

New Fairfield Zoning Board of Appeals
New Fairfield, Connecticut 06812
SPECIAL MEETING MINUTES
February 28, 2019

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, February 28, 2019, at the Company A Firehouse, located at 302 Ball Pond Road. Secretary Joanne Brown took the Minutes.

ZBA members in attendance: Joe DePaul, Chairman; John McCartney, Dan McDermott, Alternates Ann Brown and Bob Jano

ZBA members not in attendance: John Apple, Vice Chairman; Vinny Mancuso;

Town Officials in attendance: Evan White, Zoning Enforcement Officer

Chairman Joe DePaul called the Special 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. Joe DePaul made a motion to adopt the agenda, noting that at a Special Meeting no changes can be made to the agenda, duly 2nd, approved 5-0. Joe DePaul made a motion to eliminate reading the Call of the Meeting, duly 2nd, approved 5-0.

Continued Application # 42-18: Pogmore, 64 Inglenook Road, for variances to Zoning Regulations 3.2.5A, 3.2.6A Front Setback to 8', 3.2.6B Side Setback to 5' and 3.2.6C Rear Setback to 25.4", 3.2.11, 7.1.1.1A&B and 7.2.3A,B&E for the purpose of constructing a 24'x26' detached garage. Zoning District: R-44; Map: 41; Block: 1; Lot: 1.

John McCartney made a motion to hear Continued Application # 42-18, duly 2nd, approved 5-0. Andrew and Maryann Pogmore returned to the board taking into account the board's suggestion to move the garage closer to the house. The applicant presented plans showing the garage placement outside the 25' well radius regulations. The 24'x26' garage with 2nd story storage would have electric but no heat or water and require a 17' side setback and a 37.7' front setback. Evan White confirmed the well placement regulations. 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. John McCartney commented that the applicants substantially moved the garage, as the board suggested, considering the slope of the property. Joe DePaul made a motion to grant a front setback to 37.7' and a side setback to 17' to allow construction of a 24'x26' garage per the plans as submitted; the hardship being the size, shape and slope of the lot, duly 2nd, approved 5-0. Variance granted.

While in the Business Session, John McCartney made a motion to accept the Minutes as read, duly 2nd, approved 4-0-1; Bob Jano abstaining.

Continued Application # 51-18: Song, 4 Cotton Tail Road, for variances to Zoning Regulations 3.0.8C&D Gazebos, 4.1.3A Minimum Lot Area & Frontage, 4.1.4C Minimum Building and

Structure Setbacks Rear Setback to 14.2' and 4.1.14B Outdoor Eating for the purpose of constructing an outdoor gazebo enclosed on two sides and roof over the bar. Zoning District: B/C, Map: 24; Block: 15; Lot: 8 & 10.

Bob Jano made a motion to hear Continued Application # 51-18, duly 2nd, approved 5-0. John Ransom, representing Scott Haines, appeared in front of the board. Joe DePaul gave a brief explanation of the application which was continued to re-advertise using gazebo instead of pergola. Joe DePaul asked the public for comment. None given. Bob Jano made a motion to enter into the Business Session, duly 2nd, approved 5-0. Joe DePaul made a motion to grant a rear setback to 14.2' to allow construction of an outdoor gazebo with a roof over the bar per the plans as submitted and vary Zoning Regulation 4.1.14B Outdoor Eating; the hardship being the size of the lot and how close the building is to the rear property line, duly 2nd, approved 5-0. Variance granted.

Continued Application # 55-18: New Fairfield Falcons Pop Warner Inc., 54 Gillotti Road, for variances to Zoning Regulations 3.0.4C,D,E&F Minor Accessory Buildings and Structures and 3.1.5B for the purpose of placing an additional Storage Container between Stadium Turf and Rebel Turf near the other storage containers. Zoning District: R-88; Map: 23; Block: 16; Lot: 11.

Dan McDermott made a motion to hear Continued Application # 55-18, duly 2nd, approved 5-0. Frank Moore returned to the board and withdrew the application.

Continued Application # 56-18: Wilk, 5 Brookside Road, for variances to Zoning Regulations 3.0.4C&E Minor Accessory Building & Structures for the purpose of placing a Stand-Alone Generator in the front yard of their property. Zoning District: R-44; Map: 37; Block: 5; Lot: 5-8.

John McCartney made a motion to hear Continued Application # 56-18, duly 2nd, approved 5-0. Amy Wilk returned to the board. The application was continued to correctly re-advertise the address which was originally listed as Drive, not Road. 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 approve the placement of an outdoor generator as presently located; the hardship being safety concerns, the placement of the house relative to the street and any stress that the town caused to the property owner, duly 2nd, approved 5-0. Variance granted.

Continued Application # 57-18: Chila/118 Lake Drive LLC, 118 Lake Drive South, for variances to Zoning Regulations 3.2.5A&B, 3.2.6C Rear Setback to 0', 3.2.11, 7.1.1.2A&B and 7.2.3A,B&E for the purpose of constructing a family room and master bedroom addition over existing foundation and patio. Zoning District: R-44; Map: 25; Block: 1; Lot: 50.

