

New Fairfield Zoning Board of Appeals
New Fairfield, Connecticut 06812
MINUTES
June 20, 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, June 20, 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 McCartney; Vinny Mancuso; Dan McDermott; Alternates Ann Brown and Bob Jano.

ZBA members not in attendance: John Apple, Vice Chairman.

Town Officials in attendance: ZEO Evan White.

Chairman Joe DePaul called the Meeting to order at 7:00 p.m. and introduced the Board Members. The Chairman noted that Ann Brown would be a full voting member while Bob Jano would be observing. 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 5-0.

Continued Application # 28-19: Creasy, 282 State Route 37, for variances to Zoning Regulations 3.0.10A&B Barns for the purpose of constructing a wood storage building. Zoning District: R-88; Map: 12; Block: 2; Lot: 2-4 & 1.2.

Dr. Jeffrey Migdol appeared as representative for Mr. Creasy for Continued Application # 28-19 which was continued due to an advertising error. The board recapped Mr. Creasy's proposal to construct a barn to house wood from his 40+/- acres of land. The board saw no problem with the proposal. John McCartney reiterated the stipulation raised last month that the barn would house only wood from the property and no commercial operation would be allowed. Joe DePaul asked the public for comment. None given. Vinny Mancuso made a motion to enter into the Business Session, duly 2nd, approved 5-0. Joe DePaul noted the vast acreage and had no objections. Joe DePaul made a motion to grant a variance to allow construction of a wood storage barn per the plans as submitted on the condition that no truckloads of wood be brought onto the site, duly 2nd, approved 5-0. Variance granted.

While in the Business Session, Vinny Mancuso made a motion to adopt the minutes as written, duly 2nd, approved 4-0-1, Ann Brown abstaining.

Continued Application # 31-19: Schneider, 16 Oswego Road, for variances to Zoning Regulations 3.2.5A&B, 3.2.6A Front Setback to 2.6', 3.2.11, 7.1.1.1A&B and 7.2.3A,B&E for the purpose of raising the roof line of an existing home, a portico addition and moving deck stairs to other side of house. Zoning District: R-44; Map: 32; Block: 6; Lot: 63.

Susan Schneider returned to the board. The application was continued to correctly re-advertise the front setback and to confirm that the property was situated outside the 500 foot area from New York State line requiring notification. Ann Brown confirmed that the property was outside 500 feet from New York State and did not require notification. Ms. Schneider gave a brief overview of the proposal which would raise the roof and change the roofline. The applicant would also like to add a portico over the front steps. 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 2.6' to reconstruct a roof and add a portico addition per the plans as submitted, noting there is no increase in nonconformity; the hardship being the irregular size and shape of the lot, duly 2nd, approved 5-0. Variance granted.

Continued Application # 32-19: Ruppert, 28 Fox Run, for variances to Zoning Regulations 3.2.5A&B, 3.2.6B Side Setback to 9', 3.2.11, 7.1.1.2 and 7.2.3A&B for the purpose of installing a prefab swim spa. Zoning District: R-44; Map: 15; Block: 1; Lot: 191 & 225.

Tom Ruppert and Architect Al Sacco returned to the board taking into account some of the suggestions raised by the board last month. Mr. Ruppert's revised proposal reduced the setback requested by relocating the swim spa closer to the house. He also added fencing and landscaping to buffer the spa from the neighbors. A brief discussion ensued about setbacks. Mr. Ruppert proposed a 13.4' side setback and stated that the spa could be brought closer to the house for a 15' setback. Mr. Ruppert presented pictures to the board of the landscaping, fencing and views from the neighbor's back yard. Joe DePaul stated that he would like to see a longer fence. The board discussed the length of the fence, additional landscaping and agreed that two additional 8'x6' sections of fencing would cover the spa area. 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 side setback to 15' to allow a spa per the plans as submitted subject to the placement of two additional 8'x6' sections of fencing (similar to the existing fencing); the hardship being the slope of the lot, duly 2nd, approved 5-0. Variance granted.

Application # 34-19: Yorio, 3 Hillside Drive, for variances to Zoning Regulations 3.1.2K Special Permit Uses for the purpose of constructing an apartment addition. Zoning District: R-88; Map: 18; Block: 5; Lot: 15.

No one was present for the application and it remained unopened.

Application # 35-19: Plante, 11 Crestway, for variances to Zoning Regulations 3.0.4C,D,E&F Minor Accessory Building & Structures, 3.2.5A, 3.2.11, 7.1.1.2 and 7.2.3A&B for the purpose of constructing a 12'x20' Pool House and a 10'x14' Shed. Zoning District: R-44; Map: 10; Block: 3; Lot: 36-39.1.

