

New Fairfield Zoning Board of Appeals
New Fairfield, Connecticut 06812
MINUTES
February 20, 2020

The New Fairfield Zoning Board of Appeals (ZBA) held a public hearing followed by a business session at 7:00 p.m. on Thursday, February 20, 2020 in the Community Room of the New Fairfield Library located at 2 Brush Hill Road. Secretary Joanne Brown took the Minutes.

ZBA members in attendance: Joe DePaul, Chairman; John Apple, Vice Chairman; John McCartney; Dan McDermott and Alternate Ann Brown.

ZBA members not in attendance: Vinny Mancuso and Alternate Bob Jano.

Town Officials in attendance: Evan White, Zoning Enforcement Officer.

Chairman Joe DePaul called the Meeting to order at 7:00 p.m. and introduced the Board Members. Joe DePaul explained the meeting process and voting and appeal procedures. Secretary Joanne Brown read the Agenda. John McCartney made a motion to adopt the agenda as presented, duly 2nd, approved 5-0.

Continued Application # 67-19: McDonough, 69 Lake Drive South, for variances to Zoning Regulations 3.0.4C, E&F Side Setback to 5' for the purpose of constructing a garden shed with work deck. Zoning District: R-44; Map: 25; Block: 1, Lot: 1-4 (25-18).

Continued Application #67-19 will be continued to the March meeting at the request of the applicant. The applicant will be notified via certified letter that the timeframe to hear the application will end and the application must be voted on or withdrawn at the March meeting.

Continued Application # 01-20: HKMQ LLC, 42 State Route 39, for variances to Zoning Regulations 4.1.1A Uses or Buildings Permitted As of Right and 4.1.2A&F Special Permit Uses or Buildings for the purpose of constructing a 102'x50' 8-family duplex building. Zoning District: B/C; Map: 19; Block: 13; Lot: 12.

Dan Reilly returned to the board and presented a rendering of the proposed 8-apartment duplex with parking conforming to the Zoning Regulations. The proposal consists of six (6) 2-bedroom apartments and two (2) 1-bedroom apartments. Ann Brown questioned why there were 9 doors on the plan instead of 8. Mr. Reilly said he did not know and would check to see if it was a mechanical room. The complex would not contain any garages. John McCartney asked if the footprint would remain the same. Mr. Reilly stated that it would be on the same footprint. John Apple questioned if the existing green garage would be taken down as part of the proposal. A brief discussion ensued over whether the variance was a use variance. Evan White noted that the applicant would have to go in front of Zoning to obtain a Special Permit for Accessory Apartments. Joe DePaul questioned if Zoning could change the design and, if the application was changed would the applicant have to then return to the ZBA because the variance was

granted as “per plans as submitted”. Mr. White noted that Zoning could only change the use, not the plans. The use would remain Business Commercial, not residential, and the zoning regulations would be varied to allow relief from the regulation permitting one (1) residential dwelling unit in a commercial development. John McCartney noted his concern over the number of parking spaces. Evan White noted that if the space was used commercially it would require a greater number of parking spaces. The board noted that the existing green garage needed to be taken down and agreed to make its removal by July 1, 2020 a stipulation if a variance was granted. Joe DePaul asked the public for comment. Linda Fox asked to see the rendering and expressed her concern over the traffic and the impact of the septic on the brook. The board noted that the traffic would be less with a residential property than a commercial one. John McCartney made a motion to enter into the Business Session, July 2nd, approved 5-0. The board noted that the removal of the garage would be a stipulation and that the number of apartments would not exceed 8 apartments. Joe DePaul made a motion to grant a variance to construct up to 8 residential units per the plans as submitted subject to the removal of the structure known as the green garage by July 1, 2020, noting that if the garage is not removed by July 1, 2020, the variance becomes null and void; the hardship being the size and shape of the lot and the wetlands, July 2nd, approved 5-0. Variance granted.

Application # 08-20: Breslin, 27 Hudson Drive, for variances to Zoning Regulations 3.0.4C,E&F Minor Accessory Building(s) and Structure(s) for the purpose of installing a 12’x10’ storage shed. Zoning District: R-44; Map: 36; Block: 9; Lot: 2&3.

Sean Breslin approached the board with his proposal to install a 10’x12’ shed. The property contains two fronts and placing it behind the rear plane of the house was difficult. Joe DePaul noted the hardship but stated that the applicant should not violate the 10’ setback distance from the property line. The board agreed that the applicant should keep the shed 10’ from the property line. Joe DePaul asked the public for comment. None given. John McCartney made a motion to enter into the Business Sessions, July 2nd, approved 5-0. Joe DePaul made a motion to grant a variance to construct a shed per the plans as submitted to be placed 10’ from the property line (on the side by Jericho Road); the hardship being that the property has two fronts, July 2nd, approved 5-0. Variance granted.