Dan McDermott made a motion to hear Continued Application # 57-18, duly 2nd, approved 5-0. Steven and Tiffany Chila returned to the board. The application was continued due to an advertising issue with the correct address. The applicants were asked to show the balcony on the proposed plan and locate it within the existing 7.1' setback, not increasing nonconformity. The applicants presented a plan showing the balcony which reduced the rear setback from 7.1' to 7.9', and does not need a front or side setback. The roof would remain at the existing height (26').

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 rear setback to 7.9', a side setback to 32.9' to allow a vertical expansion per the plans as submitted, noting that there is a decrease in nonconformity; the hardship being the narrow shape of the lot, duly 2nd, approved 5-0. Variance granted.

Continued Application # 59-18: Moore, 7 Birch Drive, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 9.5', 3.2.6B Side Setback to 7.2', 3.2.11, 7.1.1.1A&B and 7.2.3A,B&E for the purpose of constructing a two car garage with finished 2nd floor and an addition for a mudroom to connect the house and garage. Zoning District: R-44; Map: 2; Block: 3; Lot: 18.

Bob Jano made a motion to hear Continued Application # 59-18, duly 2nd, approved 5-0. Frank Moore returned to the board with revised plans. During this process, the applicant discovered that the existing septic is located too close to the existing well. The applicant moved the garage back to accommodate the change in the location of the well and septic. The existing front setback is 21.8' and the applicant is requesting a 22' front setback with no side or rear setbacks needed. Joe DePaul asked the public for comment. None given. Dan McDermott 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' to allow construction of a garage and addition per the revised plans as submitted; the hardship being the placement of the well and septic, duly 2nd, approved 5-0. Variance granted.

Continued Application # 60-18: Schwam, 22 Lake Drive South, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 27.4', 3.2.6B Side Setbacks to 8' and 14.8', 3.2.6C Rear Setback to 19.1', 3.2.11, 7.1.1.2A&B and 7.2.3A,B&E for the purpose of a home expansion. Zoning District: R-44; Map: 20; Block: 1; Lot: 67.

Bob Jano made a motion to hear Continued Application # 60-18, duly 2nd, approved 5-0. Dainius Virbickas of Artel Engineering returned to the board with a revised plan. The applicant took the board's suggestion keeping the improvements within the existing footprint. The proposal would enlarge the house to the edge of the existing decks with a 1.5' overhang in the front and rear. The existing front setback is 38.1' to proposed 27.8' and existing rear setback is 24' to proposed 22.67'. The existing side setback is 8.3' to proposed 8.2' (North) and no change to the South side setback at 14.8'. The applicant would like to add a deck in the front which would change the front setback with overhang to 35.3'. If a deck was not possible, the area could be filled in with dirt. A brief discussion ensued over the height of the proposed 4 story house, with 2 stories being added. Two letters in opposition to the application were read into the record from neighbors Cain at 24 Lake Drive South and David at 20 Lake Drive South. Cain stated that their views of the cove, sky and mountains would be impacted. David opposed the size, height, architecture, possible loss of vegetation and loss of view due to the proposed application. A lengthy discussion ensued about views and the placement of the houses on the block. The board noted that the neighbors had valid concerns. John McCartney stated that the proposal would be adding one and a half stories to the house. It was brought to the board's attention that a previous variance for a vertical expansion was granted for the property. Joe DePaul noted that the applicant should investigate the variance further since it was already granted and determine if

that variance addressed the loss of views for the neighbors. Ann Brown questioned what the hardship was. Bob Jano stated that the height seemed excessive and it would look like an apartment building. John McCartney stated that it looks like a lovely home but is huge for the size of the lot. Joe DePaul asked the public for comment. None given. Joe DePaul suggested that the applicant investigate the existing previous variance and continue to next month. Dan McDermott made a motion to continue, July 2nd, approved 5-0. Application continued.

Application # 01-19: Proto and Will, 27 Beaver Bog Road, for variances to Zoning Regulations 3.0.6A Swimming Pools, for the purpose of installing a built-in pool and patio located in the front yard. Zoning District: R-88; Map: 13; Block: 1; Lot: 6A.

Bob Jano made a motion to hear Application # 01-19, July 2nd, approved 5-0. Whitney Will, Chris Pronto and Mike Spilane presented their proposal to construct an in-ground pool. They stated that their hardship was the fact that because of the shape of the lot and the placement of the house and driveway, their backyard abuts Beaver Bog Road and is technically their front yard. They need a variance for this reason, not for any setbacks. A brief discussion ensued over the placement of the pool. Evan White saw no issue with the placement. Joe DePaul asked the public for comment. None given. Bob Jano questioned if there was ledge. The applicants stated that there was some soft rock but hopefully no ledge. Bob Jano made a motion to enter into the Business Session, July 2nd, approved 5-0. Joe DePaul made a motion to grant a variance to vary Zoning Regulation 3.0.6A Swimming Pools since their front yard is their rear yard per the plans as submitted; the hardship being the size and shape of the lot and the fact that the front yard is their rear yard, July 2nd, approved 5-0. Variance granted.

