

New Fairfield Zoning Board of Appeals
New Fairfield, Connecticut 06812
MINUTES
April 18, 2019

The New Fairfield Zoning Board of Appeals (ZBA) held a public hearing followed by a business session at 7:00 p.m. on Thursday, April 18, 2019, 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; Dan McDermott; and Alternate Ann Brown

ZBA members not in attendance: John McCartney, Vinny Mancuso and Alternate Bob Jano

Town Officials in attendance: Evan White, ZEO

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. Joe DePaul made a motion to adopt the agenda, duly 2nd, approved 4-0.

Application # 16-19: Berrie, 3 Candlewood Road, for variances to Zoning Regulations 3.2.6A Front Setback to 28.6', 3.2.11, 7.1.1.2 and 7.2.3A&B for the purpose of installing a bay window, a covered walkway and a roof alteration. Zoning District: R-44; Map: 39; Block: 1; Lot: 2.2.

Stanley Berrie approached the board with revised plans. Mr. Berrie stated that they are no longer asking for a variance to install the bay window, walkway and roof alteration. Mr. Berrie explained that they propose to convert an existing 3-season porch into a 4-season room with heat so it is a habitable living space. The existing footprint and roof line would remain the same. The enclosed room would replace an existing door with a window. The existing front setback remains at 28.6'. Joe DePaul asked the public for comment. None given. It was determined that the application needed to be continued to advertise the new proposal. John Apple made a motion to continue Application # 16-19, duly 2nd, approved 4-0. Application continued.

Application # 17-19: Hopkins, 10 Candlewood Road, for variances to Zoning Regulations 3.2.5A, 3.2.6A Front Setback to 13', 3.2.6B Side Setback to 10.6', 3.2.7, 3.2.8 Maximum Impervious Coverage, 3.2.11, 7.1.1.2 and 7.2.3A&B for the purpose of constructing an attached garage. Zoning District: R-44; Map: 39; Block: 5; Lot: 20-23.

James Hopkins presented his proposal for an attached garage and provided photos of the existing small and unusable garage. The existing garage is undersized and approximately 8'x7'. The proposed garage would be 14'x35' with no living space and a front and rear entrance. Mr. Hopkins stated that the adjacent lot is an unusable building lot so there would be no impact from the garage construction to the neighbors. Joe DePaul questioned the existing square footage of the house. It was determined to be 1295 sq. ft. A brief discussion ensued on the length of the

garage and how it blocked access to the rear yard. Joe DePaul asked the public for comment. None given. Ann Brown stated that she saw no problem with the proposal since the adjacent lot was unbuildable. Evan White had no objections. Dan McDermott made a motion to enter into the Business Session, duly 2nd, approved 4-0. Joe DePaul stated that he saw no problem with the application and a made a motion to grant a front setback to 13' and a side setback to 10.6' to allow construction of a garage per the plans as submitted; the hardship being the size and shape of the lot, duly 2nd, approved 4-0. Variance granted.

While in the Business Session, Joe DePaul made a motion to accept the minutes as written, duly 2nd, approved 2-0-2, Ann Brown and Dan McDermott abstaining.

Application # 18-19: Landi, 3 Schermerhorn Drive, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 39', 3.2.6B Side Setback to 11', 3.2.11, 7.1.1.1A&B and 7.2.3A&B for the purpose of extending an existing deck. Zoning District: R-44; Map: 36; Block: 2; Lot: 13-14.

David Landi presented his proposal to extend an existing deck that was destroyed in last May's storm. Joe DePaul stated his concerns that this proposal increases nonconformity and extends the deck closer to the neighbors. Mr. DePaul asked if Mr. Landi was able to acquire a letter from the adjacent neighbor indicating no objections to the proposal. Mr. Landi stated that he had not acquired a letter but was willing to do so. A brief discussion ensued about setbacks and how a compromise could be reached to minimize the increase of nonconformity. It was determined that the previous structure was actually a screened-in porch with no screens which would be converted into a deck with no roof and pressure-treated rails. Ann Brown suggested extending the deck to a point no further than where it reaches a 12' setback as a compromise. Mr. Landi agreed to revise the proposal and to continue the application in order to acquire a letter from the adjacent neighbor. Dan McDermott made a motion to continue Application # 18-19, duly 2nd, approved 4-0. Application continued.

Application # 19-19: Squantz Pond District Fire Association, 255 State Route 39, for variances to Zoning Regulations 3.1.5A, 3.1.6A Front Setback to 38', 7.1.12, and 7.2.3A,B&E for the purpose of adding a 3'x10' portico and elevator addition. Zoning District: R-88; Map: 10; Block 16; Lot: 54.

Steve Immarigeon, President, and Assistant Chief, Rich Kalinka, brought their proposal for an elevator addition in front of the board. The applicants gave a brief overview of the proposal and need to bring the building into ADA compliance to accommodate the various groups using the firehouse. The front setback would remain at 38'. The proposed addition would include a windowed entrance to the elevator and a mechanical room. Joe DePaul asked the public for comment. None given. John Apple made a motion to enter into the Business Session, duly 2nd, approved 4-0. Joe DePaul made a motion to grant a front setback to 38' to allow construction of an elevator addition per the plans as submitted, noting no increase in structural nonconformity; the hardship being the size and shape of the lot, duly 2nd, approved 4-0. Variance granted.

Application # 20-19: Ramesh and Dash, 5 Sylvan Road, for variances to Zoning Regulations 3.2.6A Front Setback to 30', 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing a new single family dwelling. Zoning District: R-44; Map: 25; Block: 2; Lot: 9.1.