Stephen Plante gave the board a brief history on the existing gazebo on the property and the proposal to replace it with a 12'x20' pool house (shed). The shed would have French doors and 8 windows with electric. Joe DePaul commented that this property was unique because it is located on 3 front yards. Evan White stated that the current minor accessory zoning regulations

allow for 200 sq. ft. and the proposed shed was 40 sq. ft. over the regulations. Various sizes were discussed and it was agreed that the shed should conform to the 200 sq. ft. requirement with a 12' roof height. Mr. Plante was agreeable to the compromise. 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 variance to place a shed per the plans as submitted noting that the shed must conform to all zoning regulations; the hardship being that the lot has 3 fronts, July 2nd, approved 5-0. Variance granted.

Application # 36-19: Fidanza, 8 East View Road, for variances to Zoning Regulations 3.2.5A&B, 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 house addition including a covered porch, new entry and interior stairs. Zoning District: R-44; Map: 11; Block: 3; Lot: 14 & 15.

Melissa Luks Fidanza and agent Matthew Dougherty approached the board with their proposal to add a covered porch, new entry and an interior stairs addition. The rear patio would be removed and replaced with a garden to offset the impervious surface created by the addition. The property is preexisting nonconforming with steep slope. The addition would be placed in the front of the house and would not affect neighbor's views. The applicants produced two letters from neighbors for the record offering support for the 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 variance to allow construction of an addition per the plans as submitted, noting there is no increase in nonconformity; the hardship being the slope of the lot, July 2nd, approved 5-0. Variance granted.

Application # 37-19: Imbriale, 34 Hudson Drive, for variances to Zoning Regulations 3.2.5B, 3.2.6B Side Setback to 9.74', 3.2.11, 7.1.1.1A,B&C and 7.2.3A,B&E for the purpose of rebuilding a fire-damaged single family house. Zoning District: R-44; Map: 17; Block: 3; Lot: 24.

John Bertanza of JP McGuire, representing Michael Imbriale, approached the board with their plans to reconstruct a fire-damaged home. Mr. Bertanza gave a brief overview of the proposal, noting that the rear portion of the house would be removed reducing the size from the existing house. The garage and chimney would be removed, decreasing nonconformity. Joe DePaul asked the public for comment. None given. Vinny Mancuso 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 11' to allow reconstruction of a house per the plans as submitted, noting the decrease in nonconformity; the hardship being the narrow shape of the lot, July 2nd, approved 5-0.

Application # 38-19: Verbasco, 7 Jewel Lane, for variances to Zoning Regulations 3.1.5A&B, 3.1.6A Front Setback to 57.2', 3.1.11, 7.1.1.1A&B and 7.2.3A,B&E for the purpose of building a second floor addition over the existing footprint of the home. Zoning District: R-88; Map: 17; Block: 2; Lot: 21.

Toniann Verbasco and Stacey Keaney gave the board a brief overview of the existing single story house on a nonconforming lot which sits close to the property line. The applicant is requesting a vertical expansion with front porch addition on the existing footprint. They also propose to relocate the existing bay window to the opposite side of the front. Ms. Keaney noted that the

adjacent houses in the neighborhood were all similarly placed close to the road. A brief discussion ensued over setbacks and the new changes in the R-88 front setbacks Zoning Regulations beginning July 1, 2019. Moving the bay window to the other side of the house requires a 57.2' front setback. 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 57.2' to allow a vertical expansion per the plans as submitted; the hardship being the size and shape of the lot, July 2nd, approved 5-0. Variance granted.

Application # 39-19: Tavares, 82 Gillotti Road, for variances to Zoning Regulations 3.1.6A Front Setback to 63' for the purpose of constructing a covered porch. Zoning District: R-88; Map: 23; Block: 16; Lot: 3.

Nicole and David Tavares returned to board requesting a change to a previously granted variance which was for construction of a front porch. The new proposal would construct a roof to cover the porch. A brief discussion ensued over the setbacks previously granted versus the current request. It was determined that a 68' front setback was needed. Joe DePaul asked the public for comment. None given. Vinny Mancuso 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 68' to allow construction of a front porch overhang per the plans as submitted; the hardship being the size and shape of the lot, July 2nd, approved 5-0.

Vinny Mancuso made a motion to adjourn the meeting at 8:19 p.m., July 2nd, approved 5-0.