Application # 02-19: Rowan, 61 Bogus Hill Road, for variances to Zoning Regulations 3.2.5A&B, 3.2.6B Side Setback to 12', 3.2.6C Rear Setback to 0', 3.2.11, 7.1.1.2 and 7.2.3A&B for the purpose of adding 70 sq. ft. of deck to an existing landing on south side of house and a portico roof addition above front entry door. Zoning District: R-44; Map: 11; Block: 2; Lot: 24.

Dan McDermott made a motion to hear Application # 02-19, July 2nd, approved 5-0. Agent Karen Carpenter and owner Jerry Rowan approached the board with their proposal to add an 8'x8' deck and to construct a roof over the front entry door. The existing side setback is 14.8'. A brief discussion ensued over the exact setback needed. The applicant determined that a 15' side setback and 10' rear setback was sufficient for their proposal. Joe DePaul asked the public for comment. None given. John McCartney made a motion to enter into the Business Session, July 2nd, approved 5-0. Joe DePaul made a motion to grant a side setback to 15' and a rear setback to 10' to construct a deck and a portico roof addition per the plans as submitted; the hardship being the size and shape of the lot, July 2nd, approved 5-0. Variance granted.

Application # 03-19: Edidin, 94 Lake Drive South, for variances to Zoning Regulations 3.2.5A, 3.2.6A Front Setback to 22', 3.2.6B Side Setback to 22', 3.2.6C Rear Setback to 22' for the purpose of adding two deck additions (10'x8' and 10'x6') to an existing deck. Zoning District: R-44; Map: 20; Block: 1; Lot: 5.2.

Bob Jano made a motion to hear Application #03-19, July 2nd, approved 5-0. Agent Paul Ferro presented the proposal to add two additions turning the corners of the existing deck into enclosed

living area. The deck sits approximately 6-7' off the ground and was recently inspected to ensure it can withstand the addition. A brief discussion ensued over whether the property contained two fronts and what setbacks were needed. It was determined that the only setback needed was a rear setback to 22'. Joe DePaul asked the public for comment. None given. Dan McDermott made a motion to enter into the Business Session, July 2nd, approved 5-0. Joe DePaul made a motion to grant a rear setback to 22' to construct a deck addition per the plans as submitted; the hardship being the size and shape of the lot and noting there is no increase in nonconformity, July 2nd, approved 5-0. Variance granted.

Application # 04-19: Astoria Enterprises/Halas, 10 Astoria Drive, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 33', 3.2.11, 7.1.1.1A&B and 7.2.3A,B&E for the purpose of constructing a new two bedroom single family house. Zoning District: R-44; Map: 36; Block: 3; Lot: 12.

Dan McDermott made a motion to hear Application #04-19, July 2nd, approved 5-0. Dale Halas appeared in front of the board with his proposal to construct a two-bedroom single family house. The applicant gave a brief overview of the property. Joe DePaul read an email from Deb Gasper regarding concerns over the access to the property. Mr. Halas stated that the property would be accessed through Peralta Drive and would not require an easement. The house would be approximately 24'x48', 1700 sq. ft. The placement of the well and septic was discussed and ZEO Evan White confirmed that the location as shown was the only place on the small lot to locate them. Joe DePaul asked the public for comment. None given. Dan McDermott made a motion to enter into the Business Session, July 2nd, approved 5-0. Joe DePaul made a motion to grant a front setback to 33' to construct a single family house per the plans as submitted; the hardship being the extremely small size of the lot and the well and septic placement, July 2nd, approved 5-0. Variance granted.

Application # 05-19: Bogues, 101 State Route 37, for variances to Zoning Regulations 3.1.5A&B, 3.1.6A Front Setback to 13.4', 3.1.6B Side Setback to 25.6', 3.1.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of rebuilding a single family house damaged in a fire with 7' roof height increase. Zoning District: R-88; Map: 13; Block: 5; Lot: 2.3.

Bob Jano made a motion to hear Application # 05-19, July 2nd, approved 5-0. Bob Williams gave a brief overview of the property which suffered a house fire. The proposal would use the existing footprint, save the first floor and add a vertical expansion for the second floor with a new roof height of 26.4'. Bob Williams explained that the second floor roof height was needed to meet the existing codes. The shed on the property is grandfathered in. A brief discussion ensued about setbacks needed. Joe DePaul asked the public for comment. None given. Bob Jano made a motion to enter into the Business Session, July 2nd, approved 5-0. Joe DePaul made a motion to grant a front setback to 13.4' and a side setback to 25.6' to reconstruct the fire-damaged house with a vertical expansion per the plans as submitted; the hardship being the size and shape of the lot and noting no increase in dimensional nonconformity, July 2nd, approved 5-0. Variance granted.

John McCartney made a motion to adjourn the meeting at 8:54 p.m., July 2nd, approved 5-0.