Joe Reilly, agent for the applicants, approached the board with their proposal for a single family house construction. Mr. Reilly gave a brief overview of the steep sloped and heavily ledged topography. Mr. Reilly explained that the house was positioned on the only area where it was feasible to place it with steep drops to the rear and lake side of the property. The septic fields are to the far west of the home. There is no plan for a garage at the moment but one might be added at a later time which should not require any variances. The proposed house would be approximately 2400 sq. ft. Joe DePaul asked to see a topographical survey. Mr. Reilly produced the topographical map and the steep slopes and placement of the house were examined by the board. The history of the existing water tank was discussed and it was determined that it was on the property for at least 60 years and not in use. Joe DePaul asked the public for comment. None given. Dan McDermott made a motion to enter into the Business Session, duly 2nd, approved 4-0. Ann Brown noted that the lot had a severe slope and had no objections to the placement of the house. Joe DePaul made a motion to grant a front setback to 30' to allow construction of a new single family house per the plans as submitted, noting that the house is positioned based on the steep topography; the hardship being the steep slope, duly 2nd, approved 4-0. Variance granted.

Application # 21-19: Xatart, 43 Sylvan Road, for variances to Zoning Regulations 3.2.6C Rear Setback to 32', 3.2.11, 7.1.1.2 and 7.2.3A,B&E for the purpose of constructing a vertical expansion. Zoning District: R-44; Map: 25; Block: 2; Lot: 10.

Joe Reilly, agent for the applicant, appeared before the board with a proposed vertical expansion of an existing home. The proposal would square off the existing building with a two-story addition. The new roofline would be no higher than the existing roof. No neighbor's views would be impacted. The proposal requires a variance for a rear setback to 32'. Joe DePaul asked if the ZEO had any objections. Evan White stated that he had no objections. Joe DePaul asked the public for comment. None given. John Apple made a motion to enter into the Business Session, duly 2nd, approved 4-0. Joe DePaul made a motion to grant a rear setback to 32' to allow a vertical expansion per the plans as submitted, noting that there is no increase in structural nonconformity; the hardship being the steep slope of the lot, duly 2nd, approved 4-0. Variance granted.

Application # 22-19: Singer, 3 Deer Run, for variances to Zoning Regulations 3.0.4C,E&F Minor Accessory Buildings and Structures, 3.2.5A&B, 3.2.11, 7.1.1.2 and 7.2.3A&B for the purpose of installing a 12'x16' prefab shed and a deck expansion. Zoning District: R-44; Map: 15; Block: 1; Lot: 96-98.

Amy Singer approached the board with two proposals; one for a shed and another for a deck addition. Ms. Singer produced a revised plan and a letter from her neighbor Carolyn Kopsick, 1 Deer Run, stating that she had no objection to the shed and that she, in fact, suggested the placement. The placement of the shed is also limited due to the septic. Ms. Singer explained that installation of a new septic system required regrading of the property and increased the slope of

the property. The board discussed the other existing shed and garden beds noted on the survey. The applicant agreed to remove the other shed as a contingency of the variance being granted. The new proposal would place the shed 8' from the property line as not to obstruct the neighbor's views. The shed would measure 12'x16' with a 12.8' roof height. Joe DePaul suggested that a separate variance be granted for the shed and deck to make it less confusing. The proposed deck addition would be 19'x27'. No setbacks were needed. Joe DePaul asked the public for comment. None given. Dan McDermott made a motion to enter into the Business Session, duly 2nd, approved 4-0. The board discussed the placement of the shed and the neighbors' suggested 8' placement from the property line. Joe DePaul made a motion to grant a variance to allow a shed to be placed 8' from the property line, contingent upon removal of all other sheds on the property; the hardship being the size and shape of the lot and the slope of the newly placed septic, duly 2nd, approved 4-0. Variance granted. Joe DePaul made a motion to grant a variance to allow construction of a 19'x27' deck per the plans as submitted, the hardship being the size and shape of the lot and placement of the new septic, duly 2nd, approved 4-0. Variance granted.

Application # 23-19: Flower, 27 Lloyd Avenue, for variances to Zoning Regulations 3.2.5A, 3.2.6A Front Setback to 22', 3.2.6C Rear Setback to 22', 3.2.11, 7.1.1.1A&B and 7.2.3A,B&E for the purpose of constructing a new single family dwelling. Zoning District: R-4 4; Map: 34; Block: 14; Lot: 1.

Frank Scinto, Chipman Mazzucco, and Dave Dillman, Westchester Modular, approached the board with their proposal to rebuild an existing house that was destroyed by a fire caused by a faulty generator after the May 2018 storm. Mr. Dillman presented the survey and stated that the new proposal would decrease nonconformity by eliminating a bay window, shed and chimney and by moving the deck to the other side. A brief discussion ensued about setbacks. It was determined that the setbacks were incorrectly stated on the application and would need to be re-advertised. The lot has two front yards. It was determined that two front setbacks are needed; a front setback to 21.4' on Roy Avenue and a front setback to 23' on Lloyd Avenue. No rear setback is needed. Joe DePaul stated that the property was an eyesore and that cleanup of the property by July 1st would be a contingency of the variance if it were to be granted. A brief discussion ensued about whether demolition could take place. Joe DePaul stated that the board would not make any comments concerning demolition. John Apple made a motion to continue Application # 23-19 to correctly advertise the setbacks, duly 2nd, approved 4-0. Application continued.

John Apple made a motion to adjourn the meeting at 8:35 p.m., duly 2nd, approved 4-0.