While in the Business Session, John McCartney made a motion to accept the Minutes as presented, July 2nd, approved 4-0-1, Dan McDermott abstaining.

Application # 09-20: Piskura, 67 State Route 39, for variances to Zoning Regulations 3.1.5A&B, 3.1.6A Front Setback to 45’, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing a vertical expansion and extending the roof line to install a fire egress window. Zoning District: R-88; Map: 19; Block: 1; Lot: 37.

Jim Piskura approached the board requesting a front setback to 45’ to construct a fire egress window on the second floor with no change in the existing footprint. The existing garage will remain. Joe DePaul noted the dilapidated shed on the property and suggested that the applicant agree to take down the shed. A lengthy conversation ensued over the reconstruction of the shed and what materials were to be used. It was agreed that the shed would be rebuilt with a new roof

before a Certificate of Occupancy was issued for the property as a stipulation of the variance if granted. Joe DePaul asked the public for comment. None given. Ann Brown made a motion to enter into the Business Session, duly 2nd, approved 5-0. Joe DePaul made a motion to grant a front setback to 45' to construct a vertical expansion with fire egress window per the plans as submitted, noting that the shed be demolished and reconstructed with a new roof prior to the issuance of a Certificate of Occupancy; the hardship being the size and shape of the lot, duly 2nd, approved 5-0. Variance granted.

Application # 10-20: Barrios & Wright; 23 Candlewood Road, for variances to Zoning Regulations 3.2.5A&B, 3.2.6 A Front Setback to 22.1', 3.2.6C Rear Setback to 8.2', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing a bedroom and bath addition and shed dormer. Zoning District: R-44; Map: 39; Block: 1; Lot: 60-63.

Doug Barrios and Stacey Keaney approached the board seeking to construct a 10'x20' bedroom and bathroom addition on the side of the nonconforming property with a front setback of 22'. Ms. Keaney noted that the small house had no bedroom on the main living area. The addition would be built on piers. Joe DePaul noted that he did not like to increase nonconformity and the applicant was asking for a 6' decrease in the setback. Joe DePaul asked if the corner of the proposed addition could be removed so the setback remains as existing. Ms. Keaney stated that the area of the triangle in question would add an additional 48 square feet. Joe DePaul read letters from Lynn Jenkins, 22 Candlewood Road, William Perrine, 1 Field Avenue, Katherine Consiglio, 19 Candlewood Road and Linda Singagliese, President of the Hollywyle Park Association, all noting their support of the application. Joe DePaul asked the public for comment. None given. John McCartney made a motion to enter into the Business Session, duly 2nd, approved 5-0. Joe DePaul made a motion to grant a front setback to 22.1' and a rear setback to 8.2' to allow construction of an addition per the plans as submitted; the hardship being the small size and shape of the lot, duly 2nd, approved 5-0. Variance granted.

Application # 11-20: Cioffoletti, 56 Woodcreek Road, for variances to Zoning Regulations 3.2.5A, 3.2.6C Rear Setback to 8', 3.2.8 Maximum Impervious Surfaces, 3.2.11 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing a deck. Zoning District: R-44; Map: 25; Block: 4; Lot: 11.

Attorney Richard Smith and Dainius Virbickus, Artel Engineering presented the proposal to extend a deck 19' from the rear face of the home. Mr. Smith noted that there was an existing wooden structure on the property. Joe DePaul expressed his frustration that the applicant was already granted three previous variances allowing a large house and a garage to be built and changes to the roof line. Mr. DePaul noted that the applicant was told at previous meetings that a deck was not an option. Mr. Smith explained that Mr. Cioffoletti could not envision the deck previously and would not be increasing nonconformity because of the existing wooden structure. A lengthy discussion ensued over the provisions of the previous variances including moving the house off the road, allowing for a larger house to be built, a garage to be built and a change to the roofline. Mr. Smith asked if a compromise could be reached which included reducing the size of the deck and removing the existing wooden structure. Joe DePaul noted for the record that there was no public for comment. Mr. Smith asked for a continuance to discuss the situation with

the applicant. John Apple made a motion to continue Application #11-20, duly 2nd, approved 5-0.
Application continued.

John McCartney made a motion to adjourn at 8:48 p.m., duly 2nd, approved 5-0.