

New Fairfield Zoning Board of Appeals New Fairfield, Connecticut

MEETING MINUTES August 15, 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, August 15, 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; Christine Garabo, Olivia Micca and Alternate Ann Brown

ZBA Members not in attendance: Jennifer Hilderbrand and Alternates and Vinny Mancuso and Peter Hearty.

Town Officials in attendance: Evan White

Chairman Joe DePaul called the meeting to order at 7:00 p.m. Secretary Joanne Brown read the agenda. Christine Garabo made a motion to accept the agenda, duly 2nd, approved 5-0.

Continued 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.

The applicant requested that the application be withdrawn.

Continued Application # 22-24: DeNoia, 315 State Route 39, for variances to Zoning Regulations 3.0.4A,B,C,D,E&F Minor Accessory Structures, 3.0.5C Private Permanent Detached Garages, 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 returned to the board with a revised proposal for a garage expansion instead of a shed. Joe DePaul noted that the existing shed is currently situated within the 440 line. Mr. DePaul and the board had not previously realized that the shed was over the 440 line and stated that the board did not have the right to authorize construction over the 440 line. A lengthy discussion ensued with the board over other applications going to the zero-property line. It was determined that each property is unique and must be treated on

an individual basis. Chairman DePaul stated that he had an issue with the number of Zoning Regulations that needed a variance under 3.0.4. and noted that the application would have to be continued because it was not advertised as a garage. A discussion ensued over if the structure was a shed or a garage. The applicant stated that the surveyor called it a shed and he was just following his wording when in fact it is, in his opinion, a garage. Ann Brown questioned if the applicant was increasing the footprint or enlarging the footprint and going up. Christine Garabo suggested that the applicant review the proposal to see if it was possible to go up without going into the 440 line. Joe DePaul pointed out that the shed was constructed illegally and oversized and now the applicant wants to enlarge it further. Evan White noted that it is now legal, after the three-year grandfather status. Joe DePaul had an issue that the shed is in violation of the current Zoning Regulations. The board noted that the applicant had no hardship, and the applicant was creating his own hardship by voluntarily expanding the construction. Ann Brown stated that there is no hardship as the applicant has use of the property. Christine Garabo noted that the applicant should ask for a continuance. Mr. DeNoia questioned if he could get permission from First Light. The board noted that they do not have jurisdiction over the 440 line. The board suggested that the applicant get an updated survey to correctly define the expansion requested and the applicant can decide if it is worthwhile to pursue. Christine Garabo made a motion to continue Application # 22-24, duly 2nd, approved 5-0. Application continued.

Application # 23-24: Maffei, 34 Rita Drive, for variances to Zoning Regulations 3.0.6A&B Swimming Pools, 3.1.5B, 3.1.6C Rear Setback to 41' (deck) and 30' (pool), 3.1.11, 7.1.1.1A&B and 7.2.3A,B&E for the purpose of installing an above-ground pool and constructing a deck. Zoning District: R-88; Map: 23; Block: 17; Lot: 1.

Albert Maffei appeared before the board with his proposal to install an above-ground pool with decking. In 2002, a variance was granted for this property with a rear setback to 36' for a pool. The approved plans show an octagon-shaped pool. Mr. Maffei is proposing a 24' diameter round pool with a rear setback to 30'. The board explained to the applicant that the approved variance is with the property forever and it is in his best interest to stay within the approved rear setback. A brief discussion ensued over the pool and deck placement. It was suggested that the applicant continue the application to revise his proposal to locate the pool and deck within the approved variance. Christine Garabo made a motion to continue Application # 23-24 until next month, duly 2nd, approved 5-0.

Application # 24-24: Town of New Fairfield Squantz Pond Fire House, 255 State Route 39, for variances to Zoning Regulations 6.3 Signs, 6.3.8E Maximum Sign Area, 6.3.11C Location of Signs, 7.1.1.1A&B and 7.2.3A,B&E for the purpose of constructing a permanent sign for the Squantz Pond Fire House. Zoning District: R-44; Map: 10; Block: 16; Lot: 54.

There was no one present for the application. Application # 24-24 was unopened and will be on the agenda for next month.

Christine Garabo made a motion for the board to enter into the Business Session. Christine Garabo made a motion to accept the minutes as presented, July 2nd, approved 4-0-1, John Apple abstaining.

Christine Garabo made a motion to adjourn the meeting at 8:12 p.m., July 2nd, approved 5-0.