and a rear setback to 21.90' to allow construction of a vertical expansion per the plans as submitted, subject to the completion of the storm water management plan for the house at the same address; the hardship being the slope of the lot, duly 2nd, approved 4-0. Variance granted.

Application # 22-24: DeNoia, 315 State Route 39, for variances to Zoning Regulations 3.0.4A,B,C,D,E&F Minor Accessory Structures, 3.2.5A&B, 3.2.6A Front Setback to 10', 3.2.6B Side Setback to 4.1', 3.2.6C Rear Setback to 0', 3.2.11, 7.1.1.1A&B and 7.2.3A,B&E for the purpose of constructing a storage loft above an existing shed. Zoning District: R-44; Map: 6; Block: 6; Lot: 16.2+16.3.

Eugene Denoia presented this proposal to construct a vertical expansion on a shed. Mr. DePaul noted that his shed is located in the front yard and is currently violating the Zoning regulations and the applicant was asking to increase nonconformity which the Chairman expressed his objection to. The board suggested that the applicant consider removing the shed and constructing a garage. The board has historically been more liberal with granting

variances for garages especially when the homeowner does not have a garage. A brief discussion ensued over the current easement on the property, position of an underground pipe and direction of the driveway. The board suggested that the applicant continue the application to consider revising the proposal. Christine Garabo made a motion to continue the application, July 2nd, approved 4-0. Application continued.

Joe DePaul made a motion to enter into Executive Session at 9:03 p.m., July 2nd, approved 4-0. Christine Garabo made a motion to leave Executive Session at 9:15 p.m., July 2nd, approved 4-0. Joe DePaul made a motion for the ZBA to appeal Docket No: DBD-CXV-22-6043804-S, July 2nd, approved 0-4. Motion denied.

Christine Garabo made a motion to adjourn the meeting at 9:16 p.m., July 2nd, approved 4-0.